

1. AN AMENDMENT TO BE OFFERED BY
REPRESENTATIVE Young OF
ALASKA, OR His DESIGNEE,
DEBATABLE FOR 10 MINUTES.

45
REV

**AMENDMENT TO H.R. 3550, AS REPORTED
OFFERED BY MR. YOUNG OF ALASKA**

In title I, strike the text of section 1105 (page 31)
and insert the following:

1 (a) OVERSIGHT PROGRAM.—Section 106 of title 23,
2 United States Code, is amended by striking subsection (h)
3 and inserting the following:

4 “(h) OVERSIGHT PROGRAM.—

5 “(1) IN GENERAL.—The Secretary shall estab-
6 lish an oversight program to monitor the effective
7 and efficient use of funds authorized to carry out
8 this title. At a minimum, the program shall be re-
9 sponsive to all areas related to financial integrity
10 and project delivery.

11 “(2) FINANCIAL INTEGRITY.—

12 “(A) FINANCIAL MANAGEMENT SYS-
13 TEMS.—The Secretary shall perform annual re-
14 views that address elements of the State trans-
15 portation departments’ financial management
16 systems that affect projects approved under
17 subsection (a).

18 “(B) PROJECT COSTS.—The Secretary
19 shall develop minimum standards for estimating

1 project costs and shall periodically evaluate the
2 States' practices for estimating project costs,
3 awarding contracts, and reducing project costs.

4 “(C) RESPONSIBILITY OF THE STATES.—
5 The States are responsible for determining that
6 subrecipients of Federal funds under this title
7 have sufficient accounting controls to properly
8 manage such Federal funds. The Secretary
9 shall periodically review the States' monitoring
10 of subrecipients.

11 “(3) PROJECT DELIVERY.—The Secretary shall
12 perform annual reviews that address elements of a
13 State's project delivery system, which includes one
14 or more activities that are involved in the life cycle
15 of a project from its conception to its completion.

16 “(4) RESPONSIBILITY OF THE STATES.—The
17 States are responsible for determining that sub-
18 recipients of Federal funds under this title have ade-
19 quate project delivery systems for projects approved
20 under this section. The Secretary shall periodically
21 review the States' monitoring of subrecipients.

22 “(5) SPECIFIC OVERSIGHT RESPONSIBIL-
23 ITIES.—Nothing in this section shall affect or dis-
24 charge any oversight responsibility of the Secretary
25 specifically provided for under this title or other

1 Federal law. In addition, the Secretary shall retain
2 full oversight responsibilities for the design and con-
3 struction of all Appalachian development highways
4 under section 14501 of title 40.

5 “(i) MAJOR PROJECTS.—

6 “(1) IN GENERAL.—Notwithstanding any other
7 provision in this section, a recipient of Federal fi-
8 nancial assistance for a project under this title with
9 an estimated total cost of \$500,000,000 or more, or
10 any other project in the discretion of the Secretary,
11 shall submit to the Secretary a project management
12 plan and an annual financial plan.

13 “(2) PROJECT MANAGEMENT PLAN.—The
14 project management plan shall document the proce-
15 dures and processes in place to provide timely infor-
16 mation to the project decision makers to manage ef-
17 fectively the scope, costs, schedules, and quality, and
18 the Federal requirements of the project and the role
19 of the agency leadership and management team in
20 the delivery of the project.

21 “(3) FINANCIAL PLAN.—The financial plan
22 shall be based on detailed estimates of the cost to
23 complete the project. Annual updates shall be sub-
24 mitted based on reasonable assumptions, as deter-

1 mined by the Secretary, of future increases in the
2 cost to complete the project.

3 “(j) OTHER PROJECTS.—A recipient of Federal fi-
4 nancial assistance for a project under this title with an
5 estimated total cost of \$100,000,000 or more that is not
6 covered by subsection (h) shall prepare an annual financial
7 plan. Annual financial plans prepared under this sub-
8 section shall be made available to the Secretary for review
9 upon the Secretary’s request.”.

10 (b) SHARING OF MONETARY RECOVERIES.—Notwith-
11 standing any other provision of law, monetary judgments
12 accruing to the Government from judgments in Federal
13 criminal prosecutions and civil proceedings pertaining to
14 fraud in Federally funded highway and public transpor-
15 tation projects and programs shall be treated as follows:

16 (1) Any amount less than or equal to the single
17 damages incurred as the result of such fraud shall
18 be credited to the Federal account from which the
19 funds for the project or program that is at issue in
20 the fraud came, except to the extent that such Fed-
21 eral account has been credited as the result of any
22 judgment in favor of a grant recipient.

23 (2) Any amount in excess of the amount cred-
24 ited pursuant to paragraph (1) shall be shared with
25 the State or other recipient involved if—

1 (A) the State or other recipient enters into
2 a legally binding agreement with the Secretary
3 to use the funds for a purpose eligible for Fed-
4 eral assistance under title 23 or chapter 53 of
5 title 49, United States Code, as the case may
6 be;

7 (B) the amount to be shared with the
8 State or other recipient is determined by the
9 Attorney General, in consultation with the Sec-
10 retary; and

11 (C) the Attorney General, in consultation
12 with the Secretary, determines that the fraud
13 did not occur as a result of negligent oversight
14 or actual involvement in the fraud by the State
15 or other recipient or any senior official of the
16 State or other recipient.

Page 34, strike lines 2 through 7 and insert the fol-
lowing:

17 (a) ALLOCATION.—Section 110(a)(1) of title 23,
18 United States Code, is amended—

19 (1) by striking “2000” and inserting “2006”;

20 (2) by inserting after “such fiscal year” the fol-
21 lowing: “and the succeeding fiscal year”.

22 (b) REDUCTION.—Section 110(a)(2) of such title is
23 amended—

- 1 (1) by striking “2000” and inserting “2006”;
- 2 (2) by striking “October 1 of the succeeding”
3 and inserting “October 15 of such”; and
- 4 (3) by inserting after “Account)” the following:
5 “for such fiscal year and the succeeding fiscal year”.
- 6 (c) GENERAL DISTRIBUTION.—Section 110(b)(1)(A)
7 of such title is amended by striking “Transportation Eq-
8 uity Act for the 21st Century” and inserting “Transpor-
9 tation Equity Act: A Legacy for Users”.

Page 34, line 8, strike “(b)” and insert “(d)”.

Page 46, after line 13, insert the following:

- 10 (e) EFFECTIVE DATE.—The amendments made by
11 subsections (a) and (b) of this section shall take effect on
12 September 30, 2004.

Page 48, line 13, strike both periods and the closing
quotation marks and insert the following:

- 13 ; except that \$25,000,000 shall be available
14 only for projects for the seismic retrofit of
15 bridges, and of which \$10,000,000 shall be
16 available only for the seismic retrofit of a
17 bridge described in subsection (l), and except as
18 provided in subparagraph (E).

- 19 “(E) GRAVINA ACCESS.—

1 “(i) IN GENERAL.—Of the amounts
2 authorized to be appropriated to carry out
3 the bridge program under this paragraph,
4 for each of the fiscal years 2005 through
5 2009, \$10,000,000 shall be set aside from
6 the \$100,000,000 available at the discre-
7 tion of the Secretary under subparagraph
8 (D) for the construction of a bridge joining
9 the Island of Gravina to the community of
10 Ketchikan in Alaska.

11 “(ii) SCORING.—The project described
12 in this subparagraph shall not be counted
13 for purposes of the reduction set forth in
14 the fourth sentence of subsection (e).”.

Page 49, after line 22, insert the following:

15 (c) PLANNING ACTIVITIES PILOT PROGRAM.—Sec-
16 tion 1221 of such Act is amended by adding at the end
17 the following:

18 “(f) PLANNING ACTIVITIES PILOT PROGRAM.—

19 “(1) IN GENERAL.—The Secretary shall estab-
20 lish a pilot program using funds set aside under
21 paragraph (4) to support planning and public par-
22 ticipation activities related to highway and public
23 transportation projects.

1 “(2) ELIGIBLE ACTIVITIES.—Activities eligible
2 to be carried out under the pilot program may in-
3 clude the following:

4 “(A) Improving data collection and anal-
5 ysis to improve freight movement, intermodal
6 connections, and transportation access and effi-
7 ciency for all users, including children, older in-
8 dividuals, individuals with disabilities, low-in-
9 come individuals, and minority communities.

10 “(B) Supporting public participation by
11 holding public meetings using an interactive
12 workshop format facilitated by design or plan-
13 ning experts (or both) to consider public input
14 at the initial stages of project development and
15 during other phases of a project.

16 “(C) Using innovative planning or design
17 visualization and simulation tools to improve
18 the evaluation of alternatives and their impacts
19 and to enhance public participation in the
20 transportation planning process, including tools
21 having a structure that enables modifications to
22 scenarios and assumptions in real time.

23 “(D) Enhancing coordination among trans-
24 portation, land use, workforce development,
25 human service, economic development, and

1 other agencies to strengthen access to job train-
2 ing services, daycare centers, health care facili-
3 ties, senior centers, public schools, universities,
4 and residential areas, including the use of inte-
5 grated planning and service delivery, especially
6 for transit dependent and low-income individ-
7 uals.

8 “(E) Contracting with nonprofit organiza-
9 tions, universities, and local agencies to deliver
10 community-oriented transportation plans and
11 projects, including public outreach, context sen-
12 sitive design, transit-oriented development,
13 multimodal corridor investments, commuter
14 benefits deployment, and brownfield redevelop-
15 ment.

16 “(F) Measuring and reporting on the an-
17 nual performance of the transportation system
18 (or parts of) relative to State or locally-estab-
19 lished criteria regarding—

20 “(i) maintenance and operating costs
21 of the transportation system, vehicle miles
22 traveled, peak-period travel times, trans-
23 portation choices, and mode shares;

1 “(ii) location of housing units, jobs,
2 medical facilities, and commercial centers
3 to transit;

4 “(iii) improvements directed to low-in-
5 come families and older individuals;

6 “(iv) transportation-related pollution
7 emissions into the air and water;

8 “(v) land consumption; and

9 “(vi) other locally-significant factors.

10 “(G) Improving regional travel and emis-
11 sion modeling to examine factors not currently
12 considered, such as induced travel and land use
13 effects of transportation alternatives, types of
14 vehicles owned and used by households, time-of-
15 day of travel and linkage of trips to each other
16 throughout the day, effects of urban design and
17 pedestrian and bicycle environment on travel
18 behavior, and impacts of alternatives on the dis-
19 tribution of benefits and burdens among various
20 groups protected under title VI of the Civil
21 Rights Act of 1964 (42 U.S.C. 2000d et seq.).

22 “(3) FEDERAL SHARE.—Notwithstanding sub-
23 section (e)(2), the Federal share of the cost of ac-
24 tivities carried out under the pilot program shall be
25 100 percent.

1 “(4) SET ASIDE.—The Secretary shall make
2 available \$1,500,000 of the amounts made available
3 to carry out this section for each of fiscal years
4 2004 through 2009 to carry out the pilot program
5 under this subsection.”.

Page 62, line 19 strike “202(a)” and insert “202(d)
of such title”.

Page 63, after line 18, insert the following:

6 (e) ALASKA NATIVE VILLAGE TRANSPORTATION
7 PROGRAM.—

8 (1) ESTABLISHMENT.—Not later than 3
9 months after the date of enactment of this Act, the
10 Secretary and the Denali Commission, in coordina-
11 tion with the Alaska Federation of Natives, shall es-
12 tablish an Alaska Native Village transportation pro-
13 gram to pay the costs of planning, design, construc-
14 tion, and maintenance of road and other surface
15 transportation facilities identified by Alaska Native
16 Villages.

17 (2) ALASKA NATIVE VILLAGE DEFINED.—In
18 this subsection, the term “Alaska Native Village”
19 has the same meaning such term has as used by the
20 Bureau of Indian Affairs in administering the In-

1 dian reservation road program under section 202 of
2 title 23, United States Code.

Page 63, strike line 19, insert the following (and conform the table of contents of the bill accordingly):

3 **SEC. 1119. CONSERVATION MEASURES.**

4 (a) REFUGE ROADS.—Section 204(k)(1) of title 23,
5 United States Code, is amended—

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

8 (2) by redesigning subparagraph (C) as sub-
9 paragraph (D);

10 (3) by inserting after subparagraph (B) the fol-
11 lowing:

12 “(C) construction, maintenance, and im-
13 provement of wildlife observation infrastructure;
14 and”; and

15 (4) in subparagraph (D) (as so redesignated)
16 by striking “maintenance and improvements” and
17 inserting “construction, maintenance, and improve-
18 ments”.

19 (b) FOREST HIGHWAYS.—Of the amounts made
20 available for public lands highways under section 1101—

21 (1) not to exceed \$20,000,000 per fiscal year
22 may be used for the maintenance of forest highways;

1 (2) not to exceed \$2,500,000 per fiscal year
2 may be used to repair culverts and bridges on forest
3 highways to facilitate appropriate fish passage and
4 ensure reasonable flows and to maintain and remove
5 such culverts and bridges as appropriate; and

6 (3) not to exceed \$1,000,000 per fiscal year
7 may be used for signage identifying public hunting
8 and fishing access.

9 (c) WILDLIFE VEHICLE COLLISION REDUCTION
10 STUDY.—

11 (1) IN GENERAL.—The Secretary shall conduct
12 a study of methods to reduce collisions between
13 motor vehicles and wildlife (in this subsection re-
14 ferred to as “wildlife vehicle collisions”).

15 (2) CONTENTS.—

16 (A) AREAS OF STUDY.—The study shall in-
17 clude an assessment of the causes and impacts
18 of wildlife vehicle collisions and solutions and
19 best practices for reducing such collisions.

20 (B) METHODS FOR CONDUCTING THE
21 STUDY.—In carrying out the study, the Sec-
22 retary shall—

23 (i) conduct a thorough literature re-
24 view; and

1 (ii) survey current practices of the
2 Department of Transportation.

3 (3) CONSULTATION.—In carrying out the study,
4 the Secretary shall consult with appropriate experts
5 in the field of wildlife vehicle collisions.

6 (4) REPORT.—

7 (A) IN GENERAL.—Not later than 2 years
8 after the date of enactment of this Act, the Sec-
9 retary shall transmit to Congress a report on
10 the results of the study.

11 (B) CONTENTS.—The report shall include
12 a description of each of the following:

13 (i) Causes of wildlife vehicle collisions.

14 (ii) Impacts of wildlife vehicle colli-
15 sions.

16 (iii) Solutions to and prevention of
17 wildlife vehicle collisions.

18 (5) MANUAL.—

19 (A) DEVELOPMENT.—Based upon the re-
20 sults of the study, the Secretary shall develop a
21 best practices manual to support State efforts
22 to reduce wildlife vehicle collisions.

23 (B) AVAILABILITY.—The manual shall be
24 made available to States not later than 1 year

1 after the date of transmission of the report
2 under paragraph (4).

3 (C) CONTENTS.—The manual shall in-
4 clude, at a minimum, the following:

5 (i) A list of best practices addressing
6 wildlife vehicle collisions.

7 (ii) A list of information, technical,
8 and funding resources for addressing wild-
9 life vehicle collisions.

10 (iii) Recommendations for addressing
11 wildlife vehicle collisions.

12 (iv) Guidance for developing a State
13 action plan to address wildlife vehicle colli-
14 sions

15 (6) TRAINING.—Based upon the manual devel-
16 oped under paragraph (5), the Secretary shall de-
17 velop a training course on addressing wildlife vehicle
18 collisions for transportation professionals.

Page 89, strike lines 18 through 20 and insert the
following:

19 (a) GENERAL PROVISIONS.—The Secretary may not
20 apportion before August 1, 2006, any funds for any of
21 the programs referred to in subsection (b) for fiscal year
22 2006 unless, after

Page 119, strike lines 7 through 9 and insert the following (and conform the table of contents of the bill accordingly):

1 **SEC. 1207. STATE ASSUMPTION OF RESPONSIBILITIES FOR**
2 **CERTAIN PROGRAMS AND PROJECTS.**

3 (a) IN GENERAL.—Subchapter I of chapter 1 of title
4 23, United States Code, is amended by adding at the end
5 the following:

6 **“§ 167. State assumption of responsibilities for cer-**
7 **tain programs and projects**

8 “(a) ASSUMPTION OF SECRETARY’S RESPONSIBIL-
9 ITIES UNDER APPLICABLE FEDERAL LAWS.—

10 “(1) PILOT PROGRAM.—

11 “(A) ESTABLISHMENT.—The Secretary
12 may establish a pilot program under which
13 States may assume the responsibilities of the
14 Secretary under any Federal laws subject to the
15 requirements of this section.

16 “(B) FIRST 3 FISCAL YEARS.—In the first
17 3 fiscal years following the date of enactment of
18 this section, the Secretary may allow up to 5
19 States to participate in the pilot program.

20 “(2) SCOPE OF PROGRAM.—Under the pilot
21 program, the Secretary may assign, and a State may
22 assume, any of the Secretary’s responsibilities (other

1 than responsibilities relating to federally recognized
2 Indian tribes) for environmental reviews, consulta-
3 tion, or decisionmaking or other actions required
4 under any Federal law as such requirements apply
5 to the following projects:

6 “(A) Projects funded under section 104(h).

7 “(B) Transportation enhancement activi-
8 ties under section 133, as such term is defined
9 in section 101(a)(35).

10 “(C) Projects as defined in section
11 101(a)(39) and section 5607 of the Transpor-
12 tation Equity Act: A Legacy for Users.

13 “(3) LIMITATIONS.—

14 “(A) PROCEDURAL AND SUBSTANTIVE RE-
15 QUIREMENTS.—A State that assumes the re-
16 sponsibilities of the Secretary under this section
17 shall be subject to the same procedural and
18 substantive requirements as would apply if the
19 responsibilities were carried out by the Sec-
20 retary. When a State assumes responsibilities
21 for carrying out a Federal law under this sec-
22 tion, the State assents to Federal jurisdiction
23 and shall be solely responsible and solely liable
24 for complying with and carrying out that law
25 instead of the Secretary.

1 “(B) ASSUMPTION OF RESPONSIBIL-
2 ITIES.—Any responsibility of the Secretary not
3 assumed by the State in a memorandum of un-
4 derstanding shall remain a responsibility of the
5 Secretary.

6 “(C) POWERS OF OTHER AGENCIES.—
7 Nothing in this section preempts or limits any
8 power, jurisdiction, responsibility, or authority
9 of an agency, other than the Department of
10 Transportation, with respect to a project.

11 “(b) AGREEMENTS.—

12 “(1) IN GENERAL.—The Secretary shall enter
13 into a memorandum of understanding with a State
14 participating in the pilot program setting forth the
15 responsibilities to be assigned under subsection
16 (a)(2) and the terms and conditions under which the
17 assignment is being made.

18 “(2) CERTIFICATION.—Before the Secretary en-
19 ters into a memorandum of understanding with a
20 State under paragraph (1), the State shall certify
21 that the State has in effect laws (including regula-
22 tions) applicable to projects carried out and funded
23 under this title and chapter 53 of title 49 that au-
24 thorize the State to carry out the responsibilities
25 being assumed.

1 “(3) MAXIMUM DURATION.—A memorandum of
2 understanding with a State under this section shall
3 be established for an initial period of no more than
4 3 years and may be renewed by mutual agreement
5 on a periodic basis for periods of not more than 3
6 years.

7 “(4) COMPLIANCE.—

8 “(A) IN GENERAL.—After entering into a
9 memorandum of understanding under para-
10 graph (1), the Secretary shall review and deter-
11 mine compliance by the State with the memo-
12 randum of understanding.

13 “(B) RENEWALS.—The Secretary shall
14 take into account the performance of a State
15 under the pilot program when considering re-
16 newal of a memorandum of understanding with
17 the State under the program.

18 “(5) ACCEPTANCE OF FEDERAL COURTS JURIS-
19 DICTION.—A memorandum of understanding with a
20 State under this section shall include a provision
21 under which the State consents to accept the juris-
22 diction of the Federal courts for the compliance, dis-
23 charge, and enforcement of any responsibility of the
24 Secretary that the State may assume under the
25 memorandum.

1 “(6) TERMINATION OF AGREEMENTS.—A
2 memorandum of understanding with a State under
3 this section shall include a provision authorizing the
4 Secretary to terminate the agreement if the Sec-
5 retary, after providing an opportunity for a hearing,
6 issues a finding that the State is not in compliance
7 with the terms of the agreement.

8 “(c) SELECTION OF STATES FOR PILOT PROGRAM.—

9 “(1) APPLICATION.—To be eligible to partici-
10 pate in the pilot program, a State shall submit to
11 the Secretary an application that contains such in-
12 formation as the Secretary may require. At a min-
13 imum, an application shall include—

14 “(A) a description of the projects or class-
15 es of projects for which the State seeks to as-
16 sume responsibilities under subsection (a)(2);
17 and

18 “(B) a certification that the State has the
19 capability to assume such responsibilities.

20 “(2) PUBLIC NOTICE.—Before entering into a
21 memorandum of understanding allowing a State to
22 participate in the pilot program, the Secretary
23 shall—

24 “(A) publish notice in the Federal Register
25 of the Secretary’s intent to allow the State to

1 participate in the program, including a copy of
2 the State's application to the Secretary and the
3 terms of the proposed agreement with the
4 State; and

5 “(B) provide an opportunity for public
6 comment.

7 “(3) SELECTION CRITERIA.—The Secretary
8 may approve the application of a State to assume re-
9 sponsibilities under the program only if—

10 “(A) the requirements under paragraph
11 (2) have been met; and

12 “(B) the Secretary determines that the
13 State has the capability to assume the respon-
14 sibilities.

15 “(4) OTHER FEDERAL AGENCY VIEWS.—Before
16 assigning to a State a responsibility of the Secretary
17 that requires the Secretary to consult with another
18 Federal agency, the Secretary shall solicit the views
19 of the Federal agency.

20 “(d) STATE DEFINED.—With respect to the rec-
21 reational trails program, the term ‘State’ means the State
22 agency designated by the Governor of the State in accord-
23 ance with section 206(c)(1).

24 “(e) PRESERVATION OF PUBLIC INTEREST CONSID-
25 ERATION.—Nothing in this section shall be construed to

1 limit the requirements under any applicable law providing
2 for the consideration and preservation of the public inter-
3 est, including public participation and community values
4 in transportation decisionmaking.

5 “(f) STATE SUBJECT TO FEDERAL LAWS.—For pur-
6 poses of assuming responsibilities of the Secretary under
7 this section, a State agency entering into a memorandum
8 of understanding under subsection (b) is deemed to be a
9 Federal agency to the extent the State is carrying out the
10 Secretary’s responsibilities under the National Environ-
11 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.), this
12 title, and any other provision of Federal law.”.

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

“167. State assumption of responsibilities for certain programs and projects.”.

Page 130, strike line 22 and all that follows through
line 24 on page 132 and insert the following (and con-
form the table of contents of the bill accordingly):

16 **SEC. 1210. ACCESS RAMP.**

17 (a) IN GENERAL.—Not later 30 days after the date
18 of enactment of this Act, the Secretary shall open the
19 ramp connecting Interstate Route 495/95 and Arena
20 Drive in Prince George’s County, Maryland, for the pur-
21 pose of allowing motor vehicles to exit Interstate Route

1 495/95 in both northern and southern directions onto
2 Arena Drive. Such ramp shall be open for 24 hours a day,
3 every day during the calendar year.

4 (b) FULLY OPENING ARENA DRIVE RAMP.—

5 (1) STUDY.—The Secretary shall conduct a
6 study to determine the most appropriate method for
7 opening the ramps for allowing motor vehicles to
8 enter Interstate Route 495/95 from Arena Drive.

9 (2) REPORT.—Not later than 1 year after the
10 date of enactment of this Act, the Secretary shall
11 transmit to Congress a report on the results of the
12 study.

13 (c) LIMITATION ON STATUTORY CONSTRUCTION.—
14 Nothing in the section shall be construed as altering cur-
15 rent traffic management protocols to the Arena Drive
16 ramps during stadium events.

Page 171, line 2, insert “(b)(1),” before “(d),”.

In subtitle D of title I, insert at the end the fol-
lowing (and conform the table of contents accordingly):

17 **SEC. 1408. REPAIR OR REPLACEMENT OF HIGHWAY FEA-**
18 **TURES ON NATIONAL HIGHWAY SYSTEM.**

19 (a) RULEMAKING PROCEEDING.—The Secretary shall
20 conduct a rulemaking proceeding to determine the appro-
21 priate conditions under which a State when choosing to

1 repair or replace damaged highway features on the Na-
2 tional Highway System with State funds (rather than with
3 available Federal financial assistance) should be required
4 to repair or replace such features with highway features
5 that have been tested, evaluated, and found to be accept-
6 able under the guidelines contained in the report of the
7 Transportation Research Board of the National Research
8 Council entitled "NCHRP Report 350-Recommended Pro-
9 cedures for the Safety Performance Evaluation of High-
10 way Features".

11 (b) MATTERS TO BE CONSIDERED.—The rulemaking
12 proceeding shall cover those highway features that are cov-
13 ered by the guidelines referred to in subsection (a). The
14 conditions to be considered by the Secretary in the rule-
15 making proceeding shall include types of highway features,
16 cost-effectiveness, and practicality of replacement with
17 highway features that have been found to be acceptable
18 under such guidelines.

19 (c) REGULATIONS.—Not later than 1 year after the
20 date of enactment of this Act, the Secretary shall issue
21 regulations regarding the conditions under which States
22 when choosing to repair or replace damaged highway fea-
23 tures described in subsection (a) will be required to repair
24 or replace such features with highway features that have

1 been tested, evaluated, and found to be acceptable as de-
2 scribed in subsection (a).

Page 204, line 23, strike “Congress grants” and in-
sert the following:

3 “(1) IN GENERAL.—Congress grants

Page 205, after line 4, insert the following:

4 “(2) RESERVATION OF RIGHTS.—The right to
5 alter, amend or repeal interstate compacts entered
6 into under this subsection is expressly reserved.

Page 220, lines 4 and 5, strike “an Interstate Sys-
tem construction toll pilot program” and insert “a pilot
program to finance the construction of new Interstate
System facilities with toll revenues”.

Page 220, line 9, strike “Interstate highways.” and
insert “new Interstate highway facilities. Rehabilitation
and reconstruction of Interstate facilities are not eligible
under the pilot program.”.

Page 220, lines 16 and 17, strike “facility on the
Interstate System” and insert “new Interstate System fa-
cility”.

Page 220, line 25, insert “new” before “facility
with”.

In each of paragraphs (2), (3), and (5) of section 1604(d) (page 222), insert “new” before “facility”.

In item number 33 of the table contained in section 1702, strike “BMW/I-85” and all that follows through “interchanges” and insert “I-85/Brockman-McClimon Interchange and Connections project”.

In item number 103 of such table, strike “\$1,500,000.00” and insert “\$250,000.00”.

In item number 142 of such table, strike “\$250,000.00” and insert “\$600,000.00”.

In item number 143 of such table, strike “\$20,000,000.00” and insert “\$17,000,000.00”.

In item number 160 of such table, strike “Design” and all that follows through “County”, and insert “Design and construct access to York County intermodal facility, or other projects as selected by York County, Pennsylvania MPO”

In item number 179 of such table, strike “Upgrade” and all that follows through “Interstate 81” and insert “Improvements to I-81, including interchanges, in Franklin County, Pennsylvania”.

In item number 235 of such table, strike “\$8,000,000.00” and insert “\$12,500,000.00”.

In item number 244 of such table, strike "State" and insert "US".

In item number 253 of such table, strike "\$3,150,000.00" and insert "\$5,000,000.00".

In item number 262 of such table, strike "State" and insert "US".

In item number 334 of such table, strike "\$150,000.00" and insert "\$1,000,000.00".

In item number 365 of such table, strike "Town of" and insert "Township" after "Painesville".

In item number 438 of such table, strike "Cabot-Camino Capistrano Bridge." and insert "in the city of Mission Viejo" at the end of the request before the period.

In item number 507 of such table, insert "interchange" between "new" and "freeway".

In item number 526 of such table, strike "Route" and all that follows through "County" and insert Forrest City Road Extension Study, Maitland".

In item number 557 of such table, strike "Elk Horn" and insert "Elkhorn". Insert "County of" after "SR 99,".

In such table, strike item number 570.

In item number 630 of such table, strike “\$5,500,000.00” and insert “\$2,500,000.00”.

In item number 656 of such table, strike “Widening” and all that follows through “signals” and insert “Widening of Washington Street from 2 to 5 lanes, install drainage system; add additional right of way and traffic signals”.

In item number 668 of such table, is amended by insert “Grant” before “County”.

In item number 729 of such table, strike “Macedonia City” and insert “North Summit County”.

In item number 734 of such table, strike “Willoughby Township” and insert “City of Willoughby”.

In item number 762 of such table, strike “\$5,000,000.00” and insert “\$4,150,000.00”.

In item number 768 of such table, strike “\$2,500,000.00” and insert “\$5,000,000.00”.

In item number 782 of such table, strike “Perry County” and insert “Perry”.

In item number 804 of such table, strike “\$500,000.00” and insert “\$1,500,000.00”.

In item number 812 of such table, strike "\$3,000,000.00" and insert "\$1,500,000.00".

In item number 813 of such table, strike "Improve" and all that follows through "Connecticut" and insert "Campbell Avenue streetscape enhancements, West Haven".

In item number 829 of such table, strike "Sacramento" and insert "Citrus Heights".

In item number 832 of such table, strike "Ecourse" and insert "Ecourse", and strike "\$1,000,000.00" and insert "\$1,100,000.00".

In item number 848 of such table, strike "in Summit Co." and insert "at Seasons Road, Cities of Hudson and Stow."

In item number 874 of such table, strike "Widen" and all that follows through "West" and insert "Widen US 380 West".

In item number 930 of such table, strike "Merrit Rd." and insert "Merritt Rd."

In item 954 of such table, after "unsafe grade crossing" insert "on Hines Hill Road, City of Hudson".

In item number 965 of such table, strike “on current Hwy 71”.

In item number 992 of such table, strike “\$6,000,000.00” and insert “\$7,500,000.00”.

In item 1150 of such table, strike “Wilson Mills” and insert “Highland-Bishop”; after “in the” strike “town” and insert “City”.

In item number 1166 of such table, strike “Rehabilitate” and all that follows through “8” and insert “Rehabilitate US Highway 51 from County S to US 8”.

In item number 1181 of such table, strike “Upgrade” and all that follows through “County” and insert “Purchase one larger (75 passengers) and two smaller (40 passengers) ferry boats and construct related dock work to facilitate the use and accessibility of the ferry boats, Long Beach” and by striking “\$8,000,000.00” and insert “\$3,000,000.00”.

In item number 1204 of such table, strike “AL 1119 to AL 25” and insert “Exit 238 (U.S. 31) to Exit 228 (AL 25)”.

In item number 1256 of such table, strike “\$1,500,000.00” and insert “\$3,000,000.00”.

In item number 1261 of such table, strike "A 2.8" and all that follows through "La Habra," and insert "a 2.8 mile bikeway," and insert "in the city of Whittier." at the end of the request.

In item number 1314 of such table, strike "(I-40" and all that follows through "I-74)".

In item number 1376 of such table, strike "Route 15/18" and insert "Route 15/86".

In item number 1423 of such table, strike "third lane" and all that follows through "Maple Grove" and insert "an overpass interchange for I-494 and Highway 169".

In item number 1436 of such table, strike "Aiken" and insert "Aitkin".

In item number 1445 of such table, strike "Construction" and all that follows through "Ashdown" the second place it appears and insert "Highway 71, Louisiana state line to Junction City".

In item number 1480 of such table, strike "Reconstruct Highway 141 in Marinette County, WI" and insert "Reconstruct US Highway 141 in Marinette County, WI".

In item number 1491 of such table, strike "Develop-ment" and all that follows through "Plan" and insert "Transportation improvements".

In item number 1589 of such table, strike "Recon-struction" and all that follows through "Subdivision" and insert "Road improvements for Surrey Meadows, Sugarloaf Heights, Lakehill Farms and Walton Lake Es-tates".

In item number 1636 of such table, strike "Geary" and insert "Muni Geary".

In item number 1664 of such table, strike "Tech-nical" and all that follows through "210" and insert "Technical feasibility study for a tunnel on the 710 Free-way in Southern California".

In item number 1832 of such table, strike "\$8,700,000.00" and insert "\$9,000,000".

In item number 1848 of such table, strike "A 2.8" and insert "a 2.8" and strike ", working in conjunction with the city of Whittier,".

In item number 1868 of such table, strike "\$13,100,000.00" and insert "\$13,500,000".

In item number 1907 of such table, strike "SR" and all that follows through "Eatonville" and insert "SR 434

to JFK Boulevard and Destiny Road to Diplomat Circle, Eatonville”.

In item number 1933 of such table, strike “Construct” and all that follows through to “Township”, and insert “Improvements to I-81, including interchanges, in Franklin County, Pennsylvania”, and strike “\$3,150,000.00” and insert “\$4,000,000.00”.

In item number 1934 of such table, strike “\$3,400,000.00” and insert “\$3,600,000”.

In item number 2040 of such table, strike “Improvement” and all that follows through “County” and insert “Improve Ashley 70 and Marais Saline roads in Ashley County”.

In item 2155 of such table, after “Madison” insert “Village”.

In item number 2180 of such table, strike “\$4,675,942.00” and insert \$4,425,942.00”.

In item number 2249 of such table, strike “\$13,000,000.00” and insert “\$21,000,000.00”.

In item number 2306 of such table, strike “State” and insert “US”.

In item number 2376 of such table, strike "\$700,000.00" and insert "\$200,000.00".

In item number 2398 of such table, strike "Greencastle" and all that follows through to "intersection.", and insert "Improvements to I-81, including interchanges, in Franklin County, Pennsylvania."

In item 2418 of such table, after "in" insert "the City of" and after "Hills" strike "Township".

In item number 2445 of such table, strike "\$125,000.00" and insert "\$175,000.00".

In item number 2504 of such table, strike "\$6,000,000.00" and insert "\$5,500,000.00".

In item number 2552 of such table, strike "State" and insert "US".

In item number 2611 of such table, strike "Purchase" and all that follows through "Durham" and insert "Acquisition of rail corridors for use as a future transportation corridor, Durham".

In item number 2615 of such table, strike "\$2,700,000.00" and insert "\$3,000,000.00".

In item number 2642 of such table, strike "Designation of" and insert "Improve and widen".

In item number 2730 of such table, after “project” insert “or other projects as selected by York County, Pennsylvania MPO”

In such table, strike item number 2749.

In item number 2775 of such table, insert “Rancho Santa Margarita” at the end.

In item number 2809 of such table, strike “\$1,500,000.00” and insert “\$500,000.00”.

In item number 113 of such table, strike “\$1,000,000.00” and insert “\$1,500,000.00”

In item number 181 of such table, strike “\$1,000,000.00” and insert “\$3,000,000.00”.

In item number 278 of such table, strike “\$2,250,000.00” and insert “\$5,000,000.00”.

Strike item number 300 of such table.

In item number 345 of such table, strike “Planning and design” and insert “Planning, design, and construction” and strike “\$3,000,000.00” and insert “\$125,000,000.00”.

In item number 358 of such table, strike “\$2,000,000.00” and insert “\$4,000,000.00”.

In item number 463 of such table, strike "Reconstruct" and all that follows through "Loma Linda" and insert "Inland Empire Goods Movement Gateway Project" and strike "\$4,000,000.00" and insert "\$23,000,000.00".

In item number 533 of such table, strike "\$2,000,000.00" and insert "\$6,000,000.00".

In item number 549 of such table, strike "\$14,000,000.00" and insert "\$20,000,000.00"

In item number 559 of such table, strike "\$1,000,000.00" and insert "\$3,000,000.00"

In item number 652 of such table, strike "Planning and Design" and insert "Planning, design, and construction" and strike "\$3,000,000.00" and insert "\$200,000,000.00".

In item number 691 of such table, strike "\$1,000,000.00" and insert "\$3,000,000.00"

In item number 905 of such table, strike "\$1,000,000.00" and insert "\$4,000,000.00"

In item 1022 of such table, strike "\$3,000,000.00" and insert "\$4,000,000.00".

In item 1044 of such table, strike "\$8,000,000.00" and insert "\$8,500,000.00"

In item number 1048 of such table, strike "\$10,000,000.00" and insert "\$22,500,000.00".

In item number 1058 of such table, strike "\$250,000.00" and insert "\$2,000,000.00".

In item number 1180 of such table, strike "\$4,500,000.00" and insert "\$5,000,000.00".

In item number 1201 of such table, insert ", Baldwin Road in Oakland Cty" after "median".

In item number 1210 of such table, strike "\$2,000,000.00" and insert "\$3,000,000.00".

In item number 1228 of such table, strike "I/40 Coors Interchange: Reconstruction of this major interchange in Albuquerque" and insert "I/40 Coors Interchange and Bridge Reconstruction: Reconstruction of this major interchange and required bridge work in Albuquerque" and strike "\$10,000,000.00" and insert "\$28,000,000.00".

In item number 1229 of such table, strike "\$2,000,000.00" and insert "\$2,500,000.00".

In item number 1293 of such table strike "\$10,000,000.00" and insert "\$30,000,000.00".

In item number 1368 of such table, strike "\$1,000,000.00" and insert "\$2,000,000.00".

In item number 1523 of such table, strike "\$2,000,000.00" and insert "\$4,000,000.00"

In item number 1536 of such table, strike "\$13,000,000.00" and insert "\$34,000,000.00".

In item number 1595 of such table, strike "\$65,000.00" and insert "\$100,000.00".

In item 1603 of such table, strike "and Hernando County" and strike "\$2,000,000.00" and insert "\$3,000,000.00".

In item number 1629 of such table, strike "\$2,000,000.00" and insert "\$4,000,000.00"

In item number 1830 of such table, strike "\$4,000,000.00" and insert "\$17,500,000.00".

In item number 1869 of such table, strike "\$480,000.00" and insert "\$500,000.00".

In item number 1882 of such table, strike "\$15,345,000.00" and insert "\$16,000,000.00".

In item number 1921 of such table, strike "\$1,000,000.00" and insert "\$2,000,000.00".

In item number 2010 of such table, strike "Widen" and all that follows through "Loma Linda" and insert "Pedestrian safety improvements on State Highway 62 in Yucca Valley" and strike "\$2,000,000.00" and insert "\$1,000,000.00".

In item number 2045 of such table, strike "\$2,000,000.00" and insert "\$3,000,000.00".

In item number 2230 of such table, strike "\$14,000,000.00" and insert "\$35,000,000.00".

In item number 2321 of such table, strike "\$1,000,000.00" and insert "\$2,000,000.00".

In item 2442 of such table, strike "\$3,000,000.00" and insert "\$6,000,000.00".

In item number 2456 of such table, strike "\$750,000.00" and insert "\$1,000,000.00".

In item 2496 of such table, strike "Hernando" and insert "Citrus".

In item number 2535 of such table, strike "\$1,000,000.00" and insert "\$2,100,000.00".

In item number 2603 of such table, strike "\$5,000,000.00" insert "\$8,750,000.00".

In item number 2620 of such table, strike "\$2,000,000.00" and insert "\$2,250,000.00".

In item 2701 of such table, strike "\$3,000,000.00" and insert "\$4,000,000.00".

In item number 2826 of such table, strike "\$2,000,000.00" and insert "\$6,000,000.00".

In item number 2833 of such table, strike "\$8,000,000.00" and insert "\$15,000,000.00"

In item number 147 of such table, strike "\$3,000,000.00" and insert "\$11,000,000.00".

In item number 1785 of such table, strike "\$3,000,000.00" and insert "\$7,000,000.00".

In item number 2084 of such table, strike "\$1,000,000.00" and insert "\$2,000,000.00".

In item number 1621 of such table, strike "\$2,000,000.00" and insert "\$4,500,000.00".

In item number 1329 of such table, strike "\$500,000.00" and insert "\$1,000,000.00".

In item number 2171 of such table, strike "\$2,000,000.00" and insert "\$7,500,000.00".

In item number 2097 of such table, strike
“\$1,000,000.00” and insert “\$3,300,000.00”.

At the end of such table, add the following:

High Priority Projects

No.	State	Project Description	Amount
2839.	Minnesota	Provide biking and pedestrian trails between Century Middle School and Minnesota Highway 34 in Park Rapids.	\$250,000.00
2840.	Illinois	Construct bike/pedestrian paths, Chicago.	\$3,000,000.00
2841.	Georgia	Highway 92 realignment in Douglas County.	\$11,250,000.00
2842.	Georgia	I-285/I-20 West Side Interchange	\$1,250,000.00
2843.	Georgia	City of Fayetteville Downtown Enhancements for economic development.	\$500,000.00
2844.	Georgia	Construct roads in Rockdale Veterans Memorial Park.	\$500,000.00
2845.	Colorado	I-25 from Highway 52 to Highway 14, widening and safety improvements; implementation of multi-modal alternatives identified in EIS.	\$8,000,000.00
2846.	Colorado	Highway 287 from the Oklahoma State Line to Limon, Colorado; reconstruct highway with concrete and create a 2-lane super highway.	\$3,000,000.00
2847.	Colorado	I-76 from the Nebraska State Line to its intersection with E470; reconstruction of pavement, major safety and geometric improvements.	\$3,000,000.00
2848.	Arkansas	Construction of I-530 between Pine Bluff and Wilmar.	\$40,000,000.00
2849.	Nebraska	Resurface bridge connecting US-75 and I-29 in the City of Bellevue.	\$500,000.00
2850.	New Jersey	Washington Township/Downtown Congestion Mitigation Project.	\$1,250,000.00
2851.	Connecticut	I-84 Waterbury Expressway Reconstruction from Waterbury to Southington.	\$3,800,000.00
2852.	Connecticut	Provide substantial improvements to intersection ramps in I-84 from the New York State line at Exit 1 in Danbury easterly to Exit 11 in Newtown.	\$3,800,000.00
2853.	Connecticut	Lakeville Center Enhancement improves the pedestrian and vehicle safety of the intersection of Routes 41 and 44.	\$895,000.00
2854.	Connecticut	Union Station Reconstruction in Falls Village.	\$1,705,000.00
2855.	Connecticut	Broad Street Reconstruct Project in New Britain.	\$3,800,000.00
2856.	Minnesota	City of Moorhead SE Main GSI, 34th St. and I94 Interchange, and Moorhead Comprehensive Rail Safety Program.	\$2,000,000.00
2857.	Minnesota	Paynesville Hwy. 23 Bypass	\$2,000,000.00

High Priority Projects—Continued

No.	State	Project Description	Amount
2858.	Commonwealth of Northern Mariana Islands.	Commonwealth of the Northern Mariana Islands planning, design, and construction of East Coast Highway/Route 36 Saipan.	\$12,000,000.00
2859.	Illinois	Stearns Road Bridge, Kane County	\$88,000,000.00
2860.	Alaska	Intermodal facility improvements at the Port of Anchorage.	\$25,000,000.00
2861.	Alaska	Improve marine dry-dock and facilities in Ketchikan.	\$25,000,000.00
2862.	New York	Audobon Parkway at Lee Road (University at Buffalo).	\$4,500,000.00
2863.	Louisiana	Replace the Prospect Street bridge (LA 3087), Houma.	\$3,000,000.00
2864.	Louisiana	Expand existing South Central Planning and Development Commission Intelligent Transportation System program in Houma-Thibodaux area by installing signals, sensors and systems.	\$1,800,000.00
2865.	Louisiana	Plan and develop a four-lane roadway, Jeanerette to US 90 connection.	\$200,000.00
2866.	Louisiana	Plan, design, land acquisition and construction for improved access to I-10 and US61/River Road in St. John the Baptist and in Ascension Parish on the LA22 Corridor.	\$2,750,000.00
2867.	Louisiana	Continue planning and construction of the New Orleans Regional Planning Commission Mississippi River trail in St. John, Plaquemines, St. Bernard and St. Charles parishes.	\$1,900,000.00
2868.	Louisiana	Improve Ralph Darden Memorial Parkway between LA182 and Martin Luther King Road, St. Mary Parish.	\$350,000.00
2869.	Louisiana	Improvements to LA46 in St. Bernard Parish.	\$400,000.00
2870.	Colorado	Corridor Safety and Capacity Improvements to Powers Blvd. (right of way purchase for Powers Blvd.).	\$5,000,000.00
2871.	California	Reconstruct and widen SR 46 to a 4-lane expressway between Kern County line and Interstate 5.	\$50,000,000.00
2872.	California	Road construction and surface transportation improvements in Bakersfield Metropolitan area.	\$50,000,000.00
2873.	Ohio	Improve Rt. 62 (Town and Main Street) Bridges over Scioto River in Columbus.	\$13,000,000.00
2874.	Ohio	Upgrade Rt. 665 Bridge over I-71 and widen I-71 between Rt 665 and I-270 by one lane each direction in Grove City.	\$15,000,000.00
2875.	Illinois	Ogden Corridor project alternatives analysis, environmental work, preliminary engineering and final design in Cook County.	\$40,000,000.00
2876.	Arizona	White Spar Road improvement	\$3,000,000.00
2877.	Texas	South Orient Economic Rehabilitation	\$14,000,000.00
2878.	Virginia	Construction of I-66/Rt. 29 Interchange in Gainesville.	\$4,500,000.00
2879.	Virginia	Improvements to Washington Street in Haymarket.	\$250,000.00

High Priority Projects—Continued

No.	State	Project Description	Amount
2880.	Virginia	Parking lot expansion and sidewalk improvements on Main Street in Clifton.	\$250,000.00
2881.	New York	Roadway improvements, may include drainage, paving and gued rail, to County Route 4, Ensign Pond Road, in the Towns of Moriah and North Hudson.	\$1,000,000.00
2882.	New York	Route 4 streetscape improvements, Town and Village of Fort Edward, Washington County.	\$2,000,000.00
2883.	New York	Improvements to Batchellerville Bridge, Saratoga County.	\$2,000,000.00
2884.	Ohio	Rickenbacker Intermodal Facility	\$5,500,000.00

In section 1804 (pages 354 and 355), redesignate paragraphs (1) and (2) as paragraphs (3) and (4), respectively, and insert before paragraph (3) (as so redesignated) the following:

1 (1) in paragraph (23) by inserting before the
2 period at the end the following: “and the connection
3 from Wichita, Kansas, to Sioux City, Iowa, which in-
4 cludes I-135 from Wichita, Kansas to Salina, Kan-
5 sas, United States Route 81 from Saline, Kansas, to
6 Norfolk, Nebraska, Nebraska State Route 35 from
7 Norfolk, Nebraska, to South Sioux City, Nebraska,
8 and the connection to I-29 in Sioux City, Iowa”;

9 (2) by striking paragraph (34) and inserting
10 the following:

11 “(34) The Alameda Corridor-East and South-
12 west Passage, California. The Alameda Corridor-
13 East is generally described as the corridor from East

1 Los Angeles (terminus of Alameda Corridor)
2 through Los Angeles, Orange, San Bernardino, and
3 Riverside Counties, to termini at Barstow in San
4 Bernardino County and Coachella in Riverside
5 County. The Southwest Passage shall follow I-10
6 from San Bernardino to the Arizona State line.”;

At the end of the matter added by section 1804(3)
(as so redesignated), strike the closing quotation marks
and insert the following:

7 “(53) United States Highway Route 6 from
8 Interstate Route 70 to Interstate Route 15, Utah.

9 “(54) The California Farm-to-Market Corridor,
10 California State Route 99 from south of Bakersfield
11 to Sacramento, California.”

Page 360, line 25, insert before the period the fol-
lowing: “and an evaluation of advanced acrylic water-
borne pavement markings”.

In title I, strike section 1814 and insert the fol-
lowing:

12 **SEC. 1814. THOMAS P. ‘TIP’ O’NEILL, JR. TUNNEL.**

13 (a) DESIGNATION.—In honor of his service to the
14 Commonwealth of Massachusetts and the United States
15 of America, and in recognition of his contributions toward
16 the construction of Central Artery Tunnel project in Bos-

1 ton, the northbound and southbound tunnel of Interstate
2 Route 93, located in the city of Boston, which extends
3 north of the intersection of Interstate Route 90 and Inter-
4 state Route 93 to the Leonard P. Zakim Bunker Hill
5 Bridge, is designated as the “Thomas P. ‘Tip’ O’Neill, Jr.
6 Tunnel”.

7 (b) REFERENCES.—Any reference in law, map, regu-
8 lation, document, paper, or other record of the United
9 States to the tunnel referred to in subsection (a) shall be
10 deemed to be a reference to the “Thomas P. ‘Tip’ O’Neill,
11 Jr. Tunnel”.

In subtitle H of title I, strike section 1818 and in-
sert the following:

12 **SEC. 1818. LOAN FORGIVENESS.**

13 Debt outstanding as of the date of enactment of this
14 Act for project number Q–DPM–0013(001) carried out
15 under section 108(c) of title 23, United States Code, is
16 deemed satisfied.

17 **SEC. 1819. LEAD AGENCY DESIGNATION.**

18 The public entity established under California law in
19 1989 to acquire rights-of-way in northwestern California
20 to maintain surface transportation infrastructure is here-
21 by designated as the lead agency for the purpose of accept-
22 ing Federal funds authorized under item 13 of the table

1 contained in section 1108(b) of the Intermodal Surface
2 Transportation Efficiency Act of 1991 (105 Stat. 2061).

3 **SEC. 1820. USE OF DEBRIS FROM DEMOLISHED BRIDGES**
4 **AND OVERPASSES.**

5 The project agreement for a Federal-aid highway
6 project shall provide that any debris from demolition of
7 a bridge or overpass that is on the Federal-aid highway
8 must be made available for beneficial public use by Fed-
9 eral, State, and local governments. Any additional cost as-
10 sociated with making available the debris shall be borne
11 by the recipient of the debris.

12 **SEC. 1821. HUBZONE PROGRAM.**

13 Section 3(p)(4)(B)(ii) of the Small Business Act (15
14 U.S.C. 632(p)(4)(B)(ii)) is amended

15 (1) in subclause (I) by striking "or " at the
16 end;

17 (2) in subclause (II) by striking the period at
18 the end and inserting "; or" ; and

19 (3) by adding after subclause (II) the following:

20 " (III) there is located a difficult
21 development area, as designated by
22 the Secretary of Housing and Urban
23 Development in accordance with sec-
24 tion 42(d)(5)(C)(iii) of the Internal
25 Revenue Code of 1986, within Alaska,

1 Hawaii, or any territory or possession
2 of the United States outside the 48
3 contiguous States.”.

4 **SEC. 1822. TECHNICAL AMENDMENTS TO TEA 21 PROJECTS.**

5 The table contained in section 1602 of the Transpor-
6 tation Equity Act for the 21st Century (112 Stat. 257)
7 is amended—

8 (1) in item number 35 by adding “and for other
9 related purposes” after “Yard”;

10 (2) in item number 78 by striking “Third” and
11 all that follows through “Bridge” and inserting
12 “Bayview Transportation Improvements Project”;

13 (3) in item number 312 by inserting “through
14 construction” after “engineering”;

15 (4) in item number 800 by striking “Fairview
16 Township” and inserting “or other projects selected
17 by the York County, Pennsylvania MPO”;

18 (5) in item number 820 by striking “Conduct”
19 and all that follows through “interchange” and in-
20 sserting “Conduct a transportation needs study and
21 make improvements to I-75 interchanges in the
22 Grayling area”;

23 (6) in item number 897 by striking “Upgrade”
24 and all that follows through “interchange” and in-
25 sserting “Engineering and construction of a new ac-

1 cess road to a development near Interstate 57 and
2 167th Street in Country Club Hills”;

3 (7) in item number 1121 by striking “Con-
4 struct” and all that follows through “Douglaston
5 Parkway” and inserting “Provide landscaping along
6 both sides of the Grand Central Parkway from
7 188th Street to 172nd Street”;

8 (8) in item 1225 by striking “Construct SR 9
9 bypass” and inserting “Study, design, and construct
10 transportation solutions for SR 9 corridor”; and

11 (9) in item number 1447 strike “Extend” and
12 all that follows through “Valparaiso” and insert
13 “Design and construction of interchange at I-65 and
14 109th Avenue, Crown Point”.

15 **SEC. 1823. NATIONAL WORK ZONE SAFETY INFORMATION**

16 **CLEARINGHOUSE.**

17 The Secretary shall make grants of \$1,000,000 for
18 fiscal years 2005 through 2009 to a national nonprofit
19 foundation for the operation of the National Work Zone
20 Safety Information Clearinghouse, authorized by section
21 358(b)(2) of Public Law 104-59, created for the purpose
22 of assembling and disseminating, by electronic and other
23 means, information relating to improvement of roadway
24 work zone safety.

1 **SEC. 1824. TRANSPORTATION CONFORMITY.**

2 (a) CONFORMITY REDETERMINATIONS.—Section
3 176(c)(2) of the Clean Air Act (42 U.S.C. 7506(c)) is
4 amended by adding at the end the following:

5 “(E) The appropriate metropolitan planning or-
6 ganization shall redetermine conformity for existing
7 transportation plans and programs not later than 2
8 years after the date on which the Administrator__

9 “(i) finds a motor vehicle emissions budget
10 in a submitted implementation plan to be ade-
11 quate in accordance with section 93.118(e)(4)
12 of title 40, Code of Federal Regulations (as in
13 effect on October 1, 2003); or

14 “(ii) approves an implementation plan
15 under section 110(k) or promulgates an imple-
16 mentation plan under section 110(e) that estab-
17 lishes a motor vehicle emissions budget where
18 there was no prior budget or that establishes a
19 budget that significantly varies from any motor
20 vehicle emissions budget in effect pursuant to
21 an adequacy determination in accordance with
22 section 93.118(e)(4) of title 40, Code of Fed-
23 eral Regulations (as in effect on October 1,
24 2003) or as part of an implementation plan ap-
25 proved or promulgated under section 110.”.

1 (b) FREQUENCY OF CONFORMITY DETERMINATION
2 UPDATES.—Section 176(c)(4) of the Clean Air Act (42
3 U.S.C. 7506(c)(4)) is amended follows:

4 (1) By striking “one year after the date of en-
5 actment of the Clean Air Act Amendments of 1990”
6 and inserting “one year after the date of enactment
7 of the Transportation Equity Act: A Legacy for
8 Users” .

9 (2) In subparagraph (B) by amending clause
10 (ii) to read as follows:

11 “(ii) provide that conformity determinations for
12 transportation plans and programs be determined
13 every 4 years in areas designated as nonattainment
14 or redesignated to attainment (unless a metropolitan
15 planning organization as designated in section
16 5213(b) of title 49, United States Code, elects to up-
17 date a transportation plan and program more fre-
18 quently or is required to determine conformity in ac-
19 cordance with paragraph (2)(E)).”.

20 (c) TIME HORIZON FOR CONFORMITY DETERMINA-
21 TIONS IN NONATTAINMENT AREAS.—Subsection (c) of
22 section 176 of the Clean Air Act (42 U.S.C. 7506(c)) is
23 amended by adding the following new paragraph at the
24 end thereof:

1 “(7) TIME HORIZON FOR DETERMINATIONS.—

2 Each conformity determination required under this
3 section for a transportation plan under section
4 5213(g) of title 49 of the United States Code shall
5 require a demonstration of conformity during the pe-
6 riod ending on either the final year of the transpor-
7 tation plan or, at the election of the metropolitan
8 planning organization and an air pollution control
9 agency, as defined in section 302(b), if such air pol-
10 lution control agency is responsible for developing
11 plans or controlling air pollution within the area cov-
12 ered by the transportation plan on the later of the
13 following dates (hereinafter in this paragraph re-
14 ferred to as the ‘final transportation conformity
15 date’):

16 “(A) The tenth year of the transportation
17 plan.

18 “(B) The attainment date set forth in the
19 applicable implementation plan for the air pol-
20 lutant concerned.

21 “(C) The year after the completion of a re-
22 gionally significant project, if the project will be
23 programmed in the transportation improvement
24 program or requires approval before the subse-
25 quent conformity determination.

1 Such conformity determination shall be accompanied
2 by a regional emissions analysis for any years of the
3 transportation plan that extend beyond such final
4 conformity date. In the case in which an area has
5 a revision to an implementation plan under section
6 175A(b) and the Administrator has found the motor
7 vehicle emissions budgets from that revision to be
8 adequate in accordance with section 93.118(e)(4) of
9 title 40, Code of Federal Regulations (as in effect
10 October 1, 2003), or has approved the revision, the
11 demonstration of conformity (at the election of the
12 metropolitan planning organization and an air pollu-
13 tion control agency, as defined in section 302(b), if
14 such air pollution control agency is responsible for
15 developing plans or controlling pollution within the
16 area covered by the transportation plan) and the
17 metropolitan planning organization shall be required
18 to extend only through the last year of the imple-
19 mentation plan required under section 175A(b).”.

20 (d) SUBSTITUTION OF TRANSPORTATION CONTROL
21 MEASURES.—Subsection 176(c) of the Clean Air Act (42
22 U.S.C. 7506(c)) is amended by adding at the end the end
23 the following new paragraph:

24 “(8)(A) Transportation control measures that
25 are specified in an implementation plan may be re-

1 placed in the implementation plan with substitute
2 transportation control measures if

3 “(i) the substitute measures achieve equiv-
4 alent or greater emission reductions than the
5 control measures to be replaced, as determined
6 by the Administrator,

7 “(ii) the substitute measures utilize an
8 emissions impact analysis that is consistent
9 with the current methodology used for evalu-
10 ating replaced control measures in the imple-
11 mentation plan;

12 “(iii) the substitute control measures are
13 implemented not later than the date on which
14 such emission reductions are necessary to
15 achieve the purpose of the implementation plan;

16 “(iv) the substitute control measures were
17 developed with reasonable public notice and the
18 opportunity for comments; and

19 “(v) the metropolitan planning organiza-
20 tion finds that adequate funding is included in
21 the transportation improvement program to en-
22 sure timely implementation of the substitute
23 control measures.

24 “(B) After the requirements of paragraph (A)
25 are met, a State may adopt the substitute measures

1 in the applicable implementation plan within a rea-
2 sonable period of time.

3 “(C) The substitution of a transportation con-
4 trol measure in accordance with this paragraph shall
5 not be contingent on the existence of any provision
6 in the applicable implementation plan that expressly
7 permits such substitution.

8 “(D) The substitution of a transportation con-
9 trol measure in accordance with this paragraph shall
10 not require—

11 “(i) a new conformity determination for
12 the transportation plan, or

13 “(ii) a revision of the applicable implemen-
14 tation plan.

15 “(E) A control measure that is being replaced
16 by a substitute control measure under this para-
17 graph shall remain in effect until the substitute con-
18 trol measure is adopted.

19 “(F) Adoption of a substitute control measure
20 shall constitute rescission of the previously applica-
21 ble control measure.

22 Transportation control measures may be added to an im-
23 plementation plan subject to subparagraphs (B), (C), and
24 (D), on the same basis as if such measures were substitute
25 transportation control measures if such measures do not

1 increase emissions for which limitations have been estab-
2 lished in an implementation plan, and such measures meet
3 the requirements of clauses (ii), (iii), (iv), and (v) of sub-
4 paragraph (A).”.

5 (e) LAPSE OF CONFORMITY.—Subsection (c) of sec-
6 tion 176 of the Clean Air Act (42 U.S.C. 7506(c)) is
7 amended by adding the following new paragraphs at the
8 end thereof:

9 “(9) LAPSE OF CONFORMITY.—If a conformity
10 determination required under this subsection for a
11 transportation plan under section 5213(g) of title 49
12 of the United States Code or a transportation im-
13 provement program under section 5213(h) of title 49
14 of the United States Code is not made by the appli-
15 cable deadline and such failure is not corrected by
16 additional measures to either reduce motor vehicle
17 emissions sufficient to demonstrate compliance with
18 the requirements of this subsection within 12
19 months after such deadline or other measures suffi-
20 cient to correct such failures, the transportation
21 plan shall lapse.

22 “(10) LAPSE.—The term ‘lapse’ means that the
23 conformity determination for a transportation plan
24 or transportation improvement program has expired,
25 and thus there is no currently conforming transpor-

1 tation plan or transportation improvement pro-
2 gram.”.

3 **SEC. 1825. ELIGIBILITY TO PARTICIPATE IN WESTERN**
4 **ALASKA COMMUNITY DEVELOPMENT QUOTA**
5 **PROGRAM.**

6 A community is deemed to be eligible to participate
7 in the western Alaska community development quota pro-
8 gram established under section 305(i) of the Magnuson-
9 Stevens Fishery Conservation and Management Act (16
10 U.S.C. 1855(i)) if the community—

11 (1) is listed in table 7 to part 679 of title 50,
12 Code of Federal Regulations, as in effect on March
13 8, 2004; or

14 (2) was determined to be eligible participate in
15 such program by the National Marine Fisheries
16 Service on April 19, 1999.

17 **SEC. 1826. METROPOLITAN REGIONAL FREIGHT AND PAS-**
18 **SENGER TRANSPORTATION STUDY.**

19 (a) **IN GENERAL.**—The Secretary shall enter into an
20 agreement with a partnership comprised of 2 institutions
21 of higher learning to study metropolitan regional freight
22 and passenger transportation and system-wide perform-
23 ance utilizing an interdisciplinary technique of supply
24 chain management, geographic information systems, and
25 urban/suburban planning and management.

1 (b) CONTENTS OF STUDY.—The study under this
2 section shall include, at a minimum, evaluations of—

3 (1) best practices for regional transportation
4 operations and management;

5 (2) relationships among truck trip generation
6 and economic activities;

7 (3) spatial analysis of the distribution of eco-
8 nomic activity and transportation investments;

9 (4) congestion mitigation and management of
10 air quality through the concentration of modeling
11 and technology;

12 (5) supply chain management and geographic
13 information systems; and

14 (6) infrastructure management and renewal.

15 (c) FEDERAL SHARE.—The Federal share of the cost
16 of the study under this section shall be 100 percent.

17 (d) FUNDING.—Of the amounts made available to
18 carry out section 1305 for each of fiscal years 2005
19 through 2009, \$1,800,000 shall be made available to carry
20 out this section.

21 **SEC. 1827. INTERMODAL TRANSPORTATION FACILITY EX-**
22 **PANSION.**

23 Any Federal and non-Federal share provided for the
24 Port of Anchorage for an intermodal transportation ma-
25 rine facility or for access to that facility shall be trans-

1 ferred to and administered by the Administrator of the
2 Maritime Administration.

3 **SEC. 1828. ADVANCED TRUCK STOP ELECTRIFICATION SYS-**
4 **TEM.**

5 (a) **DEFINITION.**—Section 101(a) of title 23, United
6 States Code, as amended by section 1202 of this Act, is
7 further amended by adding at the end the following:

8 “(40) **ADVANCED TRUCK STOP ELECTRIFICA-**
9 **TION SYSTEM.**—The term ‘advanced truck stop elec-

10 trification system’ means a stationary system that
11 delivers heat, air conditioning, electricity, and com-
12 munications, and is capable of providing verifiable
13 evidence of use of those services, to a heavy-duty ve-
14 hicle and any occupants of the heavy-duty vehicle
15 without relying on components mounted onboard the
16 heavy-duty vehicle for delivery of those services.”.

17 (b) **ELIGIBILITY UNDER STP.**—Section 133(b)(6) of
18 such title is amended by inserting “, including advanced
19 truck stop electrification systems” before the period at the
20 end.

21 (c) **ELIGIBILITY UNDER CMAQ.**—Section 149(b)(4)
22 of such title is amended by inserting “, including advanced
23 truck stop electrification systems,” after “facility or pro-
24 gram”.

1 **SEC. 1829. TECHNOLOGY.**

2 States are encouraged to consider using a non-de-
3 structive technology able to detect cracks including sub-
4 surface flaws as small as 0.005 inches in length or depth
5 in steel bridges.

Page 395, line 16, strike "All" and all that follows
through the period on line 18 and insert the following:
"All fees collected by the State from motorcyclists for the
purposes of funding motorcycle training and safety pro-
grams are used for motorcycle training and safety pro-
grams."

Page 396, line 20, before "to carry" insert "incor-
porated in that State".

At the end of title II, insert the following (and con-
form the table of contents accordingly):

6 **SEC. 2011. DRUG IMPAIRED DRIVING ENFORCEMENT.**

7 (a) **SHORT TITLE.**—This section may be cited as the
8 "Drug Impaired Driving Research and Prevention Act".

9 (b) **DEFINITIONS.**—In this section, the following defi-
10 nitions apply:

11 (1) **CONTROLLED SUBSTANCE.**—The term
12 "controlled substance" includes substances listed in
13 schedules I through V of section 112(e) of the Con-
14 trolled Substances Act (21 U.S.C. 812(e)).

1 (2) INHALANT.—The term “inhalant” means a
2 household or commercial product that can be used
3 by inhaling for intoxicating effect.

4 (3) DRUG RECOGNITION EXPERT.—The term
5 “drug recognition expert” means an individual
6 trained in a specific evaluation procedure that en-
7 ables the person to determine whether an individual
8 is under the influence of drugs and then to deter-
9 mine the type of drug causing the observable impair-
10 ment.

11 (c) MODEL STATUTE.—

12 (1) IN GENERAL.—Not later than one year
13 after the date of enactment of this Act, the Sec-
14 retary shall develop and provide to the States a
15 model statute relating to drug impaired driving
16 which incorporates the provisions described in this
17 section.

18 (2) MANDATORY PROVISIONS.—Provisions of
19 the model statute developed by the Secretary for rec-
20 ommendation to the States under this section shall
21 include, at a minimum, a provision that the crime of
22 drug impaired driving is committed when a person
23 operates a motor vehicle—

24 (A) while any unlawful detectable amount
25 of a controlled substance is present in the per-

1 son's body, as measured in the person's blood,
2 urine, saliva, or other bodily substance; or

3 (B) due to the unlawful presence of a con-
4 trolled substance or a controlled substance in
5 combination with alcohol or an inhalant, or
6 both, in the person's body, the person's mental
7 or physical faculties are affected to a noticeable
8 or perceptible degree.

9 (3) DISCRETIONARY PROVISIONS.—Provisions
10 of the model statute developed by the Secretary for
11 recommendation to the States under this section
12 may include the following:

13 (A) Sanctions for refusing to submit to a
14 test for the unlawful presence of a controlled
15 substance in a person's body which are equiva-
16 lent to sanctions for a positive test result.

17 (B) A graduated system of penalties for re-
18 peat offenses of drug impaired driving, includ-
19 ing, at a minimum, that a third or subsequent
20 offense within a 10-year period shall be a felony
21 punishable by imprisonment for more than a
22 year.

23 (C) Authorization for States to suspend or
24 revoke the license of any driver upon receiving
25 a record of the driver's conviction of driving a

1 motor vehicle while under the unlawful influ-
2 ence of a controlled substance.

3 (D) Provisions that require a sentence of
4 imprisonment imposed for any drug impaired
5 driving offense be served consecutively, not con-
6 currently, from a sentence imposed for any
7 other criminal act; except that a sentence im-
8 posed for the same act of impaired driving may
9 be imposed concurrently if the additional con-
10 viction was based on an alternate theory of cul-
11 pability for the same act.

12 (d) RESEARCH AND DEVELOPMENT.—Section 403(b)
13 of title 23, United States Code, is amended by adding at
14 the end the following:

15 “(5) New technology to detect drug use.

16 “(6) Research and development to improve test-
17 ing technology, including toxicology lab resources
18 and field test mechanisms to enable States to proc-
19 ess toxicology evidence in a more timely manner.

20 “(7) Determining per se unlawful impairment
21 levels for controlled substances (as defined in section
22 2011 of the Transportation Equity Act: A Legacy
23 for Users) and the compound effects of alcohol and
24 controlled substances on impairment to facilitate en-
25 forcement of per se drug impaired driving laws. Re-

1 search under this paragraph shall be carried out in
2 collaboration with the National Institute on Drug
3 Abuse of the National Institutes of Health.”.

4 (e) GOALS FOR TRAINING.—Section 403 of such title
5 is amended by adding at the end the following:

6 “(g) TRAINING GOALS.—For the purpose of enhance-
7 ing the States’ ability to detect, enforce, and prosecute
8 drug impaired driving laws, the Secretary shall—

9 “(1) establish and carry out programs to en-
10 hance police and prosecutor training efforts for en-
11 forcement of laws relating to drug impaired driving
12 and for development of programs to improve en-
13 forcement of such laws; and

14 “(2) ensure that drug impaired driving enforce-
15 ment training or drug recognition expert programs,
16 or both, exist in all 50 States and the District of Co-
17 lumbia by December 31, 2006.”.

18 (f) DUTIES.—The Administrator of the National
19 Highway Traffic Safety Administration shall—

20 (1) advise and coordinate with other Federal
21 agencies on how to address the problem of driving
22 under the influence of an illegal drug; and

23 (2) conduct research on the prevention, detec-
24 tion, and prosecution of driving under the influence
25 of an illegal drug.

1 (g) REPORTS.—

2 (1) IN GENERAL.—Not later than 18 months
3 after the date of enactment of this Act and annually
4 thereafter, the Secretary shall transmit to Congress
5 a report on the progress being made in carrying out
6 this Act, including the amendments made by this
7 Act.

8 (2) CONTENTS.—The Secretary shall include in
9 the report an assessment of the status of drugged
10 impaired driving laws in the United States—

11 (A) new research and technologies in the
12 area of drug impaired driving enforcement;

13 (B) a description of the extent of the prob-
14 lem of driving under the influence of an illegal
15 drug in each State and any available informa-
16 tion relating thereto, including a description of
17 any laws relating to the problem of driving
18 under the influence of an illegal drug; and

19 (C) recommendations for addressing the
20 problem of driving under the influence of an il-
21 legal drug.

22 (h) FUNDING.—Out of amounts appropriated to
23 carry out section 403 of title 23, United States Code, for
24 fiscal years 2004 through 2009, the Secretary shall use,
25 at a minimum, \$1,200,000 per fiscal year to carry out

1 drug impaired driving traffic safety programs, including
2 the provisions of this section and the amendments made
3 by this section.

In section 5308(c)(2)(A) of title 49, United States Code, as proposed to be inserted by section 3009 of the bill (pages 422 and 423), strike clause (iii) and insert the following:

4 “(iii) 1.2 if, at the time of the appor-
5 tionment, the area is classified as a mod-
6 erate ozone nonattainment area under sub-
7 part 2 of such part;

Page 426, line 13, strike “transit supportive poli-
cies,” and insert “and transit supportive policies”.

In section 5309 of title 49, United States Code, as proposed to be amended by section 3010(d) of the bill, redesignate paragraph (2) of subsection (k) as paragraph (4) (page 447), move such redesignated paragraph to the end of subsection (m) (page 450), and strike “(1) CONSIDERATIONS.—” in such subsection (k) (page 447, line 9).

Page 450, line 10, after the period insert the following: “Of the amounts made available under paragraphs (1)(C) and (2)(B)(iii), \$10,000,000 shall be avail-

able in each of fiscal years 2004 through 2009 for ferry boats or ferry terminal facilities.”.

Page 482, lines 14 and 15, strike “10 persons per square mile or fewer” and insert “10 or fewer persons per square mile in other than urbanized areas of the State”.

Page 500, line 10, strike “(b) and (c)” and insert “(b), (c), and (d)”.

Page 501, strike line 3 and all that follows through line 15.

In section 3037(b)(4), strike “extensions”.

In section 3037(b)(15)—

(1) strike “Phase II” and insert “Foothill”;
and

(2) strike “Claremont” and insert “Montclair”.

In section 3037(b)—

(1) in paragraph (37) strike “MUNI” and insert “Muni”; and

(2) after paragraph (36) insert the following
(and redesignate subsequent paragraphs accordingly):

1 (37) San Diego—Mid Coast Extension.

In section 3037(b), after paragraph (38), relating to Santa Clara Valley Transit Authority, insert the following (and redesignate subsequent paragraphs accordingly):

1 (39) Tampa Bay—Regional Rail.

In section 3037(c)(2), strike “Albuquerque-Santa Fe” and insert “Belen-Santa Fe”.

In section 3037(c), strike paragraph (9) and insert the following (and redesignate subsequent paragraphs accordingly):

2 (9) Austin—Rapid Bus Project.

3 (10) Austin—Regional Commuter Rail.

In section 3037(c), after paragraph (20), relating to Charles Town-Ranson, West Virginia, insert the following (and redesignate subsequent paragraphs accordingly):

4 (21) Central Phoenix—East Valley Corridor

5 LRT Extensions.

In section 3037(c), after paragraph (34), relating to Corpus Christi, insert the following (and redesignate subsequent paragraphs accordingly):

6 (35) Dallas Area Rapid Transit—Dallas Cen-

7 tral Business District.

In section 3037(c), after paragraph (38) relating to Denver—Gold Line Extension to Arvada, insert the following (and redesignate subsequent paragraphs accordingly):

- 1 (39) Denver—United States Route 36 Transit
- 2 Corridor.
- 3 (40) Denver—North Metro Corridor to Thorn-
- 4 ton.
- 5 (41) Denver—East Corridor to DIA Airport.

In section 3037(c)(44), relating to Fort Worth, strike “Extension” and insert “Extensions”.

In section 3037(c)(106), strike “Extension to City of Lake Oswego” and insert “Extensions”.

In section 3037(c), after paragraph (114), relating to Sacramento—Downtown, insert the following (and redesignate subsequent paragraphs accordingly):

- 6 (115) Salt Lake City—Draper to Sandy LRT
- 7 Extension.
- 8 (116) Salt Lake City—TRAX Capacity Im-
- 9 provements.
- 10 (117) Salt Lake City—West Valley City LRT
- 11 Extension.

In section 3037(c)(119), strike “Geary” and insert “MUNI Geary”.

In section 3037(c), after paragraph (123), relating to Seattle, insert the following (and redesignate subsequent paragraphs accordingly):

- 1 (124) Seattle—Link LRT Extensions.
- 2 (125) Seattle—Sound Transit Commuter Rail.
- 3 (126) Seattle—Sound Transit Regional Express
- 4 Bus.

In section 3037(c), after paragraph (138), relating to Tri-Rail Florida East Coast, insert the following (and redesignate subsequent paragraphs accordingly):

- 5 (139) Tri-Rail Jupiter Extension.

In section 3037(c), after paragraph (141), relating to Vancouver, insert the following (and redesignate subsequent paragraphs accordingly):

- 6 (142) Virginia Beach—Bus Rapid Transit.

In section 3037(c), after paragraph (142), relating to Virginia Railway Express, insert the following (and redesignate subsequent paragraphs accordingly):

- 7 (143) Washington State Ferries and Ferry Fa-
- 8 cilities.

In item 15 of the table contained in section 3038, strike "Gettysburt" and insert "Gettysburg".

In item number 25 of such table, strike "\$750,000.00" and insert "\$2,850,000.00".

In item number 26 of such table, strike "\$750,000.00" and insert "\$2,850,000.00".

In item 85 of such table, strike "Pasadena" and all that follows through "centers" and insert "Pasadena to Montclair, CA Gold Line Light Rail Foothill Extension intermodal centers".

In item 97 of such table, strike "\$1,750,000.00" and insert "\$3,750,000.00".

In item 98 of such table, strike "vehabilitation" and insert "rehabilitation".

In item 132 of such table, strike "Gold Line phase II rail project" and insert "light rail Foothill Extension".

In item 162 of such table, after "Construct" insert "Foothill Transit".

At the end of such table, add the following:

Project	FY 05	FY 06	FY 07
356. Jesup, GA - Historic depot and bus station rehabilitation ..	\$320,000.00	\$330,000.00	\$350,000.00

Project	FY 05	FY 06	FY 07
357. Renaissance Square, NY - Intermodal center, below grade transit center with association joint development, including community college and per- forming arts center	\$2,240,000.00	\$2,310,000.00	\$2,450,000.00
358. Boysville of Michigan - Vans purchase	\$1,075,200.00	\$1,108,800.00	\$1,176,000.00

In section 3039(b), strike “4 nonprofit” and insert “4 geographically diverse nonprofit”.

In section 3039(c)(1), strike “transit operations” and insert “transit bus operations”.

Redesignate section 3040 as section 1829, move such redesignated section from title III to the end of subtitle H of title I, redesignate subsequent sections of title III accordingly, and conform the table of contents accordingly.

In section 3042(a)(1), strike “For carrying out” and insert the following:

1 (A) IN GENERAL.—For carrying out

In section 3042(a)(1), redesignate subparagraphs (A) through (F) as clauses (i) through (vi), respectively, move such clauses 2 ems to the right, and after clause (vi) (as so redesignated) insert the following:

1 (B) PUBLIC TRANSPORTATION NATIONAL
2 SECURITY STUDY.—

3 (i) IN GENERAL.—Not later than 6
4 months after the date of enactment of this
5 Act, the Secretary shall enter into an
6 agreement with the National Academy of
7 Sciences to conduct a study and evaluation
8 of the value major public transportation
9 systems in the United States serving the
10 38 urbanized areas that have a population
11 of more than 1,000,000 individuals provide
12 to the Nation's security and the ability of
13 such systems to accommodate the evacu-
14 ation, egress or ingress of people to or
15 from critical locations in times of emer-
16 gency.

17 (ii) ALTERNATIVE ROUTES.—For each
18 system described in clause (i) the study
19 shall identify—

20 (I) potential alternative routes
21 for evacuation using other transpor-
22 tation modes such as highway, air,
23 marine, and pedestrian activities; and

1 (II) transit routes that, if dis-
2 rupted, do not have sufficient transit
3 alternatives available.

4 (iii) REPORT.—Not later than 24
5 months after the date of entry into the
6 agreement, the Academy shall submit to
7 the Secretary and the Committee on
8 Transportation and Infrastructure of the
9 House of Representatives and the Com-
10 mittee on Banking, Housing and Urban
11 Affairs of the Senate a final report on the
12 results of the study and evaluation, to-
13 gether with such recommendations as the
14 Academy considers appropriate.

15 (iv) FUNDING.—Of the amounts made
16 available under section 5338(d) of title 49,
17 United States Code, \$250,000 shall be
18 available for each of fiscal years 2005 and
19 2006 to carry out this subparagraph.

At the end of title III, insert the following and con-
form the table of contents accordingly:

20 **SEC. 3045. COOPERATIVE PROCUREMENT.**

21 (a) REVIEW OF COOPERATIVE PROCUREMENT; AU-
22 THORITY TO INCREASE FEDERAL SHARE.—

1 (1) IN GENERAL.—Not later than 6 months
2 after the date of enactment of this Act, the Sec-
3 retary shall undertake a 30-day review of efforts to
4 use cooperative procurement to determine whether
5 benefits are sufficient to formally incorporate coop-
6 erative procurement into the mass transit program.
7 In particular the Secretary shall review the progress
8 made under the pilot program authorized under sec-
9 tion 166 of division F of the Consolidated Appro-
10 priations Act, 2004 (49 U.S.C. 5397 note; 118 Stat.
11 309), based on experience to date in the pilot pro-
12 gram and any available reports to Congress sub-
13 mitted under such section 166. The Secretary shall
14 also consider information gathered from grantees
15 about cooperative procurement, whether or not re-
16 lated to the pilot program.

17 (2) NOTIFICATION OF CONGRESS.—The Sec-
18 retary shall notify the Committee on Transportation
19 and Infrastructure of the House of Representatives
20 and the Committee on Banking, Housing, and
21 Urban Affairs of the Senate of the results of the re-
22 view required under paragraph (1), including a find-
23 ing of sufficient benefit or insufficient benefit and
24 the reasons for that finding.

In subparagraph (V) that is proposed to be inserted in section 31102(b)(1) of title 49, United States Code, by section 4102(a)(6) of the bill, strike “placing out of service” and insert “prohibiting the operation of”.

In section 4120(e), strike “2004.”.

In section 4121(a), after “mellitus” insert “who are applying for an exemption from the physical qualification standards”.

In section 4121(a), strike “qualify” and insert “be exempted from the physical qualification standards”.

In section 4122(c), strike “2004.”.

In section 4128, insert at the end the following:

1 (f) INSPECTION, REPAIR, AND MAINTENANCE OF
2 INTERMODAL EQUIPMENT.—Section 31136 of title 49,
3 United States Code, is amended by adding at the end the
4 following:

5 “(g) INSPECTION, REPAIR, AND MAINTENANCE OF
6 INTERMODAL EQUIPMENT.—The Secretary, or an em-
7 ployee of the Department of Transportation designated by
8 the Secretary, may inspect intermodal equipment, and
9 copy related maintenance and repair records for such
10 equipment, on demand and display of proper credentials
11 to inspect intermodal equipment.”.

1 (g) JURISDICTION OVER EQUIPMENT PROVIDERS.—
2 Section 31132(1) of such title is amended by inserting
3 after “towed vehicle” the following: “(including intermodal
4 equipment, including trailers, chassis and associated de-
5 vices, commonly used for the transportation of intermodal
6 freight via highway)”.

In section 4208(a)(1), insert after “challenge” the following: “duplicate or fraudulent”.

At the end of title IV, insert the following (and conform the table of contents of the bill accordingly):

7 **SEC. 4212. APPLICABILITY TO HOUSEHOLD GOODS MOTOR**
8 **CARRIERS.**

9 (a) IN GENERAL.—The provisions of title 49, United
10 States Code, and this Act (including any amendments
11 made by this Act) relating to the transportation of house-
12 hold goods shall only apply to household goods motor car-
13 riers.

14 (b) HOUSEHOLD GOODS MOTOR CARRIER DE-
15 FINED.—In this section, the term “household goods motor
16 carrier” means a motor carrier as defined in section
17 13102(12) of title 49, United States Code, which, in the
18 ordinary course of its business of providing transportation
19 of household goods, offers some or all of the following ad-
20 ditional services: binding and nonbinding estimates,

1 inventorying, protective packing and unpacking of indi-
2 vidual items, and loading and unloading at personal resi-
3 dences.

Title V, after section 5102, insert the following:

4 **SEC. 5103. FINDINGS.**

5 The Congress finds the following:

6 (1) Research and development are critical to de-
7 veloping and maintaining a transportation system
8 that meets the goals of safety, mobility, economic vi-
9 tality, efficiency, equity, and environmental protec-
10 tion.

11 (2) Federally sponsored surface transportation
12 research and development has produced many suc-
13 cesses. The development of rumble strips has in-
14 creased safety; research on materials has increased
15 the lifespan of pavements, saving money and reduc-
16 ing the disruption caused by construction; and Geo-
17 graphic Information Systems have improved the
18 management and efficiency of transit fleets.

19 (3) Despite these important successes, the Fed-
20 eral surface transportation research and develop-
21 ment investment represents less than one percent of
22 overall government spending on surface transpor-
23 tation.

1 (4) While Congress increased funding for over-
2 all transportation programs by about 40 percent in
3 the Transportation Equity Act for the 21st Century,
4 funding for transportation research and development
5 remained relatively flat.

6 (5) The Federal investment in research and de-
7 velopment should be balanced between short-term
8 applied and long-term fundamental research and de-
9 velopment. The investment should also cover a wide
10 range of research areas, including research on mate-
11 rials and construction, research on operations, re-
12 search on transportation trends and human factors,
13 and research addressing the institutional barriers to
14 deployment of new technologies.

15 (6) Therefore, Congress finds that it is in the
16 United States interest to increase the Federal in-
17 vestment in transportation research and develop-
18 ment, and to conduct research in critical research
19 gaps, in order to ensure that the transportation sys-
20 tem meets the goals of safety, mobility, economic vi-
21 tality, efficiency, equity, and environmental protec-
22 tion.

Title V, section 5201(b) of the bill in the matter
proposed to be inserted in section 502(a) of title 23,

United States Code, strike paragraphs (5) through (7) and insert the following:

1 “(5) STAKEHOLDER INPUT.—Federal surface
2 transportation research and development activities
3 shall address the needs of stakeholders. Stakeholders
4 include States, metropolitan planning organizations,
5 local governments, the private sector, researchers,
6 research sponsors, and other affected parties, includ-
7 ing public interest groups.

8 “(6) COMPETITION AND PEER REVIEW.—Ex-
9 cept as otherwise provided in this Act, the Secretary
10 shall award all grants, contracts, and cooperative
11 agreements for research and development under this
12 Act based on open competition and peer review of
13 proposals.

14 “(7) PERFORMANCE REVIEW AND EVALUA-
15 TION.—To the maximum extent practicable, all sur-
16 face transportation research and development
17 projects shall include a component of performance
18 measurement and evaluation. Performance measures
19 shall be established during the proposal stage of a
20 research and development project and shall, to the
21 maximum extent possible, be outcome-based. All
22 evaluations shall be made readily available to the
23 public.”.

Title V, section 5203(a) of the bill, in the matter proposed to be inserted in section 507(d)(1) of title 23, United States Code, strike “a national research agenda for the program” and insert “the national research agenda as set forth in the Transportation Research Board Special Report 268 as described in subsection (e)”.

Title V, section 5203(a) of the bill, in the matter proposed to be inserted in section 507(e) of title 23, United States Code, insert at the end the following:

- 1 “(8) CONTENTS.—The program established
2 under subsection (d)(1) shall carry out research and
3 development called for in the Transportation Re-
4 search Board Special Report 268, entitled ‘Surface
5 Transportation Environmental Research: A Long-
6 Term Strategy’, published in 2002, which included
7 the following research and development areas:
8 “(1) Human Health.
9 “(2) Ecology and Natural Systems.
10 “(3) Environmental and Social Justice.
11 “(4) Emerging Technologies.
12 “(5) Land Use.
13 “(6) Planning and Performance Measures.

Title V, section 5204(b) of the bill, in the matter proposed to be inserted in section 503(c)(2)(A) of title

23, United States Code, after “materials,” insert “recycled materials (including taconite tailings and foundry sand),”

Title V, section 5205(a)(2) of the bill, strike “\$10,000,000” and insert “\$8,500,000”.

1 Title V, strike 5205(d) of the bill and insert the following:
2

3 (d) GARRETT A. MORGAN TECHNOLOGY AND TRANSPORTATION EDUCATION PROGRAM.—
4

5 (1) IN GENERAL.—Section 504 of title 23,
6 United States Code, as amended by this section, is
7 further amended by adding at the end the following
8 new subsection:

9 “(d) GARRETT A. MORGAN TECHNOLOGY AND
10 TRANSPORTATION EDUCATION PROGRAM.—

11 “(1) IN GENERAL.—The Secretary shall establish the Garrett A. Morgan Technology and Transportation Education Program to improve the preparation of students, particularly women and minorities, in science, technology, engineering, and mathematics through curriculum development and other activities related to transportation.
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18 “(2) AUTHORIZED ACTIVITIES.—The Secretary shall award grants under this subsection on the basis of competitive, peer review. Grants awarded
19
20

1 under this subsection may be used for enhancing
2 science, technology, engineering, and mathematics at
3 the elementary and secondary school level through
4 such means as—

5 “(A) internships that offer students experi-
6 ence in the transportation field;

7 “(B) programs that allow students to
8 spend time observing scientists and engineers in
9 the transportation field; and

10 “(C) developing relevant curriculum that
11 uses examples and problems related to trans-
12 portation.

13 “(3) APPLICATION AND REVIEW PROCE-
14 DURES.—

15 “(A) IN GENERAL.—An entity described in
16 subparagraph (C) seeking funding under this
17 subsection shall submit an application to the
18 Secretary at such time, in such manner, and
19 containing such information as the Secretary
20 may require. Such application, at a minimum,
21 shall include a description of how the funds will
22 be used and a description of how the funds will
23 be used to serve the purposes described in para-
24 graph (2).

1 “(B) PRIORITY.—In making awards under
2 this subsection, the Secretary shall give priority
3 to applicants that will encourage the participa-
4 tion of women and minorities.

5 “(C) ELIGIBILITY.—Local education agen-
6 cies and State education agencies, which may
7 partner with institutions of higher education,
8 businesses, or other entities, shall be eligible to
9 apply for grants under this subsection.

10 “(4) DEFINITIONS.—For purposes of this
11 subsection—

12 “(A) the term ‘institution of higher edu-
13 cation’ has the meaning given that term in sec-
14 tion 101 of the Higher Education Act of 1965
15 (20 U.S.C. 1001);

16 “(B) the term ‘local educational agency’
17 has the meaning given that term in section
18 9101 of the Elementary and Secondary Edu-
19 cation Act of 1965 (20 U.S.C. 7801); and

20 “(C) the term ‘State educational agency’
21 has the meaning given that term in section
22 9101 of the Elementary and Secondary Edu-
23 cation Act of 1965 (20 U.S.C. 7801).”.

24 “(2) FUNDING.—Of the amounts made available
25 by section 5101(a)(2) of this Act, \$500,000 for

1 2004 and \$1,000,000 for each of fiscal years 2005
2 through 2009 shall be available to carry out section
3 504(d) of title 23, United States Code.

 Title V, section 5209, redesignate subsections (b)
and (c) as subsections (c) and (d).

 Title V, section 5209, after subsection (a) insert the
following:

4 (b) PROGRAMMATIC EVALUATIONS.—Within 3 years
5 after the first research and development project grants,
6 cooperative agreements, or contracts are awarded under
7 this section, the Comptroller General shall review the pro-
8 gram under this section, and recommend improvements.
9 The review shall assess the degree to which projects fund-
10 ed under this section have addressed the research and de-
11 velopment topics identified in the Transportation Research
12 Board Special Report 260, including identifying those top-
13 ics which have not yet been addressed.

 Title V, section 5205 of the bill, in the matter pro-
posed to be inserted in section 504 of title 23, United
States Code, redesignate subsections (f) and (g) as sub-
sections (g) and (h), respectively.

 Title V, section 5205 of the bill, insert after sub-
section (e) the following:

1 (f) TRANSPORTATION EDUCATION DEVELOPMENT
2 PILOT PROGRAM.—Section 504 of title 23, United States
3 Code, is amended by inserting after subsection (e) the fol-
4 lowing:

5 “(f) TRANSPORTATION EDUCATION DEVELOPMENT
6 PILOT PROGRAM.—

7 “(1) ESTABLISHMENT.—The Secretary shall es-
8 tablish a program to make grants to institutions of
9 higher education that in partnership with industry
10 or State Departments of Transportation will de-
11 velop, test, and revise new curricula and education
12 programs to train individuals at all levels of the
13 transportation workforce.

14 “(2) SELECTION OF GRANT RECIPIENTS.—In
15 selecting applications for awards under this sub-
16 section, the Secretary shall consider—

17 “(A) the degree to which the new curricula
18 or education program meets the specific needs
19 of a segment of the transportation industry,
20 States, or regions;

21 “(B) providing for practical experience and
22 on-the-job training;

23 “(C) proposals oriented toward practi-
24 tioners in the field rather than the support and
25 growth of the research community;

1 “(D) the degree to which the new curricula
2 or program will provide training in areas other
3 than engineering, such as business administra-
4 tion, economics, information technology, envi-
5 ronmental science, and law;

6 “(E) programs or curricula in nontradi-
7 tional departments which train professionals for
8 work in the transportation field, such as mate-
9 rials, information technology, environmental
10 science, urban planning, and industrial tech-
11 nology; and

12 “(F) industry or a State’s Department of
13 Transportation commitment to the program.

14 “(3) FUNDING.—Of the amounts made avail-
15 able by section 5101(a)(2) of this Act, \$1,500,000
16 for each of fiscal years 2005 through 2009 shall be
17 available to carry out this subsection.

18 “(4) LIMITATIONS.—The amount of a grant
19 under this subsection shall not exceed \$250,000 per
20 year. After a recipient has received 3 years of Fed-
21 eral funding under this subsection, Federal funding
22 may equal no more than 75 percent of a grantee’s
23 program costs.”.

Title V, subtitle B, is amended by adding at the end
the following:

1 SEC. 5213. TRANSPORTATION RESEARCH AND DEVELOP-
2 MENT STRATEGIC PLANNING.

3 (a) AMENDMENT.—Section 508 of title 23, United
4 States Code, is amended to read as follows:

5 “§ 508. **Transportation research and development**
6 **strategic planning**

7 “(a) IN GENERAL.—

8 “(1) DEVELOPMENT.—Not later than 1 year
9 after the date of enactment of the Surface Transpor-
10 tation Research and Development Act of 2004, the
11 Secretary shall develop a 5-year transportation re-
12 search and development strategic plan to guide Fed-
13 eral transportation research and development activi-
14 ties. This plan shall be consistent with section 306
15 of title 5, sections 1115 and 1116 of title 31, and
16 any other research and development plan within the
17 Department of Transportation.

18 “(2) CONTENTS.—The strategic plan developed
19 under paragraph (1) shall—

20 “(A) describe the primary purposes of the
21 transportation research and development pro-
22 gram, which shall include, at a minimum—

23 “(i) reducing congestion and improv-
24 ing mobility;

25 “(ii) promoting safety;

26 “(iii) promoting security;

1 “(iv) protecting and enhancing the en-
2 vironment;

3 “(v) preserving the existing transpor-
4 tation system; and

5 “(vi) improving the durability and ex-
6 tending the life of transportation infra-
7 structure;

8 “(B) for each purpose, list the primary re-
9 search and development topics that the Depart-
10 ment intends to pursue to accomplish that pur-
11 pose, which may include the fundamental re-
12 search in the physical and natural sciences, ap-
13 plied research, technology development, and so-
14 cial science research intended for each topic;
15 and

16 “(C) for each research and development
17 topic, describe—

18 “(i) the anticipated annual funding
19 levels for the period covered by the stra-
20 tegic plan; and

21 “(ii) the additional information the
22 Department expects to gain at the end of
23 the period covered by the strategic plan as
24 a result of the research and development in
25 that topic area.

1 “(3) CONSIDERATIONS.—In developing the stra-
2 tegic plan, the Secretary shall ensure that the
3 plan—

4 “(A) reflects input from a wide range of
5 stakeholders;

6 “(B) includes and integrates the research
7 and development programs of all the Depart-
8 ment’s operating administrations, including
9 aviation, transit, rail, and maritime; and

10 “(C) takes into account how research and
11 development by other Federal, State, private
12 sector, and not-for-profit institutions contrib-
13 utes to the achievement of the purposes identi-
14 fied under paragraph (2)(A), and avoids unnec-
15 essary duplication with these efforts.

16 “(4) PERFORMANCE PLANS AND REPORTS.—In
17 reports submitted under sections 1115 and 1116 of
18 title 31, the Secretary shall include—

19 “(A) a summary of the Federal transpor-
20 tation research and development activities for
21 the previous fiscal year in each topic area;

22 “(B) the amount of funding spent in each
23 topic area;

1 “(C) a description of the extent to which
2 the research and development is meeting the ex-
3 pectations set forth in paragraph (2)(C)(ii); and

4 “(D) any amendments to the strategic
5 plan.

6 “(b) The Secretary shall submit to Congress an an-
7 nual report, along with the President’s annual budget re-
8 quest, describing the amount spent in the last completed
9 fiscal year on transportation research and development
10 and the amount proposed in the current budget for trans-
11 portation research and development.

12 “(c) NATIONAL RESEARCH COUNCIL REVIEW.—The
13 Secretary shall enter into an agreement for the review by
14 the National Research Council of the details of each—

15 “(1) strategic plan under section 508;

16 “(2) performance plan required under section
17 1115 of title 31; and

18 “(3) program performance report required
19 under section 1116 of title 31,

20 with respect to transportation research and develop-
21 ment.”.

22 (b) CONFORMING AMENDMENT.—The analysis for
23 chapter 5 of title 23, United States Code, is amended by
24 striking the item related to section 508 and inserting the
25 following:

“508. Transportation research and development strategic planning.”.

1

Title V, in section 5302 of the bill in the matter proposed to be inserted in section 5506(e)(C)(ii) of title 49, United States Code, insert “and” after the semicolon.

Title V, in section 5302 of the bill, in the matter proposed to be inserted in section 5506(e)(2)(C) of title 49, United States Code, strike clause (iv) in such matter.

Title V, in section 5302 of the bill, in the matter proposed to be inserted in section 5506(e)(2)(C)(iii) of title 49, United States Code, strike “; and” and insert the following: “who, as a group, have published a total at least 50 refereed journal publications on highway or public transportation research during the preceding 5 years.”.

Title V, in section 5302 of the bill in the matter proposed to be inserted in section 5506(f)(2)(B)(ii) of title 49, United States Code, insert “and” after the semicolon.

Title V, in section 5302 of the bill, in the matter proposed to be inserted in section 5506(f)(2)(B) of title 49, United States Code, strike clause (iv) in such matter.

Title V, in section 5302 of the bill, in the matter proposed to be inserted in section 5506(f)(2)(B)(iii) of title 49, United States Code, strike “; and” and insert

the following: “who, as a group, have published a total at least 20 refereed journal publications on highway or public transportation research during the preceding 5 years.”.

Title V, strike section 5501 and insert the following:

1 **SEC. 5501. BUREAU OF TRANSPORTATION STATISTICS.**

2 Section 111 of title 49, United States Code, is
3 amended to read as follows:

4 **“§ 111. Bureau of Transportation Statistics**

5 “(a) **ESTABLISHMENT.**—There is established in the
6 Department of Transportation a Bureau of Transpor-
7 tation Statistics.

8 “(b) **DIRECTOR.**—

9 “(1) **APPOINTMENT.**—The Bureau shall be
10 headed by a Director who shall be appointed by the
11 President, by and with the advice and consent of the
12 Senate.

13 “(2) **QUALIFICATIONS.**—The Director shall be
14 appointed from among individuals who are qualified
15 to serve as the Director by virtue of their training
16 and experience in the collection, analysis, and use of
17 transportation statistics.

18 “(3) **REPORTING.**—The Director shall report
19 directly to the Secretary.

1 “(4) TERM.—The term of the Director shall be
2 5 years. The Director may continue to serve after
3 the expiration of the term until a successor is ap-
4 pointed and confirmed.

5 “(c) RESPONSIBILITIES.—The Director of the Bu-
6 reau shall serve as the Secretary’s senior advisor on data
7 and statistics, and shall be responsible for carrying out
8 the following duties:

9 “(1) PROVIDING DATA, STATISTICS, AND ANAL-
10 YSIS TO TRANSPORTATION DECISIONMAKERS.—En-
11 suring that the statistics compiled under paragraph
12 (5) are designed to support transportation decision-
13 making by the Federal Government, State and local
14 governments, metropolitan planning organizations,
15 transportation-related associations, the private sec-
16 tor (including the freight community), and the pub-
17 lic.

18 “(2) COORDINATING COLLECTION OF INFORMA-
19 TION.—Working with the operating administrations
20 of the Department to establish and implement the
21 Bureau’s data programs and to improve the coordi-
22 nation of information collection efforts with other
23 Federal agencies.

24 “(3) DATA MODERNIZATION.—Continually im-
25 proving surveys and data collection methods to im-

1 prove the accuracy and utility of transportation sta-
2 tistics.

3 “(4) ENCOURAGING DATA STANDARDIZATION.—
4 Encouraging the standardization of data, data col-
5 lection methods, and data management and storage
6 technologies for data collected by the Bureau, the
7 operating administrations of the Department of
8 Transportation, States, local governments, metro-
9 politan planning organizations, and private sector
10 entities.

11 “(5) COMPILING TRANSPORTATION STATIS-
12 TICS.—Compiling, analyzing, and publishing a com-
13 prehensive set of transportation statistics on the per-
14 formance and impacts of the national transportation
15 system, including statistics on—

16 “(A) productivity in various parts of the
17 transportation sector;

18 “(B) traffic flows for all modes of trans-
19 portation;

20 “(C) other elements of the Intermodal
21 Transportation Database established under sub-
22 section (g);

23 “(D) travel times and measures of conges-
24 tion;

1 “(E) vehicle weights and other vehicle
2 characteristics;

3 “(F) demographic, economic, and other
4 variables influencing traveling behavior, includ-
5 ing choice of transportation mode, and goods
6 movement;

7 “(G) transportation costs for passenger
8 travel and goods movement;

9 “(H) availability and use of mass transit
10 (including the number of passengers served by
11 each mass transit authority) and other forms of
12 for-hire passenger travel;

13 “(I) frequency of vehicle and transpor-
14 tation facility repairs and other interruptions of
15 transportation service;

16 “(J) safety and security for travelers, vehi-
17 cles, and transportation systems;

18 “(K) consequences of transportation for
19 the human and natural environment;

20 “(L) the extent, connectivity, and condition
21 of the transportation system, building on the
22 National Transportation Atlas Database devel-
23 oped under subsection (g); and

1 “(M) transportation-related variables that
2 influence the domestic economy and global com-
3 petitiveness.

4 “(6) NATIONAL SPATIAL DATA INFRASTRUC-
5 TURE.—Building and disseminating the transpor-
6 tation layer of the National Spatial Data Infrastruc-
7 ture, including coordinating the development of
8 transportation geospatial data standards, compiling
9 intermodal geospatial data, and collecting geospatial
10 data that is not being collected by others.

11 “(7) ISSUING GUIDELINES.—Issuing guidelines
12 for the collection of information by the Department
13 of Transportation required for statistics to be com-
14 piled under paragraph (5) in order to ensure that
15 such information is accurate, reliable, relevant, and
16 in a form that permits systematic analysis. The Bu-
17 reau shall review and report to the Secretary of
18 Transportation on the sources and reliability of the
19 statistics proposed by the heads of the operating ad-
20 ministrations of the Department to measure outputs
21 and outcomes as required by the Government Per-
22 formance and Results Act of 1993, and the amend-
23 ments made by such Act, and shall carry out such
24 other reviews of the sources and reliability of other
25 data collected or statistical information published by

1 the heads of the operating administrations of the
2 Department as shall be requested by the Secretary.

3 “(8) MAKING STATISTICS ACCESSIBLE.—Mak-
4 ing the statistics published under this subsection
5 readily accessible.

6 “(d) INFORMATION NEEDS ASSESSMENT.—

7 “(1) IN GENERAL.—Within 60 days after the
8 date of the enactment of the Transportation Equity
9 Act: A Legacy for Users, the Secretary shall enter
10 into an arrangement with the National Research
11 Council to develop and publish a National Transpor-
12 tation Information Needs Assessment (referred to in
13 this subsection as the ‘Assessment’). The Assess-
14 ment shall be transmitted to the Secretary and the
15 Congress not later than 24 months after such ar-
16 rangement is entered into.

17 “(2) CONTENT.—The Assessment shall—

18 “(A) identify, in priority order, transpor-
19 tation data that is not being collected by the
20 Bureau, Department of Transportation oper-
21 ating administrations, or other Federal, State,
22 or local entities, but is needed to improve trans-
23 portation decisionmaking at the Federal, State,
24 and local level and to fulfill the requirements of
25 subsection (c)(5);

1 “(B) recommend whether the data identi-
2 fied in subparagraph (A) should be collected by
3 the Bureau, other parts of the Department, or
4 by other Federal, State, or local entities, and
5 whether any data is a higher priority than data
6 currently being collected;

7 “(C) identify any data the Bureau or other
8 Federal, State, and local entities is collecting
9 that is not needed;

10 “(D) describe new data collection methods
11 (including changes in surveys) and other
12 changes the Bureau or other Federal, State,
13 and local entities should implement to improve
14 the standardization, accuracy, and utility of
15 transportation data and statistics; and

16 “(E) estimate the cost of implementing
17 any recommendations.

18 “(3) CONSULTATION.—In developing the As-
19 sessment, the National Research Council shall con-
20 sult with the Department’s Advisory Council on
21 Transportation Statistics and a representative cross-
22 section of transportation community stakeholders as
23 well as other Federal agencies, including the Envi-
24 ronmental Protection Agency, the Department of

1 Energy, and the Department of Housing and Urban
2 Development.

3 “(4) REPORT TO CONGRESS.—Not later than 6
4 months after the National Research Council trans-
5 mits the Assessment under paragraph (1), the Sec-
6 retary shall transmit a report to Congress that
7 describes—

8 “(A) how the Department plans to fill the
9 data gaps identified under paragraph (2)(A);

10 “(B) how the Department plans to stop
11 collecting data identified under paragraph
12 (2)(C);

13 “(C) how the Department plans to imple-
14 ment improved data collection methods and
15 other changes identified under paragraph
16 (2)(D);

17 “(D) the expected costs of implementing
18 subparagraphs (A), (B), and (C) of this para-
19 graph;

20 “(E) any findings of the Assessment under
21 paragraph (1) with which the Secretary dis-
22 agrees, and why; and

23 “(F) any proposed statutory changes need-
24 ed to implement the findings of the Assessment
25 under paragraph (1).

1 “(e) INTERMODAL TRANSPORTATION DATA BASE.—

2 “(1) IN GENERAL.—In consultation with the
3 Under Secretary for Policy, the Assistant Secre-
4 taries, and the heads of the operating administra-
5 tions of the Department of Transportation, the Di-
6 rector shall establish and maintain a transportation
7 data base for all modes of transportation.

8 “(2) USE.—The data base shall be suitable for
9 analyses carried out by the Federal Government, the
10 States, and metropolitan planning organizations.

11 “(3) CONTENTS.—The data base shall
12 include—

13 “(A) information on the volumes and pat-
14 terns of movement of goods, including local,
15 interregional, and international movement, by
16 all modes of transportation and intermodal
17 combinations, and by relevant classification;

18 “(B) information on the volumes and pat-
19 terns of movement of people, including local,
20 interregional, and international movements, by
21 all modes of transportation (including bicycle
22 and pedestrian modes) and intermodal combina-
23 tions, and by relevant classification;

1 “(C) information on the location and
2 connectivity of transportation facilities and
3 services; and

4 “(D) a national accounting of expenditures
5 and capital stocks on each mode of transpor-
6 tation and intermodal combination.

7 “(f) NATIONAL TRANSPORTATION LIBRARY.—

8 “(1) IN GENERAL.—The Director shall establish
9 and maintain a National Transportation Library,
10 which shall contain a collection of statistical and
11 other information needed for transportation decision-
12 making at the Federal, State, and local levels.

13 “(2) ACCESS.—The Director shall facilitate and
14 promote access to the Library, with the goal of im-
15 proving the ability of the transportation community
16 to share information and the ability of the Director
17 to make statistics readily accessible under subsection
18 (c)(8).

19 “(3) COORDINATION.—The Director shall work
20 with other transportation libraries and other trans-
21 portation information providers, both public and pri-
22 vate, to achieve the goal specified in paragraph (2).

23 “(g) NATIONAL TRANSPORTATION ATLAS DATA
24 BASE.—

1 “(1) IN GENERAL.—The Director shall develop
2 and maintain geospatial data bases that depict—

3 “(A) transportation networks;

4 “(B) flows of people, goods, vehicles, and
5 craft over the networks; and

6 “(C) social, economic, and environmental
7 conditions that affect or are affected by the net-
8 works.

9 “(2) INTERMODAL NETWORK ANALYSIS.—The
10 data bases shall be able to support intermodal net-
11 work analysis.

12 “(h) MANDATORY RESPONSE AUTHORITY FOR
13 FREIGHT DATA COLLECTION.—Whoever, being the
14 owner, official, agent, person in charge, or assistant to the
15 person in charge of any corporation, company, business,
16 institution, establishment, or organization of any nature
17 whatsoever, neglects or refuses, when requested by the Di-
18 rector or other authorized officer, employee, or contractor
19 of the Bureau, to answer completely and correctly to the
20 best of his or her knowledge all questions relating to the
21 corporation, company, business, institution, establishment,
22 or other organization, or to make available records or sta-
23 tistics in his or her official custody, contained in a data
24 collection request prepared and submitted under the au-
25 thority of subsection (c)(1), shall be fined not more than

1 \$500; but if he or she willfully gives a false answer to
2 such a question, he or she shall be fined not more than
3 \$10,000.

4 “(i) RESEARCH AND DEVELOPMENT GRANTS.—The
5 Secretary may make grants to, or enter into cooperative
6 agreements or contracts with, public and nonprofit private
7 entities (including State transportation departments, met-
8 ropolitan planning organizations, and institutions of high-
9 er education) for—

10 “(1) investigation of the subjects specified in
11 subsection (c)(5) and research and development of
12 new methods of data collection, standardization,
13 management, integration, dissemination, interpreta-
14 tion, and analysis;

15 “(2) demonstration programs by States, local
16 governments, and metropolitan planning organiza-
17 tions to harmonize data collection, reporting, man-
18 agement, storage, and archiving to simplify data
19 comparisons across jurisdictions;

20 “(3) development of electronic clearinghouses of
21 transportation data and related information, as part
22 of the National Transportation Library under sub-
23 section (f); and

24 “(4) development and improvement of methods
25 for sharing geographic data, in support of the na-

1 tional transportation atlas data base under sub-
2 section (g) and the National Spatial Data Infra-
3 structure developed under Executive Order No.
4 12906.

5 “(j) LIMITATIONS ON STATUTORY CONSTRUCTION.—

6 Nothing in this section shall be construed—

7 “(1) to authorize the Bureau to require any
8 other department or agency to collect data; or

9 “(2) to reduce the authority of any other officer
10 of the Department of Transportation to collect and
11 disseminate data independently.

12 “(k) PROHIBITION ON CERTAIN DISCLOSURES.—

13 “(1) IN GENERAL.—An officer, employee or
14 contractor of the Bureau may not—

15 “(A) make any disclosure in which the
16 data provided by an individual or organization
17 under subsection (c) can be identified;

18 “(B) use the information provided under
19 subsection (c) for a nonstatistical purpose; or

20 “(C) permit anyone other than an indi-
21 vidual authorized by the Director to examine
22 any individual report provided under subsection
23 (c).

24 “(2) COPIES OF REPORTS.—

1 “(A) IN GENERAL.—No department, bu-
2 reau, agency, officer, or employee of the United
3 States (except the Director in carrying out this
4 section) may require, for any reason, a copy of
5 any report that has been filed under subsection
6 (c) with the Bureau or retained by an indi-
7 vidual respondent.

8 “(B) LIMITATION ON JUDICIAL PRO-
9 CEEDINGS.—A copy of a report described in
10 subparagraph (A) that has been retained by an
11 individual respondent or filed with the Bureau
12 or any of its employees, contractors, or
13 agents—

14 “(i) shall be immune from legal proc-
15 ess; and

16 “(ii) shall not, without the consent of
17 the individual concerned, be admitted as
18 evidence or used for any purpose in any
19 action, suit, or other judicial or adminis-
20 trative proceeding.

21 “(C) APPLICABILITY.—This paragraph
22 shall apply only to reports that permit informa-
23 tion concerning an individual or organization to
24 be reasonably determined by direct or indirect
25 means.

1 “(3) INFORMING RESPONDENT OF USE OF
2 DATA.—In a case in which the Bureau is authorized
3 by statute to collect data or information for a non-
4 statistical purpose, the Director shall clearly distin-
5 guish the collection of the data or information, by
6 rule and on the collection instrument, so as to in-
7 form a respondent that is requested or required to
8 supply the data or information of the nonstatistical
9 purpose.

10 “(1) TRANSPORTATION STATISTICS ANNUAL RE-
11 PORT.—The Director shall transmit to the President and
12 Congress a Transportation Statistics Annual Report which
13 shall include information on items referred to in sub-
14 section (c)(5), documentation of methods used to obtain
15 and ensure the quality of the statistics presented in the
16 report, and recommendations for improving transportation
17 statistical information.

18 “(m) DATA ACCESS.—The Director shall have access
19 to transportation and transportation-related information
20 in the possession of any Federal agency except
21 information—

22 “(1) the disclosure of which to another Federal
23 agency is expressly prohibited by law; or

24 “(2) the disclosure of which the agency so re-
25 quested determines would significantly impair the

1 discharge of authorities and responsibilities which
2 have been delegated to, or vested by law, in such
3 agency.

4 “(n) PROCEEDS OF DATA PRODUCT SALES.—Not-
5 withstanding section 3302 of title 31, United States Code,
6 funds received by the Bureau from the sale of data prod-
7 ucts, for necessary expenses incurred, may be credited to
8 the Highway Trust Fund (other than the Mass Transit
9 Account) for the purpose of reimbursing the Bureau for
10 the expenses.

11 “(o) ADVISORY COUNCIL ON TRANSPORTATION STA-
12 TISTICS.—

13 “(1) ESTABLISHMENT.—The Director of the
14 Bureau of Transportation Statistics shall establish
15 an Advisory Council on Transportation Statistics.

16 “(2) FUNCTION.—It shall be the function of the
17 Advisory Council established under this subsection
18 to—

19 “(A) advise the Director of the Bureau of
20 Transportation Statistics on the quality, reli-
21 ability, consistency, objectivity, and relevance of
22 transportation statistics and analyses collected,
23 supported, or disseminated by the Bureau of
24 Transportation Statistics and the Department
25 of Transportation;

1 “(B) provide input to and review the re-
2 port to Congress under subsection (d)(4); and

3 “(C) advise the Director on methods to en-
4 courage harmonization and interoperability of
5 transportation data collected by the Bureau, the
6 operating administrations of the Department of
7 Transportation, States, local governments, met-
8 ropolitan planning organizations, and private
9 sector entities.

10 “(3) MEMBERSHIP.—The Advisory Council es-
11 tablished under this subsection shall be composed of
12 not fewer than 9 and not more than 11 members ap-
13 pointed by the Director, who are not officers or em-
14 ployees of the United States. Each member shall
15 have expertise in transportation data collection or
16 analysis or application; except that 1 member shall
17 have expertise in economics, 1 member shall have ex-
18 pertise in statistics, and 1 member shall have experi-
19 ence in transportation safety. At least 1 member
20 shall be a senior official of a State department of
21 transportation. Members shall include representation
22 of a cross-section of transportation community
23 stakeholders.

24 “(4) TERMS OF APPOINTMENT.—(A) Except as
25 provided in subparagraph (B), members shall be ap-

1 pointed to staggered terms not to exceed 3 years. A
2 member may be renominated for one additional 3-
3 year term.

4 “(B) Members serving on the Advisory Council
5 on Transportation Statistics as of the date of enact-
6 ment of the Transportation Equity Act: A Legacy
7 for Users shall serve until the end of their appointed
8 terms.

9 “(5) APPLICABILITY OF FEDERAL ADVISORY
10 COMMITTEE ACT.—The Federal Advisory Committee
11 Act shall apply to the Advisory Council established
12 under this subsection, except that section 14 of such
13 Act shall not apply to such Advisory Council.”.

Title V, strike section 5603(h) of the bill and insert
the following:

14 (h) ADVISORY COMMITTEE.—

15 (1) IN GENERAL.—The Secretary shall establish
16 an Advisory Committee to advise the Secretary on
17 carrying out this subtitle.

18 (2) MEMBERSHIP.—The Advisory Committee
19 shall have no more than 20 members, be balanced
20 between metropolitan and rural interests, and in-
21 clude, at a minimum—

22 (A) a representative from a State highway
23 department;

1 (B) a representative from a local highway
2 department who is not from a metropolitan
3 planning organization;

4 (C) a representative from a State, local, or
5 regional transit agency;

6 (D) a representative from a metropolitan
7 planning organization;

8 (E) a private sector user of intelligent
9 transportation system technologies;

10 (F) an academic researcher with expertise
11 in computer science or another information
12 science field related to intelligent transportation
13 systems, and who is not an expert on transpor-
14 tation issues;

15 (G) an academic researcher who is a civil
16 engineer;

17 (H) an academic researcher who is a social
18 scientist with expertise in transportation issues;

19 (I) a representative from a not-for-profit
20 group representing the intelligent transpor-
21 tation system industry;

22 (J) a representative from a public interest
23 group concerned with safety;

24 (K) a representative from a public interest
25 group concerned with the impact of the trans-

1 portation system on land use and residential
2 patterns; and

3 (L) members with expertise in planning,
4 safety, and operations.

5 (3) DUTIES.—The Advisory Committee shall, at
6 a minimum, perform the following duties:

7 (A) Provide input into the development of
8 the Intelligent Transportation System aspects
9 of the strategic plan under section 508 of title
10 23, United States Code.

11 (B) Review, at least annually, areas of in-
12 telligent transportation systems research being
13 considered for funding by the Department, to
14 determine—

15 (i) whether these activities are likely
16 to advance either the state-of-the-practice
17 or state-of-the-art in intelligent transpor-
18 tation systems;

19 (ii) whether the intelligent transpor-
20 tation system technologies are likely to be
21 deployed by users, and, if not, to determine
22 the barriers to deployment; and

23 (iii) the appropriate roles for govern-
24 ment and the private sector in investing in

1 the research and technologies being consid-
2 ered.

3 (4) REPORT.—Not later than February 1 of
4 each year after the date of enactment of this Act,
5 the Secretary shall transmit to the Congress, a re-
6 port including—

7 (A) all recommendations made by the Ad-
8 visory Committee during the preceding calendar
9 year;

10 (B) an explanation of how the Secretary
11 has implemented those recommendations; and

12 (C) for recommendations not implemented,
13 the reasons for rejecting the recommendations.

14 (5) APPLICABILITY OF FEDERAL ADVISORY
15 COMMITTEE ACT.—The Advisory Committee shall be
16 subject to the Federal Advisory Committee Act (5
17 U.S.C. App.).

 Title V, section 5605(b), insert after paragraph (1)
 the following (and redesignate subsequent paragraphs ac-
 cordingly):

18 (2) utilize interdisciplinary approaches to de-
19 velop traffic management strategies and tools to ad-
20 dress multiple impacts of congestion concurrently;

Title V, redesignate sections 5607 through 5609 as sections 5608 through 5610 (and conform the table of contents of the bill accordingly).

Title V, after section 5606, insert the following:

1 **SEC. 5607. ROAD WEATHER RESEARCH AND DEVELOPMENT**

2 **PROGRAM.**

3 (a) **ESTABLISHMENT.**—The Secretary shall establish
4 a road weather research and development program to—

5 (1) maximize use of available road weather in-
6 formation and technologies;

7 (2) expand road weather research and develop-
8 ment efforts to enhance roadway safety, capacity,
9 and efficiency while minimizing environmental im-
10 pacts; and

11 (3) promote technology transfer of effective
12 road weather scientific and technological advances.

13 (b) **STAKEHOLDER INPUT.**—In carrying out this sec-
14 tion, the Secretary shall consult with the National Oceanic
15 and Atmospheric Administration, the National Science
16 Foundation, the American Association of State Highway
17 and Transportation Officials, nonprofit organizations, and
18 the private sector.

19 (c) **CONTENTS.**— The program established under this
20 section shall solely carry out research and development
21 called for in the National Research Council's report enti-

1 tled “A Research Agenda for Improving Road Weather
2 Services”. Such research and development includes—

3 (1) integrating existing observational networks
4 and data management systems for road weather ap-
5 plications;

6 (2) improving weather modeling capabilities and
7 forecast tools, such as the road surface and atmos-
8 pheric interface;

9 (3) enhancing mechanisms for communicating
10 road weather information to users, such as transpor-
11 tation officials and the public; and

12 (4) integrating road weather technologies into
13 an information infrastructure.

14 (d) ACTIVITIES.— In carrying out this section, the
15 Secretary shall—

16 (1) enable efficient technology transfer;

17 (2) improve education and training of road
18 weather information users, such as State and local
19 transportation officials and private sector transpor-
20 tation contractors; and

21 (3) coordinate with transportation weather re-
22 search programs in other modes, such as aviation.

23 (e) FUNDING.—

24 (1) IN GENERAL.—In awarding funds under
25 this section, the Secretary shall give preference to

1 applications with significant matching funds from
2 non-Federal sources.

3 (2) FUNDS FOR ROAD WEATHER RESEARCH
4 AND DEVELOPMENT.—Of the amounts made avail-
5 able by section 5101(a)(5), \$4,000,000 shall be
6 available to carry out this section for each of fiscal
7 years 2004 through 2009.

Title V, redesignate section 5609 as section 5610.

Title V, after section 5608, insert the following:

8 **SEC. 5609. CENTERS FOR SURFACE TRANSPORTATION EX-**
9 **CELLENCE.**

10 (a) ESTABLISHMENT.—The Secretary shall establish
11 3 centers for surface transportation excellence.

12 (b) GOALS.—The goals of the centers for surface
13 transportation excellence are to promote and support stra-
14 tegic national surface transportation programs and activi-
15 ties relating to the work of State departments of transpor-
16 tation in the areas of environment, rural safety, and
17 project finance.

18 (c) ROLE OF CENTERS.—To achieve the goals set
19 forth in subsection (b), the Secretary shall establish the
20 3 centers as follows:

21 (1) ENVIRONMENTAL EXCELLENCE.—To pro-
22 vide technical assistance, information sharing of best

1 practices, and training in the use of tools and deci-
2 sion-making processes that can assist States in plan-
3 ning and delivering environmentally sound surface
4 transportation projects.

5 (2) RURAL SAFETY.—To provide research,
6 training, and outreach on innovative uses of tech-
7 nology to enhance rural safety and economic devel-
8 opment, assess local community needs to improve ac-
9 cess to mobile emergency treatment, and develop on-
10 line and seminar training needs of rural transpor-
11 tation practitioners and policy-makers.

12 (3) PROJECT FINANCE.—To provide support to
13 State transportation departments in the development
14 of finance plans and project oversight tools and to
15 develop and offer training in state of the art financ-
16 ing methods to advance projects and leverage funds.

17 (d) AUTHORIZATION OF APPROPRIATIONS.—

18 (1) IN GENERAL.—Of the amounts made avail-
19 able under section 5101(a)(1), the Secretary shall
20 make available \$2,000,000 for each of fiscal years
21 2004 through 2009 to carry out this section.

22 (2) ALLOCATION OF FUNDS.—Of the funds
23 made available under paragraph (1) the Secretary
24 shall use such amounts as follows:

1 (A) 40 percent to establish the Center for
2 Environmental Excellence.

3 (B) 30 percent to establish the Center for
4 Excellence in Rural Safety.

5 (C) 30 percent to establish the Center for
6 Excellence in Project Finance.

7 (3) APPLICABILITY OF TITLE 23.—Funds au-
8 thorized by this section shall be available for obliga-
9 tion in the same manner as if such funds were ap-
10 portioned under chapter 1 of title 23, United States
11 Code, except that the Federal share shall be 100
12 percent.

13 (e) PROGRAM ADMINISTRATION.—

14 (1) COMPETITION.—A party entering into a
15 contract, cooperative agreement, or other transaction
16 with the Secretary, or receiving a grant to perform
17 research or provide technical assistance under this
18 section shall be selected on a competitive basis, to
19 the maximum extent practicable.

20 (2) STRATEGIC PLAN.—The Secretary shall re-
21 quire each center to develop a multiyear strategic
22 plan that describes—

23 (A) the activities to be undertaken; and

24 (B) how the work of the center is coordi-
25 nated with the activities of the Federal High-

1 way Administration and the various other re-
2 search, development, and technology transfer
3 activities authorized by this title. Such plans
4 shall be submitted to the Secretary by January
5 1, 2005 and each year thereafter.

In subsection (d) as proposed to be inserted in section 5213 of title 49, United States Code, by section 6001(a) of the bill (page 769), insert at the end the following:

6 “(4) RESERVATION OF RIGHTS.—The right to
7 alter, amend or repeal interstate compacts entered
8 into under this subsection is expressly reserved.

In subsection (c) as proposed to be inserted in section 5214 of title 49, United States Code, by section 6001(a) of the bill (page 790), strike “The consent” and insert the following:

9 “(1) IN GENERAL.—The consent

In such subsection (c); insert at the end the following:

10 “(4) RESERVATION OF RIGHTS.—The right to
11 alter, amend or repeal interstate compacts entered
12 into under this subsection is expressly reserved.

Page 772, lines 23 and 24, strike “no less frequently than every 4 years” and insert “periodically, according to a schedule that the Secretary determines to be appropriate”.

Page 773, at the end of line 2, insert the following:

1 The metropolitan planning organization shall pre-
2 pare and update such plan every 4 years (or more
3 frequently, if the metropolitan planning organization
4 elects to update more frequently) in the case of each
5 of the following:

6 “(A) any area designated as nonattain-
7 ment, as defined in section 107(d) of the Clean
8 Air Act (42 U.S.C. 7407(d)); and

9 “(B) any area that was nonattainment and
10 subsequently designated to attainment in ac-
11 cordance with section 107(d)(3) of that Act (42
12 U.S.C. 7407(d)(3)) and that is subject to a
13 maintenance plan under section 175A of that
14 Act (42 U.S.C. 7505a).

15 In the case of any other area required to have a
16 transportation plan in accordance with the require-
17 ments of this subsection, the metropolitan planning
18 organization shall prepare and update such plan
19 every 4 years unless the metropolitan planning orga-
20 nization elects to update more frequently.

Page 788, at the end of line 25, insert the following:
“Such program shall cover a period of 4 years and be updated every 4 years or more frequently if the Governor elects to update more frequently.

Page 802, before line 16, insert the following:

1 (c) REGULATIONS.—Not later than 18 months after
2 the date of enactment of this Act, the Secretary shall pro-
3 mulgate regulations that are consistent with the amend-
4 ments made by this section relating to the Clean Air Act.

In section 6002, strike subsection (c) (page 818)
and insert the following:

5 (c) EXISTING ENVIRONMENTAL REVIEW PROC-
6 ESSES.—Nothing in this section shall be deemed to affect
7 any existing environmental review process approved by the
8 Secretary.

In section 7003 (pages 825 and 826), insert after
paragraph (1) the following (and redesignate subsequent
paragraphs of such section accordingly):

9 (2) in paragraph (8) by striking “national re-
10 sponse team” each place it appears and inserting
11 “National Response Team”;

In section 7019, strike subsection (b) on page 847
and insert the following:

1 (b) EMINENT HAZARDS.—Section 5122(b)(1)(B) is
2 amended by striking “or ameliorate the” and inserting “or
3 mitigate the”.

In section 7020(c) (page 848), strike “is amended”
and all that follows through “(2) by adding” and insert
“is amended by adding”.

Page 855, strike line 16 and all the follows through
line 7 on page 856 and insert the following:

4 **SEC. 8101. DISCRETIONARY SPENDING LIMITS FOR THE**
5 **HIGHWAY AND MASS TRANSIT CATEGORIES.**

6 (a) LIMITS.—(1) Section 251(c)(1) of the Balanced
7 Budget and Emergency Deficit Control Act of 1985 is
8 amended—

9 (A) in subparagraph (A), by striking
10 “\$31,834,000,000” and inserting
11 “\$28,052,000,000”; and

12 (B) in subparagraph (B), by striking
13 “\$1,462,000,000” and inserting “\$1,436,000,000”
14 and by striking “\$6,629,000,000” and inserting
15 “\$6,271,000,000”.

16 (2) Section 251(c)(2) of the Balanced Budget and
17 Emergency Deficit Control Act of 1985 is amended by in-
18 serting a dash after “2005”, by redesignating the remain-
19 ing portion of such paragraph as subparagraph (C) and

1 by moving it two ems to the right, and by inserting after
2 the dash the following new subparagraphs:

3 “(A) for the highway category:
4 \$30,585,000,000 in outlays;

5 “(B) for the mass transit category:
6 \$1,554,000,000 in new budget authority and
7 \$6,787,000,000 in outlays; and”.

8 (3) Section 251(c)(3) of the Balanced Budget and
9 Emergency Deficit Control Act of 1985 is amended by in-
10 serting a dash after “2006”, by redesignating the remain-
11 ing portion of such paragraph as subparagraph (C) and
12 by moving it two ems to the right, and by inserting after
13 the dash the following new subparagraphs:

14 “(A) for the highway category:
15 \$33,271,000,000 in outlays;

16 “(B) for the mass transit category:
17 \$1,671,000,000 in new budget authority and
18 \$7,585,000,000 in outlays; and”.

19 (4) Section 251(c) of the Balanced Budget and
20 Emergency Deficit Control Act of 1985 is amended by re-
21 designating paragraphs (4) through (9) as paragraphs (7)
22 through (12) and inserting after paragraph (3) the fol-
23 lowing new paragraphs:

24 “(4) with respect to fiscal year 2007—

1 “(A) for the highway category:
2 \$35,248,000,000 in outlays; and

3 “(B) for the mass transit category:
4 \$1,785,000,000 in new budget authority and
5 \$8,110,000,000 in outlays;

6 “(5) with respect to fiscal year 2008—

7 “(A) for the highway category:
8 \$36,587,000,000 in outlays; and

9 “(B) for the mass transit category:
10 \$1,890,000,000 in new budget authority and
11 \$8,517,000,000 in outlays; and

12 “(6) with respect to fiscal year 2009—

13 “(A) for the highway category:
14 \$37,682,000,000 in outlays; and

15 “(B) for the mass transit category:
16 \$2,017,000,000 in new budget authority and
17 \$8,968,000,000 in outlays;”.

18 (b) DEFINITIONS.—Section 250(e)(4) of the Bal-
19 anced Budget and Emergency Deficit Control Act of 1985
20 is amended—

21 (1) in subparagraph (B), by—

22 (A) striking “the Transportation Equity
23 Act for the 21st Century and the Surface
24 Transportation Extension Act of 2003” and in-

1 serting “the Transportation Equity Act: A Legacy
2 for Users”; and

3 (B) inserting before the period at the end
4 the following new clauses:

5 “(v) 69-8158-0-7-401 (Motor Carrier Safety
6 Grants).

7 “(vi) 69-8159-0-7-401 (Motor Carrier
8 Safety Operations and Programs).”;

9 (2) in subparagraph (C), by—

10 (A) inserting “(and successor accounts)”
11 after “budget accounts”; and

12 (B) striking “the Transportation Equity
13 Act for the 21st Century and the Surface
14 Transportation Extension Act of 2003 or for
15 which appropriations are provided pursuant to
16 authorizations contained in those Acts (except
17 that appropriations provided pursuant to section
18 5338(h) of title 49, United States Code, as
19 amended by the Transportation Equity Act for
20 the 21st Century, shall not be included in this
21 category)” and inserting “the Transportation
22 Equity Act: A Legacy for Users or for which
23 appropriations are provided pursuant to author-
24 izations contained in that Act”; and

1 (3) in subparagraph (D)(ii), by striking “sec-
2 tion 8103 of the Transportation Equity Act for the
3 21st Century” and inserting “section 8103 of the
4 Transportation Equity Act: A Legacy for Users”.

5 **SEC. 8102. ADJUSTMENTS TO ALIGN HIGHWAY SPENDING**
6 **WITH REVENUES.**

7 Subparagraphs (B) through (E) of section 251(b)(1)
8 of the Balanced Budget and Emergency Deficit Control
9 Act of 1985 are amended to read as follows:

10 “(B) ADJUSTMENT TO ALIGN HIGHWAY
11 SPENDING WITH REVENUES.—(i) When the
12 President submits the budget under section
13 1105 of title 31, United States Code, OMB
14 shall calculate and the budget shall make ad-
15 justments to the highway category for the budg-
16 et year and each outyear as provided in clause
17 (ii)(I)(cc).

18 “(ii)(I)(aa) OMB shall take the actual level
19 of highway receipts for the year before the cur-
20 rent year and subtract the sum of the estimated
21 level of highway receipts in subclause (II) plus
22 any amount previously calculated under item
23 (bb) for that year.

24 (bb) OMB shall take the current estimate
25 of highway receipts for the current year and

1 subtract the estimated level of receipts for that
2 year.

3 “(cc) OMB shall add one-half of the sum
4 of the amount calculated under items (aa) and
5 (bb) to the obligation limitations set forth in
6 the section 8103 of the Transportation Equity
7 Act: A Legacy for Users and, using current es-
8 timates, calculate the outlay change resulting
9 from the change in obligations for the budget
10 year and the first outyear and the outlays flow-
11 ing therefrom through subsequent fiscal years.
12 After making the calculations under the pre-
13 ceding sentence, OMB shall adjust the amount
14 of obligations set forth in that section for the
15 budget year and the first outyear by adding
16 one-half of the sum of the amount calculated
17 under items (aa) and (bb) to each such year.

18 “(II) The estimated level of highway re-
19 cepts for the purposes of this clause are—

20 “(aa) for fiscal year 2004,
21 \$30,572,000,000;

22 “(bb) for fiscal year 2005,
23 \$34,260,000,000;

24 “(cc) for fiscal year 2006,
25 \$35,586,000,000;

1 “(dd) for fiscal year 2007,
2 \$36,570,000,000;

3 “(ee) for fiscal year 2008,
4 \$37,603,000,000; and

5 “(ff) for fiscal year 2009,
6 \$38,651,000,000.

7 “(III) In this clause, the term ‘highway re-
8 ceipts’ means the governmental receipts cred-
9 ited to the highway account of the Highway
10 Trust Fund.

11 “(C) In addition to the adjustment required by
12 subparagraph (B), when the President submits the
13 budget under section 1105 of title 31, United States
14 Code, for fiscal year 2006, 2007, 2008, or 2009,
15 OMB shall calculate and the budget shall include for
16 the budget year and each outyear an adjustment to
17 the limits on outlays for the highway category and
18 the mass transit category equal to—

19 “(i) the outlays for the applicable category
20 calculated assuming obligation levels consistent
21 with the estimates prepared pursuant to sub-
22 paragraph (D), as adjusted, using current tech-
23 nical assumptions; minus

1 “(ii) the outlays for the applicable category
2 set forth in the subparagraph (D) estimates, as
3 adjusted.

4 “(D)(i) When OMB and CBO submit their final
5 sequester report for fiscal year 2004, that report
6 shall include an estimate of the outlays for each of
7 the categories that would result in fiscal years 2005
8 through 2009 from obligations at the levels specified
9 in section 8103 of the Transportation Equity Act: A
10 Legacy for Users using current assumptions.

11 “(ii) When the President submits the budget
12 under section 1105 of title 31, United States Code,
13 for fiscal year 2006, 2007, 2008, or 2009, OMB
14 shall adjust the estimates made in clause (i) by the
15 adjustments by subparagraphs (B) and (C).

16 “(E) OMB shall consult with the Committees
17 on the Budget and include a report on adjustments
18 under subparagraphs (B) and (C) in the preview re-
19 port.”.

20 **SEC. 8103. LEVEL OF OBLIGATION LIMITATIONS.**

21 (a) **HIGHWAY CATEGORY.**—For the purposes of sec-
22 tion 251(b) of the Balanced Budget and Emergency Def-
23 icit Control Act of 1985, the level of obligation limitations
24 for the highway category is—

25 (1) for fiscal year 2004, \$34,309,000,000;

- 1 (2) for fiscal year 2005, \$35,671,000,000;
- 2 (3) for fiscal year 2006, \$36,719,000,000;
- 3 (4) for fiscal year 2007, \$37,800,000,000;
- 4 (5) for fiscal year 2008, \$38,913,000,000; and
- 5 (6) for fiscal year 2009, \$40,061,000,000.

6 (b) MASS TRANSIT CATEGORY.—For the purposes of
7 section 251(b) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985, the level of obligation limita-
9 tions for the mass transit category is—

- 10 (1) for fiscal year 2004, \$7,266,000,000;
- 11 (2) for fiscal year 2005, \$7,750,000,000;
- 12 (3) for fiscal year 2006, \$8,266,000,000;
- 13 (4) for fiscal year 2007, \$8,816,000,000;
- 14 (5) for fiscal year 2008, \$9,403,000,000; and
- 15 (6) for fiscal year 2009, \$10,029,000,000.

16 For purposes of this subsection, the term “obligation limi-
17 tations” means the sum of budget authority and obligation
18 limitations.

19 **SEC. 8104. ENFORCEMENT OF GUARANTEE.**

20 Clause 3 of rule XXI of the Rules of the House of
21 Representatives is amended—

- 22 (1) by striking “Transportation Equity Act for
23 the 21st Century” and inserting “Transportation
24 Equity Act: A Legacy for Users”; and

1 (2) by adding at the end the following: “For
2 purposes of this clause, any obligation limitation re-
3 lating to surface transportation projects under sec-
4 tion 1602 of the Transportation Equity Act for the
5 21st Century and section 1702 of the Transpor-
6 tation Equity Act: A Legacy for Users shall be as-
7 sumed to be administered on the basis of sound pro-
8 gram management practices that are consistent with
9 past practices of the administering agency permit-
10 ting States to decide High Priority Project funding
11 priorities within State program allocations.”.

12 At the end of the bill, insert the following (and con-
13 form the table of contents of the bill accordingly):

14 **TITLE IX—RAIL PROVISIONS**

15 **SEC. 9001. HIGH-SPEED RAIL CORRIDOR DEVELOPMENT.**

16 (a) CORRIDOR DEVELOPMENT.—

17 (1) AMENDMENTS.—Section 26101 of title 49,
18 United States Code, is amended—

19 (A) in the section heading, by striking
20 “**PLANNING**” and inserting “**DEVELOP-**
21 **MENT**”;

22 (B) in the heading of subsection (a), by
23 striking “**PLANNING**” and inserting “**DEVELOP-**
24 **MENT**”;

1 (C) by striking “corridor planning” each
2 place it appears and inserting “corridor devel-
3 opment”;

4 (D) in subsection (b)(1)—

5 (i) by inserting “, or if it is an activity
6 described in subparagraph (M)” after
7 “high-speed rail improvements”;

8 (ii) by striking “and” at the end of
9 subparagraph (K);

10 (iii) by striking the period at the end
11 of subparagraph (L) and inserting “; and”;
12 and

13 (iv) by adding at the end the following
14 new subparagraph:-----

15 “(M) the acquisition of locomotives, rolling
16 stock, track, and signal equipment.”; and

17 (E) in subsection (c)(2), by striking “plan-
18 ning” and inserting “development”.

19 (2) CONFORMING AMENDMENT.—The item re-
20 lating to section 26101 in the table of sections of
21 chapter 261 of title 49, United States Code, is
22 amended by striking “planning” and inserting “de-
23 velopment”.

1 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
2 26104 of title 49, United States Code, is amended to read
3 as follows:

4 **“§ 26104. Authorization of appropriations**

5 “(a) FISCAL YEARS 2005 THROUGH 2012.—There
6 are authorized to be appropriated to the Secretary—

7 “(1) \$70,000,000 for carrying out section
8 26101; and

9 “(2) \$30,000,000 for carrying out section
10 26102, for each of the fiscal years 2005 through
11 2012.

12 “(b) FUNDS TO REMAIN AVAILABLE.—Funds made
13 available under this section shall remain available until ex-
14 pended.”.

15 **SEC. 9002. ALASKA RAILROAD.**

16 (a) GRANTS.—The Secretary shall make grants to
17 the Alaska railroad for capital rehabilitation and improve-
18 ments benefiting its passenger operations.

19 (b) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated to carry out this section
21 such sums as may be necessary.