

**JURISDICTION AND ACTIVITIES
SUBCOMMITTEE ON HIGHWAYS AND TRANSIT
112TH CONGRESS
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I. OVERVIEW

A. Programs of Jurisdiction

The Subcommittee on Highways and Transit has responsibility for the development of national surface transportation policy, construction and improvement of highway and transit facilities, implementation of safety and research programs, and regulation of commercial motor vehicle operations. Within this scope of responsibilities, the Subcommittee has jurisdiction over many U.S. Department of Transportation (DOT) programs, including the following:

- Federal-aid Highway Program administered by the Federal Highway Administration (FHWA)
- Federal transit program administered by the Federal Transit Administration (FTA)
- Highway safety grants and research programs administered by the National Highway Traffic Safety Administration (NHTSA)
- Commercial motor vehicle safety programs and regulations administered by the Federal Motor Carrier Safety Administration (FMCSA)
- Surface transportation research administered by FHWA and FTA and coordinated through the Research and Innovative Technology Administration (RITA).

Many of these agencies, especially FTA and FMCSA, also have security oversight and enforcement responsibilities as part of their regulatory functions. In addition, the Subcommittee has jurisdiction over certain provisions of the Clean Air Act pertaining to air quality compliance through the transportation planning and project development process administered by FHWA and FTA.

B. The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was enacted in August of 2005, and reauthorized Federal surface transportation programs through September 30, 2009.

This legislation builds on the foundation established by the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and the Transportation Equity Act for the 21st Century (TEA 21), enacted in 1998. SAFETEA-LU preserved the direct link between investment in transportation programs and revenues coming into the Federal Highway Trust Fund (HTF). TEA 21 amended the Federal Budget Act and created a House rule to guarantee that Federal transportation excise taxes are used for transportation programs. TEA 21 established budgetary firewalls – one for highway and highway safety programs, another for transit programs – to protect investments in these programs from being reduced in order to enable greater spending in other discretionary programs. These firewalls matched minimum investment levels for highway, highway safety, and transit programs with HTF receipts and walled off highway and transit investments from each other and from all other domestic discretionary spending.

On September 30, 2009, SAFETEA-LU expired. A series of extensions of SAFETEA-LU were enacted in the 111th Congress to continue funding authority under SAFETEA-LU program structures. The latest extension, the Surface Transportation Extension Act of 2010, Part II (Public Law 111-322), will expire on March 4, 2011. Reauthorization of SAFETEA-LU is a priority for the first session of the 112th Congress.

The specific programs reauthorized, created, or expanded by SAFETEA-LU are described in detail in the remainder of this document.

C. Preparing for the Reauthorization of the Surface Transportation Programs

During the 110th and the 111th Congress, the Subcommittee held several hearings and received reports from two surface transportation policy commissions regarding the reauthorization of the highway, transit, and highway safety programs. These hearings and Commissions evaluated:

- The importance of the surface transportation system to our Nation's economic competitiveness and quality of life;
- The proper Federal role in addressing our freight and passenger accessibility needs;
- The level of investment needed to maintain and improve our Nation's surface transportation system;
- The need to link Federal funding to performance measures and cost effectiveness;
- The proper Federal role in regulating the safety of surface transportation; and,
- Innovative processes for funding and delivering surface transportation projects.

II. FEDERAL-AID HIGHWAY PROGRAM

A. Overview of the Federal-Aid Highway Program

1. Funding

The Federal-aid Highway Program is a Federally-assisted, State-managed and -operated program in which the States plan, design, and construct highway projects as well as operate and maintain major roads. The Federal government provides financial resources and technical assistance to State and local governments for constructing, preserving, and improving the National Highway System and other urban and rural roads that, though not on the System, are eligible for Federal aid.

There are nearly four million miles of public roads in the United States, but only 24 percent are eligible for Federal aid. Governments at all levels and the private sector provided \$161 billion in 2006 for highways and bridges in the form of capital outlay, maintenance, highway and traffic services, administration, highway safety enforcement, and debt service. In fiscal year 2010, the Federal capital investment in highways totaled \$42.7 billion.

America's reliance on our surface transportation system is growing faster than the system itself. National public highway mileage increased at an average rate of 0.2 percent between 1997 and 2006, while total vehicle miles travelled grew to an average annual rate of 1.9 percent during the same period. Congestion has increased as a result of this disparity. However, through an increased focus on system preservation and increased public investment, transportation agencies have been able to mitigate most of the physical deterioration of road systems and have continued to reduce fatality rates and crashes.

2. History of Federal Assistance for Highway Construction

Federal assistance for highway construction dates back to the early 20th century when \$500,000 was provided in the Post Office Appropriation Bill of 1912. Much expanded Federal assistance began with the Federal-Aid Highway Act of 1944, which authorized the construction of a "National System of Interstate Highways." But the construction program did not get off to a good start due to, among other things, the lack of a sound financing mechanism.

The landmark Federal-Aid Highway Act of 1956 authorized a 41,000-mile National System of Interstate and Defense Highways. The Act also established the Highway Trust Fund (HTF), into which were deposited receipts from Federal excise taxes paid by highway users, to be used for the highway program. This dedicated funding mechanism provided financial certainty for the highway program, including the Interstate Program. The 13-year authorization of the 1956 Act gave the States and highway construction industry the continuity needed to develop and build highway projects.

The Interstate System was established as a cost-to-complete system. As a general rule, each route was required to meet certain design specifications. Every State was provided Federal funding to cover 90 percent of the cost of constructing its route segments; the State provided the remaining 10 percent. With the enactment of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), the Interstate System was declared complete, with only a few short segments remaining to be constructed. The final ISTEA funds for these segments were apportioned to the States in FY 1995.

With the Interstate System mostly completed, the major focus of the Federal-aid Highway Program shifted to:

- supporting the National Highway System, a more than 160,000-mile network of Interstate highways and other major road networks that carries 40 percent of the Nation's highway traffic;
- guaranteeing that taxes collected from highway users are used to maintain and improve our Nation's surface transportation infrastructure;
- developing an efficient intermodal surface transportation system that enhances passenger travel and freight shipment while controlling transportation costs;
- ensuring the safety and security of the Nation's highways and bridges;
- expediting the delivery of Federal-aid highway projects; and

- expanding the forms of Federal financial assistance for highway project development and construction.

B. Financing Procedures for the Federal-Aid Highway Program

1. The Highway Trust Fund

The Federal-aid highway program is user-fee financed through Federal excise taxes levied on motor fuels and on various highway-related products such as tires and heavy trucks. Revenues from these taxes are deposited into the HTF and may be used only for eligible transportation projects and activities.

When the HTF was established in 1956, the excise tax rates for highway use of motor fuels were three cents per gallon. Since then the tax rate and structure have been revised several times. The current rates of 18.4 cents per gallon of gasoline and 24.4 cents per gallon of diesel went into effect on October 1, 1993.

Until 1982, all receipts from motor fuel taxes were deposited into the HTF. The Surface Transportation Assistance Act of 1982 increased the tax rates from four cents per gallon to nine cents per gallon, established separate Highway and Mass Transit accounts within the HTF, and deposited one cent out of the nine cents per gallon into the Mass Transit Account.

The Superfund Amendments and Reauthorization Act of 1986 raised the rates by 0.1 cent per gallon to 9.1 cents per gallon of gasoline and 15.1 cents per gallon of diesel, and deposited the revenues generated from that increase into the newly established Leaking Underground Storage Tank Trust Fund. The Omnibus Budget Reconciliation Act of 1990 allowed the increase to lapse on September 30, 1996.

The 1990 budget act also raised the fuel tax rates by five cents per gallon to 14.1 cents per gallon of gasoline and 20.1 cents per gallon of diesel. For the first time, a portion of the taxes, 2.5 cents per gallon, was put into the general fund for deficit reduction. Revenues from that 2.5 cent per gallon tax were restored to the HTF on October 1, 1995.

The Omnibus Budget Reconciliation Act of 1993 raised fuel tax rates by another 4.3 cents per gallon to 18.4 cents per gallon, and deposited all the receipts from that increase into the general fund for deficit reduction. The Taxpayer Relief Act of 1997 redirected the receipts from the 4.3 cents per gallon rate hike back to the HTF (80 percent to the Highway Account, and 20 percent to the Mass Transit Account). The Act also reinstated the lapsed 0.1 cent per gallon fuel taxes for the Leaking Underground Storage Tank Trust Fund.

Currently, of the 18.4 cents per gallon Federal excise tax on gasoline, 15.44 cents is deposited into the Highway Account, 2.86 cents is deposited into the Mass Transit Account, and 0.1 cent is deposited into the Leaking Underground Storage Tank Trust Fund. Of the 24.4 cents per gallon Federal excise tax on diesel, 21.44 cents is deposited into the Highway Account, 2.86 cents is deposited into the Mass Transit Account, and 0.1 cent is deposited into the Leaking

Underground Storage Tank Trust Fund. The latest data show that HTF receipts totaled \$35 billion in FY 2010, with \$30.1 billion deposited into the Highway Account, and \$4.8 billion into the Mass Transit Account.

Congress addressed the pressing investment needs by significantly increasing the authorization levels for highway programs in TEA 21 and SAFETEA-LU. Without an increase in receipts, however, the cash balance in the Highway Account of the HTF has fallen steadily. The Highway Account had a balance of \$22.55 billion at the end of FY 2000, but by the time TEA 21 expired at the end of FY 2003, the balance had dropped to \$13 billion. At the end of FY 2010, the balance in the Highway Account had declined further to \$7.9 billion. Current projections show that the cash balance in the Highway Account will be depleted sometime in 2013.

2. Funding Structures and Issues

The Federal-aid Highway Program is different from almost all other Federal programs in that it is funded almost entirely through a type of budget authority known as “contract authority.” Congress originally authorized the use of contract authority for the highway program in the Federal-Aid Highway Act of 1921. Using contract authority, the Secretary of Transportation (Secretary) is able to give States advance notice of the size of the Federal-aid program at the time an authorization act is signed into law, and commit to reimburse States for eligible costs they incur for the highway program, without a separate annual appropriation of funds. Contract authority from the HTF has been important to the States in eliminating much of the uncertainty inherent in the appropriations process, and it enables States to carry out long-term highway construction projects.

With contract authority, funds authorized for the Federal-aid Highway Program for a fiscal year are available for distribution to the States on the first day of that fiscal year via a formula provided in law (apportionment) or based upon congressional mandate or administrative discretion (allocation). Apportionments are made in programs determined in statute, which also specifies eligibility requirements governing the types of projects that may be funded under each program. When a State receives its apportionments, it can obligate amounts against the apportionments for approved projects. Approval of a project by the Secretary constitutes a contract under which the United States agrees to reimburse the State for the Federal share of the cost of the project. States actually pay the costs of the project first and then submit vouchers to DOT for reimbursement.

Obligation authority is distributed annually to the States in proportion to each State’s share of the basic highway programs. On the first day of each fiscal year, each State receives its full apportionment of contract authority for the various highway programs, as well as an amount of obligation authority that traditionally has been less than its apportioned contract authority. As a result, States have been prevented from obligating all of their apportionments. With a few exceptions, each State can use its obligation authority as it chooses among the various highway programs. This flexibility allows the States to focus their investments according to their respective priorities. For example, if the obligation authority a State receives is 90 percent of its

contract authority, a State may choose to fully fund its Interstate Maintenance program with its obligation authority while investing at a lower level in its Bridge Replacement and Rehabilitation program. However, the imposition of obligation limits below the level of authorizations over the years has resulted in the States accumulating substantial unobligated balances of contract authority. These are funds that have been apportioned to the States, but which they are prevented from obligating because of the limitations.

C. Core Highway Apportionment Programs

SAFETEA-LU strengthened existing core highway apportionment programs, the funding of which is distributed among the States by formulas and added one new core highway apportionment program, the Highway Safety Improvement Program.

1. National Highway System (NHS)

The National Highway System (NHS) is a more than 160,000-mile network of Interstate highways, strategic defense routes, principal urban and rural arterials, and connector routes linking arterials and major intermodal transportation facilities. Under certain circumstances, NHS funds may be used for transit improvements in NHS corridors.

2. Interstate Maintenance (IM)

The Interstate Maintenance (IM) Program ensures that the Interstate System is kept in good repair by providing funding for resurfacing, restoring, rehabilitating, and reconstructing the 46,567-mile system.

3. Surface Transportation Program (STP)

The Surface Transportation Program (STP) provides flexible funding that may be used by States and localities for projects on any Federal-aid highway, including the NHS, bridge projects on any public road, transit capital projects, and intracity and intercity bus terminals and facilities. SAFETEA-LU expanded STP eligibility to include improving intersections that have disproportionately high accident rates or high levels of congestion. It also eliminated the 10 percent set-aside for safety programs. Funding for some of these programs was shifted to a new Highway Safety Improvement Program. In addition, Operation Lifesaver and Railway-Highway Crossing programs were provided with separate authorizations.

4. Highway Bridge Replacement and Rehabilitation Program

The Highway Bridge Replacement and Rehabilitation (Bridge) Program targets structurally deficient and functionally obsolete bridges on our highways. It provides funding to improve the condition of our highway bridges through replacement, rehabilitation, and systematic preventive maintenance. SAFETEA-LU eliminated the 35 percent cap on a State's apportionment for the Bridge program that the State can spend to replace, rehabilitate, and perform systematic preventive maintenance on bridges that are not on a Federal-aid highway.

5. Congestion Mitigation and Air Quality Improvement (CMAQ) Program

The Congestion Mitigation and Air Quality Improvement (CMAQ) Program supports implementation of transportation projects and programs in areas designated as non-attainment areas for ozone, carbon monoxide, or particulate matter under the Clean Air Act, if the projects or programs are effective in reducing air pollution, contributing to the attainment of national ambient air quality standards, or improving traffic flow. SAFETEA-LU broadened CMAQ eligibility to include diesel retrofit for vehicles, PM2.5, and integrated, interoperable communications equipment.

6. Highway Safety Improvement Program

SAFETEA-LU established the new Highway Safety Improvement Program (HSIP) to emphasize the importance of road safety. The purpose of this program is to significantly reduce traffic fatalities and serious injuries on public roads. Funds provided under the program are apportioned to the States to implement highway safety improvement projects, included in a State's strategic highway safety plan, to correct or improve hazardous road locations and features or to address highway safety problems.

D. Allocated Programs

In addition to apportionment programs, the Federal-aid Highway Program includes allocated programs, whose funding is distributed according to congressional mandate or administrative discretion. These programs include but are not limited to the Federal Lands Highway Program, Projects of National and Regional Significance and National Corridor Infrastructure Improvement Program.

E. Other Significant SAFETEA-LU Provisions

In addition to reauthorizing existing highway programs and establishing new highway programs to address pressing surface transportation problems facing the Nation, SAFETEA-LU modified a number of statutory provisions to help strengthen the Federal-aid Highway Program.

1. Promote Private Investment in Transportation Infrastructure

SAFETEA-LU provided strong incentives for the private sector to participate in transportation infrastructure development. Foremost among these incentives is the authorization of \$15 billion in private activity bonds for highways and freight transfer facilities. This change in the Internal Revenue Code would stimulate private investment in transportation projects by allowing them to be financed with tax-exempt bonds.

SAFETEA-LU also authorized a new Express Lanes Demonstration Program to allow the collection of tolls to finance up to 15 projects, which involve the construction of new lanes on a non-tolled facility or the modification of existing lanes on a tolled facility on the Interstate

System, to help ease congestion and reduce emissions in a non-attainment area.

Finally, SAFETEA-LU established a new 10-year Interstate System Construction Toll Pilot Program to allow the collection of tolls to finance up to three Interstate construction projects, if such financing arrangement is the most efficient and economical way to advance the projects. This pilot program prohibits the inclusion in the agreement between a State and its private partner a non-compete clause that would prevent the State from improving or expanding the capacity of adjacent public roads to deal with excessive congestion, additional pavement wear, and elevated incidence of traffic accidents, injuries, and fatalities resulting from traffic diversion from the tolled facility.

2. Expedite Project Delivery

SAFETEA-LU established a new environmental review process for highways, transit, and intermodal projects. This process is designed to bring all the relevant interested parties into the process early so that their concerns will be considered adequately throughout the review. The process applies to projects being advanced with environmental impact statements, and can be applied, at the discretion of the Secretary, to projects being advanced with other environmental documents. As the lead agency, DOT is responsible for defining the project's purpose and need, after public comments and interagency participation. DOT is also responsible for developing a range of alternatives to be considered for the project. There is a 180-day statute of limitations for legal challenges to Federal agency approval.

In addition, SAFETEA-LU authorized a new Surface Transportation Project Delivery Pilot Program to allow up to five States to assume all environmental responsibilities of the Secretary under the National Environmental Policy Act and other environmental laws, except for conformity determination under the Clean Air Act and transportation planning requirements. SAFETEA-LU also established a pilot program to allow up to five States to assume all environmental responsibilities for recreation trails and transportation enhancement projects.

F. Activities in the 111th Congress

In the 111th Congress, six bills were enacted that extended the authorization for the Federal highway, transit, and highway safety programs. The most recent extension was included in P.L. 111-322, the Continuing Appropriations and Surface Transportation Extensions Act, 2011. This bill extends the surface transportation programs through March 4, 2011.

On June 24, 2009, the Subcommittee met to mark up the Surface Transportation Authorization Act of 2009, reauthorizing the Federal highway programs. No further action was taken on the bill.

In the 111th Congress, the Subcommittee held eight hearings related to the Federal highway program:

- January 27, 2009, the Subcommittee held a hearing to discuss the role of surface

transportation can play in energy reduction and improving environmental sustainability.

- February 20, 2009, the Subcommittee held a joint field hearing with the Railroads, Pipelines and Hazardous Materials Subcommittee to examine freight challenges in Southern California.
- March 26, 2009, the Subcommittee held a hearing on the DOT's Disadvantaged Business Enterprises Program.
- April 28, 2009, the Subcommittee held a hearing to discuss specific High Priority Project Requests of Members of Congress.
- July 16, 2009, the Subcommittee held a hearing on the importance of a long-term surface transportation authorization in sustaining economic recovery.
- April 14, 2010, the Subcommittee held a hearing on innovative financing practices in surface transportation project delivery.
- June 10, 2010, the Subcommittee held a hearing on the use of Practical Design and Context Sensitive Solutions to develop highway and road projects.
- July 21, 2010, the Subcommittee held a hearing on oversight by the Federal Highway Administration (FHWA) of the Federal Highway Bridge Program (HBP) and the National Bridge Inspection Program (NBIP).

III. FEDERAL TRANSIT PROGRAM

A. Overview and Funding

Federal funding for the nation's public transportation systems dates back to 1964 with the enactment of the Urban Mass Transportation Act. The measure provided \$375 million in capital assistance over three years. This law set the stage for the current program of financial assistance for mass transportation managed and run by the Federal Transit Administration (FTA).

The system of Federal funding for transit was dramatically changed in 1991 with the passage of the Intermodal Surface Transportation Equity Act (ISTEA) and the Transportation Equity Act for the 21st Century (TEA 21) built on that foundation.

FTA programs were reauthorized by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) through September 30, 2009, and a series of six extensions have continued the programs under SAFETEA-LU program structures. SAFETEA-LU provided the highest levels of Federal transit investment in history, an increase of 46 percent over the funds guaranteed under the TEA 21 bill.

Transit programs are primarily funded from revenues in the Mass Transit Account (MTA) of the Highway Trust Fund, but a portion of the funding – approximately 20 percent -- comes from general Treasury revenues, known as the General Fund. Currently, of the 18.4 cents per gallon Federal excise tax on gasoline, 2.86 cents is deposited into the MTA to fund transit programs.

B. Grant Program Structure

SAFETEA-LU generally followed the principles for the transit program set out under TEA 21 but made a number of changes and improvements. In addition to adding several new programs, SAFETEA-LU changed the categorization, and funding streams, of several programs.

Under TEA 21, programs received a mix of funding from the MTA and from the General Fund. SAFETEA-LU, beginning in FY 2006, changed this structure and instead funded each program exclusively from either the MTA or the General Fund, eliminating any mix of funding sources within one grant program. To complement this change, SAFETEA-LU changed the classification of many programs within the FTA structure. Formula programs, previously independent programs, and some capital programs are now categorized as Formula and Bus Grant Programs. All of these programs are funded entirely out of the MTA. These programs include the following:

- Metropolitan and Statewide Planning Programs (49 U.S. C. §5305)
- Urbanized Area Formula Grants (49 U.S. C. §5307)
- Clean Fuels Grants (49 U.S. C. §5308)
- Bus and Bus Facility Grants (49 U.S. C. §5309)
- Formula Program for Elderly Persons and Persons with Disabilities (49 U.S. C. §5310)
- Other Than Urbanized Area Formula Program (49 U.S. C. §5311)
- Job Access and Reverse Commute (49 U.S. C. §5316)
- New Freedom Program (49 U.S. C. §5317)
- Alternative Transportation in Parks and Public Lands (49 U.S. C. §5320)

In addition to these programs, FTA continues to provide capital investment grant funding through the New Starts Program, which is funded entirely from the General Fund of the Treasury. Other General Fund programs are FTA Administrative Expenses and Research.

FTA grants are provided to designated recipients, who include publicly owned operators of transit systems, local officials, State Governors, and Indian Tribes. The majority of grants are for capital purchases, although Federal operating assistance grants are also available for areas with lower-density populations where transit systems cannot cover the cost of operations.

In order to obtain Federal transit funds a government agency or designee must submit a grant application to the FTA. When the grant is approved the funds are obligated, the agency proceeds with its procurement process or receives reimbursement for expenditures that have already been made. Federal funds pay for a portion, or the Federal share, of a project's costs. State or local funds, termed matching funds, must also be expended on a project. Capital grants are provided with a Federal share up to 80 percent, and operating assistance is provided at a 50 percent Federal share.

C. Formula Programs

1. Urbanized Area Formula Grants

The Urbanized Area Formula Grant is funded from the MTA of the Highway Trust Fund. There are currently more than 400 urbanized areas nationwide as determined by the Census. An urbanized area is defined as an area containing greater than 50,000 people.

Formula funds are distributed to transit systems in those areas based on a number of factors, including: population, vehicle miles traveled, and transit ridership. Formula funds may be used for capital expenses, such as the purchase of new buses or trains, or for capital replacement, such as rehabilitation and refurbishment of existing transit systems, in order to ensure that customers continue to receive safe and reliable public transportation. The Urbanized Area Formula program also includes funding for the Growing States and the High Density States programs, which distribute funds to both the Urbanized and Non-urbanized Area Formula programs.

In addition, SAFETEA-LU continued the policy set out in TEA 21 that allows transit agencies in urbanized areas with populations of less than 200,000 to use their formula funds for operating assistance.

2. Other than Urbanized Areas (Rural) Formula Program

This formula grant program provides assistance to public transit projects in rural and small urban areas (defined as areas of less than 50,000 in population). The percentage of transit formula funding for rural areas shifted significantly in SAFETEA-LU, from an average of 3.3 percent of total Federal annual transit spending to more than 5 percent.

Under TEA-21, grants were passed to States to distribute funds based on applications received from local areas that met the population criteria. SAFETEA-LU instituted a new requirement that 20 percent of funds be distributed through a new formula based on land area, helping to offset the greater cost of providing transit services in large, expansive areas. The remaining 80 percent of funds are allocated under the process established under TEA 21. A State must use 15 percent of its funding for intercity bus service projects unless the Governor certifies that all intercity bus needs have been met. Grants may be used for both capital and operating expenses.

Within this program, SAFETEA-LU created a new set-aside, before allocation of funds to States, to provide public transportation on Indian reservations. This program, Public Transportation on Indian Reservations, provides funds for direct grants to Indian Tribes. SAFETEA-LU did not prescribe allocations of this funding to specific Tribes and did not set out the terms and conditions for awarding grants. These conditions and the grant process will be determined by rulemaking after outreach to stakeholders.

3. Elderly and Disabled Program

This formula program provides Federal assistance for the capital costs of providing transportation services for the elderly and disabled population. The program is funded out of the MTA. Funds are distributed to States and may be used to assist nonprofit groups in meeting the

transportation needs of the elderly and persons with disabilities.

4. Job Access Reverse Commute (JARC)

TEA 21 created the Job Access and Reverse Commute (JARC) program to develop transportation services to move welfare recipients and low-income individuals to and from jobs, and to develop transportation services to help residents of urban, rural, and suburban areas to reach suburban employment opportunities. The program also funds transit service for workers with non-traditional work schedules.

SAFETEA-LU reauthorized JARC, changing it from a discretionary program to a formula program under which each State receives a portion of funds based on the number of low-income and welfare recipients in each area.

5. New Freedom Program

SAFETEA-LU created a new formula program, known as the New Freedom Program, to encourage service and facility improvements to address the transportation needs of persons with disabilities that exceed the requirements set forth in the Americans with Disabilities Act. Funding under this new program is allocated through a formula based on the number of persons with disabilities. Grantees are selected competitively by States or other designated funding recipients.

6. Clean Fuels Grant Program

TEA 21 established a new clean fuels formula grant program to provide an opportunity to accelerate the introduction of advanced bus propulsion technologies into the mainstream of the Nation's transit fleets. SAFETEA-LU continued this grant program to provide capital grants for clean fuel buses and related facilities.

D. Capital Investment Grants

FTA's Capital Investment Program provides grants for large projects that cannot be funded from a transit agency's formula allotment. SAFETEA-LU amended this program to provide funding primarily for Major Fixed Guideway Investment Projects (New Starts) and Capital Investment Grants of \$75 million or less per project (Small Starts). The Capital Investment programs are funded entirely out of the General Fund. The Bus and Bus Facility Program is funded from the MTA of the Highway Trust Fund under the Formula and Bus Grants program.

1. New Starts and Small Starts

The New Starts Program provides funding for projects for new fixed guideway systems and extensions to existing fixed guideway systems, including the acquisition of rolling stock. As set out in TEA 21, projects must be based on the results of alternatives analysis and preliminary

engineering, they must be justified based on mobility improvement, environmental benefit, cost effectiveness, and operating efficiency. Projects must also be supported by an acceptable degree of local financial commitment.

SAFETEA-LU also established a new grant program for Small Starts within the New Starts program. Small Starts are defined as grants of less than \$75 million for capital costs associated with new fixed guideway systems, extensions, and bus corridor improvements. The total project cost of any Small Start cannot exceed \$250 million. Small Starts are separately authorized as a takedown from the New Starts program. Because of their lower cost, Small Starts projects have streamlined grant application criteria and an expedited approval process.

2. Bus and Bus Facility Grants

Eligible projects under this grant program include the acquisition, construction, and improvement of buses and bus-related facilities. Funds within this program are allocated to specific programs as set out by statute. This includes funding for ferry boats and terminals, a Fuel Cell Bus program, and intermodal transportation terminals, including the intercity bus portion of those terminals.

E. Research and Planning Programs

1. Metropolitan and Statewide Planning Programs

SAFETEA-LU consolidated metropolitan planning, statewide planning, and other planning programs under this single account funded by the MTA. These programs provide planning funds for Metropolitan Planning Organizations (MPOs) and State Departments of Transportation to help meet the planning requirements of 49 U.S.C. §§5303, 5304, and 5305.

F. Research Programs

SAFETEA-LU reauthorized several transit research programs. The research funding is divided between National Research Programs, the Rural Transportation Assistance Program, Transit Cooperative Research, the National Transit Institute, and the University Centers Program.

G. Activities in the 111th Congress

On June 24, 2009, the Subcommittee met to mark up the Surface Transportation Authorization Act of 2009, reauthorizing the Federal transit programs. No further action was taken on the bill.

On December 8, 2009, the Subcommittee held a hearing on the Department of Transportation's role in ensuring the safety of public transit systems. The purpose of the hearing was to hear from the Department of Transportation on its proposal to federalize the oversight of transit safety, which is currently managed at the State level by State Safety Oversight agencies.

IV. MOTOR CARRIERS

The Subcommittee has jurisdiction over all aspects of motor carrier safety, including all Federal motor carrier safety grant programs, commercial driver qualifications and regulations, cross-border surface transportation, size and weight standards for commercial motor vehicles, and the few remaining motor carrier economic regulations.

A. Motor Carrier Safety

In December 1999, the President signed the Motor Carrier Safety Improvement Act (MCSIA) (P.L. 106-159) into law. The act established the Federal Motor Carrier Safety Administration (FMCSA), a new modal agency within the Department of Transportation (DOT) with the primary mission of reducing crashes, injuries and fatalities involving large trucks and buses on our Nation's highways. Prior to 2000, motor carrier safety was the responsibility of the Federal Highway Administration, where this function had to compete with large Federal infrastructure programs. With the establishment of FMCSA, motor carrier safety was elevated to the same status within DOT as aviation safety, railroad safety, pipeline safety, and maritime safety.

1. Motor Carrier Safety Grant Programs

FMCSA administers 11 motor carrier safety grant programs to support States' efforts to improve commercial motor vehicle safety, regulates the qualifications of commercial drivers, and assesses the fitness of motor carriers to operate in interstate commerce. SAFETEA-LU reauthorized FMCSA programs through 2009. The most recent extension of SAFETEA-LU programs, the Surface Transportation Extension Act of 2010, Part II (Public Law 111-322), extended these programs through March 4, 2011

The Motor Carrier Safety Assistance Program (MCSAP), authorized by 49 U.S.C. 31102 and 31104, provides the core of Federal funding to States for motor carrier safety enforcement activities. FMCSA distributes MCSAP money to States via four subprograms: MCSAP Basic Grants, MCSAP Incentive Grants, High-Priority Grants, and New Entrant Grants.

Section 31102 of title 49, United States Code, sets statutory requirements for the MCSAP Basic program. The Secretary of Transportation is authorized to make grants to States for the development and implementation of programs for improving motor carrier safety and the enforcement of Federal and compatible State commercial motor vehicle and hazardous materials transportation safety. To be eligible for funding, States must submit CMV safety plans for approval to FMCSA and must ensure that their motor carrier safety laws and regulations are consistent with Federal requirements.

A State may qualify for Incentive funds if it can demonstrate that its CMV safety program has shown improvement in any or all of the following five categories: reduction of large

truck-involved fatal accidents; reduction of large truck-involved fatal accident rate or maintenance of a large truck-involved fatal accident rate that is among the lowest 10 percent of such rates of MCSAP recipients; upload of CMV accident reports in accordance with current FMCSA policy guidelines; verification of CDLs during all roadside inspections; and upload of CMV inspection data in accordance with current FMCSA policy guidelines.

Section 4101 of SAFETEA-LU, codified at 49 U.S.C. §31104(k), set-aside up to \$15 million from the MCSAP program to enable grant recipients to carry out activities and projects that are national in scope, increase public awareness and education, demonstrate new technologies and reduce the number and rate of CMV accidents.

Section 31144 of title 49, United States Code, establishes requirements for audits of operators granted new operating authority to receive a safety audit within 18 months. The statute sets aside \$29 million from the MCSAP program for grants to States to conduct New Entrant audits.

In addition to MCSAP, FMCSA administers seven additional grant programs:

- the Border Enforcement Grant program, which provides funding for border commercial motor vehicle safety programs and related enforcement activities and projects;
- the Safety Data Improvement Program, which provides funding for States to improve the quality of large truck and bus crash and inspection data reported by the States to FMCSA;
- the Commercial Driver's License (CDL) Improvement program, which provides funding to driver licensing agencies in States to develop, implement, and maintain a CDL program in accordance with Federal standards;
- the Commercial Drivers License Information System (CDLIS) Modernization grant program, which provides funds for States to upgrade their driver licensing information systems for the specific purpose of making them compatible with the new CDLIS requirements for interoperability among State systems;
- the Commercial Motor Vehicle (CMV) Operator Safety Training grants program to train current and future drivers in the safe operation of CMVs;
- the Performance and Registration Information Systems Management (PRISM) program, which provides funding to States to meet requirements linking Federal motor carrier safety information systems with State CMV registration and licensing systems; and
- a grant program for States to deploy, operate, and maintain elements of their Commercial Vehicle Information Systems and Networks (CVISN) Program, including commercial vehicle, commercial driver, and carrier-specific information systems and networks.

2. Commercial Driver Qualifications and Regulations

Congress established a requirement that commercial drivers must hold a single Commercial Driver's License (CDL) in the Commercial Motor Vehicle Safety Act of 1986. The Act was designed to remove unsafe and unqualified commercial drivers from the Nation's highways by making it illegal for such drivers to have more than one license. The CDL

requirement covers drivers of vehicles weighing more than 26,000 pounds, haulers of hazardous materials requiring placarding, and drivers transporting 15 or more passengers. The 1986 Act further required States to exchange information on commercial drivers through a nationwide information system. States use an electronic clearinghouse, known as the Commercial Driver's License Information System, to check the driving history of a CDL applicant before issuing the license and to report traffic convictions of commercial drivers licensed in other States.

Federal motor carrier safety regulations govern commercial driver Hours of Service (HOS), or limits on the maximum time that a driver may operate a commercial motor vehicle. Current FMCSA rules limit a driver to 14 consecutive hours on duty, 11 of which can be driving, followed by a mandated 10 hours of rest. Drivers may generally not be on duty more than a total of 77 hours in any seven consecutive day period or 88 hours in any eight consecutive day period; however a driver can "restart" the weekly tally at any point by taking a rest period of 34 hours. A number of exemptions have been provided to certain industries in statute, including utility drivers and agriculture haulers. The HOS rules have been the subject of ongoing litigation since 2003, when FMCSA first issued its rule to extend maximum driving time from 10 hours to 11 hours, while increasing the mandatory rest period from 8 hours to 10 hours.

On December 29, 2010, FMCSA issued a Notice of Proposed Rulemaking in the Federal Register proposing revisions to the HOS requirements. The publication of this proposed rule coincides with the timeframe established in a court settlement agreement that requires FMCSA to publish a final HOS rule by July 26, 2011. This new HOS proposal would retain the "34-hour restart" provision allowing drivers to restart the clock on their weekly 60 or 70 hours by taking at least 34 consecutive hours off-duty. However, the restart period would have to include two consecutive off-duty periods from midnight to 6:00 a.m. Drivers would be allowed to use this restart only once during a seven-day period. Additionally the proposal would require commercial truck drivers to complete all driving within a 14-hour workday, and to complete all on-duty work-related activities within 13 hours to allow for at least a one hour break. It also leaves open for comment whether drivers should be limited to 10 or 11 hours of daily driving time. The proposal is open for public comment for 60 days.

The Omnibus Transportation Employee Testing Act of 1991 required drug and alcohol testing of safety-sensitive employees in the aviation, motor carrier, railroad, and transit industries. DOT issued rules mandating anti-drug and alcohol misuse prevention programs in February 1994. These rules became partially effective on January 1, 1995, for large employers (generally 50 or more safety-sensitive employees) and January 1, 1996, for smaller employers. In August of 2001, the Federal Motor Carriers Safety Administration (FMCSA) published motor-carrier specific rules in 49 CFR Part 382 (Part 382). FMCSA drug and alcohol rules apply to safety-sensitive employees who operate commercial motor vehicles requiring a CDL. These rules require drug and alcohol testing under several conditions: pre-employment, reasonable suspicion, post-accident, random, return-to-duty, and follow-up.

3. Cross-Border Trucking

In 1982, Congress prohibited Mexican trucking companies from operating in the United

States beyond the commercial zone, a three to 20 miles wide zone along the U.S.-Mexican border. The North American Free Trade Agreement (NAFTA), which took effect on January 1, 1994, liberalized access for cross-border trucking between the United States and Mexico. Since 1995, the opening of the U.S.-Mexico border has been delayed due to concerns over whether opening the border would adversely impact safety on U.S. roads.

In 2007, the Bush Administration launched a cross-border demonstration program to allow approved Mexican carriers beyond the commercial zone, with a similar program allowing U.S. trucks to travel beyond Mexico's commercial zone. The demonstration program was terminated in 2009 as the result of a funding prohibition in the Omnibus Appropriations Act of 2009. As a result of the termination of the demonstration program, Mexico imposed sanctions on U.S. products.

On January 7, 2011, DOT released a concept document to resume a long-haul, cross-border Mexican trucking program. Under the program, approved Mexican trucks could travel beyond the commercial zone, with a similar program allowing U.S. trucks to travel beyond Mexico's commercial zone. This program is similar to the demonstration program launched by the Bush Administration in 2007 with a few modifications to address some of the concerns raised by Members of Congress and stakeholder groups. The concept paper will serve as a starting point for negotiations with Mexico in order to reduce their sanctions on U.S. products. Once an agreement is reached with Mexico, DOT intends to provide the public with notice and an opportunity to comment on its cross-border trucking program proposal.

B. Truck Size and Weight

The current framework of laws and regulations governing minimum and maximum weights and lengths for trucks is a complex set of Federal standards that apply to the Interstate Highway System and the National Network, a system of approximately 209,000 miles of roads specifically designated in Federal regulations. Federal law sets minimum and maximum standards for weight, and only minimum standards for length. There are numerous exceptions to these Federal standards which States have the authority to exercise. Beyond the Interstate Highway System and National Network, States have the ability to set their own size and weight limitations on all other roads.

Congress enacted the first Federal truck size and weight limits as part of the Federal-Aid Highway Act of 1956, and these standards were subsequently amended in the Federal-Aid Highway Amendments Act of 1974 (P.L. 93-643) and again in the Surface Transportation Assistance Act of 1982 (P.L. 97-424). Each of these acts contained provisions to allow States to continue existing size and weight standards already in place, known as "grandfather rights", even if they allowed heavier vehicles than the new Federal standards. In the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)(P.L. 102-240), Congress enacted a "freeze" of the size and weight of Longer Combination Vehicles (LCV), defined in the legislation as "any combination of a truck tractor and two or more trailers or semitrailers which operates on the Interstate System at a gross vehicle weight greater than 80,000 pounds."

Current Federal weight limits, which are applicable only on the Interstate Highway System are set in 23 U.S.C. §127 at 20,000 pounds on a single axle; 34,000 on a tandem axle; and 80,000 pounds gross vehicle weight. Federal law prohibits a State from prescribing weight limits that are more or less than the Federal limits unless it has grandfather rights. In addition to the overall weight standards, a State must meet the requirements of the Federal Bridge Formula, unless it has grandfather rights from 1974. Section 127 has additional statutory exemptions from the weight standards beyond the above-mentioned grandfather rights.

Current truck size laws are codified in sections 31111 through 31115 of title 49, United States Code. Federal length and width laws apply on both the Interstate Highway System and the broader National Network. Federal law requires a width of 102 inches to operate on the National Network, and Federal law prohibits a State from prescribing standards of “more or less than” this measurement. There is no Federal length limit on the National Network; instead, Federal law requires a minimum 28-foot length for trailers in a double combination and 48-foot length for a semitrailer. There is no Federal standard for vehicle height.

C. Economic Regulation

Most Federal economic regulation of the trucking industry was ended in 1980. Federal economic regulation of the intercity bus industry was ended in 1982. On January 1, 1996, the Interstate Commerce Commission (ICC), which had primary jurisdiction over the remaining economic regulation of the motor carrier industry, was terminated by Congress in the ICC Termination Act of 1995. In this Act, some former ICC functions were eliminated, while the remaining responsibilities were transferred to either the Office of Motor Carriers within the Federal Highway Administration or to the newly created Surface Transportation Board, an independent agency within DOT.

Companies that operate commercial vehicles transporting passengers or hauling cargo in interstate commerce must be registered with the FMCSA and must have a USDOT Number. Also, commercial intrastate hazardous materials carriers who haul quantities requiring a safety permit must register for a USDOT Number. In addition, motor carriers that operate for compensation and transport passengers or property in interstate commerce, and brokers or freight forwarders or property, are also required to obtain operating authority from FMCSA. Operating authority dictates the type of motor carrier operations a company may conduct, the cargo it may carry, and the geographical area in which it may legally operate. Carriers not required to have operating authority include private carriers and carriers that exclusively haul commodities exempt from Federal regulations. To obtain operating authority, a carrier must exhibit that the company is fit, willing and able to provide transportation services and comply with Federal regulations, and provide proof of a minimum level of liability insurance.

The ICC Termination Act further prohibited States from regulating the prices, routes and services provided by motor carriers of property in intrastate commerce. States are not preempted from regulating safety, financial fitness, insurance, vehicle size and weight and hazardous materials routings. Household goods movers can also still be regulated at a State level.

D. Activities in the 111th Congress

On June 24, 2009, the Subcommittee met to mark up the Surface Transportation Authorization Act of 2009, reauthorizing the Federal motor carrier safety programs. No further action was taken on the bill.

In the 111th Congress, the Subcommittee held two motor carrier oversight hearings and one Member briefing:

- October 14, 2009, the Subcommittee held a joint Member briefing with the Terrorism, Nonproliferation, and Trade Subcommittee of the Committee on Foreign Affairs on the status of cross-border trucking at the U.S.-Mexico border.
- May 5, 2010, the Subcommittee held a hearing on the clean truck programs at the Port of Los Angeles and the Port of Long Beach.
- June 23, 2010, the Subcommittee held a hearing on FMCSA's new system to oversee motor carriers and commercial motor vehicle drivers, known as the Comprehensive Safety Analysis 2010.

V. HIGHWAY SAFETY

Highway safety programs are administered primarily by the National Highway Traffic Safety Administration (NHTSA) and funded through the Highway Trust Fund. NHTSA's mission is to save lives, prevent injuries and reduce economic costs due to road traffic crashes along the Nation's roadways, through education, research, safety standards and enforcement activity. According to NHTSA, in 2009, 33,808 people lost their lives and approximately 1.52 million people were injured in motor vehicle crashes. Major safety programs include:

A. State and Community Highway Safety Grants (23 U.S.C. §402)

This section requires States to have safety plans approved by the Secretary and designed to reduce fatalities, injuries, and property damage resulting from traffic accidents. SAFETEA-LU requires that States support national safety goals, including national law enforcement mobilizations, sustained enforcement of statutes addressing impaired driving, occupant protection, speeding, annual safety belt use surveys, and development of timely and effective statewide data systems.

B. Highway Safety Research and Development (23 U.S.C. §403)

SAFETEA-LU authorizes the Secretary to conduct research on all phases of highway safety and traffic conditions, driver behavior, fatigued driving and distracted driving, traffic safety countermeasures, older drivers, and motorcycle safety, and to conduct demonstration projects and training and education activities. NHTSA is also authorized to participate in international activities to enhance highway safety.

C. Occupant Protection Incentive Grants (23 U.S.C. §405)

This program allows the Secretary to make grants to States that adopt or implement programs or laws to increase the use of occupant protection devices. A State may become eligible by meeting four of six criteria, including: seat belt use laws; primary seat belt laws; minimum fines or penalty points for seat belt violations; special traffic enforcement programs; child passenger protection education programs; and child passenger protection laws. Funding under this program must be used to implement and enforce occupant protection programs.

D. Safety Belt Performance Grants (23 U.S.C. §406)

This program provides grants to States to promote the passage and enforcement of seat belt laws. States that did not have a primary seat belt law enacted on December 31, 2002, may become eligible for such grants in two ways: by enacting and enforcing a primary seat belt law for all passenger motor vehicles or by achieving a seat belt usage rate of 85 percent for two consecutive calendar years. Eligible States will receive a one-time grant equal to 475 percent of that State's apportionment under section 402 for fiscal year 2003. If any money remains on July 1st of each year, after all eligible States have been awarded grants, then States that had primary seat belt laws in place before January 1, 2003 will become eligible for a one time grant equal to 200 percent of the funds apportioned to the State under section 402 for fiscal year 2003. Grants may be used for projects that correct or improve a hazardous roadway condition or proactively address highway safety problems.

E. State Traffic Safety Information System Improvements (23 U.S.C. §408)

This program, created under SAFETEA-LU, provides grants for States to improve the timeliness, accuracy, completeness, uniformity, integration and accessibility of State safety data, to link this data with other data systems in the State, and to improve the compatibility and interoperability of this data with national data and systems. Funds must be used to implement data improvement programs. To become eligible for a first-year grant, a State must meet a number of criteria including having a multi-year safety data coordinating committee and a strategic plan approved by the committee. To receive grants in subsequent years, States must meet additional criteria, including demonstrating progress toward achieving the goals set by the strategic plan.

F. Alcohol-Impaired Driving Countermeasures (23 U.S.C. §410)

This program provides grants to States for a number of measures to reduce the prevalence of alcohol-impaired driving. States can receive grants by having a low alcohol-related fatality rate, or by meeting at least five of eight criteria. Criteria include check point or saturation patrol programs, prosecution and adjudication outreach programs, testing of blood alcohol content, high risk driver penalties, alcohol rehabilitation programs and driving while intoxicated (DWI) courts, underage drinking programs, administrative license revocation, and a self-sustaining impaired driving prevention program. Programs for alcohol rehabilitation and DWI courts are a new criteria added by SAFETEA-LU. In addition, the Secretary is required to make a separate grant

grant to the ten States with the highest alcohol-related fatality rate. Grants may fund any of the measures listed as criteria for eligibility, and also for law enforcement or public awareness campaigns that address the problem of alcohol-impaired driving.

G. National Driver Register (49 U.S.C. §303)

States can participate in the National Driver Register, under which the Secretary collects information about individuals who have been denied a motor vehicle operating license, who have suspended or canceled licenses, and those who are convicted for a number of crimes including driving under the influence, a traffic violation that resulted in a fatality, or reckless driving.

H. High Visibility Enforcement Program

Under this program, funds will be used to conduct at least two high-visibility, safety law enforcement campaigns each year. The campaigns will address two issues: alcohol-impaired or drug-impaired driving and seat belt usage. Funds may also be used for advertising and for an annual evaluation to determine the effectiveness of the campaigns. Consideration will be given to advertising for non-English speaking populations. The Administrator of NHTSA will coordinate with States to carry out these campaigns.

I. Motorcyclist Safety

Under this new program, States will receive grants to help reduce the number of motorcycle crashes. States become eligible for such grants by adopting or demonstrating a number of measures, including motorcycle rider training courses and awareness programs, a reduction of crashes and fatalities involving motorcyclists and impaired motorcyclists, and an impaired driving program. Eligible uses of funds include motorcyclist safety training and awareness programs.

J. Child Safety and Child Booster Seat Incentive Grants

SAFETEA-LU establishes this program to provide incentives for States to pass and enforce laws requiring children to be secured in proper safety restraints. Eligible uses of funds include enforcement of child restraint laws, training for child passenger safety officials, and public education efforts.

K. Safety Incentives to Prevent Operation of Motor Vehicles by Intoxicated Persons (23 U.S.C. §163)

SAFETEA-LU codifies the penalty against States for not enacting and enforcing an impaired driving law with a legal limit of a blood alcohol concentration level of 0.08. This penalty was initially enacted in the Department of Transportation and Related Agencies Appropriations Act of 2001. This section also provides grants to States that enact 0.08 impaired driving laws.

L. Activities in the 111th Congress

The House of Representatives passed three resolutions to raise awareness for specific topics in highway safety. On May 15, 2009, the House passed by voice vote H. Res. 269, supporting the goals of Motorcycle Safety Awareness Month. This resolution encourages all road users to be more aware of motorcycles and motorcyclists' safety, and encourages all motorcycle riders to receive appropriate training and practice safe riding skills.

On November 17, 2009, the House passed H. Res. 841, a resolution expressing support for the designation of November 29, 2009, as Drive Safer Sunday. This resolution encourages educational institutions, national trucking firms, clergy, law enforcement, and the general public to promote motor vehicle driving safety.

On March 23, 2010, the House passed by voice vote H. Res. 1186, a resolution expressing support for the designation of April as National Distracted Driving Awareness Month. This resolution encourages all people in the United States to consider the lives of other on the road and avoid distracted driving.

On June 24, 2009, the Subcommittee met to mark up the Surface Transportation Authorization Act of 2009, reauthorizing the highway safety programs. No further action was taken on the bill.

In the 111th Congress, the Subcommittee held two highway safety hearings:

- On October 29, 2009, the Subcommittee held a hearing on the impact of distracted driving on roadway safety.
- On June 30, 2010, the Subcommittee held a hearing on the utilization and impacts of automated traffic enforcement techniques.

VI. RESEARCH

In order for America to have a strong infrastructure system it is necessary to invest in research, including technology transfer and the development of the transportation work force. SAFETEA-LU continued the strong commitment to research. The Research and Innovative Technology Administration (RITA), created under the Norman Y. Mineta Research and Special Programs Improvement Act, is tasked with coordinating the research conducted by the Department of Transportation. Money spent on research and technology today will result in a safer and more efficient infrastructure system in the future. Major research programs include:

A. Surface Transportation Research, Development, and Deployment Program (STRDD) (23 U.S.C. §§502, 503, 506, 507, 509)

Programs under this section include: the Long-Term Pavement Performance Program; the Long-Term Bridge Performance Program; the Technology Deployment program, which includes

the Innovative Pavement Research and Deployment program and research on NHS pavement; the International Highway Transportation Outreach Program; the Surface Transportation-Environmental Cooperative Research Program; and the National Cooperative Freight Transportation Program.

B. Training and Education (23 U.S.C. §504)

This program funds the National Highway Institute, the Local Technical Assistance Program, the Garrett A. Morgan Technology and Transportation Education Program, and the Dwight D. Eisenhower Transportation Fellowship Program. These programs provide education and training to Federal and State transportation workers and officials.

C. Bureau of Transportation Statistics (BTS) (49 U.S.C. §111)

BTS is charged with compiling and creating a variety of transportation statistics and documents. This work includes a long-term data collection program, the National Transportation Library, the National Transportation Atlas Database, the Commodity Flow Survey, and the Transportation Statistics Annual Report.

D. University Transportation Research (49 U.S.C. §§5505 and 5506)

The University Transportation Research program funds five types of University Transportation Centers (UTCs): 10 National UTCs, each funded between \$2 to 3.5 million per year; 10 Regional UTCs, each funded between \$1 to 2.25 million per year; 10 Tier I UTCs, each funded at \$1 million a year; and 22 Tier II UTCs, each funded at \$500,000 a year. Eight colleges and universities were also named as recipients of the funds made available from the Mass Transit Account of the Highway Trust Fund, receiving a total of \$7 million each year. The UTC program provides valuable research in a variety of fields, and also serves to train the next generation of transportation professionals and leaders.

E. Intelligent Transportation Systems (23 U.S.C. §512)

The goal of the ITS program is to research and develop intelligent systems and technologies to create a more efficient, safe, and reliable transportation system. SAFETEA-LU continues the requirement that the Secretary maintain a National Program Plan for ITS, and allows the Secretary to use an advisory committee to carry out the ITS program. ITS deployment ended in fiscal year 2005, but ITS eligibility is included in various apportioned highway programs, retaining the ability for States to deploy these technologies. Components of the ITS program include research and development, national architecture and standards, and road weather research and development.

F. Activities in the 111th Congress

On May 6, 2009, the Subcommittee held a roundtable briefing on surface transportation research programs.