

# **SAFETEA-LU's IMPACTS ON ODOT**

**MARCH 2006**

Developed by the SAFETEA-LU  
Implementation Working Group

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## EXECUTIVE SUMMARY

SAFETEA-LU—the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users—will fund highway, transit, highway safety, and motor carrier safety programs through federal Fiscal Year 2009. Thanks to Oregon's delegation in Congress, particularly Congressman DeFazio, Oregon will fare very well under this legislation. SAFETEA-LU will increase ODOT's highway funding substantially, from \$340 million per year on average under the previous bill, TEA-21, to \$487 million, providing ODOT an additional \$212.5 million in flexible highway funding over the course of the bill.

### HIGHWAYS

#### Core Highway Programs

SAFETEA-LU continued the basic structure of the core highway programs, which provide ODOT the vast majority of its federal highway funding through formula apportionments.

SAFETEA-LU made a number of changes to these programs:

- A new Equity Bonus program designed to provide some level of equity among states will maintain Oregon's share of highway funding, holding ODOT harmless to the reduced shares many other states faced.
- A new Highway Safety Improvement Program will provide a dedicated funding stream for highway safety, including funding for the High Risk Rural Roads and Rail-Highway Crossing Safety programs.
- Surface Transportation Program (STP) and National Highway System (NHS) funds can now be used for control of terrestrial and aquatic noxious weeds and establishment of native species as well as environmental restoration and pollution abatement.
- STP and Congestion Mitigation and Air Quality Improvement Program (CMAQ) funds can now be used for truck stop electrification systems that deliver heat, air conditioning, electricity, or communications to a heavy duty vehicle.
- Funding from NHS, CMAQ, STP, Interstate Maintenance and Highway Bridge Replacement and Rehabilitation programs can be used for transportation-related education, training and workforce development.

#### Additional Highway Programs

Most other highway-related programs that benefit Oregon, including the Emergency Relief, Federal Lands Highways, Recreational Trails, Transportation Enhancements, and Scenic Byways programs, were continued largely unchanged. SAFETEA-LU added a new "Highways for LIFE" pilot program that will advance longer-lasting highways using innovative technologies and practices. ODOT will likely receive up to \$1 million for one project.

#### Highway Earmarks

SAFETEA-LU included a record number of earmarks, and Oregon received \$527 million for highway and related projects.

- *Bridge Repairs:* Congressman DeFazio was instrumental in convincing his colleagues to include \$200 million for bridge repairs in Oregon. SAFETEA-LU includes \$160 million

for fixing bridges and making other associated improvements on Interstate 5, and the bill also provides \$40 million for bridges throughout the rest of the state.

- *State Projects:* Seven of the projects requested by the Oregon Transportation Commission were funded under the High Priority Projects (HPP) and Transportation Improvements (TI) programs. The congressional delegation secured over \$82 million for the Commission's requests in the HPP and TI programs as well as the \$200 million for bridge repairs.
- *Local Projects:* SAFETEA-LU included dozens of earmarks sponsored by local governments that ODOT will administer.

### **Highway Policy Issues**

ODOT has identified a number of highway policy changes that will pose opportunities or challenges for the Department.

- *Design-Build:* SAFETEA-LU streamlines the requirements for design-build projects in ways that will result in a savings in time and paperwork for most ODOT design-build projects.
- *Stewardship and Oversight:* SAFETEA-LU increases the federal government's level of oversight over the use of federal transportation funds. This higher level of oversight will increase the amount of work ODOT must do on some projects but is not expected to cause significant problems.
- *Truck Parking and Idling Reduction Facilities/Truck Stop Electrification:* SAFETEA-LU encourages creation of truck parking and idling reduction facilities and allows for use of highway funds for truck stop electrification. These changes present an opportunity to provide additional facilities for trucks, perhaps through public-private partnerships.
- *Temporary Traffic Control Devices:* SAFETEA-LU requires that projects on Federal-aid highways utilize proper temporary traffic control devices to improve safety in work zones. While this presents an opportunity to improve work zone safety, it also presents an additional mandate but does not provide additional funding.
- *Worker Injury Prevention:* SAFETEA-LU requires US DOT to issue regulations requiring workers whose duties place them on or in close proximity to a Federal-aid highway to wear high visibility garments. While this has the potential to improve safety for DOT employees and construction workers for private contractors, these requirements could be expensive to implement, thus raising the cost of performing work on highways.
- *Demolished Bridge Debris:* SAFETEA-LU requires bridge demolition debris to be made available to government agencies for "beneficial use," which is limited to shore erosion control/stabilization, ecosystems restoration and marine habitat creation. Additional resources will be dedicated to determining whether or not there is any Federal, state or local government entity who would have a beneficial use for these materials.
- *Signs Identifying Funding Sources:* SAFETEA-LU requires states that put up signs identifying the source of funds for non-federal-aid projects to put up similar signs for all projects receiving funding from the Highway Trust Fund. This could eliminate ODOT's ability to identify OTIA projects.

### **PUBLIC TRANSPORTATION**

SAFETEA-LU significantly increased the amount of transit funding ODOT will administer and adds several new programs.

- *Other Than Urbanized Areas:* The amount of money distributed by ODOT to subrecipients around the state under the Other Than Urbanized Transit Program will more than double under SAFETEA-LU.
- *Elderly and Disabled Capital Program:* SAFETEA-LU continues to provide capital assistance for transportation programs that benefit the elderly and disabled populations. A new pilot program is established for fiscal years 2006 through 2009 that would allow seven states, including Oregon, to use up to 33% of the program's funds for operating expenses.
- *Job Access and Reverse Commute (JARC):* The JARC program, which is intended to help low-income people including welfare recipients get transportation to employment, is changed from a discretionary grant program earmarked by Congress into a formula grant to transit providers and states.
- *New Freedom Program:* SAFETEA-LU creates a new formula grant program that will provide capital and operating grants to transit providers and states for services and facility improvements that exceed those required by the Americans with Disabilities Act.
- *Local Coordination of Human Services Transit:* Projects funded under the Elderly and Disabled, JARC, and New Freedom programs in FY 2007 and beyond must be derived from a "locally developed coordinated public transit human services transportation plan" but SAFETEA-LU does not define what this means. ODOT's Public Transit Division is developing recommendations for development of the local human services transportation plans that will ensure compliance with state and federal law.
- *Alternative transportation in parks and public lands:* SAFETEA-LU creates a new program that will fund alternative forms of transportation on public lands, including public transportation as well as bicycle/pedestrian projects.

## **SAFETY**

SAFETEA-LU creates and continues a number of non-highway safety programs.

- *Safe Routes to School:* A new Safe Routes to School (SR2S) program will encourage children in grades K-8 to walk or ride their bicycles to school by funding physical improvements within two miles of schools. Each State must set aside 10-30% of the funds for non-infrastructure-related activities, such as public awareness campaigns, to encourage walking and bicycling to school.
- *Seat Belt Incentive Grants:* SAFETEA-LU modifies the existing safety belt incentive program to encourage the enactment and enforcement of primary laws requiring the use of safety belts in passenger motor vehicles. Oregon will continue to receive funding under this program, but the amount provided could be less than in previous years depending on the number of states that pass primary safety belt laws.
- *Alcohol-Impaired Driving Countermeasures:* Under SAFETEA-LU, states must meet an increasing number of criteria over time to continue receiving funding under this program. ODOT will likely qualify for funding in only two of the four years because of the requirement to meet more criteria each year.

## **MOTOR CARRIER**

A number of changes made in SAFETEA-LU will affect ODOT's Motor Carrier Transportation Division.

- *Motor Carrier Credentials:* SAFETEA-LU preempts states from requiring the display of vehicle identification credentials, including Oregon's requirement that motor carriers

display a weight-mile credential. ODOT has applied to the Secretary of Transportation for a waiver and secured support for this request from the congressional delegation.

- *Uniform Carrier Registration System:* SAFETEA-LU repeals the Single State Registration System and establishes the Uniform Carrier Registration System (UCRS) and data sharing of insurance and authority among participants. ODOT will advance a legislative concept in the 2007 Legislature to allow the state to participate.

## **RAIL AND FREIGHT MOBILITY**

SAFETEA-LU goes further than previous iterations of the surface transportation legislation in investing in the rail system and intermodal connections that will improve freight mobility.

- *Rail-Highway Crossings:* ODOT will receive \$3.1 million per year to make improvements to highway-rail grade crossing to eliminate safety hazards. Funding for this program will come out of Highway Safety Improvement Program funds.
- *Freight Intermodal Distribution Pilot Program:* SAFETEA-LU creates a new Freight Intermodal Distribution Pilot Program designed to facilitate movement in and out of U.S. ports and establish or expand intermodal facilities and inland freight distribution centers. Northwest Container Services will receive \$5 million for projects that will improve freight mobility and enhance export opportunities for Oregon companies.
- *Railroad Rehabilitation and Infrastructure Financing Program:* SAFETEA-LU expands the value of loans under the Railroad Rehabilitation Infrastructure Financing (RRIF) program, which provides loans and loan guarantees for passenger and freight rail improvement projects, from \$3.5 billion to \$35 billion.

## **FINANCE AND REVENUE**

SAFETEA-LU does little to increase the revenue flowing into the Highway Trust Fund. Instead, the legislation seeks to expand innovative financing mechanisms and sets the stage for looking beyond the gas tax to fund highway projects in the future.

- *Tolling:* SAFETEA-LU continues existing tolling pilot programs and offers additional opportunities for tolling that ODOT may eventually utilize, particularly for public/private partnership projects.
- *Transportation Infrastructure Finance and Innovation Act (TIFIA):* SAFETEA-LU lowers the threshold for credit assistance under the TIFIA program to \$50 million and expands eligibility to include public or private freight rail facilities and intermodal freight transfer facilities.
- *Private Activity Bonds:* SAFETEA-LU creates the opportunity to issue tax-exempt Private Activity Bonds for highway projects and intermodal freight transfer facilities, as well as other transportation projects.

## **PLANNING**

SAFETEA-LU made significant modifications to planning requirements at both the state and metropolitan level. These changes generally require coordination between land use and transportation planning and appear to mesh well with Oregon's planning process. Some of the major changes to planning requirements include:

- Long range transportation plans at both the metropolitan and statewide levels must include a discussion of potential environmental mitigation activities.

- The planning factor related to environment is expanded and now includes promoting consistency between transportation improvements and state and local planned growth and economic development patterns.
- Metropolitan planning organizations (MPOs) must coordinate their transportation planning with other activities in the area including economic development, environmental protection, airport operations and freight movement. The impact this will have on either timelines or cost is not clear.
- The cycles for both the Statewide Transportation Improvement Program (STIP) and metropolitan Transportation Improvement Programs (TIPs) are extended to allow an update every four years at minimum.
- The STIP must be compliant with the changes made to the law by July 1, 2007, or it will not be possible to make amendments to the STIP. Final regulations are not expected until sometime in 2007, giving ODOT little time to make planning documents SAFETEA-LU compliant by the July 1 deadline.

Until final regulations are in place it is difficult to assess the full implications of these changes. Regular meetings with FHWA, FTA, and MPOs will be necessary to address issues.

### **ENVIRONMENTAL STREAMLINING**

ODOT expects the bill's environmental streamlining provisions to provide significant benefits by helping deliver projects faster without sacrificing environmental quality.

- *Efficient Environmental Reviews:* SAFETEA-LU puts in place new processes for Environmental Impact Statements (EIS) that will streamline the environmental review processes and support early identification and resolution of issues. It also creates a mechanism for issue identification and dispute resolution and establishes a 180-statute of limitations for lawsuits challenging approvals.
- *State Assumption of Responsibility for Categorical Exclusions:* SAFETEA-LU authorizes states to assume US DOT authority for determining that projects are categorically excluded from requirements for an EIS or Environmental Assessment (EA). ODOT is currently considering a phased approach to assuming responsibility for categorical exclusions.
- *Parks, Recreation Areas, Wildlife and Waterfowl Refuges, and Historic Sites:* Under SAFETEA-LU, projects on publicly owned parks, recreation areas, wildlife and waterfowl refuges, or historic sites can proceed if there is a finding that the project will have a *de minimis* impact on the area that causes no adverse effects.

### **RESEARCH**

SAFETEA-LU's research title provides significant opportunities to meet ODOT's research needs.

- *University Transportation Research:* SAFETEA-LU provides for a National University Transportation Center at Portland State University in cooperation with Oregon State University, the University of Oregon, and the Oregon Institute of Technology. This will provide an opportunity to use existing ODOT research funds to leverage University funds and help drive the UTC's research agenda.
- *Transportation Research Initiatives:* SAFETEA-LU creates a number of cooperative transportation research programs. While it is unlikely ODOT will receive significant funds under these programs, they will provide an opportunity to address the department's research needs.

## **INTRODUCTION**

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (commonly known by its acronym, SAFETEA-LU), funds the nation's surface transportation programs, including highways, highway safety, transit, motor carrier, and some rail programs, and sets out the policies that govern these programs. SAFETEA-LU provides \$286 billion over a six year period, including \$228 billion for the Federal Highway Administration as well as nearly \$53 billion for transit, both of which are a substantial increase over its predecessor, TEA-21.

SAFETEA-LU, which expires September 30, 2009, was signed into law by President Bush in August 2005, nearly two years after TEA-21 expired. Passage of the bill stalled over debates about money, including how much funding to provide and how much each state should receive. Both chambers of Congress proposed much higher spending levels than the Administration. In the end, Congressional leaders lowered their spending levels and the Administration agreed to exceed its original funding target.

In addition, equity issues were a major source of contention, with "donor" states that pay more gas taxes into the Highway Trust Fund than they get back seeking a better rate of return. Under the eventual compromise, states were guaranteed a 92 percent rate of return on contributions (up from 90.5 percent) under a new "Equity Bonus" program. These two issues were closely related: donor states could not get a higher rate of return unless nationwide funding was increased enough to ensure that all states would get more money.

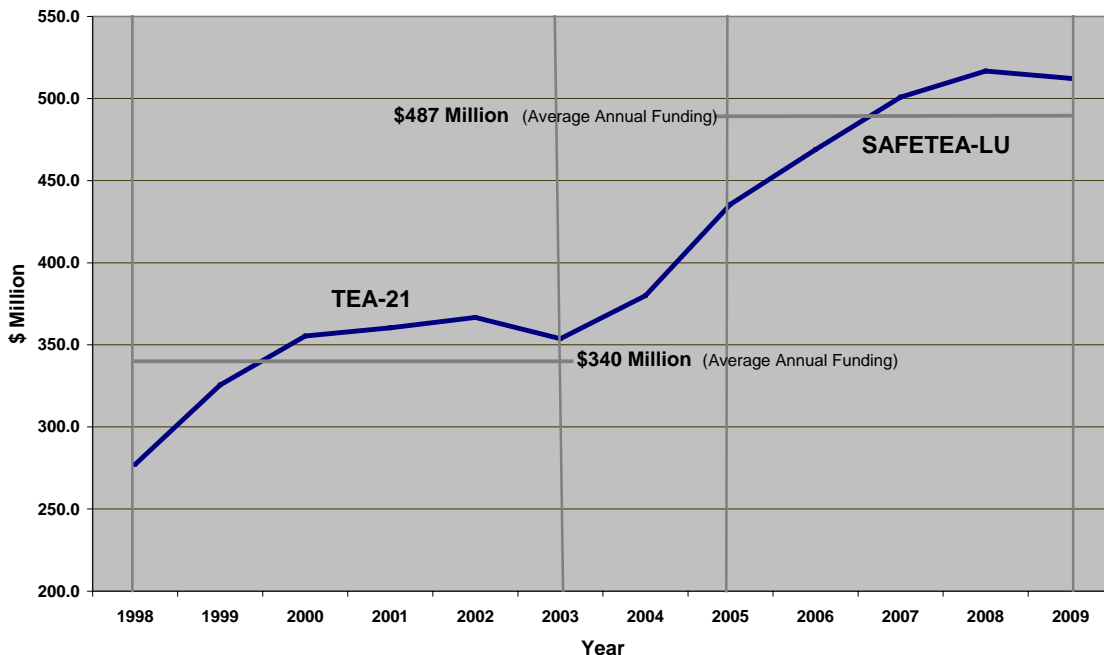


# HIGHWAY PROGRAMS AND POLICIES

Thanks to Oregon's delegation in Congress, particularly Congressman DeFazio, Oregon will fare very well under SAFETEA-LU. Oregon's highway funding will increase substantially, from \$340 million per year on average under the previous bill, TEA-21, to \$487 million annually, providing ODOT an additional \$212.5 million in flexible highway funding. Oregon was among 27 states that benefited from a special provision of SAFETEA-LU that guarantees the state the same portion of highway formula funding it received under TEA-21. As a result, Oregon will receive nearly \$1.03 for every dollar it pays into the highway trust fund.

Despite the funding "guarantees" included in SAFETEA-LU, actual highway funding is subject to change based on a number of factors. An annual ceiling placed on obligation of funds as well as rescissions, cuts, and funding shifts in annual appropriations bills reduce the apportionments, sometimes taking as much as 15% off of annual highway funding. In addition, a provision of SAFETEA-LU known as Revenue Aligned Budget Authority, or RABA, adjusts annual highway program obligations up or down to reflect changes in revenue to the Highway Trust Fund. In federal Fiscal Year 2007 RABA is expected to provide an additional \$842 million nationwide in highway funding, and additional money is likely in FY 2008. SAFETEA-LU prevents RABA from reducing funding so long as \$6 billion remains in the Highway Trust Fund, but this magic threshold will be crossed in FY 2008, so reductions in highway funding are possible in FY 2009.

**Oregon Highway Funding**



## **CORE HIGHWAY PROGRAMS**

ODOT receives the vast majority of its federal highway funding from the so-called “core highway programs,” which are apportioned to each state by formula. For the most part SAFETEA-LU kept in place the program structure of TEA-21 and made few changes to the eligible uses of funding under each of the core apportioned programs. One new core program—the Highway Safety Improvement Program—was added, and TEA-21’s Minimum Guarantee program—which was designed to ensure some level of equity in overall highway funding distribution to states—was converted to the Equity Bonus program.

ODOT fares quite well under this program structure, particularly the Equity Bonus program, which maintains the share of highway funds Oregon received under TEA-21. While Oregon’s share of the core program pie remains the same as under TEA-21, SAFETEA-LU has expanded the size of the pie significantly, thereby increasing the size of ODOT’s slice.

### **Equity Bonus**

The new Equity Bonus program determines the total level of funding each state will receive from the core programs as well as High Priority Projects, Recreational Trails, Safe Routes to School, and Rail-Highway Grade Crossings. Several programs in which Oregon received earmarks, including Projects of National and Regional Significance, Bridge Discretionary, and Transportation Improvements, are not included under the Equity Bonus umbrella, so earmarks in these programs increase the state’s highway funding.

With Equity Bonus, the size of Oregon’s highway funding pie is fixed, and the size of the slices that the state receives under each of the apportioned programs do not impact the state’s overall highway funding level. For example, if National Highway System funding increases, Equity Bonus funding is reduced on a dollar for dollar basis. Funding coming to ODOT under Equity Bonus is distributed among the core programs and generally takes on the characteristics of those programs.

Equity Bonus determines each state’s overall highway funding level by one of three methods:

- 27 states (including Oregon) are held harmless to funding reductions and are guaranteed to receive a share of funding equal to the average annual share of total apportionments and High Priority Projects under TEA-21.
- Donor states are guaranteed a relative rate of return on their contributions to the Highway Trust Fund that rises to 92% for 2008 and 2009.
- No state will receive less than a percentage of its funding level under TEA-21. These percentage floors are 117% for 2005, 118% for 2006, 119% for 2007, 120% for 2008, and 121% for 2009.

Holding Oregon harmless from funding reductions by maintaining the state’s share of funding from TEA-21 will substantially increase the highway funding ODOT receives. Oregon qualifies for this “hold harmless” treatment because we have a population density of less than 40 people per square mile and the federal government owns more than 1.25 percent of the state’s land mass. ODOT staff worked very closely with the congressional delegation to ensure that Oregon

would qualify under the provisions offering this special treatment. One of our challenges will be to preserve this special treatment under SAFETEA-LU's successor legislation by ensuring the factors used in this formula cover Oregon.

*ODOT's Average Annual Funding:* \$36 million

*Section:* 1104

### **Interstate Maintenance**

The Interstate Maintenance program, which funds resurfacing, restoration, rehabilitation, and reconstruction—the so-called “4R” activities—on the Interstate system, was continued without change. Congress set aside \$100 million each year for the Interstate Maintenance Discretionary Program, which is expected to be earmarked by Congress each year. ODOT will seek congressional earmarks each year in this program.

*ODOT's Average Annual Funding:* \$66 million

*Sections:* 1111

### **Highway Bridge**

The Highway Bridge program funds bridge rehabilitation and repair and provides a continued funding source for ODOT's State Bridge Program and Local Bridge Program. SAFETEA-LU makes minor changes to this program. An exception that allows States to carry out projects for seismic retrofit of a bridge without regard to whether a bridge is eligible for replacement or rehabilitation has been expanded to also include systematic preventative maintenance and installation of scour countermeasures. ODOT may take advantage of the preventative maintenance provision in the future. The bridge program includes an earmark secured by Congressman DeFazio that will provide \$40 million for replacement and reconstruction of State-maintained bridges in Oregon. SAFETEA-LU subjects the Highway Bridge program to sliding-scale match, lowering the required matching funds for bridge projects in Oregon to 10.27%.

*ODOT's Average Annual Funding:* \$78 million

*Section:* 1114

### **Surface Transportation Program (STP)**

The Surface Transportation Program is the most flexible of the core programs. Funding can be used by States and localities for projects on any Federal-aid highway, including the National Highway System, bridge projects on any public road, transit capital projects, and bus terminals and facilities. SAFETEA-LU adds additional uses of STP funds, including:

- advanced truck stop electrification systems that deliver heat, air conditioning, electricity, or communications to a heavy duty vehicle;
- projects on a Federal-aid highway that include intersections with high accident rates and high levels of congestion;
- control of terrestrial and aquatic noxious weeds and establishment of native species;
- environmental restoration and pollution abatement to minimize or mitigate the impacts of transportation projects.

The safety set-aside is repealed; safety projects will now be funded under the new Highway Safety Improvement Program. The Transportation Enhancements set-aside is modified to be the greater of 10% of the State's STP apportionment or the dollar amount of the TE set-aside for the State for 2005.

*ODOT's Average Annual Funding:* \$84 million

*Sections:* 1113, 6006

### **National Highway System Program**

The National Highway System (NHS) program provides funding for improvements to rural and urban roads that are part of the NHS, including the Interstate System. SAFETEA-LU continues this program and makes control of terrestrial and aquatic noxious weeds and establishment of native species and environmental restoration and pollution abatement eligible uses of funding.

*ODOT's Average Annual Funding:* \$84 million

*Section:* 6006

### **Congestion Mitigation and Air Quality Improvement Program (CMAQ)**

The CMAQ program is designed to improve air quality and meet the requirements of the Clean Air Act by funding projects and programs that reduce transportation related emissions in air quality nonattainment and maintenance areas for ozone, carbon monoxide, and particulate matter. SAFETEA-LU includes a directive that states and metropolitan planning organizations (MPOs) should give priority to diesel retrofits and other cost-effective emission reduction activities, and cost-effective congestion mitigation activities that provide air quality benefits.

Eligibility is expanded to include:

- truck stop electrification systems;
- projects that will improve transportation systems management and operations;
- integrated, interoperable emergency communications equipment;
- diesel retrofits.

SAFETEA-LU allows continued eligibility to use funds in former 1-hour ozone areas which are required to prepare maintenance plans, including the Portland metropolitan area. A special provision gives Oregon the ability to use CMAQ funds to support the operation of additional passenger rail service between Eugene and Portland. However, it is unlikely that ODOT will have the ability to use CMAQ funds for train operation prior to the expiration of SAFETEA-LU. Under ODOT's CMAQ allocation formula, most CMAQ funding is provided to local agencies for use. ODOT has revised the CMAQ allocation formula to reflect the changes made by SAFETEA-LU as well as changes in air quality status in areas around the state.

*ODOT's Average Annual Funding:* \$14 million

*Sections:* 1103, 1808

### **Highway Safety Improvement Program**

SAFETEA-LU creates a new apportioned core highway program that will provide funds for projects designed to achieve significant reduction in traffic fatalities and serious injuries on all public roads and pedestrian/bike pathways. Under the Highway Safety Improvement Program (HSIP) each state is required to develop a Strategic Highway Safety Plan with annual updates to access funding. ODOT's Transportation Safety Division will update an existing safety plan to meet the requirements of the Strategic Highway Safety Plan. Included in the HSIP is a \$90 million national set-aside annually for a new High Risk Rural Roads (HRRR) program that will fix rural roads with high crash rates. Oregon will receive approximately \$1.3 million annually under HRRR, which will likely be operated as a grant program for local governments. The highway-rail grade crossing safety program was also moved into HSIP; this program is funded at \$220 million per year, and Oregon will receive \$3.1 million per year to make improvements to highway-rail grade crossings to eliminate safety hazards.

*ODOT's Average Annual Funding:* \$14 million

Section: 1401

### **Set-asides and New Uses of Funds**

- *Metropolitan Planning:* SAFETEA-LU increased the size of the set-aside for metropolitan planning organizations from 1% to 1.25% of Interstate Maintenance, NHS, STP, CMAQ, and Bridge apportionments, providing a significant increase in funding for planning.  
Section: 1107
- *Workforce Development:* SAFETEA-LU allows use of funding from NHS, CMAQ, STP, Interstate Maintenance and Highway Bridge Replacement and Rehabilitation programs for transportation-related education, training and workforce development.  
Section: 5204

## **ADDITIONAL HIGHWAY PROGRAMS**

Most other highway-related programs that benefit Oregon were continued largely unchanged. The Emergency Relief, Federal Lands Highways, Recreational Trails, Transportation Enhancements, Scenic Byways, and Transportation, Systems and Community Preservation programs will continue with minimal modifications, although funding levels for several of these were increased. However, a number of modifications and additions to highway programs will pose challenges and provide opportunities for ODOT.

### **Highways for LIFE**

SAFETEA-LU establishes a Highways for LIFE Pilot Program that will advance longer-lasting highways using innovative technologies and practices to accomplish the fast construction of efficient and safe highways and bridges. This program will provide incentives to promote state-of-the-art technologies, elevated performance standards, and new business practices in the highway construction process that result in improved safety, faster construction, reduced congestion from construction and improved quality and user satisfaction. Funded at \$75 million nationwide over the life of SAFETEA-LU, ODOT will likely receive up to \$1 million for one project. Highway Division will review potential projects and apply for funding for the strongest candidates.

Section: 1502

### **National Corridor Infrastructure Improvement Program**

Unfortunately, the National Corridor Infrastructure Improvement Program (previously the National Corridor Planning and Development Program under TEA-21), was fully earmarked in SAFETEA-LU. This will eliminate the opportunity for ODOT to secure funding for projects that previously utilized this program, such as the Columbia River Crossing, though the impact will not be major.

Section: 1302

### **Intelligent Transportation Systems (ITS)**

The ITS element of the federal highway program became more mainstream with the elimination of programs that provided a dedicated funding source for ITS deployment under TEA-21. Under SAFETEA-LU, ITS projects will have to be funded out of highway apportionments. However,

the impact of this repeal is minor because these discretionary programs had been heavily earmarked by Congress and ODOT had received little funding.

*Section: 5509*

## **HIGHWAY EARMARKS**

SAFETEA-LU contained a record number of earmarks, and Oregon was a particularly large beneficiary of these earmarks: the state's congressional delegation secured \$527 million for investments in Oregon highway-related projects. Most earmarks are taken out of formula funds the state otherwise would have otherwise received, but some, such as the \$200 million Oregon received to fix bridges and the Transportation Improvements earmarks included by the Senate, add to the state's total funding.

### **Bridge Repairs**

Congressman DeFazio was instrumental in convincing his colleagues to include \$200 million for bridge repairs in Oregon. SAFETEA-LU's "Projects of National and Regional Significance" program includes \$160 million for fixing bridges and making other associated improvements on Interstate 5, and the bill also provides \$40 million for bridges throughout the rest of the state through the Bridge Discretionary Program. These two programs are not factored into the calculation of Equity Bonus funds, so these earmarks add a significant amount of money to Oregon's annual federal funding. This massive commitment of federal funds will be used to make significant improvements to Interstate 5 and other highways that will complement and expand on the Oregon Legislature's commitment to improving the state's infrastructure and creating jobs under Oregon Transportation Investment Act (OTIA) III. ODOT Highway Division is developing a plan for use of the funds, which will involve fixing bridges not covered by the OTIA III State Bridge program, widening OTIA III bridges, reconstructing interchanges around OTIA III bridges, and modification of bridges with limited vertical clearance. The Bridge Discretionary Program earmark will be used to supplement the State Bridge Program.

*Sections: 1301, 1114*

### **High Priority Projects and Transportation Improvements**

SAFETEA-LU's High Priority Projects (HPP) and Transportation Improvements (TI) programs contain \$327 million in funding for highway and related projects in Oregon. All Oregon earmarks in these sections are subject to sliding-scale matching funds requirements that set the non-federal matching rate at 10.27%. A report on the status of all High Priority Projects and Transportation Improvements earmarks is included in Appendix 1. ODOT has divided these projects between state and local projects and is handling each type somewhat differently.

*State Projects:* The Oregon Transportation Commission requested that the Oregon congressional delegation secure funding for nine high priority projects with statewide implications. Seven of these were funded under the High Priority Projects and Transportation Improvements programs; the bridge earmarks were funded in other sections of the bill. The congressional delegation secured over \$82 million for the Commission's requests in the HPP and TI programs, or about 25% of total funding for Oregon earmarks in these sections. One of the challenges of the next reauthorization will be to increase the share of funds that goes to official Commission requests, perhaps by advancing a longer list of requests.

### High Priority Project/Transportation Improvements Funding for OTC Requests

Project	Earmark
Reroute U.S. 97 at Redmond	\$14 million
Improve U.S. 97 in Klamath County	\$5.1 million
Upgrade the I-5 Fern Valley Interchange in Medford	\$7.4 million
I-5 Beltline Interchange in Eugene	\$20 million
Highway 20 through Lincoln County	\$10.6 million
Add a lane to southbound I-5 in north Portland	\$16.2 million
Widen Highway 217 between the Tualatin Valley Highway and U.S. 26	\$8.8 million
<b>Total</b>	<b>\$82 million</b>

In addition, many earmarks secured by local governments were for projects on the state highway system that were already scheduled for funding in the Statewide Transportation Improvement Program (STIP). ODOT is administering these projects and will supply matching funds.

*Local Projects:* SAFETEA-LU included dozens of earmarks sponsored by local governments. Although ODOT oversees earmarked projects and administers all federal highway funds, local project sponsors are responsible for providing the required matching funds, making up any shortfalls, and delivering the final project. ODOT develops project agreements with local sponsors and guides them through the process of using federal funds to ensure that they develop and build a sound project that meets all federal requirements. ODOT Local Government and Government Relations staff are tracking these earmarks to ensure that the projects are delivered appropriately in accordance with congressional intent.

*Sections:* 1701, 1702, 1934, 1964

## HIGHWAY POLICY ISSUES

In addition to providing funding for highway programs, SAFETEA-LU makes a number of changes to highway policies that will impact Oregon. ODOT has identified a number of important issues that will pose opportunities or challenges for the Department.

### Design-Build

SAFETEA-LU streamlines the requirements for design-build projects in ways that will result in a savings in time and paperwork for most ODOT design-build projects. SAFETEA-LU removes the requirement that FHWA issue Special Experimental Project 14 (SEP-14) approval for design-build projects less than \$50 million. The legislation also requires U.S. Department of Transportation (US DOT) to issue revised regulations that allow award of a design-build contract and issuance of Notice to Proceed for preliminary design work before National Environmental Policy Act (NEPA) compliance is complete.

*Section:* 1503

### **Stewardship and Oversight**

SAFETEA-LU increases the federal government's level of oversight over the use of federal transportation funds. This higher level of oversight will increase the amount of work ODOT must do on some projects but is not expected to cause significant problems. Specifically, SAFETEA-LU lowers the threshold for completion of a Value Engineering analysis on bridge projects to \$20 million; the threshold on other projects is set at \$25 million. This lower threshold will increase the number of value engineering studies that will need to be completed each year but may save money. Projects with a price tag over \$100 million will require an annual financial plan, and projects costing \$500 million or more will also require a project management plan, which will add additional work. In addition, FHWA will engage in additional oversight on project delivery and financial management, and states are required to conduct oversight over local governments. FHWA's annual review could identify areas in the state's processes or systems that require upgrades, requiring the investment of additional time and money to fix these concerns. There may be some additional work required to ensure that sub-recipients of federal funds have adequate project delivery systems and sufficient accounting controls to properly manage such federal funds.

*Section: 1904*

### **Truck Parking and Idling Reduction Facilities/Truck Stop Electrification**

SAFETEA-LU encourages creation of truck parking and idling reduction facilities and allows for use of highway funds for truck stop electrification. The legislation creates a pilot program to expand available truck parking on the National Highway System through a variety of means and provides \$25 million over the life of the bill for development of these facilities. SAFETEA-LU also authorizes states to provide facilities in Interstate System rights-of-way that allow operators of commercial vehicles to reduce truck idling or provide alternative power to support driver comfort while parked in a rest or recreation area. No funding is provided to develop these facilities, but states may charge a fee for the use of parking spaces that provide power to trucks. Combined with the ability to use STP and CMAQ funds for truck stop electrification, these sections present an opportunity to provide additional facilities for trucks, perhaps through public-private partnerships, that could improve safety and reduce pollution. ODOT may explore the opportunities presented by these provisions in collaboration with the trucking industry.

*Sections: 1305, 1412, 1113, 1808*

### **Temporary Traffic Control Devices**

SAFETEA-LU requires that projects on Federal-aid highways utilize proper temporary traffic control devices to improve safety in work zones. US DOT will issue regulations establishing the conditions for the appropriate use of uniformed law enforcement officers, positive protective measures between workers and motorized traffic, and installation of temporary traffic control devices during construction, utility and maintenance operations. While this presents an opportunity to increase much-needed statewide law enforcement and highway patrol levels as well as an opportunity to improve overall statewide work zone safety and optimize work zone device/signing compliance, it also presents an additional mandate but does not provide additional funding. Local governments may face challenges complying.

*Section: 1110*

### **Worker Injury Prevention**

SAFETEA-LU requires US DOT to issue regulations requiring workers whose duties place them on or in close proximity to a Federal-aid highway to wear high visibility garments and may



require other worker-safety measures. This has the potential to improve safety for ODOT employees and construction workers for private contractors. However, these requirements could be expensive to implement, thus raising the cost of performing work on highways. ODOT will need to update publications and contracts with regard to Federal Aid Workers wearing high visibility garments.

*Section: 1402*

### **Demolished Bridge Debris**

SAFETEA-LU requires bridge demolition debris to be made available to government agencies for “beneficial use,” which is limited to shore erosion control/stabilization, ecosystem restoration and marine habitat creation. Currently most bridge debris are used as fill or recycled into concrete/asphalt. Additional resources will need to be dedicated to determining whether any Federal, state or local government entity would have a beneficial use for these materials. There are numerous environmental regulation and permit conditions that do not allow the placement of debris on stream banks, streambeds, and shores of Oregon. ODOT needs to communicate with local FHWA officials to establish an acceptable process for making sure federal, state and local agencies can express desires to obtain this debris early in the project delivery process to avoid any delays in project construction. FHWA’s guidance on this provision has taken a very non-prescriptive approach that will likely cause few difficulties.

*Section: 1805*

### **Signs Identifying Funding Sources**

SAFETEA-LU requires states that put up signs identifying the source of funds for non-federal-aid projects to put up similar signs for all projects receiving funding from the Highway Trust Fund. Oregon currently places signs identifying the funding source on OTIA projects. If this practice is not changed, erection of signs indicating funding source or sources on Federal-Aid projects would be required.

*Section: 1901*

### **High Occupancy Vehicles Lanes**

SAFETEA-LU establishes a two-person occupancy requirement for High Occupancy Vehicle (HOV) lanes but provides states the ability to allow exemptions for motorcycle and bicycles, public transportation vehicles, high occupancy toll vehicles, and low emission/energy-efficient vehicles. If Oregon chooses to allow some of the exceptions, such as high occupancy toll and low emission vehicles, vehicle identification, enforcement and monitoring programs and procedures will need to be developed.

*Section: 1121*

### **Real-Time System Management Information Program**

SAFETEA-LU also mandated that states create a real-time system management information program to monitor traffic and travel conditions of the nation's major highways and share that information to improve congestion, response to incidents, and facilitate highway traveler information. Oregon already such a statewide system, but FHWA’s establishment of national standards may require Oregon to make changes to our system. ODOT will be closely monitoring this project and providing input to minimize the impact of these standards.

*Section: 1201*

## PUBLIC TRANSPORTATION

While most transit funding flows directly from the federal government to local agencies to purchase buses, develop new fixed-route service, and fund operations, ODOT receives a substantial amount of funding that it passes through to local agencies. SAFETEA-LU significantly increases the amount of transit funding ODOT will administer and adds several new programs.

### **Other Than Urbanized Area Transit Program**

The other than urbanized areas transit program provides capital and operating assistance for rural and small urban public transportation systems, including new separate funding for Indian tribes. Funding is provided to states, which then pass the money along to local agencies. The amount of money distributed by ODOT to subrecipients around the state will more than double under SAFETEA-LU. ODOT's Public Transportation Division (PTD) is developing plans for distributing funding to local agencies and evaluating how this increased funding could improve the program.

*ODOT's Average Annual Funding:* \$8.9 million\*

*Section:* 3013

### **Elderly and Disabled Transit Service**

SAFETEA-LU continues the 5310 program, which provides capital assistance for transportation programs that benefit the elderly and disabled populations. A new seven-state pilot program is established for fiscal years 2006 through 2009 to determine whether expanding eligibility to operating assistance would improve services to elderly individuals and individuals with disabilities, and Oregon is named as a pilot state. Up to 33% of each participating State's apportioned 5310 funds may be used for operating expenses. PTD is developing recommendations on how these funds will be distributed to subrecipients around the state.

*ODOT's Average Annual Funding:* \$1.5 million

*Section:* 3012

### **Job Access and Reverse Commute (JARC)**

Under SAFETEA-LU the JARC program, which is intended to help low-income people including welfare recipients get transportation to employment, is changed from a discretionary grant program earmarked by Congress into a formula grant. 60% of funding will go directly to urban areas with populations over 200,000 people. States will distribute the other 40% under two statewide competitive grants: half will go cities with populations 50,000-200,000 and half to nonurbanized areas. ODOT will distribute an average of \$486,000 per year in FY 2006-2009 to transit programs throughout the state. PTD is developing recommendations on how these funds will be distributed to subrecipients around the state.

*ODOT's Average Annual Funding:* \$647,000

*Section:* 3018

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\* Average annual funding levels provided for transit programs are for FY 2006-2009 and include funds that will be retained by ODOT PTD for administration.

### **New Freedom Program**

SAFETEA-LU creates a new formula grant program that will provide capital and operating grants for services and facility improvements that exceed those required by the Americans with Disabilities Act. The funding distribution is the same as JARC: 60% of funding will go directly to urban areas with populations over 200,000 people, and states will distribute the other 40% under two statewide competitive grants: half will go to cities with populations 50,000-200,000 and half to nonurbanized areas. Funding might be used for purchasing vehicles, providing para-transit services, making accessibility improvements to transit stations, supporting voucher programs, supporting volunteer driver and aide programs, and other purposes. ODOT will distribute an average of \$247,000 per year in FY 2006-2009 to transit programs throughout the state. PTD is developing recommendations on how these funds will be distributed to subrecipients around the state.

*ODOT's Average Annual Funding:* \$329,000

*Section:* 3019

### **Local Coordination of Human Services Transit**

SAFETEA-LU requires that projects funded under the Elderly and Disabled, JARC, and New Freedom programs in FY 2007 and beyond must be derived from a "locally developed coordinated public transit human services transportation plan" that is developed through a process that includes transit and human services providers as well as the public. The bill does not specify what agencies will develop these plans, at what geographic level they should operate, or what these plans should include. FTA is expected to provide significant flexibility in developing these plans. ODOT's Public Transportation Division is developing recommendations for development of the local human services transportation plans that will ensure compliance with state and federal law. PTD's recommendations will specify the lead agency that will develop the plan, the geographic area covered, and plan content so plans can be in place next year.

*Sections:* 3012, 3018, 3019

### **Alternative transportation in parks and public lands**

SAFETEA-LU creates a new program that will fund alternative forms of transportation on public lands, including public transportation as well as bicycle/pedestrian projects. A total of \$97 million is available over the course of SAFETEA-LU. Heavily-used public lands in Oregon, including the Historic Columbia River Highway and the area surrounding Mt. Hood, may be able to receive funding under this program.

*Section:* 3021

### **National Transit Database**

SAFETEA-LU requires recipients of Other Than Urbanized Area (Section 5311) funds to submit annual data on service levels, costs, and revenues to the National Transit Database. FTA has announced plans to require additional data. ODOT is the recipient of this funds and will be required to provide this data. PTD will work with transportation providers to obtain the data necessary for the reports. This requirement is not expected to be overly burdensome for transit providers.

*Section:* 3033

# TRANSPORTATION SAFETY

As the name of the legislation implies, SAFETEA-LU focuses heavily on improving the safety of the transportation system. In addition to creating programs like the new Highway Safety Improvement Program and High Risk Rural Roads, SAFETEA-LU creates and continues a number of non-highway safety programs.

## **Safe Routes to School**

SAFETEA-LU creates a new Safe Routes to School (SR2S) program to encourage children in grades K-8 to walk or ride their bicycles to school by funding physical improvements within two miles of schools. Each State must set aside 10-30% of the funds for non-infrastructure-related activities to encourage walking and bicycling to school. These include public awareness campaigns and outreach to press and community leaders, traffic education and enforcement in the vicinity of schools, student sessions on bicycle and pedestrian safety, health, and environment, and training, volunteers, and managers of safe routes to school programs. Funds will also be set aside for a SR2S coordinator position. Transportation Safety Division has been directed by the Legislature to carry out this program. TSD has formed a SR2S Advisory Committee with members from around the state that will help develop administrative rules and criteria for project selection.

*ODOT's Average Annual Funding:* \$1.37 million

*Section:* 1404

## **Seat Belt Incentive Grants**

SAFETEA-LU modifies the existing safety belt incentive program to encourage the enactment and enforcement of primary laws requiring the use of safety belts in passenger motor vehicles. Funding is available first to states that enact new seat belt laws; if additional funding is available, states with older primary belt laws will receive an apportionment equal to two times their FY 2003 apportionment. The funds can be used for any project that corrects or improves a hazardous roadway location or feature or proactively addresses highway safety problems. The national program is funded at \$124.5 million each year for FY 2006-2009. Oregon will continue to receive funding under this program, but the amount provided could be less than in previous years depending on the number of states that pass primary safety belt laws. Oregon's maximum award will be \$4 million, likely spread out over multiple years.

*Section:* 2005

## **Alcohol-Impaired Driving Countermeasures**

SAFETEA-LU amends the alcohol-impaired driving counter measures incentive grant program to encourage states to adopt and implement programs to reduce problems resulting from people driving under the influence of alcohol. States must meet an increasing number of criteria over time or will lose funding under this program. This program provides Oregon with the majority of funding for Impaired Driving projects. However, ODOT will likely qualify for funding in only two of the four years because of the requirement to meet more criteria each year.

*Section:* 2007

# MOTOR CARRIER TRANSPORTATION

In addition to being a highway and transit program bill, SAFETEA-LU funds motor carrier safety activities and sets out national policies. A number of changes made in SAFETEA-LU will affect ODOT's Motor Carrier Transportation Division.

## **Motor Carrier Credentials**

SAFETEA-LU includes a provision that preempts states from requiring the display of vehicle identification credentials. This applies to Oregon's requirement that motor carriers display a weight-mile credential, leading ODOT to seek a federal waiver that would allow Oregon to continue this requirement. ODOT has applied to the Secretary of Transportation for this waiver and has secured support from the congressional delegation. If this waiver is not granted, a legislative concept has been submitted to eliminate the current requirement to carry a weight-mile credential.

*Section:* 4306

## **Uniform Carrier Registration System**

SAFETEA-LU preempts states from requiring proof of insurance and proof of federal authority from interstate carriers based out of state. It repeals the Single State Registration System and establishes the Uniform Carrier Registration System (UCRS) and data sharing of insurance and authority among participants. Participation in UCRS would require passage of legislation, and ODOT will advance a legislative concept in the 2007 Legislature to allow the state to participate. Funding may be available for participation.

*Section:* 4305, 4307

## **Regulatory Changes**

SAFETEA-LU makes a number of policy changes that will require changes to Oregon regulations. However, these changes will all be fairly minor and will not pose significant challenges to ODOT's Motor Carrier Transportation Division.

*Sections:* 4130, 4131, 4132, 4136, 4147

## RAIL AND FREIGHT MOBILITY

While SAFETEA-LU focuses on highways and transit, it goes further than previous iterations of the surface transportation legislation in investing in the rail system. There is a growing recognition of the interconnectedness of the different parts of the transportation system, and SAFETEA-LU works to improve intermodal connections between rail and highways in order to enhance freight mobility. The rail system will benefit from a number of loan, bonding, and “innovative financing” programs included in SAFETEA-LU.

### **Rail-Highway Crossings**

SAFETEA-LU provides \$220 million per year for making improvements to highway-rail grade crossing to eliminate safety hazards. Funding for this program will come out of the national allocation of Highway Safety Improvement Program funds.

*ODOT's Average Annual Funding:* \$3.1 million

*Section:* 1401

### **Freight Intermodal Distribution Pilot Program**

SAFETEA-LU creates a new Freight Intermodal Distribution Pilot Program designed to facilitate movement in and out of U.S. ports and establish or expand intermodal facilities and inland freight distribution centers. Although only \$30 million was provided for the program, Northwest Container Services will receive \$5 million for projects that will improve freight mobility and enhance export opportunities for Oregon companies. Although this is a small pilot program, it could serve as basis for future intermodal freight programs and could be expanded in the next reauthorization if it proves successful.

*Section:* 1306

### **Railroad Rehabilitation and Infrastructure Financing Program**

SAFETEA-LU expands the value of loans under the Railroad Rehabilitation Infrastructure Financing (RRIF) program, which provides loans and loan guarantees for passenger and freight rail improvement projects, from \$3.5 billion to \$35 billion. \$7 billion is set aside for short-lines. States and local governments are eligible for funding. ODOT and other rail line owners and operators may be able to apply for credit assistance under this program. The Administration's FY 2007 budget proposes eliminating new credit assistance under RRIF in order to eliminate corporate subsidies.

*Section:* 9003

### **High-Speed Rail Corridor Development**

SAFETEA-LU authorizes \$100 million annually for high speed rail corridor development. Of this amount, \$70 million is for corridor development activities and \$30 million is for technology development activities. However, no funding is directly appropriated, leaving it to annual appropriations bills to provide funding. In the current budget environment, Congress is unlikely to appropriate funding for programs not specifically funded in SAFETEA-LU; no funding for this program is included in the Administration's FY 2007 budget. However, if funding is

appropriated, Oregon may be able to make use of this money for improvements to the Eugene-Portland corridor.

*Section: 9001*

### **Rail Line Relocation Program**

SAFETEA-LU also authorizes but does not fund a rail relocation program that would allow track to be relocated when it interferes with vehicle traffic flow, quality of life, or economic development. In the current budget environment, Congress is unlikely to appropriate funding for programs not specifically funded in SAFETEA-LU; no funding is included in the Administration's FY 2007 budget. However, ODOT has many needs that could be met by this program and will apply for funding if it is appropriated.

*Section: 9002*

### **Innovative Financing for Rail and Intermodal Facilities**

SAFETEA-LU expands bonding authority by making intermodal freight transfer facilities eligible for tax-exempt private activity bonds. These bonds, which are issued by governments for private-sector activities that would not otherwise be eligible for tax-exempt status, are subject to a \$15 billion national annual cap. SAFETEA-LU also expands credit opportunities under the Transportation Infrastructure Finance and Innovation Act (TIFIA) program, including direct loans, loan guarantees, and lines of credit, to public and private freight rail facilities, as well as intermodal freight transfer facilities.

*Section: 1601, 11143*

## INNOVATIVE FINANCE

Despite higher funding levels for transportation projects, SAFETEA-LU does little to increase the revenue flowing into the Highway Trust Fund. Instead, the legislation seeks to expand innovative financing mechanisms and sets the stage for looking beyond the gas tax to fund highway projects in the future.

### **Tolling**

SAFETEA-LU continues existing tolling pilot programs and offers additional opportunities for tolling that ODOT may eventually utilize, particularly for public/private partnership projects. The legislation continues the Value Pricing Pilot Program, which funds the Road User Fee Task Force and Pilot Program; ODOT will likely apply for these funds again under SAFETEA-LU. The section also continues the Interstate System Reconstruction and Rehabilitation Toll Pilot Program, which allows tolling on up to three existing Interstate facilities to fund needed reconstruction or rehabilitation on Interstate highway corridors that could not otherwise be adequately maintained or improved. SAFETEA-LU also creates two new tolling programs. The new Express Lanes Demonstration Program permits tolling on up to 15 demonstration projects to manage high levels of congestion, reduce emissions in a nonattainment or maintenance area, or finance added Interstate lanes for the purpose of reducing congestion. The Interstate System Construction Toll Pilot Program authorizes up to three toll pilot facilities on the Interstate System for the purpose of constructing new Interstate highways.

*Section: 1604*

### **Transportation Infrastructure Finance and Innovation Act (TIFIA)**

The TIFIA program, created under TEA-21, offers federal credit assistance in the form of secured loans, loan guarantees, and lines of credit. SAFETEA-LU lowers the threshold for eligibility to \$50 million (from \$100 million) for projects to qualify for TIFIA credit assistance, and eligibility is expanded to include public or private freight rail facilities and intermodal freight transfer facilities. ODOT may utilize this expanded financing mechanism, particularly for public-private partnerships.

*Section: 1601*

### **Private Activity Bonds**

SAFETEA-LU creates the opportunity to issue tax-exempt Private Activity Bonds for highway projects and intermodal freight transfer facilities, as well as other transportation projects. These bonds, which are issued by governments for private-sector activities that would not otherwise be eligible for tax-exempt status, are subject to a \$15 billion national annual cap rather than traditional state-by-state caps. This will encourage private participation on surface transportation infrastructure projects by providing the ability to combine tax-exempt debt and equity financing. ODOT has not yet identified any projects for which it will use this new tool, but it may be used for public-private partnerships and other projects that require innovative finance.

*Section: 11143*



### **State Infrastructure Banks**

SAFETEA-LU expands the state infrastructure bank program to allow all states to establish infrastructure revolving loan funds using their federal formula funding. This program gives states capacity to increase efficiency of investment and leverage non-federal public and private investment. Oregon has a transportation infrastructure bank, and this provision would allow ODOT to increase the capitalization of the existing bank and fund additional projects if we choose to do so.

*Section: 1601*

### **Road User Fees**

As vehicles become more fuel efficient, the gas tax is losing the ability to sustain the Highway Trust Fund, leading policymakers to explore the possibility of switching to an alternative means of funding transportation projects. SAFETEA-LU provides \$12.5 million to the University of Iowa to conduct a mileage fee field test similar to Oregon's Road User Fee Pilot Program. ODOT will monitor the study's progress and its outcome to determine implications for our own road user fee efforts and the national debate.

*Section: 1919*

## PLANNING

While SAFETEA-LU made few changes in most areas of surface transportation policy, the bill significantly modifies planning requirements, both at the state and metropolitan level. Many of the changes made by SAFETEA-LU highlight the linkage between land use and transportation, and these changes appear to mesh well with Oregon's planning process. There is also an increased emphasis on coordination, and ODOT is likely in compliance with many of these obligations. However, until final regulations are in place it is difficult to assess the full implications of these changes.

Some of the major changes to statewide planning include:

- Long range transportation plans at both the metropolitan and statewide levels must include a discussion of potential environmental mitigation activities, and SAFETEA-LU specifies that this discussion should occur with federal, state, and tribal wildlife land management and regulatory agencies.
- The planning factor related to environment is expanded and now includes promoting consistency between transportation improvements and state and local planned growth and economic development patterns.

SAFETEA-LU changes metropolitan planning requirements to make them consistent with statewide planning requirements. A clear emphasis of the legislation is increased coordination. For example, SAFETEA-LU requires that metropolitan planning organizations (MPOs) coordinate their transportation planning with other activities in the area including economic development, environmental protection, airport operations and freight movement. The impact this will have on either timelines or cost is not clear.

The cycles for both the Statewide Transportation Improvement Program (STIP) and metropolitan Transportation Improvement Programs (TIPs) are extended to allow an update every four years at minimum. Each of the MPOs could choose a different cycle for updating their TIP, which would have ramifications for how the STIP would be developed. ODOT staff from Transportation Development Division (TDD) and Highway Finance Office are beginning discussions with the MPOs as to the pros and cons of changing the update cycle for both the TIPs and STIP.

The language in the legislation leaves many questions unanswered, and many elements of these changes will require rulemaking to implement. FHWA and FTA plan to initiate rulemaking in early April and anticipate that it will take approximately a year to finalize the rule. SAFETEA-LU specifies the STIP must be compliant with the changes made to the law by July 1, 2007, or it will not be possible to make amendments to the STIP. Final regulations are not expected until sometime next year, giving ODOT little time to make planning documents SAFETEA-LU compliant by the July 1 deadline. TDD will be actively involved in the review and comment on the proposed rulemaking, and regular meetings with FHWA, FTA, and MPOs will be necessary to work out issues.

# ENVIRONMENTAL STREAMLINING

SAFETEA-LU aims to significantly streamline the process of environmental review of transportation projects to ensure that projects are delivered in a timely manner without sacrificing environmental quality. ODOT expects the bill's environmental streamlining provisions to provide significant benefits.

## **Efficient Environmental Reviews**

SAFETEA-LU puts in place new processes for Environmental Impact Statements (EISs) that will streamline and expedite environmental review processes and support early identification and resolution of issues. SAFETEA-LU obligates lead agencies to formally involve the public and participating agencies in the environmental review process, complementing ODOT's CS3 initiative. It also creates a mechanism for issue identification and dispute resolution and establishes a 180-statute of limitations for lawsuits challenging approvals, which may reduce potential delays due to litigation on projects in which complex or controversial issues or impacts may generate opposition.

*Section: 6002*

## **State Assumption of Responsibility for Categorical Exclusions**

SAFETEA-LU authorizes states to assume US DOT authority for determining that projects are categorically excluded from requirements for an EIS or EA. ODOT is currently considering a phased approach to assuming responsibility for categorical exclusions. Assumption of this responsibility could cut between 15 and 30 days off the categorical exclusion (CE) process and shorten ODOT's project development process. Approximately two hundred STIP jobs per year are classified as CEs.

*Section: 6004*

## **State Assumption of Environmental Review Responsibility**

SAFETEA-LU also establishes a Surface Transportation Project Delivery Pilot Program that allows five states named in the legislation (Alaska, California, Ohio, Oklahoma and Texas) to enter a pilot program that will allow them to assume US DOT's environmental review responsibilities. This pilot program could be expanded if it proves successful, and ODOT should monitor this pilot program to determine whether to seek this status in the next reauthorization.

*Section: 6005*

## **Parks, Recreation Areas, Wildlife and Waterfowl Refuges, and Historic Sites**

Section 4(f) prohibits projects on publicly owned parks, recreation areas, wildlife and waterfowl refuges, or historic sites unless there is no feasible and prudent alternative and all possible mitigation is used. Under SAFETEA-LU, projects can proceed if there is a finding that the project will have a *de minimis* impact on the area that causes no adverse effects. This will streamline regulations by eliminating full avoidance alternatives analyses in cases where only a *de minimis* impact exists. This is expected to save time in the project development process.

*Section: 6009*

## **RESEARCH**

SAFETEA-LU funds a significant amount of research on challenges facing the transportation system, both at universities and through cooperative research programs that engage states in developing and testing new approaches and technologies. Legislators may have been somewhat overenthusiastic about funding research programs: the allocations for programs and centers specified in the bill significantly outstrip the obligation limitation for research. In many cases, cuts of over 20% will be necessary to meet the obligation ceiling set out in the bill. In addition, FHWA was left with little or no funding for its traditional research areas.

Nonetheless, SAFETEA-LU's research title provides significant opportunities to meet ODOT's research needs. The designation of PSU's Center for Transportation Studies as a National University Transportation Center will allow ODOT to leverage its research funds, and cooperative research programs may provide sources for grants. ODOT's Research Group is prepared to work with the ODOT program areas that see a grant opportunity that meet their needs.

### **University Transportation Research**

SAFETEA-LU provides significant funding for the University Transportation Research at campuses across the country. Oregon will benefit significantly from designation of a National University Transportation Center (UTC)—the highest level designated in the bill— at Portland State University (PSU) in cooperation with Oregon State University, the University of Oregon, and the Oregon Institute of Technology. PSU's Center for Transportation Studies will focus much of its research efforts on Oregon's unique collaborative approach to planning and implementation of transportation systems that link land use, livability, and growth.

SAFETEA-LU allocates this program \$16 million over the life of the bill, though the overall allocation of research funds will reduce the amount provided. Federal funds must be matched dollar for dollar from local or specified Federal sources. This will provide the opportunity to use existing ODOT research funds to leverage University funds and help drive the UTC's research agenda. The opportunity to leverage UTC funds may merit increasing ODOT's research investment and will probably also lead to channeling more of ODOT's research efforts through state universities.

SAFETEA-LU also designates several other universities in the region as transportation research centers. There have been discussions of a Northwest Universities Transportation Consortium. The benefits to ODOT of such a consortium have yet to be clearly defined, but they would likely include relatively easy access to a greater range of skills and expertise drawn from eight regional universities, as well as the opportunity to more easily pursue cooperative research projects with neighboring states. A joint Oregon, Washington, and California corridor effort has also been discussed.

*Sections: 5401, 5402*

### **Transportation Research Initiatives**

SAFETEA-LU creates a number of cooperative transportation research programs. Perhaps the most important is the Future Strategic Highway Research Program, or SHRP II, which will be administered by the Transportation Research Board in consultation with US DOT and AASHTO. SHRP II will focus on renewal of aging highway infrastructure; preventing or reducing the severity of highway crashes by understanding driver behavior; reducing highway congestion through incident reduction, management, response and mitigation; and planning and designing new road capacity to meet mobility, economic, environmental, and community needs. Bernie Jones, head of ODOT's Research program, will represent Oregon on AASHTO's SHRP II committee.

SAFETEA-LU also creates the Surface Transportation Environmental and Planning (STEP) Cooperative Research Program, which will improve understanding of the complex relationship between surface transportation and the environment. While it is unlikely ODOT will compete to receive STEP funds, there is an opportunity to get ODOT research needs addressed. ODOT may wish to seek representation on the governing body that is established to manage the program and select projects. SAFETEA-LU also creates a new bridge research initiative that will target research to meet future technology needs. This grant program may allow ODOT to test innovative bridge materials, designs and construction methods.

*Sections: 5202, 5207, 5210*

# ADDITIONAL OPPORTUNITIES AND CHALLENGES

## **Future of the Surface Transportation System**

SAFETEA-LU creates an important new body, the National Surface Transportation Policy and Revenue Study Commission. This group is tasked with conducting a comprehensive review of the current condition and future needs of the surface transportation system and recommending how to finance these needs, including finding alternatives to replace or supplement the fuel tax as the principal revenue source to support the Highway Trust Fund. ODOT will seek to influence the recommendations of this commission both through providing direct input and by working through AASHTO and other groups.

*Section: 1909*

## **Commercial Drivers Licenses**

SAFETEA-LU makes a number of changes to federal requirements related to commercial drivers licenses. The legislation requires US DOT to develop and publish a national plan to modernize the Commercial Driver's License Information System (CDLIS). Changes in the current system to comply with the Motor Carrier Safety Improvement Act of 1999 are already in process and are not expected to be completed until 2011. Additional changes could hinder completion of the current project or impact ODOT's ability to meet the new dates for modernizing the system, and there may be a lack of resources and funding to complete this project and this system modernization. ODOT will need to communicate to US DOT and the developer of the system specifications the need to provide states clear detailed specifications on required system changes early in the process to mitigate redoing work, as well as the need for adequate timelines for planning and integrating this change into the other work mandated by the federal government. In addition, SAFETEA-LU requires states to give US DOT 60-days notice prior to issuing a CDL to ensure identification of the individual applying for the license. This appears to delay the issuance of a CDL 60 days after application.

*Section: 4123, 4124*

## **Fuel Tax Evasion**

Under SAFETEA-LU, anti-tax evasion compliance funding for cooperation between states is now directed entirely toward the IRS, primarily to develop the agency's federal fuel excise tax reporting system. Oregon's point of taxation is different from the federal government, and thus opportunities for cooperative anti-tax evasion efforts are limited. Unless Oregon uses Surface Transportation Program funds for compliance or finds a way to work with the IRS, future fuel tax compliance efforts may be compromised because of this lack of federal funding.

*Section: 1115*

## **CONCLUSION: THE FUTURE OF THE SURFACE TRANSPORTATION SYSTEM**

While SAFETEA-LU succeeded in increasing investment in transportation infrastructure, it put off many important policy decisions about the future of the transportation system. SAFETEA-LU failed to provide the revenues necessary to address the growing needs of the surface transportation system, and it took only small steps to move beyond the gas tax as the main source of funding for transportation projects.

SAFETEA-LU significantly expands funding levels for transportation programs without providing much additional revenue by relying on the balance in the Highway Trust Fund as the funding source for increased investments in transportation. High oil prices scuttled any real debate over a gas tax hike, and when lawmakers were unable to generate any consensus on the revenue side of the equation, they decided to leave the equation out of balance. Consequently, over the course of the bill, the balance in the Highway Trust Fund will be drawn down, and budget analysts predict the highway side will be broke in FY 2009, with complete exhaustion as early as 2010. Consequently, action to shore up the Highway Trust Fund may be necessary before the passage of the next surface transportation bill, and some increased revenues will be required to sustain current levels of investment, much less increase it to meet the growing needs of the system.

Congress recognized this disconnect between revenue and needs and the need to address it. SAFETEA-LU created two commissions to provide input to Congress and the President on the future of the surface transportation system. These commissions—which have very similar charges and thus might be combined—will study the condition and needs of the surface transportation system and propose alternative revenue sources to replace or supplement the gas tax.

As is often the case when Congress creates a commission, the goal is to take this conversation outside the highly-politicized environment of Congress and task policy experts with devising solutions to difficult and seemingly intractable problems in order to develop a consensus and give legislators cover for potentially significant policy changes. SAFETEA-LU was an evolutionary bill, but the mounting unaddressed challenges in the surface transportation system call for the next bill to be revolutionary; this commission is designed to make a revolution possible.

## APPENDIX 1: EARMARKS

Description	Amount	Sponsor	Region	Status & Comments
Sunrise Corridor, Clackamas County	19,000,000	Clackamas County	1	Planning underway. ODOT will work with Clackamas County and the congressional delegation to determine the most appropriate use of these funds.
Lake Road Reconstruction and Safety Improvements, Milwaukie	4,000,000	Milwaukie	1	Preliminary engineering underway.
Barber Street extension, Wilsonville	3,700,000	Wilsonville	1	Preliminary engineering underway.
I-205/Highway 213 interchange improvements	2,300,000	Oregon City	1	Planning underway. Will be used to develop a refinement plan and Interchange Area Management Plan for this interchange.
Connect Boeckman Road to Tooze Road, Wilsonville	800,000	Wilsonville	1	Preliminary engineering underway.
Repair and recoat logging bridge over Highway 99E, Canby	120,000	Canby	1	Preliminary engineering underway.
I-205 widening, Clackamas County	3,000,000	ODOT	1	Will be used to construct a permanent third lane on I-205 between I-5 and Stafford Road.
Construction and preliminary engineering of a railroad crossing at the intersection of Havlik Road and Hwy 30, Scappoose	198,400	Scappoose	1	Preliminary engineering underway.
Hood River, Frontage Road Crossing Project	900,000	Hood River	1	Preliminary engineering underway.
Cascade Locks Marine Park Underpass to address necessary improvements	800,000	Cascade Locks	1	Preliminary engineering underway.
Relocate and improve Cascade Locks Southbank Enhancements, Cascade Locks	1,000,000	Cascade Locks	1	Preliminary engineering underway.
Add a southbound lane to section of I-5 through Portland, OR between Delta Park and Lombard	16,200,000	ODOT	1	Preliminary design to begin soon. Construction planned for 2008.
I-5 Trade Corridor, Portland Oregon to Vancouver, Washington segment (includes WA Funding)	14,220,000	ODOT	1	Phase 2 (Environmental Impact Statement) underway.
Sellwood Bridge Replacement-Multnomah County	7,000,000	Multnomah County	1	Preliminary engineering underway.
Construct an urban arterial street between NE Weidler and NE Washington on NE 102nd, Portland	4,200,000	Portland	1	Preliminary engineering underway.
Construction of the East Burnside Street improvements, Portland	5,200,000	Portland	1	Preliminary engineering underway.
Rockwood Town Center for Stark Street from 190th to 197th for pedestrian, bicycle and transit facilities and safety mitigation	2,000,000	Gresham	1	Preliminary engineering underway.
Columbia Intermodal Corridor for rail congestion relief, improved intersections and access to Interstate-5 for trucks, and grade-separate road from rail, Portland	11,000,000	Port of Portland	1	Preliminary engineering underway.
Construct highway and pedestrian access to Macadam Ave. and street improvements as part of South Waterfront development, Portland	11,000,000	Portland	1	Preliminary engineering underway.



*SAFETEA-LU's Impacts on the Oregon Department of Transportation*

<b>Description</b>	<b>Amount</b>	<b>Sponsor</b>	<b>Region</b>	<b>Status &amp; Comments</b>
To construct and enhance bikeway between Hood River and McCord Creek	500,000	ODOT	1	Will be used to begin Preliminary Engineering for the Mitchell Point to Hood River section of the Historic Columbia River Highway State Trail.
Troutdale Interchange enhancements at I-84 and 257th St, Troutdale	1,000,000	Troutdale	1	Planning underway.
Interchange Improvements to I-205 at Airport Way	1,000,000	Port of Portland	1	Planning underway.
Completion of the first of three phases of trails in the Regional Trails Program	5,000,000	Metro	1	Work has not yet begun.
Widening of Oregon Hwy 217 between Tualatin Valley Hwy and the U.S. 26 interchange, Beaverton	8,745,600	ODOT	1	Design phase underway.
I-5/99W connector	10,248,000	Washington County	1	Planning underway.
Construction of transportation facilities at the Tualatin River Wildlife Refuge	793,600	US Fish & Wildlife	1	Preliminary engineering underway.
To study the feasibility of widening Hwy 26 from the Hwy 217 interchange to the Cornelius Pass Exit	992,000	Washington County	1	Planning underway. ODOT proposes to use funds to begin Preliminary Engineering work to continue widening from Cornell Road to SW185th.
Beaverton Hillsdale/Scholls Ferry/Oleson Rd. Interchange Reconfiguration, Washington County	3,000,000	Washington County	1	Preliminary engineering underway.
Expand storage facilities in Eugene to support transportation enhancement activities throughout the State	2,500,000	University of Oregon	2	Provides funding to U of O Museum of Natural History for new storage facility for artifacts discovered in course of transportation projects and other work. Will likely be transferred to a federal agency that has yet to be determined.
Construction of access road including sidewalks, bike lanes and railroad crossing from Highway 99W to industrial zoned property, Corvallis	814,000	Corvallis	2	Preliminary engineering underway.
Widen Delaura Beach Lane and add a bike lane both directions, Warrenton	148,800	Warrenton	2	Preliminary engineering underway.
Study to evaluate alternatives in support of an eventual Astoria bypass, Astoria	248,000	ODOT	2	ODOT staff will work with Congressman Wu to determine a use of this earmark that fulfills congressional intent.
Delta Ponds Bike/Pedestrian Path	2,880,000	Eugene	2	Preliminary engineering underway.
Interstate 5 Interchange at City of Coburg	9,000,000	ODOT	2	Environmental work and Interchange Area Management Plan underway.
I-5 Beltline Interchange	20,000,000	ODOT	2	Construction contract to be awarded Spring 2006.
Siuslaw River Bridge, Florence	4,250,000	ODOT	2	Preliminary engineering underway.
Construct turn lane on Gateway Boulevard, Cottage Grove	90,000	Cottage Grove	2	Preliminary engineering underway.
Middle Fork Willamette River Path, Springfield	3,000,000	Springfield	2	Preliminary engineering underway.
Transportation enhancement at Eugene Depot, Eugene	1,000,000	Eugene	2	Preliminary engineering underway.
Transportation Improvements Around the Eugene, Oregon Federal Courthouse	1,000,000	Eugene	2	Preliminary engineering underway.
I-5 Franklin-Glenwood Interchange Study	400,000	Springfield	2	Region 2 is determining an appropriate use of these funds that fulfills congressional intent.

*SAFETEA-LU's Impacts on the Oregon Department of Transportation*

<b>Description</b>	<b>Amount</b>	<b>Sponsor</b>	<b>Region</b>	<b>Status &amp; Comments</b>
Highway 20 Improvements from Pioneer Mountain to Eddyville, Lincoln County	10,600,000	ODOT	2	Design-build contract awarded Summer 2005.
Study landslides on U.S. Highway 20 between Cascadia and Santiam Pass to develop long-term repair strategy	1,000,000	Linn County/ US Forest Service	2	Will be transferred to FHWA's Western Federal Lands Division.
Highway 34/Corvallis Bypass Intersection	2,100,000	ODOT	2	No information provided.
Culvert Replacement, Sweet Home	130,000	Sweet Home	2	Preliminary engineering underway.
Renewal of Wooden Bridge West of Albany	7,500,000	Portland & Western Railroad	2	Will be transferred to the Federal Rail Administration.
Construct Pathway From Multimodal Transit Station to Swanson Park, Albany	520,000	Albany	2	Preliminary engineering underway.
Hwy 99E/Geary Street Safety Improvements, Albany	1,002,000	ODOT	2	No information provided.
U.S. Highway 20 and Airport Road Intersection Improvements, Lebanon	837,000	ODOT	2	No information provided.
Kuebler Boulevard improvements, Salem	1,700,000	Salem	2	Preliminary engineering underway.
Highway 22-Cascade Highway interchange improvements, Marion County	2,000,000	ODOT	2	No information provided.
I-5/Highway 214 interchange improvements, Woodburn	800,000	ODOT	2	Planning work underway.
Purchase communications equipment related to traffic incident management in Linn, Benton, Lane, Douglas, Coos, Curry and Josephine Counties	9,000,000	Lane County	2	Will develop an interoperable communications system for public safety agencies. Will be transferred to a federal agency that has not yet been determined.
Improve Highway 22, Polk County	2,500,000	ODOT	2	Will be used for a planning study and environmental work on Highway 22 at Highway 51.
For purchase of right-of-way, planning, design, and construction of a highway, Newberg	23,545,600	ODOT	2	Location EIS complete. Design EIS underway. Funds to be used for design, environmental work, and right of way acquisition.
P&W Rehabilitation Project, Yamhill County	700,000	Portland & Western Railroad	2	Will be transferred to the Federal Rail Administration.
Hwy 101 Improvements, Oregon	500,000	ODOT	2/3	ODOT will work with Senator Smith, who secured this earmark, to determine appropriate use of funds.
Construct bike/pedestrian path, Powers	440,000	Powers	3	Work has not yet begun.
Improvements to Bandon-Charleston State Scenic Tour on Randolph Road and North Bank Lane	4,200,000	US Fish & Wildlife/ Nature Conservancy	3	Will be transferred to FHWA's Western Federal Lands Division.
North Bend Waterfront District Boardwalk Construction	992,000	North Bend	3	Work has not yet begun.
Continue bridge repair project authorized under Public Law 105-178, Coos Bay	8,000,000	Port of Coos Bay	3	Work has not yet begun.
TransPacific Parkway Realignment Project, Coos County	350,000	Port of Coos Bay	3	Work has not yet begun.
Rogue River Bikeway/Pedestrian Path, Curry County	600,000	Curry County	3	Work has not yet begun.
Upgrade U.S. 101 and Utility Relocation, Gold Beach	200,000	Gold Beach	3	Work has not yet begun.
Agness Road, Curry County	2,000,000	US Forest Service	3	Will be transferred to FHWA's Western Federal Lands Division.

*SAFETEA-LU's Impacts on the Oregon Department of Transportation*

<b>Description</b>	<b>Amount</b>	<b>Sponsor</b>	<b>Region</b>	<b>Status &amp; Comments</b>
Pedestrian improvements including boardwalk extension and sidewalk construction, Port of Brookings Harbor	600,000	Port of Brookings Harbor	3	Work has not yet begun.
U.S. 101 Slide Repair, Curry County	2,895,200	ODOT	3	Preliminary engineering underway.
Weaver Road Extension and Bridge Project, Douglas County	17,000,000	Douglas County	3	Work has not yet begun.
Upgrade the I-5 Fern Valley Interchange (Exit 24)	7,400,000	ODOT	3	Environmental Assessment underway.
To construct sidewalks and improve storm drainage and gutters for the City's Safe Walk Plan, Medford, Oregon	2,800,000	Medford	3	Work has not yet begun.
Construct passing lanes on U.S. 199, Josephine County	1,827,000	ODOT	3	Work has not yet begun.
U.S.199/Laurel Road Intersection	2,880,000	ODOT	3	Preliminary engineering underway.
Hwy 199 Safety Improvements, Josephine County	2,000,000	ODOT	3	Environmental Assessment underway.
Improve Millican, West Butte Road which connects U.S. Highway 20 with U.S. Highway 126	1,600,000	Crook County	4	Work has not yet begun.
Reroute U.S. 97 at Redmond, OR and improve the intersection of U.S. 97 and Oregon 126	14,000,000	ODOT	4	NEPA work complete. Preliminary engineering and construction on Unit 1 underway.
Improve U.S. 97 from Modoc Point to Algoma	5,100,000	ODOT	4	Phase 1 under construction. Phase 2 construction scheduled for Fall 2007.
Highway 140 Transportation Improvements, Lake County, Oregon	1,700,000	ODOT	4	ODOT plans to use these funds for curve corrections and rock fall work.
Plan, design, and construct the Dalles, Oregon Riverfront Access	1,800,000	The Dalles	4	Work has not yet begun.
Construction of I-84, U.S. 395 Stanfield Interchange Improvement Project	5,000,000	ODOT	5	Contract has been awarded.
Improve Barnhart Road, Umatilla County	3,900,000	Pendleton	5	Project scope being defined.
I-5 Bridge repair, replacement and associated improvements in the I-5 corridor (Projects of National and Regional Significance)	160,000,000	ODOT		Highway Division is developing a plan for use of the funds, which will involve fixing bridges not covered by the OTIA III State Bridge program, widening OTIA III bridges, reconstruction of interchanges around OTIA III bridges, and modification of bridges with limited vertical clearance.
Discretionary Bridge Program	40,000,000	ODOT		Funding will supplement ODOT State Bridge Program.

## APPENDIX 2: SAFETEA-LU SECTION ANALYSIS MATRIX

This matrix provides a section-by-section analysis of SAFETEA-LU. Each section is designated an opportunity, concern, problem, no impact, or of interest, depending on its likely impact on ODOT, and prioritized as high, moderate, or low priority for ODOT to address. A lead division/section that will handle implementation is assigned. Many sections of the bill that are not relevant to ODOT are not included.

Section		Category & Reason	Priority	Description	Impact	Lead
#	Title					
<b>Title 1: Federal-Aid Highways</b>						
1101	Authorization of appropriations	Of Interest	Low	Authorizes sums to be appropriated out of the Highway Trust Fund for highway programs, including core programs.	Authorized funding levels are significantly higher than under TEA-21, providing additional funding.	N/A
1102	Obligation ceiling	Of Interest	Low	Places a limitation on Federal-aid highway and highway safety construction program obligations to act as a ceiling on the obligation of contract authority that can be made within a specified time period, usually a fiscal year, regardless of the year in which the funds are authorized. These limits are set to control the high program spending.	Obligation limits are significantly higher than under TEA-21, providing additional funding.	N/A
1103	Apportionments	Of Interest	Low	Makes changes in several highway program apportionment formulas, including CMAQ. CMAQ funds are apportioned according to a formula based on population and severity of pollution in ozone and carbon monoxide areas, similar to the formula under TEA-21, but weighting factors have been revised.  This section also contains requirements for states to ensure that disadvantaged business enterprises participate in highway projects. States are also to survey and compile an annual list of these businesses.	Under TEA-21 Oregon received pollutant credit weightings for four areas with carbon monoxide problems as well as for Metro's ozone area. Because of the revocation of the 1-hour ozone standard and the SAFETEA-LU language, former 1-hour ozone areas such as Portland do not receive a weighting. Consequently, ODOT's CMAQ apportionment will grow, but not as much as if Metro was still considered to be out of attainment status for ozone. ODOT's Office of Civil Rights is reviewing language on disadvantaged business enterprises to ensure that the State complies.	Geo-Environmental/ Civil Rights

Section		Category & Reason	Priority	Description	Impact	Lead
#	Title					
1104	Equity bonus program	Opportunity: Preserves Oregon's share of federal funds	Low	Determines total level of apportioned/High Priority Project funding for each state. 27 states (including Oregon) are held harmless to funding reductions and are guaranteed to receive a share of apportionments and High Priority Projects equal to the average annual share of total apportionments and High Priority Projects under TEA-21. Other states are guaranteed a relative rate of return that rises to 92% for 2008 and 2009. Also guarantees that no state will receive less than a percentage of its average annual apportionments and High Priority Projects under TEA-21. These percentage floors are 117% for 2005, 118% for 2006, 119% for 2007, 120% for 2008, and 121% for 2009.	Holding Oregon harmless from funding reductions by maintaining the state's share of funding from TEA-21 will substantially increase highway funding ODOT receives.	N/A
1105	Revenue aligned budget authority	Opportunity/ Concern: Changes in apportionments possible	High	This section includes a spending mechanism known as RABA that adjusts annual highway program obligations up or down to reflect changes in revenue in the trust fund. RABA calculations are put off until FY 2007 and no reductions will occur so long as the unexpended balance in the Highway Trust Fund exceeds \$6 billion.	In FY 2007 RABA is expected to provide an additional \$842 million nationwide in highway funding, and additional money is possible in FY 2008. However, in FY 2008 the Highway Trust Fund will fall below the \$6 billion level, so reductions in highway funding are possible in FY 2009.	Highway Finance
1106	Future Interstate Routes	No Impact: No routes in Oregon	Low	Increases the amount of time allowed to upgrade an existing highway to interstate standards from 12 years to 25 years.	Oregon does not have any highways that are in the process of being upgraded to Interstate standards, so there is no immediate impact.	N/A
1107	Metropolitan Planning	Opportunity: Increased planning funding	Low	Increases setaside for metropolitan planning organizations from 1% to 1.25% of Interstate Maintenance, NHS, STP, CMAQ, and Bridge apportionments.	MPO funding will increase significantly, which could produce better planning outcomes.	TDD
1108	Transfer of Highway and Transit Funds	Opportunity: Continued flexibility in use of funds	Low	This section continues to allow highway funds that may be used for transit projects to be transferred to the Federal Transit Administration and for transit funds that may be used for highway projects to be transferred to FHWA.	ODOT may utilize the opportunity to transfer funds between these two categories.	Highway Finance
1109	Recreational Trails	No Impact	N/A	Continues the Recreational Trails program and makes minor changes, including making the matching share subject to sliding scale.	ODOT is not impacted because Oregon Parks and Recreation Department administers the program.	N/A

Section		Category & Reason	Priority	Description	Impact	Lead
#	Title					
1110	Temporary Traffic Control Devices	Opportunity/ Concern: Safety improvements/ additional mandate	High	Prohibits projects from being approved on Federal-aid highways or under the Federal Lands Highway program unless proper temporary traffic control devices to improve safety in work zones will be installed and maintained during construction and maintenance operations on the portion of the highway to be improved by such projects. Installation and maintenance must be in conformance with the Manual on Uniform Traffic Control Devices. US DOT, after consultation with appropriate Federal and State officials, is to issue regulations establishing the conditions for the appropriate use of, and expenditure of funds for uniformed law enforcement officers, positive protective measures between workers and motorized traffic, and installation of temporary traffic control devices during construction, utility and maintenance operations.	This presents an opportunity to increase much-needed statewide law enforcement and highway patrol levels as well as an opportunity to improve overall statewide work zone safety and optimize work zone device/signing compliance. However, it also presents an additional mandate but does not provide additional funding. Local governments may face challenges complying.	Traffic
1111	Set-asides for Interstate discretionary projects	Opportunity: Discretionary funding source	Moderate	This section sets aside \$100 million in annual funding for the Interstate Maintenance Discretionary Program, which funds resurfacing, restoring, rehabilitating, and reconstructing (4R) on the Interstate system. This funding is expected to be earmarked each year.	This program will provide a source of earmarks for Oregon projects in annual appropriations bills.	Government Relations
1112	Emergency relief	Opportunity: Discretionary funding source	Low	The Emergency Relief Program provides funding for the repair or reconstruction of Federal-aid highways and roads on Federal lands that have been seriously damaged by natural disasters or catastrophic failure from an external cause. This section authorizes the appropriation of additional funding if the amount of funding needed for the Emergency Relief program exceeds \$100 million in a federal fiscal year. Additional funding would be provided in the annual transportation appropriation bill.	ODOT will receive a portion of the Emergency Relief funds authorized under this bill, but annual funding levels are not adequate to meet the large nationwide backlog of needs. Congress may choose not to appropriate additional funding to fill ER needs, particularly given the low balance in the Highway Trust Fund.	Maintenance

Section		Category & Reason	Priority	Description	Impact	Lead
#	Title					
1113	Surface Transportation Program	Opportunity: Additional flexibility in use of funds	Moderate	The STP program is extended with minor changes. The safety set-aside is repealed and funded elsewhere under the new Highway Safety Improvement Program. Advanced truck stop electrification systems that deliver heat, air conditioning, electricity, or communications to a heavy duty vehicle are added as an eligible use of funding. The Transportation Enhancements setaside is modified to be the greater of 10% of the State's STP apportionment or the dollar amount of the TE setaside for the State for 2005. <i>See Section 1122 for definitions of Transportation Enhancements Activities and advanced truck stop electrification systems. See Section 6006 for new uses of STP funds for vegetation management, including control of noxious weeds.</i>	ODOT may choose to use STP funding for truck stop electrification systems.	Highway
1114	Highway Bridge Program	Opportunity: Funding source/earmark	Moderate	Authorizes funding for bridge rehabilitation and repair. An exception that provides for States to carry out projects for seismic retrofit of a bridge without regard to whether a bridge is eligible for replacement or rehabilitation has been expanded to also include systematic preventative maintenance and installation of scour countermeasures. No additional funding is provided, but the potential for use of existing funding has expanded.	Provides a continued funding source for ODOT's State Bridge Program. Includes an earmark \$40 million for replacement and reconstruction of State-maintained bridges in Oregon. It is not clear that ODOT will take advantage of the preventative maintenance provision in the near future, but it may choose to at some future time. Matching funds for all bridge projects in Oregon are subject to sliding-scale (10.27%).	Bridge
1115	Highway Use Tax Evasion Projects	Concern: Loss of funding source	Moderate	Anti-tax evasion compliance funding for cooperation between states formerly provided by FHWA is now directed totally towards IRS, primarily to develop their federal fuel excise tax reporting system.	Oregon's point of taxation is different from the Federal government, and thus opportunities for cooperative anti-tax evasion efforts are limited. Unless Oregon uses STP funds or finds a way to work with the IRS, future fuel tax compliance efforts may be compromised because of this lack of Federal funding.	Fuels Tax

Section		Category & Reason	Priority	Description	Impact	Lead
#	Title					
1117	Transportation Community and System Preservation Program	Opportunity: Discretionary funding source	Moderate	This section establishes a program under which US DOT will facilitate the planning, development, and implementation of strategies to integrate transportation, community and system preservation plans that will: improve the efficiency of the transportation system; reduce the impacts of the transportation system on the environment; reduce the need for costly future investments in public infrastructure; provide efficient access to jobs, services, and centers of trade; and examine community development patterns and encourage private sector development that achieves these goals. The section authorizes \$25,000,000 in 2005 and \$61,250,000 per year in 2006-2009. These funds are likely to be fully earmarked by appropriators.	ODOT may be able to secure TCSP earmarks. To advance quality projects, the planning staff in each Region should review efforts either planned or underway to integrate transportation, community and system preservation plans and determine whether these efforts would be eligible for funding under this section. TDD sees this program as an opportunity for a potential Central Oregon planning effort.	Government Relations
1119	Federal Lands Highways	Opportunity: Formula and discretionary funding source	Low	Continues the Federal Lands Highway program, which provides funding for the Indian Reservation Roads, Refuge Roads, Park Roads, and Public Lands Highways subprograms, and maintains the basic program structure. 34% of the Public Lands Highways will continue to go to the discretionary account, which will likely be fully earmarked each year, and 66% will go to formula allocations to states with Forest Service lands. Each year \$31 million is provided to the Forest Service for maintaining and improving its roads, which may reduce Oregon's allocations.	Oregon will continue to receive a substantial amount of funding from this program. The discretionary program will continue to serve as a source for earmarks for Oregon projects.	Traffic/ Government Relations
1121	HOV Facilities	Concern/ Opportunity: Additional flexibility in use of HOV facilities	Moderate	Establishes a two-person occupancy requirement for HOV lanes, and provides states the ability to allow exemptions for motorcycle and bicycles, public transportation vehicles, high occupancy toll vehicles, and low emission/energy-efficient vehicles.	If Oregon chooses to allow some of the exceptions, such as high occupancy toll and low emission vehicles, vehicle identification, enforcement and monitoring programs and procedures will need to be developed.	Traffic
1122	Definitions	Of interest	N/A	Defines Transportation Enhancements and advanced truck stop electrification systems. <i>See Section 1113 for Surface Transportation Program modifications.</i>	N/A	N/A



Section		Category & Reason	Priority	Description	Impact	Lead
#	Title					
1201	Real-time system management information program	Concern: New standards	Moderate	This section requires each state to establish a real-time system management information program to monitor traffic and travel conditions of the Nation's major highways and share that information to improve security, congestion, and response to incidents, and facilitate highway traveler information. No funding is provided to implement this new program, but states can use core program funding.	Oregon already has a statewide system for reporting system information. FHWA's establishment of national standards may require Oregon to make changes to our system. Galen McGill of ODOT's ITS section serves as chair of an AASHTO task force on this subject as well as an NCHRP project panel. He will be working with AASHTO to guide FHWA rulemaking on this subject.	ITS
1301	Projects of national and regional significance	Opportunity: Earmark	High	Funds major projects across the nation and provides Oregon a \$160 million earmark for I-5 bridges and associated improvements. <i>See Section 1964 for sliding-scale match requirement.</i>	This section will provide a significant investment in Interstate 5 that will improve freight mobility. ODOT Highway Division is developing a plan for use of the funds, which will involve fixing bridges not covered by the OTIA III State Bridge program, widening OTIA III bridges, reconstruction of interchanges around OTIA III bridges, and modification of bridges with limited vertical clearance.	Highway
1302	National Corridor Infrastructure Improvement Program	Problem: Loss of funding source	Moderate	Authorizes \$1.949 million for the National Corridor Infrastructure Improvement Program, previously the National Corridor Planning and Development Program, to fund improvements in important corridors. The program is fully earmarked but no Oregon projects received funding.	No funding is available for Oregon projects that previously received earmarks under this program, including the Columbia River Crossing.	N/A
1303	Coordinated border infrastructure program	No impact: Oregon not eligible	N/A	Modifies an existing program designed to improve the safe movement of motor vehicles at or across the land border between the U.S. and Canada and the land border between the U.S. and Mexico.	As a non-border state, Oregon will receive none of the \$833 million authorized.	N/A

Section		Category & Reason	Priority	Description	Impact	Lead
#	Title					
1304	High priority corridors on the National Highway System	No impact: No corridors in Oregon	N/A	Amends the list of high priority NHS corridors established in section 1105 of ISTEA by modifying corridor descriptions and identifying additional corridors.	No Oregon highways are listed in this section.	N/A
1305	Truck parking facilities	Opportunity: New funding source	High	Creates a pilot program to expand available truck parking on the National Highway System through a variety of means. Provides \$25 million over 4 years subject to an 80/20 match.	ODOT will need to decide whether to apply for funds under this program.	Highway/ Motor Carrier
1306	Freight Intermodal Distribution Pilot Grant Program	Opportunity: Earmark	High	Creates a new pilot program for freight intermodal distribution projects that help relieve congestion, improve safety, facilitate international trade, and encourage public-private partnership. These may include projects for the development of intermodal freight distribution and transfer facilities at inland ports.	Includes a \$5 million earmark for Northwest Container Services for projects in several locations throughout the state that will improve freight movement and increase export opportunities for Oregon companies.	Rail
1307	Deployment of magnetic levitation transportation projects	No impact	N/A	Provides funding for magnetic levitation trains. Funds are provided for a project in Nevada and a project east of the Mississippi River.	Oregon is not eligible for funding.	N/A
1309	Extension of public transit vehicle exemption from axle weight restrictions	No impact	N/A	Extends the exemption of transit vehicles from axle weight limits imposed on other heavy vehicles through 2009.	N/A	N/A
1310	Interstate oasis program	Need more information: Program not yet defined	Low	Creates a new Interstate Oasis program for facilities along interstates that provide products and services to the public, 24-hour access to restrooms, and parking for automobiles and heavy trucks. States will be allowed to designate facilities that meet standards set by US DOT as Interstate Oases.	ODOT will be able to designate facilities as Interstate Oases if we choose to do so.	Highway

Section		Category & Reason	Priority	Description	Impact	Lead
#	Title					
1401	Highway Safety Improvement Program	Opportunity: New funding source	High	This section creates a new apportioned core highway program that will provide funds for projects designed to achieve significant reduction in traffic fatalities and serious injuries on all public roads and pedestrian/bike pathways. Each state is required to develop a Strategic Highway Safety Plan with annual updates to access funding. Included in the HSIP is a \$90 million national setaside annually for a new High Risk Rural Roads (HRRR) that will fix rural roads with high crash rates. The highway-rail grade crossing safety program was also moved into HSIP; this program is funded at \$220 million per year.	Oregon will receive \$18.8 million per year under HSIP, including approximately \$1.3 million annually under HRRR, which will likely be operated as a grant program for local governments. Oregon will receive \$3.1 million per year to make improvements to highway-rail grade crossing to eliminate safety hazards. ODOT's Transportation Safety Division will update an existing safety plan to meet the requirements of the Strategic Highway Safety Plan.	Highway/TSD
1402	Worker Injury Prevention and Free Flow of Vehicular Traffic	Concern: New regulations	Moderate	This Section requires US DOT to issue regulations requiring workers whose duties place them on or in close proximity to a Federal-aid highway to wear high visibility garments. The regulations may also require such other worker-safety measures for workers with those duties as US DOT determines to be appropriate. This section will provide clear guidance on required clothing for employees working on or near highways.	This has the potential to improve safety for DOT employees as well as construction workers for private contractors. However, these requirements could be expensive to implement, thus raising the cost of performing work on or near the Federal-aid highways. ODOT will need to update publications and contracts with regard to Federal Aid Workers wearing high visibility garments. Discussions with AGC may be needed.	Safety
1404	Safe Routes to School State Program	Opportunity: New funding source	High	Creates a new program that funds projects that will improve the ability of children K-8 to walk and bicycle to school by funding physical improvements within two miles of schools. Each State must set aside 10-30% of the funds for non-infrastructure-related activities to encourage walking and bicycling to school. These include public awareness campaigns and outreach to press and community leaders, traffic education and enforcement in the vicinity of schools, student sessions on bicycle and pedestrian safety, health, and environment, and training, volunteers, and managers of safe routes to school programs. Funds will also be set aside for 1 FTE SR2S coordinator.	Oregon is eligible for the minimum apportionment of \$1 million a year from FY 2005-2009 in accordance with a formula specified in the legislation. Transportation Safety Division has been directed by the Legislature to carry out this program. TSD has formed a SR2S Advisory Committee with members from around the state that will help develop administrative rules and criteria for project selection.	TSD

Section		Category & Reason	Priority	Description	Impact	Lead
#	Title					
1405	Roadway safety improvements for older drivers and pedestrians	Need more information	Low	Directs US DOT to carry out a program to improve traffic signs and pavement markings in all States to accommodate the FHWA publication "Guidelines and Recommendations to Accommodate Older Drivers and Pedestrians."	The impact of this section is unclear. Traffic will review "Guidelines and Recommendations to Accommodate Older Drivers and Pedestrians" and develop an action plan. Traffic will also review FHWA's proposed changes to the Manual on Uniform Traffic Control Devices.	Traffic
1407	Safety Incentives to Prevent Operation of Motor Vehicles by Intoxicated Persons	No impact: Oregon in compliance	High	This section puts in place fiscal sanctions for failure to enact .08 blood alcohol content legislation. After 4 years, any amounts withheld will lapse if legislation not enacted. However, there is no mention on whether states with .08 laws will share in the lapsed dollars.	No impact.	TSD
1408	Improvement or replacement of highway features on National Highway System	Concern: New standards	Moderate	Requires US DOT to update guidance on implementation of <u>NCHRP Report 350 – Recommended Procedures for the Safety Performance Evaluation of Highway Features</u> .	This could widen or narrow the range of options for selecting safety features in 3-R and other federal-aid work. Affected Technical Services sections should provide input to US DOT on guidance changes that should be considered and review guidance when available.	Roadway/ Traffic
1409	Workzone Safety Grants	Opportunity: Training opportunities	Low	Establishes a work zone safety grant program under which US DOT may make grants to nonprofit organizations to provide training to prevent or reduce highway work zone injuries and fatalities.	Training may be made available to state and locals from non-profits that receive the grants to prevent or reduce highway work zone injuries and fatalities.	TSD
1410	National Workzone Safety Information Clearinghouse	No impact: US DOT effort	Low	US DOT will make grants for fiscal years 2006 through 2009 to a national nonprofit foundation for the operation of the National Work Zone Safety Information Clearinghouse, which will disseminate information relating to improvement of roadway work zone safety.	ODOT's workzone safety efforts may benefit from the information distributed by this organization.	TSD
1411	Roadway Safety	No impact: US DOT effort	Low	US DOT will assist a nonprofit dedicated to improving public road safety by: improving data of public road hazards and design features; developing and carrying out a public awareness campaign to educate state and local transportation officials, public safety officials and motorists; and promoting public road safety research and technology transfer.	N/A	TSD

Section		Category & Reason	Priority	Description	Impact	Lead
#	Title					
1412	Idling Reduction Facilities in Interstate Rights-of-Way	Opportunity: New authority	Moderate	Allows States to provide facilities in Interstate System rights-of-way that allow operators of commercial vehicle to reduce truck idling or provide alternative power to support driver comfort while parked in a rest or recreation area. No funding is provided to encourage these facilities, but states may charge a fee for the use of park spaces that provide power to trucks. <i>See Section 1305 on truck parking facilities, Section 1113 on use of STP funding for truck stop electrification, and Section 1808 use of CMAQ funds for truck stop electrification.</i>	ODOT may be able to use this authority to provide service to trucks.	Highway/ Motor Carrier
1501	Program Efficiencies	Opportunity: Additional flexibility	Low	Makes changes to advance construction to allow more flexibility.	ODOT may make use of this authority.	Highway Finance
1502	Highways for LIFE Pilot Program	Opportunity: New funding source	Moderate	This section establishes a pilot program known as the "Highways for LIFE Pilot Program" that will advance longer-lasting highways using innovative technologies and practices to accomplish the fast construction of efficient and safe highways and bridges. This program will provide incentives to promote state-of-the-art technologies, elevated performance standards, and new business practices in the highway construction process that result in improved safety, faster construction, reduced congestion from construction and improved quality and user satisfaction.	ODOT will likely receive up to \$1 million for one project. Highway Division will review potential projects and apply for funding for the strongest candidates.	Highway
1503	Design-Build	Opportunity: Streamlined process	Moderate	Removes the requirement for Special Experimental Project 14 (SEP-14) approval for design-build projects less than \$50 million. Also requires US DOT to issue revised regulations that allow award of a design-build contract and issuance of Notice to Proceed for preliminary design work before NEPA compliance is complete.	This will result in a savings in time and paperwork for most ODOT design-build projects.	Highway
1601	Transportation Infrastructure Finance and Innovation Act amendments	Opportunity: Expanded financing opportunities	High	This section lowers the threshold for eligibility to \$50 million (from \$100 million) for projects to qualify for federal credit assistance through the TIFIA program, including secured loans, loan guarantees, and lines of credit. Eligibility is expanded to include freight rail facilities and intermodal freight transfer facilities.	ODOT may utilize this expanded financing mechanism, particularly for public-private partnerships.	Innovative Partnerships / Highway Finance

Section		Category & Reason	Priority	Description	Impact	Lead
#	Title					
1602	State Infrastructure Banks	Opportunity: Expanded financing opportunities	Moderate	Expands state infrastructure bank program to allow all states to establish infrastructure revolving loan funds, using their own federal formula funding. Eligible to be capitalized with federal transportation funds authorized for 2005-09. Gives states capacity to increase efficiency of investment and leverage non-federal public and private investment.	ODOT would be allowed to increase the capitalization of the existing bank and fund additional projects if we choose to do so.	Financial Services
1603	Use of Excess Funds & Funds for Inactive Projects	No impact	N/A	Allows funds earmarked prior to 1991 for projects can be used for any STP-eligible purpose if funds are "excess" or "inactive".	No impact.	Highway Finance
1604	Tolling and Pricing Programs	Opportunity: Expanded financing opportunities	High	Continues Value Pricing Pilot Program which funds the Road User Fee Task Force and Pilot Program. The section also continues the Interstate System Reconstruction & Rehabilitation Toll Pilot Program, which allows tolling on up to 3 existing Interstate facilities to fund needed reconstruction or rehabilitation on Interstate highway corridors that could not otherwise be adequately maintained or improved. This section creates two new tolling programs. The new Express Lanes Demonstration Program permits tolling on up to 15 demonstration projects to manage high levels of congestion, reduce emissions in a nonattainment or maintenance area, or finance added Interstate lanes for the purpose of reducing congestion. The Interstate System Construction Toll Pilot Program authorizes up to 3 toll pilot facilities on the Interstate System for the purpose of constructing new Interstate highways.	ODOT will likely apply for Value Pricing Pilot Program grants and may eventually utilize these tolling opportunities, particularly for our public/private partnerships projects.	Innovative Partnerships
1701	High Priority Projects Program	Opportunity: Earmarks	High	Authorizes the High Priority Projects Program and prescribes that the money for each project will be distributed in 20% increments in Fiscal Years 2005-2009.	The High Priority Projects program will make significant investment in modernizing Oregon's transportation infrastructure.	Highway Finance
1702	Project Authorizations	Opportunity: Earmarks	High	This section provides project descriptions for the High Priority Projects described in Section 1701. <i>See Section 1934 for additional earmarks under the Transportation Improvement program. See Section 1964 for sliding-scale match requirement.</i>	Dozens of projects in Oregon will receive \$307 million, including \$59 million for seven projects requested by the OTC. Match is subject to sliding scale requirement (see Section 1964.)	Highway Finance/ Government Relations

Section		Category & Reason	Priority	Description	Impact	Lead
#	Title					
1802	National Scenic Byways Program	Opportunity: Continued funding source	Low	Makes Indian tribes eligible to nominate roads for the National Scenic Byway Program, and requires reciprocal notification when new roads are nominated. Disallows use of National Scenic Byways Program funding to construct passing lanes.	Continues funding opportunities for Oregon scenic byways and expands opportunities for Oregon tribes to participate.	Highway
1803	America's Byways Resource Center	Opportunity: Technical assistance source	Low	Continues funding for the Resource Center, which provides technical assistance with projects and grant programs, and educational activities focusing on Scenic Byways.	Oregon, which has four All-American Roads and five National Scenic Byways, can continue to take advantage of the technical expertise of the Center, which provides project advice and assistance in designating new highways under the program.	Highway
1804	National Historic Covered Bridge Preservation	Opportunity: Continued funding source	Moderate	Provides grant funding for the rehabilitation and preservation of covered bridges. May provide up to \$40 million nationwide through a competitive grant process.	Oregon may be able to access grants under this program.	Technical Services
1805	Use of Debris From Demolished Bridges and Overpasses	Problem: New requirements	High	Requires bridge demolition debris to be made available to government agencies for "beneficial use," which is limited to shore erosion control/stabilization, ecosystems restoration and marine habitat creation. The recipient is required to pay associated costs, ensure placement is legal and hold ODOT harmless for future liability, but can not remove ODOT lifetime liability for waste. May require "beneficial use" over re-use as fill or recycling into concrete/asphalt.	It could require additional resources to determine whether or not there is any Federal, state or local government entity who would have a beneficial use for these materials. There are numerous environmental regulation and permit conditions that do not allow the placement of debris on stream banks, streambeds, and shores of Oregon. Since the HBRR program is specifically targeted this would impact nearly every bridge in the STIP. ODOT needs to communicate with local FHWA officials to establish an acceptable process for making sure federal, state and local agencies can express desires to obtain this debris early in the project delivery process to avoid any delays in the project construction.	Bridge/Geo-Environmental

Section		Category & Reason	Priority	Description	Impact	Lead
#	Title					
1806	Additional Authorization of Contract Authority for States with Indian Reservations	No Impact: Oregon not eligible	N/A	Provides additional funding for states that have within their boundaries all or part of an Indian reservation having a land area of 10,000,000 acres or more.	Because the only Indian reservation meeting this criterion is the Navajo Indian Reservation in Arizona, New Mexico and Utah, there is no impact on Oregon.	N/A
1807	Non-motorized transportation pilot program	No Impact	Low	Establishes a pilot program to assess the effects of pedestrian and bicycle connections to transit stations, schools, and other activity centers to demonstrate the extent to which walking and biking can carry part of the transportation load.	Four communities, none in Oregon, have been designated in the bill. However, Oregon might be able to participate in a future pilot program if it is expanded in the next bill.	N/A
1808	Addition to Congestion Mitigation and Air Quality Improvement Program (CMAQ) Eligible projects	Opportunity: Flexibility in use of funds	Moderate	Expands eligibility for transportation projects and programs eligible for funding under CMAQ to help meet the requirements of the Clean Air Act. Includes a directive that states and MPOs shall give priority to diesel retrofits and other cost-effective emission reduction activities, and cost-effective congestion mitigation activities that provide air quality benefits. Eligibility is expanded to include: truck stop electrification systems; projects that will improve transportation systems management and operations; integrated, interoperable emergency communications equipment; and diesel retrofits. Allows continued eligibility to use funds in former 1-hour ozone areas which are required to prepare maintenance plans, including the Portland-METRO area. <i>See Section 1103 for changes to CMAQ apportionment formula.</i>	Oregon is allowed to use CMAQ funds apportioned on or before September 30, 2009, to support the operation of additional passenger rail service between Eugene and Portland. However, it is unlikely that ODOT will have the ability to use CMAQ funds for train operation prior to the expiration of SAFETEA-LU. Under ODOT's CMAQ allocation formula, most CMAQ funding is provided to local agencies for use. ODOT has revised the CMAQ allocation formula to reflect the changes made by SAFETEA-LU as well as changes in air quality status in areas around the state.	Geo-Environmental
1901	Inclusion of Requirements For Sign Identifying Sources in Title 23	Problem: Requires change to ODOT policy	Moderate	Requires states that put up signs identifying the source of funds for non-federal-aid projects to put up similar signs for all projects receiving funding from the Highway Trust Fund.	Oregon currently places signs identifying the funding source on OTIA projects. If this practice is not changed, erection of signs indicating funding source or sources on Federal-Aid projects would be required.	Traffic



Section		Category & Reason	Priority	Description	Impact	Lead
#	Title					
1902	Donations and Credits	Opportunity: Savings for local project sponsors	Low	Modifies match requirement to allow local recipients or partners to apply the work of employees as a credit to the matching of project funding. This will allow more flexibility than currently exists. We anticipate new/revised guidance from FHWA regarding the methodology allowed for calculating local partner employee costs.	Local governments will face a lower burden of providing matching funding for transportation projects.	Local Government
1903	Inclusion of Buy America requirements in Title 23	No Impact	N/A	This section includes the existing Buy America requirements in Title 23 of the United States Code. It includes a few minor editorial corrections to the existing language but makes no changes from current practice. These Buy America requirements have been in existence for many years.	No impact expected.	N/A
1904	Stewardship & Oversight	Concern: Additional requirements	High	Changes requirements for conducting a Value Engineering analysis by lowering the threshold for completion of a Value Engineering analysis on bridge projects to \$20 million; the threshold on other projects is set at \$25 million. Projects costing \$500 million or more will require a project management plan and annual financial plan. Projects over \$100 million will require an annual financial plan. FHWA will engage in additional oversight on project delivery and financial management and states are required to conduct oversight over local governments.	By lowering the threshold for Value Engineering studies for bridge projects, a greater number of VE studies will need to be completed each year. The requirement for project management and/or annual financial plans for large projects will add additional work. FHWA's annual review could identify areas in the state's processes or systems that require upgrades, requiring the investment of additional time and money to fix these concerns. There may be some additional work required to ensure that sub-recipients of federal funds have adequate project delivery systems and sufficient accounting controls to properly manage such federal funds.	Project Delivery/ Local Government
1905	Transportation and Development credits	No Impact	N/A	Toll credits can be used as "soft match" for federally funded projects. Toll credits are earned when the state, a toll authority, or a private entity funds a capital transportation investment with toll revenues earned on existing toll facilities.	No impact expected.	N/A

Section		Category & Reason	Priority	Description	Impact	Lead
#	Title					
1906	Racial profiling training and data collection grant	No impact: Oregon not eligible	Low	This section would provide grants for States that have a law that prohibits the use of racial profiling in the enforcement of state laws and that collect and maintain data regarding the race and ethnicity of drivers stopped by law enforcement. Grants could be used to pay for data collection and storage or to develop and deliver training programs specific to racial profiling issues in law-enforcement traffic stops.	Oregon does not meet the requirement and will not qualify unless the Legislature enacts a new law.	N/A
1909	Future of Surface Transportation System	Opportunity: Potential to influence important commission	High	This section creates an important new body, National Surface Transportation Policy and Revenue Study Commission. This body is tasked with conducting a comprehensive review of the current condition and future needs of the surface transportation system and recommending how to finance these needs, including finding alternatives to replace or supplement the fuel tax as the principal revenue source to support the Highway Trust Fund.	ODOT will seek to influence the recommendations of this commission both through providing direct input as well as through AASHTO and other groups.	Government Relations
1910	Motorist Information Concerning Full Service Restaurants	Concern: Change in requirements	Moderate	Allows US DOT to initiate rulemaking that would give full service restaurants priority to be given 2 spaces on CAMPING or ATTRACTION Logo sign boards when FOOD boards have their maximum 6 spaces in use; and to be given priority for 2 spaces over other restaurants on FOOD boards, if CAMPING and ATTRACTION boards already have their maximum 6 spaces in use.	Adoption of this language would be a significant change from current rules in the Federal Manual for Uniform Traffic Control Devices (MUTCD). The Travel Information Council will want to examine these possible new Federal guidelines and make its own decisions about adopting them into the TIC Sign program.	Travel Information Council
1914	Motorcyclist Advisory Council	Opportunity: Potential Oregon participation	Moderate	Creates a Motorcyclist Advisory Council that will advise FHWA on road infrastructure issues that are of concern to motorcyclists.	This could provide an opportunity for Oregon to have representation on the council.	TSD
1919	Road User Fee Study	Of interest	Low	Provides \$12.5 million to University of Iowa to conduct a mileage fee field test similar to Oregon's Road User Fee Pilot Program.	ODOT will monitor the study's progress and its outcome to determine implications for our own road user fee efforts and the national debate.	Innovative Partnerships

Section		Category & Reason	Priority	Description	Impact	Lead
#	Title					
1925	Community Enhancement Study	Of interest	Low	US DOT will conduct a study on the role of well-designed transportation projects in promoting economic development; protecting public health, safety and the environment; and enhancing the architectural design and planning of communities.	While this section does not affect ODOT, we will be interested in knowing the results of the study given the strength of Oregon's transportation and land use component. TDD will monitor the outcomes of this effort.	TDD
1928	Sense of Congress regarding Buy America	No Impact: Oregon in compliance	Low	This section explains Congress's interpretation of the Buy America provisions. It establishes that the Buy America requirements should be applied to an entire bridge project and not only to component parts of such project. This clarification is provided to prevent splitting of a major bridge project into components and applying the Buy America provision to individual parts of the project.	Oregon has interpreted the Buy America provision consistent with the sense of Congress. This section should cause no major changes to the way projects are developed and delivered in Oregon. The only risk to Oregon with the inclusion of this section is that we will not be able to split apart a major bridge project to take advantage of excluding the buy America clause from a major portion of the bridge by funding it entirely with state dollars. To date this has not been considered.	Bridge
1934	Transportation Improvements	Opportunity: Earmarks	High	This section authorizes almost \$2.5 billion for specific projects. Funding for each earmark is available at the following rate: 10% in 2005, 20% for 2006, 25% for 2007, 25% for 2008 and 20% for 2009. <i>See Section 1935 and Section 1936 for flexibility in use of funds. See Section 1964 for sliding-scale match requirement. See Section 1702 for additional project earmarks.</i>	Provides \$20,000,000 in designated funding for 14 specific projects in Oregon. This section adds funding to 12 projects already funded in section 1702 (High Priority Projects) and provides funding for 2 additional projects.	Highway Finance/ Government Relations
1935	Project Flexibility	Opportunity: Flexibility in use of funds	Moderate	Allows flexibility in obligating funds between some earmarked projects in High Priority Projects (1702) and numbered 3677 or higher, Projects of National and Regional Significance (1301), National Corridor Infrastructure Improvement Program projects (1302), and Transportation Improvements (1934).	ODOT may use this authority in certain limited circumstances.	Highway Finance
1936	Advances	Opportunity: Flexibility in use of earmarks	Moderate	Allows funds to be advanced out of other federal funding sources for earmarked projects in Projects of National and Regional Significance (1301), National Corridor Infrastructure Improvement Program (1302), Freight Intermodal Distribution Pilot Grant Program (1306), and Transportation Improvements (1934), so long as funds are paid back.	ODOT may use this authority in certain limited circumstances.	Highway Finance

Section		Category & Reason	Priority	Description	Impact	Lead
#	Title					
1938	Technology	No Impact: Oregon in compliance	Low	States are encouraged to consider using a nondestructive technology able to detect cracks including sub-surface flaws as small as 0.005 inches in length or depth in steel bridges.	This will not impact ODOT because we already use nondestructive technology and several other technologies to detect sub-surface flaws in steel bridge structures during fabrication in accordance with the Bridge Welding Code (AASHTO/AWS D1.5).	N/A
1947	Eligible safety improvements	Opportunity: Additional uses of funds	Low	Changes Title 23 by adding roundabouts to the type of safety projects eligible for increased federal funding.	ODOT could choose to make use of this authority.	Highway
1954	Bicycle Transportation and Pedestrian Walkways	No Impact	N/A	Makes minor changes to language of Title 23, Chapter 2, Section 217.	There will be no impact on ODOT.	N/A
1956	Brownfields Grants	No Impact	N/A	Allows use of Brownfields funds to qualify an entity (including a State agency) as a "bona fide" prospective purchaser" for properties purchased prior to January 11, 2002.	May make ODOT eligible for Brownfields funds for some past property acquisitions. However, ODOT does not apply for Brownfields grants.	N/A
1964	Project Federal Share	Opportunity: Reduced match requirement	High	Matching fund requirement for High Priority Projects (1702), Projects of National and Regional Significance (1301), and Transportation Improvements (1934) is calculated using slide-scale.	Oregon projects in these sections are required to provide only 10.27% match, significantly reducing the burden on ODOT and local project sponsors.	Highway Finance

## Title 2: Highway Safety

2002	Highway safety programs	Opportunity: Continued funding source	Low	Provides continued and increased funding for the State and Community Highway Safety formula grant program to support state highway safety programs that are designed to reduce traffic crashes and resulting deaths, injuries, and property damage. At least 40% of funds are to be given to local agencies.	ODOT will continue to receive funding under this program.	TSD
2003	Highway Safety Research and Outreach Program	Opportunity: Research partnership	Low	Provides funds and directives for a variety of NHTSA research and outreach activities.	This section presents an opportunity to partner with the federal government on projects and research.	TSD

Section		Category & Reason	Priority	Description	Impact	Lead
#	Title					
2004	Occupant Protection	Opportunity: Continued funding source	Moderate	Provided to encourage States to implement or enforce Occupant Protection programs to reduce death and injuries from riding unrestrained or improperly restrained motor vehicles.	ODOT will receive funds under this program. However, the state's share of funding is not known because it will be divided in a national grant competition.	TSD
2005	Grants for primary safety belt use laws	Concern: Loss of funding	Moderate	Establishes a program of incentive grants to encourage the enactment and enforcement of primary laws requiring the use of safety belts in passenger motor vehicles. Funding is available first to states that enact new seat belt laws; if additional funding is available, states with older primary belt laws will receive an apportionment equal to two times their FY 2003 apportionment. The funds can be used for any project that corrects or improves a hazardous roadway location or feature or proactively addresses highway safety problems. \$1 million must be used for behavioral safety activities. The program is funded at \$124.5 million each year for FY 2006-2009.	Oregon will continue to receive funding under this program, but the amount provided could be less than in previous years depending on the number of states that pass primary safety belt laws.	TSD
2006	State traffic safety information system improvements	Opportunity: New funding source	Moderate	Authorizes the data improvement incentive grant program. States must meet a number of eligibility requirements, including having an active Traffic Records Coordinating Committee and a multiyear strategic plan for improving traffic records. States must also certify that they have adopted and are using MMUCC or will use their grants to adopt "the maximum number of data elements to the extent practicable." Eligible states receive at least \$300,000 the first year, \$500,000 in subsequent years. The program is funded at \$34.5 million for FY 2006-2009.	ODOT will participate in this effort and will receive approximately \$1.8 million over four years.	TSD
2007	Alcohol-Impaired Driving Countermeasures	Concern: Reduced funding	High	Amends the alcohol-impaired driving counter measures incentive grant program to encourage states to adopt and implement programs to reduce problems resulting from people driving under the influence of alcohol. States must meet an increasing number of criteria over time or will lose funding under this program.	This program provides Oregon with the majority of funding for Impaired Driving projects. However, ODOT will likely qualify for funding in only two of the four years because of the requirement to meet more criteria each year.	TSD
2008	NHTSA Accountability	Opportunity/ Concern: Additional oversight	Low	Imposes requirements for NHTSA to perform additional oversight on state highway safety programs at least once every three years. NHTSA will provide a management and oversight plan for each program.	ODOT will face a regular review of its highway safety program and grants. This will likely lead to improvements but could lead to additional work.	TSD

Section		Category & Reason	Priority	Description	Impact	Lead
#	Title					
2009	High Visibility Enforcement Program	No impact: US DOT effort	Low	This is a program for NHTSA to develop a national campaign that supports high visibility enforcement campaigns for seat belts and/or DUII. There are no grants to states.	No impact expected.	N/A
2010	Motorcycle Safety	Opportunity: New funding source	Moderate	Establishes a new program of incentive grants to encourage States to adopt and implement effective programs to reduce the number of single and multi-vehicle crashes involving motorcyclists. A State may use these grants funds only for motorcyclist safety training and motorcyclist awareness programs, including improvement of training curricula, delivery of training, recruitment or retention of motorcyclist safety instructors, and public awareness and outreach programs.	Oregon qualifies and will receive a \$100,000 grant for a four year period to enhance the existing motorcycle safety program.	TSD
2011	Child safety and child booster seat incentive grants	No impact: Oregon does not qualify	Low	Establishes new funding for States with laws that require booster seat use by children up to the age of eight or the height of 4 foot 9 inches. Funds can be used up to 50% for child seats for low income and 50% for enforcement, CPS training and public education.	Oregon does not currently qualify for funding under this program. To qualify, the Oregon Legislature could pass legislation upgrading the state's law to meet the standards.	TSD
2012	Safety data	No impact: US DOT effort	Low	US DOT will use Section 403 Highway Safety Research and Development funds to collect data and compile statistics on accidents involving motor vehicles being backed up that result in fatalities and injuries. US DOT is required to transmit a report to Congress not later than January 1, 2009, on these accidents and any recommendations regarding measures to be taken. This could take Section 403 funds away from more important needs.	No direct impact.	TSD
2013	Drug-Impaired Driving Enforcement	No impact: NIH effort	Low	Provides funding to the National Institutes of Health for research on drug impaired driving, measuring impairment, training law enforcement, to survey and assess current State and Federal laws, and make recommendations on levels. However, lack of communication between NHTSA and NIH could reduce the value of this effort, and money might be better spent providing funding for continuing other research efforts or putting into practice completed research.	No direct impact.	TSD

Section		Category & Reason	Priority	Description	Impact	Lead
#	Title					
2014	First Responder Vehicle Safety Program	Opportunity: Potential guidance for states	Low	Under this section US DOT will develop/implement a comprehensive program to promote compliance; compile lists of best practices to promote compliance with laws; analyze State and local laws to increase safe and efficient operations; develop model legislation; and create partnerships and public outreach.	There is no role for states, but in the future this program will provide guidance to Oregon's efforts.	TSD
2016	Rural State emergency medical services optimization pilot program	No impact: Oregon not eligible	Low	Funds are provided to Alaska to conduct a pilot program for optimizing emergency medical services in a rural State, and US DOT will report the results and make recommendations to other rural states.	Oregon could benefit from a similar pilot program in the future.	N/A
2017	Older Driver Safety; Law Enforcement Training	Opportunity: Potential for partnership with NHTSA	Low	Part A creates a NHTSA program that will develop information, guidelines and outreach focusing on the older driver safety issue. It does not appear that any grants will go to the states for local implementation. Part B creates a NHTSA program to provide guidance and support to law-enforcement agencies in police pursuit techniques that are consistent with the guidelines developed by the IACP.	No grants will go to states for local implementation. However, this section presents an opportunity to partner with the federal government on projects and research.	TSD
2018	Safe Intersections	No Impact	Low	This adds to the US Code a criminal offense for selling traffic signal transmitters that change or alter traffic signal sequences or phases to unauthorized users.	No impact expected.	N/A
2020	Presidential Commission on Alcohol-Impaired Driving	Concern/ Opportunity: Opportunity for Oregon representation	Moderate	This section establishes a Presidential Commission on DUII that will address alcohol-impaired driving. Unfortunately, other drugs were not included.	ODOT should consider nominating Troy Costales to serve on the commission.	TSD
2021	Sense of the Congress in support of increased public awareness of blood alcohol concentration levels and dangers of alcohol-impaired driving	Concern: Potential restrictions on state funding	Low	Recommends NHTSA work with states to heighten public's awareness of BAC levels and "dangers of alcohol-impaired driving."	This could affect states' ability to determine media funding.	TSD

Section		Category & Reason	Priority	Description	Impact	Lead
#	Title					
<b>Title 3: Public Transportation</b>						
3005 3006 3007	Metropolitan Planning Statewide transportation planning Programs	Concern: New requirements	High	These sections make significant changes to metropolitan planning requirements. They include more inclusive consultations for MPOs with other planning efforts such as economic development, environment, and freight. It sets out a requirement of four years between update of plans and MTIPs; currently there is a great deal of discussion around this timing and the implications for upcoming MTIPs. Expectations for consultations with federal, state, tribal and other wildlife agencies are increased, as are associated mitigation methods. It outlines the factors to be considered for both an MPO's RTP and ODOT OTP and puts a greater emphasize on consultation. The development of ODOT STIP is still in cooperation with MPOs and consultation with non-MPO governments. It includes a slightly higher threshold for participation by other parties.	Staff from ODOT's Transportation Development Division will meet regularly with FTA and FHWA agreed to ensure compliance by ODOT and MPOs with new planning requirements on plans and transportation improvement programs. TDD will coordinate closely with MPOs to ensure compliance. TDD staff will monitor US DOT's promulgation of regulations on transportation planning, which are likely to appear in draft form later this year.	TDD/PTD
3009	Urbanized area formula grants	Of interest	N/A	Continues grant program for Urbanized Areas (incorporated areas with a population above 50,000) for public transportation capital investments and operating expenses in areas under 200,000 population. <i>See section 3038 for new Growing States and High Density States formula factors.</i>	ODOT is not directly impacted because urbanized area formula grants are sent directly to local agencies.	N/A
3010	Clean fuels grant program	No impact: No funding provided	N/A	Provides US DOT the authority to make discretionary grants to entities in air quality non-attainment areas to encourage use of fuels which have less impact on air quality. No funding is provided for this program.	No impact expected.	N/A
3011	Capital investment grants	Of interest	N/A	Provides funding for Major Fixed Guideway Capital Investment projects (New Starts) and makes changes to program requirements. Creates a new category of Small Starts for projects that seek less than \$75 million in federal funding; these projects will be subject to streamlined evaluation criteria.	Oregon projects may benefit from New Starts and the Small Starts program. ODOT is not directly impacted because funding is provided to local agencies.	N/A



Section		Category & Reason	Priority	Description	Impact	Lead
#	Title					
3012	Formula grants for special needs of elderly individuals and individuals with disabilities	Opportunity: Increased flexibility in use of funds	High	Reauthorizes the 5310 program, which provides capital assistance for transportation programs that benefit the elderly and disabled populations. A new seven-state pilot program is established for fiscal years 2006 through 2009 to determine whether expanding eligibility to operating assistance would improve services to elderly individuals and individuals with disabilities, and Oregon is named as a pilot state. Up to 33% of each participating State's apportioned 5310 funds may be used for operating expenses. Projects funded in FY 2007 and beyond must be derived from a "locally developed coordinated public transit human services transportation plan" that is developed through a process that includes transit and human services providers as well as the public. The bill does not precisely specify what agencies will develop these plans, at what geographic level they should operate, or what these plans should include, and FTA has not specified requirements elements of the plans. FTA is expected to provide significant flexibility in developing these plans. <i>See Section 3018 (Job Access and Reverse Commute and Section 3019 (New Freedom Program) for other programs subject to this coordination requirement.</i>	Under the new 5310 pilot program, Oregon will be able to use up to 33% of funds under this program for operating expenses, and PTD is developing recommendations on how these funds will be distributed to subrecipients around the state. PTD is developing recommendations for development of the local human services transportation plans that will ensure compliance with state and federal law. PTD's recommendations will specify the lead agency that will develop the plan, the geographic area covered, and plan content so plans can be in place next year.	PTD
3013	Formula grants for other than urbanized areas	Opportunity	Moderate	Provides capital and operating assistance for rural and small urban public transportation systems, including new separate funding for Indian tribes.	The amount of money distributed by ODOT to subrecipients around the state will more than double under SAFETEA-LU. PTD is developing plans for distributing funding to local agencies and evaluating the opportunities for changes to the program this will present.	PTD

Section		Category & Reason	Priority	Description	Impact	Lead
#	Title					
3018	Job access and reverse commute formula grants	Opportunity: New funding source	High	The JARC program, which is intended to help low-income people including welfare recipients get transportation to employment, is changed from a discretionary grant program earmarked by Congress into a formula grant. 60% of funding will go directly to urban areas with populations over 200,000 people. States will distribute the other 40% under two statewide competitive grants: half will go cities with populations 50,000-200,000 and half to nonurbanized areas. Projects funded in FY 2007 and beyond must be derived from a "locally developed coordinated public transit human services transportation plan" that is developed through a process that includes transit and human services provides as well as the public. <i>See Section 3012 (Elderly/disabled program) and Section 3019 (New Freedom Program) for other programs subject to this coordination requirement.</i>	ODOT will receive an average of \$486,000 per year in FY 2006-2009 to distribute to transit programs throughout the state. PTD is developing recommendations on how these funds will be distributed to subrecipients around the state. PTD is developing recommendations for development of the local human services transportation plans that will ensure compliance with state and federal law. PTD's recommendations will specify the lead agency that will develop the plan, the geographic area covered, and plan content so plans can be in place next year.	PTD
3019	New Freedom program	Opportunity: New funding source	High	Creates a new formula grant program that will provide capital and operating grants for services and facility improvements that exceed those required by the Americans with Disabilities Act. The funding distribution is the same as JARC: 60% of funding will go directly to urban areas with populations over 200,000 people, and States will distribute the other 40% under two statewide competitive grants: half will go cities with populations 50,000-200,000 and half to nonurbanized areas. Funding might be used for purchasing vehicles, providing para-transit services, making accessibility improvements to transit stations, supporting voucher programs, supporting volunteer driver and aide programs, and other purposes. Projects funded in FY 2007 and beyond must be derived from a "locally developed coordinated public transit human services transportation plan" that is developed through a process that includes transit and human services provides as well as the public. <i>See Section 3012 and for other programs subject to this coordination requirement.</i>	ODOT will receive an average of \$247,000 per year in FY 2006-2009 to distribute to transit programs throughout the state. PTD is developing recommendations on how these funds will be distributed to subrecipients around the state. PTD is developing recommendations for development of the local human services transportation plans that will ensure compliance with state and federal law. PTD's recommendations will specify the lead agency that will develop the plan, the geographic area covered, and plan content so plans can be in place next year.	PTD

Section		Category & Reason	Priority	Description	Impact	Lead
#	Title					
3021	Alternative transportation in parks and public lands	Opportunity: New funding source	Moderate	Creates a new program that will fund alternatives transportation on public lands, including public transportation as well as bicycle/pedestrian projects. A total of \$97 million is available over the course of SAFETEA-LU.	Heavily-used public lands in Oregon, including the Historic Columbia River Highway and the area surrounding Mt. Hood, may be able to receive funding under this program.	PTD
3033	National transit database	Concern: New requirement	Moderate	Recipients of other than urbanized area (Section 5311) funds must submit annual data on service levels, costs, and revenues to the National Transit Database. FTA has announced plans to require additional data.	As the recipient of funds, ODOT will be responsible for reporting. This requirement is not expected to be overly burdensome for transit providers or ODOT.	PTD
3036	Authorizations	Of interest	N/A	Sets forth authorization amounts from the Mass Transit Account of the Highway Trust Fund for transit programs.	Authorization levels are set higher than under TEA-21, which will provide additional funding.	N/A
3037	Alternatives analysis program	Opportunity: New funding source	Moderate	Establishes a new program that will provide funding to states, MPOs, and local agencies to develop alternatives analyses for New Starts fixed guideway projects.	Eighteen specific projects are authorized, including Lane Transit's Bus Rapid Transit project and Portland streetcar, but the section is not fully earmarked, leaving funds available in FY 2008 and FY 2009.	N/A
3038	Apportionments based on growing States formula factors	Opportunity: Increased funding	Low	The basic formula for distribution of Urbanized Area (5307) and non-urbanized Area (5311) programs using population, population density, and level of transit service will be augmented by two new formula factors: Growing States and High Density States. The High Density States formula applies to only seven states, all in the northeast. The Growing States funding will be apportioned among all urban and rural areas based on their projected populations 15 years in the future. Every urbanized and rural area will receive some funding under this Growing States factor, but areas with projected high population growth will receive proportionately more than those with lower growth rates. Funds allocated to non-urbanized areas are included in their states' 5311 apportionments.	As a state that typically has grown faster than the national average, Oregon will likely receive a small amount of additional funding due to the Growing States factor. No additional funding will be available under the High Density States factor.	PTD
3040	Obligation ceiling	Of interest	N/A	Provides the maximum funding levels from the Mass Transit Account, rising from \$7.6 billion in FY 2005 to \$10.3 billion in FY 2009.	The obligation limit is set higher than under TEA-21, which will provide additional funding.	N/A

Section		Category & Reason	Priority	Description	Impact	Lead
#	Title					
3043	Project authorizations for new fixed guideway capital projects	Of interest: Earmarks for local agencies	Low	Provides earmarks for New Starts projects.	Four projects in Oregon received earmarks: Interstate Max extension, South Corridor I-205/Portland Mall light rail, Lane Transit District Bus Rapid Transit Phase 2, and Portland Streetcar extension.	N/A
3044	Projects for bus and bus-related facilities and clean fuels grant program	Of interest: Earmarks for local agencies	Low	Earmarks funding for bus and bus facilities under the 5309 program.	Oregon projects received 18 earmarks.	N/A
3046	Allocations for national research and technology programs	Opportunity: Earmarks	Moderate	Provides funding for a variety of research and pilot programs that are specifically earmarked.	ODOT will receive two earmarks. ODOT will administer a \$4 million pilot program grant to support planning and public participation activities related to public transportation projects. ODOT will also receive \$1 million for research and demonstration activities that focus on the capacity and resources of Oregon public transportation systems to address the needs, barriers, and desires for travel of people with cognitive impairments.	PTD
<b>Title 4: Motor Carrier Safety</b>						
4101	Authorization of Appropriations	Of interest	Low	Continues existing grant for specified motor carrier safety activity (MCSAP grant). Subsection (c) creates new grants related to data systems.	Provides a slight increase over previous grant.	Motor Carrier
4106	Motor Carrier Safety Grants	Opportunity: Additional flexibility in use of funds	Moderate	This section describes the Motor Carrier Safety Assistance Program funded under section 4101 in more detail. It specifically authorizes use of MCSAP funds for size and weight enforcement, drug possession, and enforcement of non-commercial vehicle laws. The latter is subject to a 5% limitation and a continuing level of inspection activity at the average level of 2003-2005. This change allows inclusion of different activities under the MCSAP program.	Provides increased funding used by ODOT and the Oregon State Police primarily to carry out truck inspection program.	Motor Carrier

Section		Category & Reason	Priority	Description	Impact	Lead
#	Title					
4107	High priority activities and new entrant audits	Opportunity	Low	Sets aside funding for: (1) high-priority activities aimed at enhancing highway safety performed by trained/qualified staff; (2) safety compliance audits by state of new entrants subject to federal jurisdiction.	ODOT does not expect to receive any funding from this source.	Motor Carrier
4109	Performance and registration information system management	Concern: ODOT does not participate	Low	PRISM links state and Federal data systems to enable carrier safety fitness checks at time of registration.	Oregon initially participated in this pilot program, but has since opted not to participate. Oregon does not object to provisions relating to suspending vehicle registration for motor carriers found to be unsafe, but is concerned with provisions related to suspension of registration for other issues (failure to pay federal fines for example).	Motor Carrier
4111	Motor Carrier research and technology program	Opportunity	Low	Promotes research and development of technology based materials and processes in a variety of research areas that includes enhancement of data transfer. Subject to a 50/50 match requirement.	ODOT does not expect to receive any funding from this program.	Motor Carrier
4118	Roadability	Concern: New regulations	Low	Sets forth new regulations regarding safety of intermodal equipment. Preempts state regulations that are not consistent with new regulations. Federal rulemaking is required within one year.	ODOT does not anticipate any impact from these rules.	Motor Carrier
4122	CDL learner's permit program	Need more information	Moderate	Prohibits drivers from holding more than "one" CDL instruction permit. Requires individuals to pass a knowledge test on the operation of commercial motor vehicles that the individual will be operating.	ODOT will need clarification on whether the permit must contain endorsements.	DMV

Section		Category & Reason	Priority	Description	Impact	Lead
#	Title					
4123	Commercial driver's license information system modernization	Concern: Changes to existing system	High	Requires the Secretary to develop and publish a national plan to modernize the Commercial Driver's License Information System (CDLIS). In addition, the plan will integrate the commercial driver's license and medical certificates and provide a schedule for modernization.	Current system changes to comply with the Motor Carrier Safety Improvement Act of 1999 are in process and will not be completed until 2011. Additional changes could hinder completion of the current project or impact our ability to meet the new dates for modernizing the system. There may be a lack of resources to complete both projects. ODOT will need to communicate to US DOT and the developer of the system specifications the need to provide states clear detailed specifications on required system changes early in the process, as well as the need for adequate timelines for planning and integrating this change into the other work.	DMV
4124	Commercial driver's license improvements	Need more information: Potential delays in CDL issuance	Moderate	Addresses grants to states that are making an effort to comply with sections 31311 and 4124. Requires states 60-days prior to issuing a CDL to notify the Secretary of the proposed issuance and other information the Secretary may require to ensure identification of the individual applying for the license.	This appears to delay the issuance of a CDL 60 days after application.	DMV
4127	Outreach and Education	Of Interest: New education campaign	Low	US DOT will conduct an education and outreach campaign through grants, contracts, and agreements to promote commercial motor vehicle drivers and passenger car drivers regarding sharing the road safely.	ODOT does not plan to seek funding.	Motor Carrier
4128	Safety Data Improvement Program	No impact: No plans to seek funds	Moderate	Provides 80/20 grant of eligible funds to improve the accuracy, timeliness and completeness of commercial motor vehicle safety data.	ODOT does not plan to seek funding under this program.	Motor Carrier
4129	Operation of commercial motor vehicles by individuals who use insulin to treat diabetes mellitus	Opportunity: Regulatory streamlining	Low	Provides for person with diabetes the opportunity to obtain a medical certificate to operate commercial motor vehicles for interstate operation.	This will reduce the number of intrastate waivers issued by MCTD.	Motor Carrier

Section		Category & Reason	Priority	Description	Impact	Lead
#	Title					
4130	Operators of vehicles transporting agricultural commodities and farm supplies	Concern: Requires change in state regulations	Low	Clarifies existing exemption from driver hours of service requirements for agriculture.	MCTD staff have been notified. This will eventually be included in state regulations when MCTD adopts the federal rules.	Motor Carrier
4131	Maximum hours of service for operators of ground water well drilling rigs	Concern: Requires change in state regulations	Low	Clarifies existing exemption from driver hours of service requirements.	MCTD staff have been notified. This will eventually be included in state regulations when MCTD adopts the federal rules.	Motor Carrier
4132	Hours of service for operators of utility service vehicle	Concern: Requires change in state regulations	Moderate	Clarifies existing exemption from driver hours of service requirements.	MCTD staff have been notified. This change is included in the current MCTD rulemaking that become effective April 1, 2006.	Motor Carrier
4135	CDL Taskforce	Of interest	Low	Requires the Secretary to convene a task force to study and address problems and future challenges to the commercial driver license program's effectiveness to gain the full safety potential.	ODOT can seek to influence this taskforce.	DMV
4136	Interstate van operations	Concern: Requires change in state regulations	Low	Revises current provision of the Code of Federal Regulations with regard to interstate van operations.	MCTD staff have been notified. This will eventually be included in state regulations when MCTD adopts the federal rules.	Motor Carrier
4140	School bus driver qualifications and endorsement knowledge test	No impact: Oregon in compliance	Low	Extends the implementation of a separate school bus endorsement to September 2006.	Oregon passed legislation requiring the school bus endorsement, effective September 30, 2005 as required by the previous rule.	DMV
4141	Drive-away saddlemount operations	No impact: Oregon in compliance	Low	Changes federal law with regard to vehicles used to tow up to three trucks or truck tractors.	Oregon law has been revised to mirror federal law. The change became effective December 14, 2005.	Motor Carrier
4147	Emergency condition requiring immediate response	Concern: Requires change in state regulations	Low	Amends federal law by creating and defining emergency condition requiring immediate response.	This will eventually be included in state regulations when MCTD adopts the federal rules.	Motor Carrier

Section		Category & Reason	Priority	Description	Impact	Lead
#	Title					
4149	Office of Intermodalism	No impact	Low	Requires the US DOT Office of Intermodalism to develop a National Intermodal System Improvement Plan.	N/A	N/A
4202	Definitions; Application of provisions	Concern: May require policy change	Moderate	Clarifies definition of "household goods."	Differs from Oregon's long standing definition. This may require a policy change.	Motor Carrier
4206	Enforcement of regulations related to the transportation of household goods	Concern: Additional responsibility	Low	Authorizes states to enforce violations of federal regulations related to unlawful interstate household goods transportation and allows the state to retain penalties for interstate violations.	Taking on this responsibility would require the redirection of already stretched resources. The provision is permissive, so Oregon does not have to participate.	Motor Carrier
4305	Registration of motor carriers by states	Opportunity/ Concern: Requires legislative action	High	Preempts states from requiring proof of insurance and proof of federal authority from interstate carriers based out of state. Repeals the Single State Registration System and establishes the uniform carrier registration system (UCRS) and data sharing of insurance and authority among participants.	Participation in UCRS would require passage of legislation, and ODOT will advance a legislative concept to allow participation. Funding may be available for participation.	Motor Carrier
4306	Identification of vehicles	Concern: Preempts Oregon law	High	Preempts states from requiring display of vehicle identification with exceptions.	Oregon's requirement that motor carriers display a weight-mile credential will require a federal waiver. Oregon has applied to the Secretary of Transportation for a waiver and secured support from the congressional delegation. If not granted, a legislative concept has been submitted to eliminate the current requirement to carry a weight-mile credential.	Motor Carrier
4307	Use of UCR Agreement Revenues as Matching Funds	Need More Information	Moderate	If ODOT is given the authority to participate in UCRS (Section 4305), this section would allow revenues to be used toward state obligation of MCSAP fund.	ODOT's participation in UCRS will be determined by the Oregon Legislature.	Motor Carrier



Section		Category & Reason	Priority	Description	Impact	Lead
#	Title					
<b>Title 5: Research</b>						
5201 (d, f)	Research, Technology and Education	Opportunity: Potential to leverage other states' funds	Low	These subsections write into statute the USDOT's authority to engage with the states and other partners in pooled fund studies. Pooled fund studies have been allowed, and encouraged by FHWA for a number of years, but there have been a number of ongoing fiscal and administrative problems.	Statutory authority should help to resolve the ongoing problems and make pooled fund projects a more viable option for ODOT.	Research
5201 (m)	Research, Technology and Education	Of Interest	N/A	Funds a biobased transportation research program.	Oregon State University will receive funding through the SUN Grant Initiative to research biobased energy.	N/A
5202	Long term bridge performance program; innovative bridge research and development program	Opportunity: Potential funding source	Low	Creates a new initiative parallel to the Long Term Pavement Performance program that will target bridge research to meet future technology needs.	This grant program may allow ODOT to test innovative bridge materials, designs and construction methods.	Research
5203	Technology Deployment	Opportunity: Potential funding source	Moderate	Provides for grants to states in specified areas including innovative materials, innovative pavement research and deployment, and safety innovation deployment,.	Grants received under this section are eligible to match University Transportation Center funds, allowing ODOT to potentially partner with the PSU Center for Transportation Studies to leverage additional funding.	Research
5204 (b)	Training and Education: Local Technical Assistance Program	Opportunity: Continued funding source	Low	Continues the Local Technical Assistance Program. LTAP funding is increased under SAFETEA-LU.	LTAP funds support the ODOT Technology Transfer Center.	Research
5204 (e, f)	Training and Education: Surface Transportation Workforce Development, Training, and Education	Opportunity: Additional uses of funds	Moderate	Allows use of core program funding from NHS, CMAQ, STP, Interstate Maintenance and Highway Bridge Replacement and Rehabilitation programs to be used for transportation-related education, training and workforce development. No additional funding is provided. This section also provides grants to institutions of higher education for transportation workforce curriculum development and testing.	ODOT will need to determine whether to use highway program apportionments for workforce development efforts.	Highway

Section		Category & Reason	Priority	Description	Impact	Lead
#	Title					
5207	Surface Transportation Environmental and Planning Cooperative Research Program	Opportunity: Funds to address ODOT research needs	Low	This program is created to improve understanding of the complex relationship between surface transportation and the environment. The program may include research to develop more accurate models for evaluating transportation control measures and system designs for use by State and local governments to meet environmental requirements; improve understanding of transportation demand factors; develop indicators of economic, social, and environmental performance of transportation systems to facilitate alternatives analysis; meet additional priorities determined through the transportation research and development strategic planning process identified in section 5208 of SAFETEA-LU; and refine the scope and research emphases through outreach and in consultation with stakeholders.	It is unlikely ODOT will compete to receive funds, but there is a meaningful opportunity to get ODOT research needs addressed. ODOT may wish to seek representation on the governing body that is established to manage the program and select projects.	Research
5209	National Cooperative Freight Research Program	Opportunity: Funds to address ODOT research needs	Low	Establishes a new freight research program through the National Academy of Sciences (Transportation Research Board) and funds it at \$3,750,000 annually. An advisory committee will develop a research agenda that will address quantification of the benefits of freight projects, incorporating freight movement into various aspects of transportation planning, the use of technology applications to increase capacity of highway lanes dedicated to truck-only traffic, among others.	ODOT may wish to seek representation on the advisory committee that will direct the agenda.	Research/ Freight Mobility
5210	Future strategic highway research program	Of interest	Low	Creates the SHRP II research program, which will be administered by TRB in consultation with US DOT and AASHTO. SHRP II will focus on renewal of aging highway infrastructure; preventing or reducing the severity of highway crashes by understanding driver behavior; reducing highway congestion through incident reduction, management, response and mitigation; planning and designing new road capacity to meet mobility, economic, environmental, and community needs.	Barnie Jones, head of ODOT's Research program, will represent Oregon on AASHTO's committee on SHRP II.	Research

Section		Category & Reason	Priority	Description	Impact	Lead
#	Title					
5211	Multistate Corridor Operations and Management	Of interest	Low	This is primarily an earmark for the I-95 Corridor Coalition, but it could provide a model for a similar multi-state cooperative efforts on I-5. Section A states that the secretary shall encourage multi-state cooperative agreements. This may help address some administrative obstacles within FHWA to pooled funding for the COATS project.	No direct impact.	N/A
5301	National ITS program plan	Opportunity: Potential to influence national ITS plan	Low	This section requires US DOT to develop a 5-year National ITS program plan that will specify goals, objectives, and milestones for research and deployment of ITS in metropolitan areas, rural areas, and commercial vehicle operations. Requires cooperation with state and local governments to determine desired system performance levels and accelerate deployment of ITS.	ODOT's ITS staff will monitor US DOT process for developing this plan and provide input as needed.	ITS
5302	Use of Funds	No impact	N/A	Limits use of funds by US DOT for ITS outreach, tours, displays, and brochures	Minimal impact expected.	N/A
5303	Goals and Purposes	No impact	N/A	Sets out ITS program goals and purposes. Goals are nearly identical to TEA-21. Purposes are slightly expanded. Provides guidance to US DOT on use of discretionary funding.	Minimal impact expected.	N/A
5304	Infrastructure development	Opportunity: Possible grant funding	Low	Provides funds for development of ITS infrastructure.	May present an opportunity for Oregon to participate in a future operational test. ODOT's ITS staff will monitor FHWA solicitations for ITS field operational tests.	ITS
5305	General Authorities and requirements	Opportunity: Possible training and technical assistance	Low	This section outlines the general requirements for US DOT in implementing the ITS program. Provides option for US DOT to provide ITS training and technical assistance to state and local governments. Provides option for US DOT to provide funding to support inclusion of ITS in MPO and statewide planning processes. Establishes technical and safety information clearinghouse. Establishes steering committee to review and advise US DOT on the ITS research program.	ODOT's ITS staff will monitor FHWA training and technical assistance opportunities.	ITS

Section		Category & Reason	Priority	Description	Impact	Lead
#	Title					
5306	Research and Development	Opportunity: Possible operational test funding	Low	Sets priority areas for ITS infrastructure and intelligent vehicle research, development and operational tests.	Operational test funding may be available for ODOT. ITS staff will monitor FHWA solicitations for opportunities.	ITS
5307	National Architecture and Standards	Opportunity: Improved interoperability	Moderate	Continues emphasis on interoperability through conformance to national architecture and ITS standards. Establishes an expert panel to recommend ways to expedite standards adoption. Recommendations required by Sept. 30, 2007.	ITS staff will monitor and comment on standards developed by standards development organizations and work with FHWA division office to develop a clear compliance process.	ITS
5308	Road Weather Research and Development Program	Opportunity: Improved tools for winter maintenance	Low	Funds additional research to integrate existing weather observation data and improve weather modeling capabilities.	Improved weather forecasting and winter maintenance decision support tools could help ODOT be more efficient with winter maintenance resources. ITS will monitor development of road weather technology and implement in Oregon projects. Inform Maintenance Leadership Team of improved winter maintenance decision tools.	ITS
5309	Centers for Surface Transportation Excellence	Need more information	Low	Funds four centers for Surface Transportation Excellence: <ul style="list-style-type: none"> <li>• Center for Environmental Excellence</li> <li>• Center for Excellence in Surface Transportation Safety at Virginia Tech</li> <li>• Center for Excellence in Rural Safety at the Hubert H. Humphrey Institute in Minnesota</li> <li>• Center for Excellence in Project Finance</li> </ul>	The selection process for the two centers whose location isn't specified isn't clear, so there is a potential opportunity to obtain center of excellence funding for environmental or project finance. It is unlikely that Oregon could secure either of the two centers whose location has not been specified.	N/A
5401	National University Transportation Centers	Opportunity: Potential to leverage research funding	High	Provides for a National University Transportation Center housed at Portland State University in cooperation with Oregon State University, University of Oregon and Oregon Institute of Technology. Funding is at \$2,000,000 in FY'05 and at \$3,500,000 in each subsequent year. Federal participation is at 50%, meaning funds must be matched dollar for dollar from local or specified Federal sources.	The key opportunity is to use existing ODOT research funds to leverage University funds and to help drive the UTC's research agenda. A second issue is to consider whether the opportunity to leverage UTC funds through PSU merits increasing ODOT's research investment. It also probably means channeling more of ODOT's research efforts through state universities.	Research

Section		Category & Reason	Priority	Description	Impact	Lead
#	Title					
5402	University Transportation Research	Opportunity: Potential to leverage research funding	Low	Provides funding for transportation research at universities across the country. Universities in other states within our region receive funding under this section.	There have been discussions of a Northwest Universities Transportation Consortium. The benefits to ODOT of such a consortium have yet to be clearly defined, but they would likely include relatively easy access to a greater range of skills and expertise drawing from 8 regional universities, as well as the opportunity to more easily pursue cooperative research projects with neighboring states. A joint Oregon, Washington, and California corridor effort has also been discussed.	Research
5501	Transportation Safety Information Management System Project	No impact	Low	FHWA is developing TSIMS and will accept voluntary contributions from states to participate in development of a comprehensive safety information management system.	ODOT does not intend to participate in this program.	??
5502	Surface Transportation Congestion Relief Solutions Research Initiative	Of interest	Low	Funds two part research programs. Part 1 develops improved techniques to gather and analyze data to be used for congestion related performance measures. Part 2 looks at techniques used by MPO's and state DOT's to utilize congestion data for decision making leading to reduced travel delay and congestion or improved travel time reliability.	ODOT may benefit from the products of this research.	Research
5507	Rural Interstate Corridor Communications Study	No impact: Oregon not eligible	Low	Requires US DOT to study the feasibility of installing fiber optic cable and wireless communications infrastructure along multi-state rural interstate freeway corridors for the purpose of improving communications services to rural communities. Three rural corridors (none of which are in Oregon) are identified in this section.	The outcomes of these studies could inform discussions of similar efforts in Oregon, or Oregon could seek similar treatment in the next bill.	N/A
5508	Transportation technology innovation and demonstration program	Opportunity: Continued funding source	Mod	Continuation of ITIP program in TEA-21.	Provides \$2 million per metropolitan area listed to Traffic.com, including Portland, to install traffic sensors and provide data services to US DOT and state DOT.	ITS

Section		Category & Reason	Priority	Description	Impact	Lead
#	Title					
5509	Repeal	Concern: Elimination of discretionary funding source	Low	Repeals the ITS Deployment Program and the Commercial Vehicle ITS Deployment program. This eliminates funding specifically to encourage ITS deployment; however this program had been heavily earmarked under TEA-21.	Oregon received very little of the funding from this program under TEA-21, so the impact is minor. ITS projects can be funded through other programs, whether earmarked or apportioned.	ITS
5511	Motorcycle crash causation study grants	Opportunity: Improved safety	Moderate	NHTSA will contract through a grant program to a research facility to study the causes of motorcycle crashes and submit a report to NHTSA and Congress.	Research may lead to curriculum changes in TEAM OREGON Motorcycle Safety Program courses. TSD/TO would not be the grant recipient, but would benefit from research.	TSD
5514	Competition For Specification Of Alternative Types Of Culvert Pipes	No Impact	Low	Directs US DOT to ensure that states provide for competition with respect to the specification of alternative types of culvert pipes through requirements commensurate with competition requirements for other construction materials.	ODOT is in compliance with this policy.	N/A

## Title 6: Transportation Planning and Project Delivery

6001	Transportation Planning	Concern: New requirements	High	The STIP is required to be SAFETEA LU compliant by July 2007. A planning finding needs to be made but not clear as to where/how this finding will be made or placed. The STIP is required to be updated at least every 4 years and contain 4 years of projects. Environmental mitigation must be in place prior to ODOT approval of plans addressing SAFETEA requirements. New consultation requirements also must be put in place prior to approval, but ODOT likely has this addressed. Existing planning factors are modified to promote consistency between transportation improvement and state and local planned growth and economic development patterns; these must be in place prior to approval.	At this time ODOT does not plan to advance the FY 2008-2011 STIP schedule. ODOT is hopeful that a strategy will be developed that will allow ODOT to make amendments to the FY 2006-2009 STIP after July 1, 2007. ODOT will not have to change from our existing STIP cycle, but staff are exploring the potential of moving to a four-year STIP. TDD staff will monitor US DOT's promulgation of regulations on transportation planning, which are likely to appear in draft form later this year.	TDD
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Section		Category & Reason	Priority	Description	Impact	Lead
#	Title					
6002	Efficient Environmental Reviews for Project Decision making	Opportunity: Streamlined regulations	High	Creates new processes for EISs obligating lead agencies to formally involve the public and participating agencies in the environmental review process. Creates a mechanism for issue identification and dispute resolution and establishes a 180-statute of limitations for lawsuits challenging approvals.	This section will streamline and expedite project environmental review processes and support early identification and resolution of issues. It allows state, local, and tribal agencies a more formal role in the environmental review process and complements ODOT's CS3 initiative. This provision's 180-day statute of limitations may reduce potential delays due to litigation on projects in which complex or controversial issues or impacts may generate opposition in the future.	Geo-Environmental
6003	State assumption of responsibility for certain programs and projects	Opportunity: Streamlined regulations	Low	Creates a pilot program allowing up to 5 states to assume US DOT responsibilities for environmental reviews for Transportation Enhancements and Recreational Trail projects.	FHWA has not received any interest from states, and ODOT does not plan to seek this authority.	Geo-Environmental
6004	State Assumption of Responsibility for Categorical Exclusions	Opportunity: Streamlined regulations	High	Authorizes states to assume US DOT authority for determining that projects are categorically excluded from requirements for an EIS or EA.	ODOT is currently considering a phased approach to assuming responsibility for categorical exclusions. Assumption of this responsibility will cut between 15 and 30 days off the categorical exclusion (CE) process and shorten ODOT's project development process. Approximately two hundred STIP jobs per year are classified as CEs.	Geo-Environmental
6005	Surface Transportation Project Delivery Pilot Program	No impact	Low	Allows five states (Alaska, California, Ohio, Oklahoma and Texas) to enter a pilot program that will allow them to assume US DOT's environmental review responsibilities. This is a pilot program that could be expanded if it proves successful.	No immediate or direct impact. However, ODOT should monitor this pilot program to determine whether to seek this status in the next reauthorization bill.	Geo-Environmental
6006	Environmental Restoration and Pollution Abatement	Opportunity: New uses of funds	Moderate	Provides ability to use National Highway System and Surface Transportation Program funds for plant management activities including surveys, control of noxious weeds, control of vegetation that threatens roadway safety, and the creation of fuel breaks for wildfire control. Plant management activities may occur before, during, or after a project.	This provision allows for better management of the noxious weed population within highway corridors and will provide more opportunity for aesthetic enhancement of highway corridors through appropriate planting and vegetation management.	Highway

Section		Category & Reason	Priority	Description	Impact	Lead
#	Title					
6007	Exemption of Interstate System	Opportunity: Streamlined regulations	Moderate	Exempts most elements of the Interstate System from the requirements of Section 4(f) for protection of historic resources. A list of elements to be excluded from the exemption is under development in accordance with this section.	This section provides a streamlining tool for project delivery by eliminating Section 4(f) review of resources that lie within the Interstate right of way. This exemption will save ODOT time and effort by not requiring the preparation and FHWA review of Section 4(f) documents for projects of a type that meet the exemption. Approximately 45 days can be saved in the project timeline by the exemption. This will require coordination with the State Historic Preservation Office (SHPO) and FHWA to establish a list of resources within the right of way to which the exemption does not apply.	Geo-Environmental
6008	Integration of Natural Resource Concerns into Transportation Project Planning	No impact	Low	Requires US DOT to consider the FHWA publication <i>Flexibility in Highway Design</i> and certain guiding principals developed at the 1998 conference "Thinking Beyond the Pavement National Workshop on Integrating Highway Development with Communities and the Environment while Maintaining Safety and Performance" when developing highway design criteria.	No direct impact is expected.	N/A
6009	Parks, Recreation Areas, Wildlife and Waterfowl Refuges, and Historic Sites	Opportunity: Streamlined regulations	High	Transportation uses of Section 4(f) resources that result in <i>de minimis</i> impact findings will no longer require an analysis of avoidance alternatives.	Section 6009 provides a streamlining tool for Section 4(f) by eliminating full avoidance alternatives analysis in cases where only a <i>de minimis</i> impact exists. This may be especially useful for certain project classes in order to save Agency effort in preparing 4(f) evaluations and time in the project development process. Section 6009 also provides further impetus to ODOT project teams to minimize unavoidable Section 4(f) impacts through innovative design.	Geo-Environmental



Section		Category & Reason	Priority	Description	Impact	Lead
#	Title					
6010	Environmental Review of Activities that Support Development of Intelligent Transportation Systems	Opportunity: Streamlined regulations	Moderate	Requires US DOT to issue regulations providing Intelligent Transportation Systems projects a categorical exclusion (CE) under the NEPA process.	Currently ODOT uses its State Programmatic Categorical Exclusion agreement with FHWA, approved in 1999, to process ITS projects, and Section 6010 provides another avenue to approve these projects as a CE. No net savings in time is anticipated but it provides ODOT with an alternative approval method.	Geo-Environmental
6011	Transportation Conformity	Opportunity: Streamlined regulations	High	This provides greater flexibility in transportation planning and air quality conformity by requiring the frequency of conformity for plans and Transportation Improvement Programs (TIPs) to be every four years, except when the MPO elects to update the plan or TIP more frequently, or when State Implementation Plan (SIP) actions trigger a new conformity determination. Under the new law, there is a 12-month grace period before a conformity lapse takes effect, allows conformity findings to be based on a 10-year horizon under certain circumstances, and allows for transportation control measure substitution in SIPs. Conformity re-determinations must be within 2 years after approval of a new or revised motor vehicle emissions budget in a SIP. The modifications provide greater flexibility in meeting conformity requirements, without reducing the protection for air quality.	These changes will provide greater opportunity for the transportation improvement programs of Oregon metropolitan areas to conform with the Clean Air Act.	TDD/Geo-Environmental
6017	Increased use of Recovered Mineral Component in Federally Funded Projects Involving Procurement of Cement or Concrete	Concern: New requirements	Low	Directs FHWA and other agency heads to implement fully all procurement requirements and incentives already enacted that provide for the use of recovered mineral content in cement or concrete projects. Directs FHWA to submit a report to Congress within 30 months of SAFETEA-LU enactment on the results of a study on the extent of and opportunities for greater recovered material substitution. Within one year of the report's release, FHWA will take additional actions recommended in report for greater recovered material substitution.	ODOT may be able to use additional cost-effective substitution of recovered material based upon results of the report. However, increasing recovered material content in cement and concrete projects could result in substandard material quality. ODOT will monitor implementation decisions and actions by FHWA and comment on implementation documents as they are produced.	Highway

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<b>Title 7: Hazardous Materials Transportation</b>						
7132	National First Responder Transportation Incident Response System	Of Interest	Low	Provides funding to the Operation Respond Institute, Inc. (ORI) to create a HazMat incident detection, preparedness and response system.	No immediate impact.	N/A
7203	Department of Transportation requirements	Concern: Potential new requirements	Low	Amends requirements for food transportation safety inspections.	May require state truck safety inspectors to inspect for adulterated food items.	Motor Carrier
<b>Title 8: Transportation Discretionary Spending Guarantee</b>						
8002	Adjustments to align highway spending with revenues	Concern: Possible changes in funding levels	High	This section amends the Balanced Budget and Emergency Deficit Control Act of 1985 to adjust obligations from the Highway Account of the Highway Trust Fund to actual levels of highway receipts for fiscal years 2005 through 2009.	Actual revenue levels that differ from current expectations could lead to increases or reductions in the obligation limitation.	Highway Finance
<b>Title 9: Rail Transportation</b>						
9001	High-speed rail corridor development	Opportunity: Funding for rail	Low	Authorizes \$100 million annually for high speed rail corridor development. Of this amount, \$70 million is for corridor development activities and \$30 million is for technology development activities. However, no funding is directly appropriated, leaving it to annual appropriations bills to provide funding.	In the current budget environment, Congress is unlikely to appropriate funding for programs not specifically funded in SAFETEA-LU; no funding is included in the Administration's FY 2007 budget. However, if funding is appropriated, Oregon may be able to make use of this money for improvements to the Eugene-Portland corridor.	Rail

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9002	Capital grants for rail line relocation projects	Opportunity: New program	Low	Authorizes \$350 million annually for grants to states for relocating rail lines when they cause adverse impacts on safety, motor vehicle traffic flow, quality of life, or economic development.	In the current budget environment, Congress is unlikely to appropriate funding for programs not specifically funded in SAFETEA-LU; no funding is included in the Administration's FY 2007 budget. However, ODOT has many needs that could be met by this program and will apply for funding if it is appropriated.	Rail/ Highway
9003	Rehabilitation and improvement financing	Opportunity: Expanded financing source	Moderate	Expands loan opportunities under the Railroad Rehabilitation Infrastructure Financing program, which provides loans and loan guarantees for passenger and freight rail improvement projects, from \$3.5 billion to \$35 billion. \$7 billion is set aside for short-lines. States and local governments are eligible for funding, as are railroads and others.	ODOT and other rail line owners and operators may be able to apply for credit assistance under this program. The Administration's FY 2007 budget proposes eliminating new credit assistance under RRIF in order to eliminate corporate subsidies.	Rail
9004	Report regarding impact on public safety of train travel in communities without grade separation	Of interest	Low	US DOT is required to study the impact of blocked highway-railroad grade crossings on the ability of emergency responders to perform public safety and security duties.	No direct impact is expected.	Rail
9007	Study of rail transportation and regulation	Of interest	Low	US DOT and the Transportation Research Board will conduct a comprehensive study of the nation's rail system to determine the impact of deregulation on service levels, quality, and rates. The study and report to Congress will also examine projected demand for freight transportation over the next two decades and constraints that limit railroads' ability to meet this demand, the effectiveness of public policy in balancing railroads' return with the need of shippers for reasonable rates, and the future regulatory role of the Surface Transportation Board.	This section will help inform the national debate about the future of the rail system and could lead to legislative and regulatory changes that would be of interest to railroads and rail shippers.	Rail

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<b>Title 10: Miscellaneous Provisions</b>						
10202	Emergency Medical Services	No impact	Low	Establishes a Federal Interagency Committee on EMS.	States would not have a role, but the committee's work would impact the states and could provide leadership on this issue.	N/A
10212	Rescission of unobligated balances	Concern: Potential loss of funds	Moderate	Rescinds \$8.543 billion in unobligated balances when SAFETEA-LU expires in 2009. Each state's share of this amount is equal to their share of apportionments under SAFETEA-LU.	ODOT will need to rescind over \$100 million. However, it is very likely that all of these rescissions will come out of balances ODOT cannot obligate due to the obligation limitation.	Highway Finance
10305	Non-traffic incident data collection	Concern: New requirement	Moderate	NHTSA is directed to develop a method to collect data on the number and types of injuries and deaths involving motor vehicles with a gross weight of not more than 10,000 pounds in non-traffic accidents.	This could create an additional requirement for ODOT that will divert funding from more important needs.	TSD
<b>Title 11: Highway Reauthorization and Excise Tax Simplification</b>						
11111	Modification of gas guzzler tax	No impact	N/A	Oregon does not have a gas guzzler tax, nor has any responsibility to administer the federal tax. It is imposed on the manufacturer.	There appears to be no impact to Oregon.	N/A
11113	Volumetric excise tax credit for alternative fuels	Concern: Could impact Oregon taxation of fuel	Low	The federal government has created fuel excise tax credits for use of biodiesel and alternative fuels, used 100% or blended with fossil fuels.	The existence of a federal tax credit program could support efforts in the Oregon Legislature to pass similar measures.	Fuels Tax
11141	Motor Fuels Tax Enforcement Advisory Commission	No impact	N/A	This commission includes only one representative from the states among many members, and will probably focus on federal issues. While it is possible that there will be information requests of the states, there is no clear direction of where this commission will head or what will be its priorities.	There is no immediate requirements of the states here.	Fuels Tax

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11142	National Transportation Infrastructure Financing Commission	Opportunity: Potential to influence commission	High	Creates a commission to develop alternatives to generating revenue for the Highway Trust Fund. However, this commission is very similar to that created in Section 1909, and may never come into existence.	ODOT will work to shape the recommendations of this commission to advance Oregon's interests.	Government Relations
11143	Tax-exempt financing of highway projects and rail-truck transfer facilities	Opportunity: New financing source	High	Creates the opportunity to issue in tax-exempt Private Activity Bonds for highway projects and intermodal freight transfer facilities, as well as other transportation projects. These bonds, which are issued by governments for private-sector activities that would not otherwise be eligible for tax-exempt status, are subject to a \$15 billion national annual cap rather than traditional state-by-state caps. This will encourage private participation on surface transportation infrastructure projects by providing the ability to combine tax-exempt debt and equity.	ODOT has not yet identified any projects for which it will use this new tool, but it may be used for public-private partnerships and other projects that require innovative finance.	Highway/ Innovative Partnerships
11144	Treasury Study of highway fuels used by trucks for non-transportation purposes	Concern: Potential federal fuel tax refunds	Low	Requires the US Treasury to conduct a study regarding the use of highway motor fuel by trucks that is not used for propulsion of the vehicle and determine whether such use should be exempt from excise taxes.	Oregon has stringent rules for power take-off refunds for gasoline powered vehicles where the fuel used for power take-off comes from the fuel tank of the vehicle and not a separate tank, and allows no diesel tax refunds for power-take off refunds for vehicles under 26,000 lbs, which are the only vehicles subject to diesel tax in Oregon. There has never been sufficient groundswell of taxpayer requests for ODOT to put forward a legislative concept to allow such refunds. Should the federal government study allow such refunds, Oregon may be compelled to revisit the issue.	Fuels Tax
11145	Diesel fuel tax evasion report	No impact	N/A	Requires the IRS to report to Congress on technologies to reduce diesel fuel tax evasion.	Federal taxation of diesel at the rack entails detection of diesel tax evasion that is not applicable to Oregon because of its weight-mile tax and retail diesel taxation scenario.	N/A

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11161	Treatment of kerosene for use in aviation	Concern: Possible new source of untaxed aviation fuel	Low	Cracks down on use of kerosene for aviation fuel. ODOT collects taxes on aviation fuel on behalf of the Oregon Department of Aeronautics. Kerosene is not a taxable fuel in Oregon unless placed into the fuel tank of a motor vehicle.	While this law imposes no requirements upon ODOT, Fuels Tax Group will look into the possibility that untaxed kerosene may be used in a material quantity in lieu of taxed aviation fuel.	Fuels Tax
11162	Repeal of ultimate vendor refund claims with respect to farming	No impact	N/A	Since Federal diesel tax is collected at the rack and included in the downstream price of diesel fuel, non-taxable uses for which refunds can be claimed have been handled by federally registered "ultimate vendors" instead of individual claimants to limit administrative cost.	Oregon has no such problem, since diesel is non-taxable by the state until used on Oregon roads. Diesel refund claims are almost non-existent. Both farmers' non highway use and government use are exempt "up front".	N/A