

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

In section 1105, strike the text of the section and insert the following:

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

4 “(h) OVERSIGHT PROGRAM.—

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

11 “(2) FINANCIAL INTEGRITY.—

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

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



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

4 “(C) RESPONSIBILITY OF THE STATES.—

5 The States are responsible for determining that
6 subrecipients of Federal funds under this title
7 have sufficient accounting controls to properly
8 manage such Federal funds. The Secretary
9 shall periodically review the States' monitoring
10 of subrecipients.

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

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

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



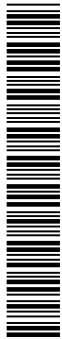
1 Federal law. In addition, the Secretary shall retain
2 full oversight responsibilities for the design and con-
3 struction of all Appalachian development highways
4 under section 14501 of title 40.

5 “(i) MAJOR PROJECTS.—

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

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

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



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

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

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

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

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



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

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

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

In section 1107, redesignate subsection (b) as sub-
section (d) and strike subsection (a) and insert the fol-
lowing:

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

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

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



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

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

4 (2) by striking “October 1 of the succeeding”
5 and inserting “October 15 of such”; and

6 (3) by inserting after “Account)” the following:
7 “for such fiscal year and the succeeding fiscal year”.

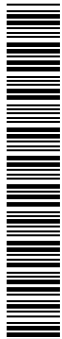
8 (c) GENERAL DISTRIBUTION.—Section 110(b)(1)(A)
9 of such title is amended by striking “Transportation Eq-
10 uity Act for the 21st Century” and inserting “Transpor-
11 tation Equity Act: A Legacy for Users”.

In the matter proposed to be inserted as subpara-
graph (D) of section 144(g)(1) of title 49, United States
Code, by section 1114(b) of the bill (page 47), strike “the
Secretary.” and insert “the Secretary; except that
\$25,000,000 shall be available only for projects for the
seismic retrofit of bridges, and of which \$10,000,000
shall be available only for the seismic retrofit of a bridge
described in subsection (l).”.

In section 1113, insert at the end the following:

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

In section 1115, add at the end the following:



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

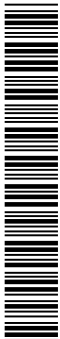
4 “(f) PLANNING ACTIVITIES PILOT PROGRAM.—

5 “(1) IN GENERAL.—The Secretary shall estab-
6 lish a pilot program using funds set aside under
7 paragraph (4) to support planning and public par-
8 ticipation activities related to highway and public
9 transportation projects.

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

13 “(A) Improving data collection and anal-
14 ysis to improve freight movement, intermodal
15 connections, and transportation access and effi-
16 ciency for all users, including children, older in-
17 dividuals, individuals with disabilities, low-in-
18 come individuals, and minority communities.

19 “(B) Supporting public participation by
20 holding public meetings using an interactive
21 workshop format facilitated by design or plan-
22 ning experts (or both) to consider public input
23 at the initial stages of project development and
24 during other phases of a project.



1 “(C) Using innovative planning or design
2 visualization and simulation tools to improve
3 the evaluation of alternatives and their impacts
4 and to enhance public participation in the
5 transportation planning process, including tools
6 having a structure that enables modifications to
7 scenarios and assumptions in real time.

8 “(D) Enhancing coordination among trans-
9 portation, land use, workforce development,
10 human service, economic development, and
11 other agencies to strengthen access to job train-
12 ing services, daycare centers, health care facili-
13 ties, senior centers, public schools, universities,
14 and residential areas, including the use of inte-
15 grated planning and service delivery, especially
16 for transit dependent and low-income individ-
17 uals.

18 “(E) Contracting with nonprofit organiza-
19 tions, universities, and local agencies to deliver
20 community-oriented transportation plans and
21 projects, including public outreach, context sen-
22 sitive design, transit-oriented development,
23 multimodal corridor investments, commuter
24 benefits deployment, and brownfield redevelop-
25 ment.



1 “(F) Measuring and reporting on the an-
2 nual performance of the transportation system
3 (or parts of) relative to State or locally-estab-
4 lished criteria regarding—

5 “(i) maintenance and operating costs
6 of the transportation system, vehicle miles
7 traveled, peak-period travel times, trans-
8 portation choices, and mode shares;

9 “(ii) location of housing units, jobs,
10 medical facilities, and commercial centers
11 to transit;

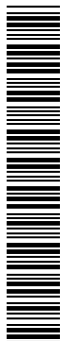
12 “(iii) improvements directed to low-in-
13 come families and older individuals;

14 “(iv) transportation-related pollution
15 emissions into the air and water;

16 “(v) land consumption; and

17 “(vi) other locally-significant factors.

18 “(G) Improving regional travel and emis-
19 sion modeling to examine factors not currently
20 considered, such as induced travel and land use
21 effects of transportation alternatives, types of
22 vehicles owned and used by households, time-of-
23 day of travel and linkage of trips to each other
24 throughout the day, effects of urban design and
25 pedestrian and bicycle environment on travel



1 behavior, and impacts of alternatives on the dis-
2 tribution of benefits and burdens among various
3 groups protected under title VI of the Civil
4 Rights Act of 1964 (42 U.S.C. 200d).

5 “(3) FEDERAL SHARE.—Notwithstanding sub-
6 section (e)(2), the Federal share of the cost of ac-
7 tivities carried out under the pilot program shall be
8 100 percent.

9 “(4) SET ASIDE.—The Secretary shall make
10 available \$1,500,000 of the amounts made available
11 to carry out this section for each of fiscal years
12 2004 through 2009 to carry out the pilot program
13 under this subsection.”.

At the end of section 1118 (page 62), insert the fol-
lowing:

14 (e) ALASKA NATIVE VILLAGE TRANSPORTATION
15 PROGRAM.—

16 (1) ESTABLISHMENT.—Not later than 3
17 months after the date of enactment of this Act, the
18 Secretary and the Denali Commission, in coordina-
19 tion with the Alaska Federation of Natives, shall es-
20 tablish an Alaska Native Village transportation pro-
21 gram to pay the costs of planning, design, construc-
22 tion, and maintenance of road and other surface



1 transportation facilities identified by Alaska Native
2 Villages.

3 (2) ALASKA NATIVE VILLAGE DEFINED.—In
4 this subsection, the term “Alaska Native Village”
5 has the same meaning such term has as used by the
6 Bureau of Indian Affairs in administering the In-
7 dian reservation road program under section 202 of
8 title 23, United States Code.

In subtitle A of title I, strike section 1119 and in-
sert the following (and conform the table of contents of
the bill accordingly):

9 **SEC. 1119. SPORTSMEN’S CONSERVATION MEASURES.**

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

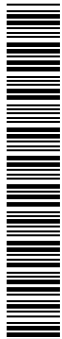
12 (1) by striking “and” at the end of subpara-
13 graph (B);

14 (2) by redesigning subparagraph (C) as sub-
15 paragraph (D);

16 (3) by inserting after subparagraph (B) the fol-
17 lowing:

18 “(C) construction, maintenance, and im-
19 provement of wildlife observation infrastructure;
20 and”; and

21 (4) in subparagraph (D) (as so redesignated)
22 by striking “maintenance and improvements” and



1 inserting “construction, maintenance, and improve-
2 ments”.

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

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

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

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

15 (c) WILDLIFE VEHICLE COLLISION REDUCTION
16 STUDY.—

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

21 (2) CONTENTS.—

22 (A) AREAS OF STUDY.—The study shall in-
23 clude an assessment of the causes and impacts
24 of wildlife vehicle collisions and solutions and
25 best practices for reducing such collisions.



1 (B) METHODS FOR CONDUCTING THE
2 STUDY.—In carrying out the study, the Sec-
3 retary shall—

4 (i) conduct a thorough literature re-
5 view; and

6 (ii) survey current practices of the
7 Department of Transportation.

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

11 (4) REPORT.—

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

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

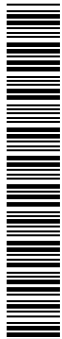
18 (i) Causes of wildlife vehicle collisions.

19 (ii) Impacts of wildlife vehicle colli-
20 sions.

21 (iii) Solutions to and prevention of
22 wildlife vehicle collisions.

23 (5) MANUAL.—

24 (A) DEVELOPMENT.—Based upon the re-
25 sults of the study, the Secretary shall develop a



1 best practices manual to support State efforts
2 to reduce wildlife vehicle collisions.

3 (B) AVAILABILITY.—The manual shall be
4 made available to States not later than 1 year
5 after the date of transmission of the report
6 under subsection (d).

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

9 (i) A list of best practices addressing
10 wildlife vehicle collisions.

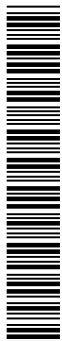
11 (ii) A list of information, technical,
12 and funding resources for addressing wild-
13 life vehicle collisions.

14 (iii) Recommendations for addressing
15 wildlife vehicle collisions.

16 (iv) Guidance for developing a State
17 action plan to address wildlife vehicle colli-
18 sions

19 (6) TRAINING.—Based upon the results of the
20 study, the Secretary shall develop a training course
21 on addressing wildlife vehicle collisions for transpor-
22 tation professionals.

In title I, strike section 1207 and insert the fol-
lowing (and conform the table of contents of the bill ac-
cordingly):



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

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

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

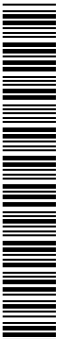
8 “(a) ASSUMPTION OF SECRETARY’S RESPONSIBIL-
9 ITIES UNDER APPLICABLE FEDERAL LAWS.—

10 “(1) PILOT PROGRAM.—

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

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

20 “(2) SCOPE OF PROGRAM.—Under the pilot
21 program, the Secretary may assign, and a State may
22 assume, any of the Secretary’s responsibilities (other
23 than responsibilities relating to Federally recognized
24 Indian tribes) for environmental reviews, consulta-
25 tion, or decisionmaking or other actions required



1 under any Federal law as such requirements apply
2 to the following projects:

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

4 “(B) Transportation enhancement activi-
5 ties under section 133, as such term is defined
6 in section 101(a)(35).

7 “(C) Projects defined in section 101(a)(39)
8 and section 5607 of the Transportation Equity
9 Act: A Legacy for Users.

10 “(3) LIMITATIONS.—

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

23 “(B) ASSUMPTION OF RESPONSIBIL-
24 ITIES.—Any responsibility of the Secretary not
25 assumed by the State in a memorandum of un-



1 derstanding shall remain a responsibility of the
2 Secretary.

3 “(C) POWERS OF OTHER AGENCIES.—

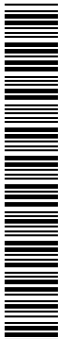
4 Nothing in this section preempts or limits any
5 power, jurisdiction, responsibility, or authority
6 of an agency, other than the Department of
7 Transportation, with respect to a project.

8 “(b) AGREEMENTS.—

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

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

23 “(3) MAXIMUM DURATION.—A memorandum of
24 understanding with a State under this section shall
25 be established for an initial period of no more than



1 3 years and may be renewed by mutual agreement
2 on a periodic basis for periods of not more than 3
3 years.

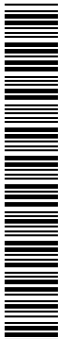
4 “(4) COMPLIANCE.—

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

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

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

23 “(6) TERMINATION OF AGREEMENTS.—A
24 memorandum of understanding with a State under
25 this section shall include a provision authorizing the



1 Secretary to terminate the agreement if the Sec-
2 retary, after providing an opportunity for a hearing,
3 issues a finding that the State is not in compliance
4 with the terms of the agreement.

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

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

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

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

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

21 “(A) publish notice in the Federal Register
22 of the Secretary’s intent to allow the State to
23 participate in the program, including a copy of
24 the State’s application to the Secretary and the



1 terms of the proposed agreement with the
2 State; and

3 “(B) provide an opportunity for public
4 comment.

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

8 “(A) the requirements under paragraph
9 (2) have been met; and

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

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

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

22 “(e) PRESERVATION OF PUBLIC INTEREST CONSID-
23 ERATION.—Nothing in this section shall be construed to
24 limit the requirements under any applicable law providing
25 for the consideration and preservation of the public inter-



1 est, including public participation and community values
2 in transportation decisionmaking.

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

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

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

In section 1209(e), at the end of paragraph (4) in-
sert the following: [“By limiting its alternative lands to
section 4(B)(ii) of such Public Law, the non-State party
to the agreement ratified under section 18(b)(2) of such
Public Law shall be precluded from accepting parcels
under sections 4(A), 4(B)(i) and 4(B)(iii) of such Public
Law.”.]

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



1 **SEC. 1210. ACCESS RAMP.**

2 (a) FULLY OPENING ARENA DRIVE RAMP.—

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

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

11 (b) LIMITATION ON STATUTORY CONSTRUCTION.—

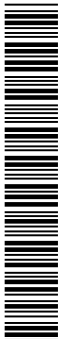
12 Nothing in the section shall be construed as altering cur-
13 rent traffic management protocols to the Arena Drive
14 ramps during stadium events.

In section 1401(g), insert “(b)(1),” after “by sub-
sections”.

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

15 **SEC. 1408. REPAIR OR REPLACEMENT OF HIGHWAY FEAT-**
16 **TURES ON THE NATIONAL HIGHWAY SYSTEM.**

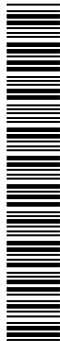
17 (a) RULEMAKING PROCEEDING.—The Secretary shall
18 conduct a rulemaking proceeding to determine the appro-
19 priate conditions under which a State when choosing to
20 repair or replace damaged highway features on the Na-



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

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

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



In subsection (c) as proposed to be inserted in section 189 of title 23, United States Code, by section 1601(a) of the bill, strike “Congress grants” and insert the following:

1 “(1) IN GENERAL.—Congress grants

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

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

In section 1604(a), strike “an Interstate System construction toll pilot program” and insert “a pilot program to finance the construction of new Interstate System facilities with toll revenues”.

In section 1604(a), strike “Interstate highways.” and insert “new Interstate highway facilities. Rehabilitation and construction of Interstate facilities are not eligible under the pilot program.”.

In section 1604(c)(1), strike “facility on the Interstate System” and insert “new Interstate System facility”.

In section 1604(c)(3), insert “new” before “facility with”.



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

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

In such table, strike item number 39.

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

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

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

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

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



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

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

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

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

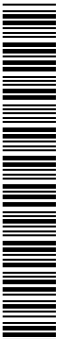
In item number 334 of such table, strike “\$150,000.00” and insert “\$1,000,000.00”.

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

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

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

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



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

In such table, strike item number 570.

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

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

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

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

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

In such table, strike item number 749.

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

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



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

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

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

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

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

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

In item number 848, strike “in Summit Co.” and insert “at Seasons Road, Cities of Hudson and Stow.”

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

In item number 930, strike “Merrit Rd.” and insert “Merritt Rd.”



In item 954, after “unsafe grade crossing” insert “on Hines Hill Road, City of Hudson”.

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

In such table, strike item number 983.

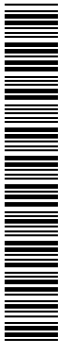
In item number 992 of such table, strike “\$6,000,000.00” and insert “\$7,500,000.00”.

In item number 1044 of such table, strike “Upgrade” and all that follows through “I-70/71” and insert “Improve Rt 62 (Town and Main Street) Bridges over Scioto River”.

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

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

In item number 1181 of such table, strike “Upgrade” and all that follows through “County” and insert “Purchase one larger (75 passengers) and two smaller (40 passengers) ferry boats and construct related dock work to facilitate the use and accessibility of the ferry



boats, Long Beach” and by striking “\$8,000,000.00” and insert \$3,000,000.00”.

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

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

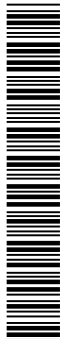
Strike from such table item number 1272.

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

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

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

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



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

In item number 1491 of such table, strike “Development” and all that follows through “Plan” and insert “Transportation improvements ”.

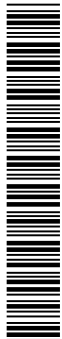
Strike from such table item number 1541.

In item number 1589 of such table, strike “Reconstruction” and all that follows through “Subdivision” and insert “Road improvements for Surrey Meadows, Sugarloaf Heights, Lakehill Farms and Walton Lake Estates”.

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

In item number 1664 of such table, strike “Technical” and all that follows through “210” and insert “Technical feasibility study for a tunnel on the 710 Freeway in Southern California”.

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



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

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

In item number 1907 of such table, strike “SR” and all that follows through “Eatonville” and insert “SR 434 to JFK Boulevard and Destiny Road to Diplomat Circle, Eatonville”.

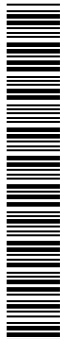
In item number 1933 of such table, strike “Construct” and all that follows through to “Township”, and insert “Improvements to I-81, including interchanges, in Franklin County, Pennsylvania”, and strike “\$3,150,000.00” and insert “\$4,000,000.00”.

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

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

In item 2155, after “Madison” insert “Village”.

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



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

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

In such table, strike item number 2270.

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

In such table, strike item number 2386.

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

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

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

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

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

In item number 2611 of such table, strike “Purchase” and all that follows through “Durham” and insert



“Acquisition of rail corridors for use as a future transportation corridor, Durham”.

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

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

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

In such table, strike item number 2749.

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

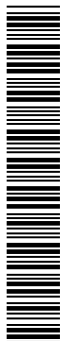
In item number 2809 of such table, strike “\$1,500,000.00” and insert “\$500,000.00”.

At the end of such table, add the following new project: and

High Priority Projects

No.	State	Project Description	Amount
2839.	Minnesota	Provide biking and pedestrian trails between Century Middle School and Minnesota Highway 34 in Park Rapids.	\$250,000.00

At the end of such table, add the following new project:



High Priority Projects

No.	State	Project Description	Amount
2840.	Illinois	Construct bike/pedestrian paths, Chicago.	\$3,000,000.00

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

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

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

11 “(34) The Alameda Corridor-East and South-
 12 west Passage, California. The Alameda Corridor-
 13 East is generally described as the corridor from East
 14 Los Angeles (terminus of Alameda Corridor)
 15 through Los Angeles, Orange, San Bernardino, and
 16 Riverside Counties, to termini at Barstow in San
 17 Bernardino County and Coachella in Riverside
 18 County. The Southwest Passage shall follow I-10
 19 from San Bernardino to the Arizona State line.”



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

1 “(53) United States Highway Route 6 from
2 Interstate Route 70 to Interstate Route 15, Utah.”.

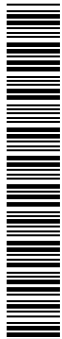
In section 1808(a), insert before the period at the end the following: “and an evaluation of advanced acrylic water-borne pavement markings”.

In title I, strike section 1814 and insert the following:

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

4 (a) DESIGNATION.—In honor of his service to the
5 Commonwealth of Massachusetts and the United States
6 of America, and in recognition of his contributions toward
7 the construction of Central Artery Tunnel project in Bos-
8 ton, the northbound and southbound tunnel of Interstate
9 Route 93, located in the city of Boston, which extends
10 north of the intersection of Interstate Route 90 and Inter-
11 state Route 93 to the Leonard P. Zakim Bunker Hill
12 Bridge, is designated as the “Thomas P. ‘Tip’ O’Neill, Jr.
13 Tunnel”.

14 (b) REFERENCES.—Any reference in law, map, regu-
15 lation, document, paper, or other record of the United
16 States to the tunnel referred to in subsection (a) shall be



1 deemed to be a reference to the “Thomas P. ‘Tip’ O’Neill,
2 Jr. Tunnel”.

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

3 **SEC. 1818. LOAN FORGIVENESS.**

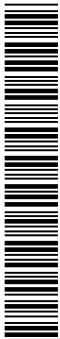
4 Debt outstanding as of the date of enactment of this
5 Act for project number Q–DPM–0013(001) carried out
6 under section 108(c) of title 23, United States Code, is
7 deemed satisfied.

8 **SEC. 1819. LEAD AGENCY DESIGNATION.**

9 The public entity established under California law in
10 1989 to acquire rights-of-way in northwestern California
11 to maintain surface transportation infrastructure is here-
12 by designated as the lead agency for the purpose of accept-
13 ing Federal funds authorized under item 13 of the table
14 contained in section 1108(b) of the Intermodal Surface
15 Transportation Efficiency Act of 1991 (105 Stat. 2061).

16 **SEC. 1820. USE OF DEBRIS FROM DEMOLISHED BRIDGES
17 AND OVERPASSES.**

18 The project agreement for a Federal-aid highway
19 project shall provide any debris from demolition of a
20 bridge or overpass that is on the Federal-aid highway must
21 be made available for beneficial public use by Federal,
22 State, and local governments. Any additional cost associ-



1 ated with making available the debris shall be borne by
2 the recipient of the debris.

3 **SEC. 1821. HUBZONE PROGRAM.**

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

6 (1) in subclause (I) by striking “or ” at the
7 end;

8 (2) in subclause (II) by striking the period at
9 the end and inserting “; or” ; and

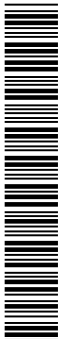
10 (3) by adding after subclause (II) the following:

11 “(III) there is located a difficult
12 development area, as designated by
13 the Secretary of Housing and Urban
14 Development in accordance with sec-
15 tion 42(d)(5)(C)(iii) of the Internal
16 Revenue Code of 1986, within Alaska,
17 Hawaii, or any territory or possession
18 of the United States outside the 48
19 contiguous States.”.

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

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

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



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

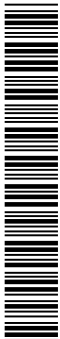
4 (3) in item number 312 by inserting “through
5 construction” after “engineering”;

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

9 (5) in item number 820 by striking “Conduct”
10 and all that follows through “interchange” and in-
11 sserting “Conduct a transportation needs study and
12 make improvements to I-75 interchanges in the
13 Grayling area”;

14 (6) in item number 897 by striking “Upgrade”
15 and all that follows through “interchange” and in-
16 sserting “Engineering and construction of a new ac-
17 cess road to a development near Interstate 57 and
18 167th Street in Country Club Hills”;

19 (7) in item number 1121 by striking “Con-
20 struct” and all that follows through “Douglaston
21 Parkway” and inserting “Provide landscaping along
22 both sides of the Grand Central Parkway from
23 188th Street to 172nd Street”;



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

4 (9) in item number 1447 strike “Extend” and
5 all that follows through “Valparaiso” and insert
6 “Design and construction of interchange at I-65 and
7 109th Avenue, Crown Point”.

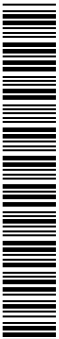
8 **SEC. 1823. NATIONAL WORK ZONE SAFETY INFORMATION**
9 **CLEARINGHOUSE.**

10 The Secretary shall make grants of \$1,000,000 for
11 fiscal years 2005 through 2009 to a national nonprofit
12 foundation for the operation of the National Work Zone
13 Safety Information Clearinghouse authorized by section
14 358(b)(2) of Public Law 104–59 created for the purpose
15 of assembling and disseminating, by electronic and other
16 means, information relating to improvement of roadway
17 work zone safety.

18 **SEC. 1824. TRANSPORTATION CONFORMITY.**

19 (a) **FREQUENCY OF TRANSPORTATION PLAN UP-**
20 **DATES.—**

21 (1) **DEVELOPMENT OF LONG-RANGE TRANSPOR-**
22 **TATION PLAN.—**Paragraph (1) of section 134(g) of
23 title 23, United States Code, is amended as follows:



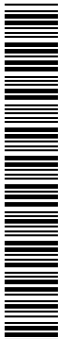
1 (A) By striking “and update periodically,
2 according to a schedule that the Secretary de-
3 termines to be appropriate”.

4 (B) By adding the following at the end
5 thereof: “The metropolitan planning organiza-
6 tion shall prepare and update such plan every
7 4 years (or more frequently, if the metropolitan
8 planning organization elects to update more fre-
9 quently) in the case of each of the following:

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

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

19 In the case of any other area required to have a
20 long-range transportation plan in accordance with
21 the requirements of this subsection, the metropolitan
22 planning organization shall prepare and update such
23 plan every four years (unless the metropolitan plan-
24 ning organization elects to update more frequently.”.



1 (2) METROPOLITAN TRANSPORTATION IM-
2 PROVEMENT PROGRAM.—Section 134(h) of title 23,
3 United States Code, is amended as follows:

4 (A) In paragraph (1)(D), by striking “2
5 years” and inserting “4 years”.

6 (B) In paragraph (2)(A), by striking “3-
7 year” and inserting “4-year”.

8 (3) STATEWIDE TRANSPORTATION IMPROVE-
9 MENT PROGRAM.—Section 135(f)(1)(A) of title 23,
10 United States Code, is amended by inserting after
11 “program” the following: “(which program shall
12 cover a period of 4 years and be updated every 4
13 years or more frequently if the Governor elects to
14 update more frequently)”.

15 (4) FINAL REGULATIONS.—Not later than 18
16 months after the date of enactment of the Safe, Ac-
17 countable, Flexible, and Efficient Transportation
18 Equity Act of 2004, the Secretary shall promulgate
19 regulations that are consistent with the amendments
20 made by this subsection.

21 (5) CONFORMITY REDETERMINATIONS.—Sec-
22 tion 176(e)(2) of the Clean Air Act (42 U.S.C.
23 7506(e)) is amended by adding at the end the fol-
24 lowing:

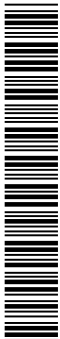


1 “(E) The appropriate metropolitan planning or-
2 ganization shall redetermine conformity for existing
3 transportation plans and programs not later than 2
4 years after the date on which the Administrator__

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

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

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



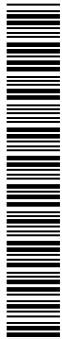
1 (1) By striking “one year after the date of en-
2 actment of the Clean Air Act Amendments of 1990”
3 and inserting “one year after the date of enactment
4 of the Transportation Equity Act: A Legacy for
5 Users” .

6 (2) In subparagraph (B) by amending clause
7 (ii) to read as follows:

8 “(ii) provide that conformity determinations for
9 transportation plans and programs be determined
10 every 4 years in areas designated as nonattainment
11 or redesignated to attainment (unless a metropolitan
12 planning organization as designated in section 134
13 of title 23, United States Code, elects to update a
14 transportation plan and program more frequently or
15 is required to determine conformity in accordance
16 with paragraph (2)(E)).”.

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

22 “(7) TIME HORIZON FOR DETERMINATIONS.—
23 Each conformity determination required under this
24 section for a transportation plan under section
25 134(g) of title 23 of the United States Code shall



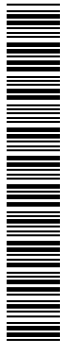
1 require a demonstration of conformity during the pe-
2 riod ending on either the final year of the transpor-
3 tation plan or, at the election of the metropolitan
4 planning organization and an air pollution control
5 agency, as defined in section 302(b), if such air pol-
6 lution control agency is responsible for developing
7 plans or controlling air pollution within the area cov-
8 ered by the transportation plan on the later of the
9 following dates (hereinafter in this paragraph re-
10 ferred to as the 'final transportation conformity
11 date'):

12 “(A) The tenth year of the transportation
13 plan.

14 “(B) The attainment date set forth in the
15 applicable implementation plan for the air pol-
16 lutant concerned.

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

22 Such conformity determination shall be accompanied
23 by a regional emissions analysis for any years of the
24 transportation plan that extend beyond such final
25 conformity date. In the case in which an area has

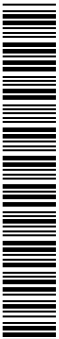


1 a revision to an implementation plan under section
2 175A(b) and the Administrator has found the motor
3 vehicle emissions budgets from that revision to be
4 adequate in accordance with section 93.118(e)(4) of
5 title 40, Code of Federal Regulations (as in effect
6 October 1, 2003), or has approved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

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

20 “(8)(A) Transportation control measures that
21 are specified in an implementation plan may be re-
22 placed in the implementation plan with substitute
23 transportation control measures if

24 “(i) the substitute measures achieve equiv-
25 alent or greater emission reductions than the



1 control measures to be replaced, as determined
2 by the Administrator,

3 “(ii) the substitute measures utilize an
4 emissions impact analysis that is consistent
5 with the current methodology used for evalu-
6 ating replaced control measures in the imple-
7 mentation plan;

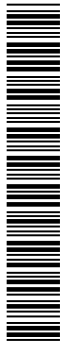
8 “(iii) the substitute control measures are
9 implemented not later than the date on which
10 such emission reductions are necessary to
11 achieve the purpose of the implementation plan;

12 “(iv) the substitute control measures were
13 developed with reasonable public notice and the
14 opportunity for comments; and

15 “(v) the metropolitan planning organiza-
16 tion finds that adequate funding is included in
17 the transportation improvement program to en-
18 sure timely implementation of the substitute
19 control measures.

20 “(B) After the requirements of paragraph (A)
21 are met, a State may adopt the substitute measures
22 in the applicable implementation plan within a rea-
23 sonable period of time.

24 “(C) The substitution of a transportation con-
25 trol measure in accordance with this paragraph shall



1 not be contingent on the existence of any provision
2 in the applicable implementation plan that expressly
3 permits such substitution.

4 “(D) The substitution of a transportation con-
5 trol measure in accordance with this paragraph shall
6 not require

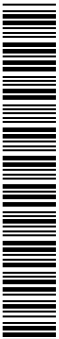
7 “(i) a new conformity determination for
8 the transportation plan, or

9 “ (ii) a revision of the applicable imple-
10 mentation plan.

11 “(E) A control measure that is being replaced
12 by a substitute control measure under this para-
13 graph shall remain in effect until the substitute con-
14 trol measure is adopted.

15 “(F) Adoption of a substitute control measure
16 shall constitute rescission of the previously applica-
17 ble control measure.

18 Transportation control measures may be added to an im-
19 plementation plan subject to subparagraphs (B), (C), and
20 (D), on the same basis as if such measures were substitute
21 transportation control measures if such measures do not
22 increase emissions for which limitations have been estab-
23 lished in an implementation plan, and such measures meet
24 the requirements of items (A)(ii), (A)(iii), (A)(iv), and
25 (A)(v).”.

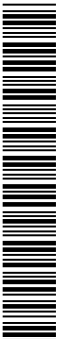


1 (e) LAPSE OF CONFORMITY.—Subsection (c) of sec-
2 tion 176 of the Clean Air Act (42 U.S.C. 7506(c)) is
3 amended by adding the following new paragraphs at the
4 end thereof:

5 “(9) LAPSE OF CONFORMITY.—If a conformity
6 determination required under this subsection for a
7 transportation plan under section 134(g) of title 23
8 of the United States Code or a transportation im-
9 provement program under section 134(h) of title 23
10 of the United States Code is not made by the appli-
11 cable deadline and such failure is not corrected by
12 additional measures to either reduce motor vehicle
13 emissions sufficient to demonstrate compliance with
14 the requirements of this subsection within 12
15 months after such deadline or other measures suffi-
16 cient to correct such failures, the transportation
17 plan shall lapse.

18 “(10) LAPSE.—The term ‘lapse’ means that the
19 conformity determination for a transportation plan
20 or transportation improvement program has expired,
21 and thus there is no currently conforming transpor-
22 tation plan or transportation improvement pro-
23 gram.”.

Redesignate section 2009 as section 1825, move
such redesignated section from title II to the end of sub-



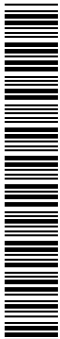
title H of title I, strike the text of subsection (f)(2)(F) of such redesignated section and insert “All fees collected by the State from motorcyclists for the purposes of funding motorcycle training and safety programs are used for motorcycle training and safety programs.”, and in subsection (g)(2) of such redesignated section insert “incorporated in that State” after “organization”. Redesignate section 2010 as section 2009 and conform the table of contents accordingly.

Redesignate section 3040 as section 1826, move such redesignated section from title III to the end of subtitle H of title I, redesignate subsequent sections of title III accordingly, and conform the table of contents accordingly.

In section 2003(b)(2), strike “6” and insert “7”.

At the end of section 2003(b) (page 378), strike the closing quotation marks and the final period and insert the following:

1 “(J) PROGRAM FOR IMPOUNDMENT OF VE-
 2 HICLES.—A program to impound for a period
 3 of not less than 12 hours a vehicle operated by
 4 a person who is arrested for operating the vehi-
 5 cle while under the influence of alcohol.”.



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

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

2 (a) **SHORT TITLE.**—This section may be cited as the
3 “Drug Impaired Driving Research and Prevention Act”.

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

6 (1) **CONTROLLED SUBSTANCE.**—The term
7 “controlled substance” includes substances listed in
8 schedules I through V of section 112(e) of the Con-
9 trolled Substances Act (21 U.S.C. 812(e)).

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

13 (3) **DRUG RECOGNITION EXPERT.**—The term
14 “drug recognition expert” means an individual
15 trained in a specific evaluation procedure that en-
16 ables the person to determine whether an individual
17 is under the influence of drugs and then to deter-
18 mine the type of drug causing the observable impair-
19 ment.

20 (c) **MODEL STATUTE.**—

21 (1) **IN GENERAL.**—Not later than one year
22 after the date of enactment of this Act, the Sec-
23 retary shall develop and provide to the States a



1 model statute relating to drug impaired driving
2 which incorporates the provisions described in this
3 section.

4 (2) MANDATORY PROVISIONS.—Provisions of
5 the model statute developed by the Secretary for rec-
6 ommendation to the States under this section shall
7 include, at a minimum, a provision that the crime of
8 drug impaired driving is committed when a person
9 operates a motor vehicle—

10 (A) while any unlawful detectable amount
11 of a controlled substance is present in the per-
12 son's body, as measured in the person's blood,
13 urine, saliva, or other bodily substance; or

14 (B) due to the unlawful presence of a con-
15 trolled substance or a controlled substance in
16 combination with alcohol or an inhalant, or
17 both, in the person's body, the person's mental
18 or physical faculties are affected to a noticeable
19 or perceptible degree.

20 (3) DISCRETIONARY PROVISIONS.—Provisions
21 of the model statute developed by the Secretary for
22 recommendation to the States under this section
23 may include the following:

24 (A) Sanctions for refusing to submit to a
25 test for the unlawful presence of a controlled



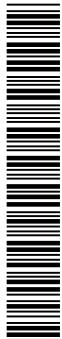
1 substance in a person's body which are equiva-
2 lent to sanctions for a positive test result.

3 (B) A graduated system of penalties for re-
4 peat offenses of drug impaired driving, includ-
5 ing, at a minimum, that a third or subsequent
6 offense within a 10-year period shall be a felony
7 punishable by imprisonment for more than a
8 year.

9 (C) Authorization for States to suspend or
10 revoke the license of any driver upon receiving
11 a record of the driver's conviction of driving a
12 motor vehicle while under the unlawful influ-
13 ence of a controlled substance.

14 (D) Provisions that require a sentence of
15 imprisonment imposed for any drug impaired
16 driving offense be served consecutively, not con-
17 currently, from a sentence imposed for any
18 other criminal act; except that a sentence im-
19 posed for the same act of impaired driving may
20 be imposed concurrently if the additional con-
21 viction was based on an alternate theory of cul-
22 pability for the same act.

23 (d) RESEARCH AND DEVELOPMENT.—Section 403(b)
24 of such title is amended by adding at the end the fol-
25 lowing:



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

2 “(6) Research and development to improve test-
3 ing technology, including toxicology lab resources
4 and field test mechanisms to enable States to proc-
5 ess toxicology evidence in a more timely manner.

6 “(7) Determining per se unlawful impairment
7 levels for controlled substances (as defined in section
8 2011 of the Transportation Equity Act: A Legacy
9 for Users) and the compound effects of alcohol and
10 controlled substances on impairment to facilitate en-
11 forcement of per se drug impaired driving laws. Re-
12 search under this paragraph shall be carried out in
13 collaboration with the National Institute on Drug
14 Abuse of the National Institutes of Health.”.

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

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

20 “(1) establish and carry out programs to en-
21 hance police and prosecutor training efforts for en-
22 forcement of laws relating to drug impaired driving
23 and for development of programs to improve en-
24 forcement of such laws; and



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

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

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

10 (2) conduct research on the prevention, detec-
11 tion, and prosecution of driving under the influence
12 of an illegal drug.

13 (g) REPORTS.—

14 (1) IN GENERAL.—Not later than 18 months
15 after the date of enactment of this Act and annually
16 thereafter, the Secretary shall transmit to Congress
17 a report on the progress being made in carrying out
18 this Act, including the amendments made by this
19 Act.

20 (2) CONTENTS.—The Secretary shall include in
21 the report an assessment of the status of drugged
22 impaired driving laws in the United States—

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

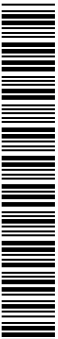


1 (B) a description of the extent of the prob-
2 lem of driving under the influence of an illegal
3 drug in each State and any available informa-
4 tion relating thereto, including a description of
5 any laws relating to the problem of driving
6 under the influence of an illegal drug; and

7 (C) recommendations for addressing the
8 problem of driving under the influence of an il-
9 legal drug.

10 (h) FUNDING.—Out of amounts appropriated to
11 carry out section 403 of title 23, United States Code, for
12 fiscal years 2004 through 2009, the Secretary shall use,
13 at a minimum, \$1,200,000 per fiscal year to carry out
14 drug impaired driving traffic safety programs, including
15 the provisions of this section and the amendments made
16 by this section.

In section 5308(c)(2)(A) of title 49, United States
Code, as proposed to be inserted by section 3009 of the
bill (page 421), strike clause (iii) and insert the fol-
lowing:



17 “(iii) 1.2 if, at the time of the appor-
18 tionment, the area is classified as a mod-
19 erate ozone nonattainment area under sub-
20 part 2 of such part;

In subsection (c)(2)(B) that is proposed to be inserted in section 5309 of title 49, United States Code, by section 3010(d) of the bill (page 425), strike “transit supportive policies,” and insert “and transit supportive policies”.

In section 5309 of title 49, United States Code, as proposed to be amended by section 3010(d) of the bill, redesignate paragraph (2) of subsection (k) as paragraph (4) (page 446), move such redesignated paragraph to the end of subsection (m) (page 449), and strike “(1) CONSIDERATIONS.—” in such subsection (k) (page 446).

At the end of paragraph (3) that is proposed to be inserted in section 5309(m) of such title by section 3010(d) of the bill, insert the following: “Of the amounts made available under paragraphs (1)(C) and (2)(B)(iii), \$10,000,000 shall be available in each of fiscal years 2004 through 2009 for ferry boats or ferry terminal facilities.”

In section 5317(c)(3)(B)(i) as proposed to be inserted in chapter 53 of title 49, United States Code, by section 3018 of the bill (page 481), strike “10 persons per square mile or fewer” and insert “10 or fewer persons per square mile in other than urbanized areas of the State”.



In section 3023(g)(4) strike “Subsections (b) and (c)” and insert “Subsections (b), (c), and (d)”.

In section 3037(b)(4) (page 537), strike “extensions”.

In section 3037(b)(15) (page 538)—

- (1) strike “Phase II” and insert “Foothill”;
- and
- (2) strike “Claremont” and insert “Montclair”.

In section 3037(b), after paragraph (36) (page 540) insert the following (and redesignate subsequent paragraphs accordingly):

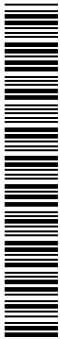
- 1 (37) San Diego—Mid Coast Extension.

In section 3037(b), after paragraph (38) (page 540), relating to Santa Clara Valley Transit Authority, insert the following (and redesignate subsequent paragraphs accordingly):

- 2 (39) Tampa Bay—Regional Rail.

In section 3037(c), strike paragraph (9) (page 541) and insert the following (and redesignate subsequent paragraphs accordingly):

- 3 (9) Austin—Rapid Bus Project.
- 4 (10) Austin—Regional Commuter Rail.



In section 3037(c), after paragraph (20) (page 541), relating to Charles Town-Ranson, West Virginia, insert the following (and redesignate subsequent paragraphs accordingly):

- 1 (21) Central Phoenix—East Valley Corridor
2 LRT Extensions.

In section 3037(c), after paragraph (34) (page 342), relating to Corpus Christi, insert the following (and redesignate subsequent paragraphs accordingly):

- 3 (35) Dallas Area Rapid Transit—Dallas Cen-
4 tral Business District.

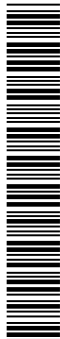
5 In section 3037(c), strike paragraph (35) and insert
6 the following:

- 7 “(35) Dallas—DART Extensions from the
8 Beltline and Cottonbelt to DFW Airport”.

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

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

In section 3037(c), after paragraph (114) (page 548), relating to Sacramento—Downtown, insert the fol-



lowing (and redesignate subsequent paragraphs accordingly):

1 (115) Salt Lake City—Draper to Sandy LRT
2 Extension.

3 (116) Salt Lake City—TRAX Capacity Im-
4 provements.

5 (117) Salt Lake City—West Valley City LRT
6 Extension.

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

In section 3037(c), after paragraph (123) (page 549), relating to Seattle, insert the following (and redesignate subsequent paragraphs accordingly):

7 (124) Seattle—Link LRT Extensions.

8 (125) Seattle—Sound Transit Commuter Rail.

9 (126) Seattle—Sound Transit Regional Express
10 Bus.

In section 3037(c), after paragraph (142) (page 550), relating to Virginia Railway Express, insert the following (and redesignate subsequent paragraphs accordingly):

11 (143) Washington State Ferries and Ferry Fa-
12 cilities.



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

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

1 In item 98 of such table, strike “vehabilitation” and
2 insert “rehabilitation”.

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

5 In item 162 of such table, after “Construct” insert
6 “Foothill Transit”.

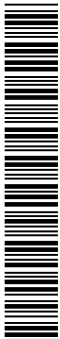
7 At the end of such table, add the following:

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

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

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

In section 3042(a)(1) (page 578), strike “For carrying out” and insert the following:



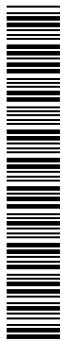
1 (A) IN GENERAL.—For carrying out

In section 3042(a)(1) (page 578), redesignate subparagraphs (A) through (F) as clauses (i) through (vi), respectively, move such clauses 2 ems to the right, and after clause (vi) (as so redesignated) insert the following:

2 (B) PUBLIC TRANSPORTATION SYSTEM
3 EMERGENCY EVACUATION CAPACITY ASSESS-
4 MENT.—

5 (i) IN GENERAL.—Of the funds allo-
6 cated for fiscal years 2005 and 2006 under
7 subparagraph (A), \$250,000 shall be made
8 available in each fiscal year by the Sec-
9 retary for a comprehensive study assessing
10 the adequacy of emergency evacuation,
11 egress, and ingress capacity of the public
12 transportation systems serving the 38 ur-
13 banized areas over 1,000,000 in popu-
14 lation.

15 (ii) IDENTIFICATION OF POTENTIAL
16 ALTERNATIVE ROUTES.—The study shall
17 identify potential alternative routes for
18 evacuation using other transportation
19 modes such as highway, air, marine, and
20 pedestrian alternatives, and shall also iden-
21 tify transit routes that, if disrupted, do not



1 have sufficient transportation alternatives
2 available.

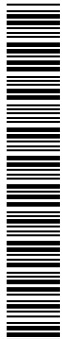
At the end of title III, insert the following and conform the table of contents accordingly:

3 **SEC. 3045. COOPERATIVE PROCUREMENT.**

4 (a) REVIEW OF COOPERATIVE PROCUREMENT; AUTHORITY TO INCREASE FEDERAL SHARE.—

6 (1) IN GENERAL.—Not later than 6 months
7 after the date of enactment of this Act, the Secretary shall undertake a 30-day review of efforts to
8 use cooperative procurement to determine whether
9 benefits are sufficient to formally incorporate cooperative procurement into the mass transit program.
10 In particular the Secretary shall review the progress
11 made under the pilot program authorized under section 166 of division F of the Consolidated Appropriations Act, 2004 (49 U.S.C. 5397 note; 118 Stat.
12 309), based on experience to date in the pilot program and any available reports to Congress submitted under such section 166. The Secretary shall
13 also consider information gathered from grantees
14 about cooperative procurement, whether or not related to the pilot program.
15 The Secretary shall
16 also consider information gathered from grantees
17 about cooperative procurement, whether or not related to the pilot program.
18 The Secretary shall
19 also consider information gathered from grantees
20 about cooperative procurement, whether or not related to the pilot program.
21 The Secretary shall

22 (2) NOTIFICATION OF CONGRESS.—The Secretary shall notify the Committee on Transportation
23



1 and Infrastructure of the House of Representatives
2 and the Committee on Banking, Housing, and
3 Urban Affairs of the Senate of the results of the re-
4 view required under paragraph (1), including a find-
5 ing of sufficient benefit or insufficient benefit and
6 the reasons for that finding.

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

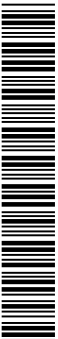
In section 4120(e), strike “2004,”.

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

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

In section 4122(c), strike “2004,”.

In section 4128, insert at the end the following:



7 (f) INSPECTION, REPAIR, AND MAINTENANCE OF
8 INTERMODAL EQUIPMENT.—Section 31136 of title 49,
9 United States Code, is amended by adding at the end the
10 following:

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

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

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

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

14 **SEC. 4212. APPLICABILITY TO HOUSEHOLD GOODS MOTOR**
15 **CARRIERS.**

16 (a) IN GENERAL.—The provisions of title 49, United
17 States Code, and this Act (including any amendments
18 made by this Act) relating to the transportation of house-
19 hold goods shall only apply to household goods motor car-
20 riers.



1 (b) HOUSEHOLD GOODS MOTOR CARRIER DE-
2 FINED.—In this section, the term “household goods motor
3 carrier” means a motor carrier as defined in section
4 13102(12) of title 49, United States Code, which, in the
5 ordinary course of its business of providing transportation
6 of household goods, offers some or all of the following ad-
7 ditional services: binding and nonbinding estimates,
8 inventorying, protective packing and unpacking of indi-
9 vidual items, and loading and unloading at personal resi-
10 dences.

Title V, after section 5102, insert the following:

11 **SEC. 5103. FINDINGS.**

12 The Congress finds the following:

13 (1) Research and development are critical to de-
14 veloping and maintaining a transportation system
15 that meets the goals of safety, mobility, economic vi-
16 tality, efficiency, equity, and environmental protec-
17 tion.

18 (2) Federally sponsored surface transportation
19 research and development has produced many suc-
20 cesses. The development of rumble strips has in-
21 creased safety; research on materials has increased
22 the lifespan of pavements, saving money and reduc-
23 ing the disruption caused by construction; and Geo-



1 graphic Information Systems have improved the
2 management and efficiency of transit fleets.

3 (3) Despite these important successes, the Fed-
4 eral surface transportation research and develop-
5 ment investment represents less than one percent of
6 overall government spending on surface transpor-
7 tation.

8 (4) While Congress increased funding for over-
9 all transportation programs by about 40 percent in
10 the Transportation Equity Act for the 21st Century,
11 funding for transportation research and development
12 remained relatively flat.

13 (5) The Federal investment in research and de-
14 velopment should be balanced between short-term
15 applied and long-term fundamental research and de-
16 velopment. The investment should also cover a wide
17 range of research areas, including research on mate-
18 rials and construction, research on operations, re-
19 search on transportation trends and human factors,
20 and research addressing the institutional barriers to
21 deployment of new technologies.

22 (6) Therefore, Congress finds that it is in the
23 United States interest to increase the Federal in-
24 vestment in transportation research and develop-
25 ment, and to conduct research in critical research



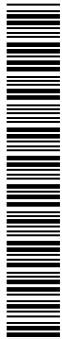
1 gaps, in order to ensure that the transportation sys-
2 tem meets the goals of safety, mobility, economic vi-
3 tality, efficiency, equity, and environmental protec-
4 tion.

Title V, section 5201(b) of the bill in the matter proposed to be inserted in section 502(a) of title 23, United States Code, strike paragraphs (5) through (7) and insert the following:

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

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

18 “(7) PERFORMANCE REVIEW AND EVALUA-
19 TION.—To the maximum extent practicable, all sur-
20 face transportation research and development
21 projects shall include a component of performance



1 measurement and evaluation. Performance measures
2 shall be established during the proposal stage of a
3 research and development project and shall, to the
4 maximum extent possible, be outcome-based. All
5 evaluations shall be made readily available to the
6 public.”.

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

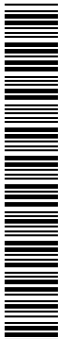
Title V, section 5204(b) of the bill, in the matter
proposed to be inserted in section 503(c)(2)(A) of title
23, United States Code, after “materials,” insert “recy-
cled materials (including taconite tailings and foundry
sand),”

7 Title V, strike 5205(d) of the bill and insert the fol-
8 lowing:

9 (d) GARRETT A. MORGAN TECHNOLOGY AND TRANS-
10 PORTATION EDUCATION PROGRAM.—

11 (1) IN GENERAL.—Section 504 of title 23,
12 United States Code, as amended by this section, is
13 further amended by adding at the end the following
14 new subsection:

15 “(d) GARRETT A. MORGAN TECHNOLOGY AND
16 TRANSPORTATION EDUCATION PROGRAM.—



1 “(1) IN GENERAL.—The Secretary shall estab-
2 lish the Garrett A. Morgan Technology and Trans-
3 portation Education Program to improve the prepa-
4 ration of students, particularly women and minori-
5 ties, in science, technology, engineering, and mathe-
6 matics through curriculum development and other
7 activities related to transportation.

8 “(2) AUTHORIZED ACTIVITIES.—The Secretary
9 shall award grants under this subsection on the
10 basis of competitive, peer review. Grants awarded
11 under this subsection may be used for enhancing
12 science, technology, engineering, and mathematics at
13 the elementary and secondary school level through
14 such means as—

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

17 “(B) programs that allow students to
18 spend time observing scientists and engineers in
19 the transportation field; and

20 “(C) developing relevant curriculum that
21 uses examples and problems related to trans-
22 portation.

23 “(3) APPLICATION AND REVIEW PROCE-
24 DURES.—



1 “(A) IN GENERAL.—An entity described in
2 subparagraph (C) seeking funding under this
3 subsection shall submit an application to the
4 Secretary at such time, in such manner, and
5 containing such information as the Secretary
6 may require. Such application, at a minimum,
7 shall include a description of how the funds will
8 be used and a description of how the funds will
9 be used to serve the purposes described in para-
10 graph (2).

11 “(B) PRIORITY.—In making awards under
12 this subsection, the Secretary shall give priority
13 to applicants that will encourage the participa-
14 tion of women and minorities.

15 “(C) ELIGIBILITY.—Local education agen-
16 cies and State education agencies, which may
17 partner with institutions of higher education,
18 businesses, or other entities, shall be eligible to
19 apply for grants under this subsection.

20 “(4) DEFINITIONS.—For purposes of this
21 subsection—

22 “(A) the term ‘institution of higher edu-
23 cation’ has the meaning given that term in sec-
24 tion 101 of the Higher Education Act of 1965
25 (20 U.S.C. 1001);



1 “(B) the term ‘local educational agency’
2 has the meaning given that term in section
3 9101 of the Elementary and Secondary Edu-
4 cation Act of 1965 (20 U.S.C. 7801); and

5 “(C) the term ‘State educational agency’
6 has the meaning given that term in section
7 9101 of the Elementary and Secondary Edu-
8 cation Act of 1965 (20 U.S.C. 7801).”.

9 (2) FUNDING.—Of the amounts made available
10 by section 5101(a)(2) of this Act, \$500,000 for
11 2004 and \$1,000,000 for each of fiscal years 2005
12 through 2009 shall be available to carry out section
13 504(d) of title 23, United States Code.

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

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

14 (b) PROGRAMMATIC EVALUATIONS.—Within 3 years
15 after the first research and development project grants,
16 cooperative agreements, or contracts are awarded under
17 this section, the Comptroller General shall review the pro-
18 gram under this section, and recommend improvements.
19 The review shall assess the degree to which projects fund-
20 ed under this section have addressed the research and de-



1 velopment topics identified in the Transportation Research
2 Board Special Report 260, including identifying those top-
3 ics which have not yet been addressed.

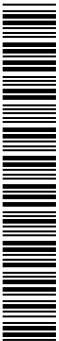
Title V, section 5205 of the bill, in the matter pro-
posed to be inserted in section 504 of title 23, United
States Code, redesignate subsections (f) and (g) as sub-
sections (g) and (h), respectively.

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

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

8 “(f) TRANSPORTATION EDUCATION DEVELOPMENT
9 PILOT PROGRAM.—

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



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

4 “(A) the degree to which the new curricula
5 or education program meets the specific needs
6 of a segment of the transportation industry,
7 States, or regions;

8 “(B) providing for practical experience and
9 on-the-job training;

10 “(C) proposals oriented toward practi-
11 tioners in the field rather than the support and
12 growth of the research community;

13 “(D) the degree to which the new curricula
14 or program will provide training in areas other
15 than engineering, such as business administra-
16 tion, economics, information technology, envi-
17 ronmental science, and law;

18 “(E) programs or curricula in nontradi-
19 tional departments which train professionals for
20 work in the transportation field, such as mate-
21 rials, information technology, environmental
22 science, urban planning, and industrial tech-
23 nology; and

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



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

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

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

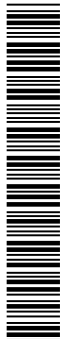
11 **SEC. 5213. TRANSPORTATION RESEARCH AND DEVELOP-**
12 **MENT STRATEGIC PLANNING.**

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

15 **“§ 508. Transportation research and development**
16 **strategic planning**

17 “(a) IN GENERAL.—

18 “(1) DEVELOPMENT.—Not later than 1 year
19 after the date of enactment of the Surface Transpor-
20 tation Research and Development Act of 2004, the
21 Secretary shall develop a 5-year transportation re-
22 search and development strategic plan to guide Fed-
23 eral transportation research and development activi-



1 ties. This plan shall be consistent with section 306
2 of title 5, sections 1115 and 1116 of title 31, and
3 any other research and development plan within the
4 Department of Transportation.

5 “(2) CONTENTS.—The strategic plan developed
6 under paragraph (1) shall—

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

10 “(i) reducing congestion and improv-
11 ing mobility;

12 “(ii) promoting safety;

13 “(iii) promoting security;

14 “(iv) protecting and enhancing the en-
15 vironment;

16 “(v) preserving the existing transpor-
17 tation system; and

18 “(vi) improving the durability and ex-
19 tending the life of transportation infra-
20 structure;

21 “(B) for each purpose, list the primary re-
22 search and development topics that the Depart-
23 ment intends to pursue to accomplish that pur-
24 pose, which may include the fundamental re-
25 search in the physical and natural sciences, ap-



1 plied research, technology development, and so-
2 cial science research intended for each topic;
3 and

4 “(C) for each research and development
5 topic, describe—

6 “(i) the anticipated annual funding
7 levels for the period covered by the stra-
8 tegic plan; and

9 “(ii) the additional information the
10 Department expects to gain at the end of
11 the period covered by the strategic plan as
12 a result of the research and development in
13 that topic area.

14 “(3) CONSIDERATIONS.—In developing the stra-
15 tegic plan, the Secretary shall ensure that the
16 plan—

17 “(A) reflects input from a wide range of
18 stakeholders;

19 “(B) includes and integrates the research
20 and development programs of all the Depart-
21 ment’s operating administrations, including
22 aviation, transit, rail, and maritime; and

23 “(C) takes into account how research and
24 development by other Federal, State, private
25 sector, and not-for-profit institutions contrib-



1 utes to the achievement of the purposes identi-
2 fied under paragraph (2)(A), and avoids unnec-
3 essary duplication with these efforts.

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

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

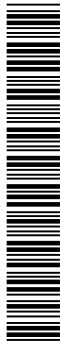
10 “(B) the amount of funding spent in each
11 topic area;

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

15 “(D) any amendments to the strategic
16 plan.

17 “(b) The Secretary shall submit to Congress an an-
18 nual report, along with the President’s annual budget re-
19 quest, describing the amount spent in the last completed
20 fiscal year on transportation research and development
21 and the amount proposed in the current budget for trans-
22 portation research and development.

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



1 “(1) strategic plan under section 508;
2 “(2) performance plan required under section
3 1115 of title 31; and
4 “(3) program performance report required
5 under section 1116 of title 31,
6 with respect to transportation research and develop-
7 ment.”.

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

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

12

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

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

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



public transportation research during the preceding 5 years.”.

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

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

Title V, in section 5302 of the bill, in the matter proposed to be inserted in section 5506(f)(2)(B)(iii) of title 49, United States Code, strike “; and” and insert the following: “who, as a group, have published a total at least 20 refereed journal publications on highway or public transportation research during the preceding 5 years.”.

Title V, strike section 5501 and insert the following:

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

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

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

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

8 “(b) DIRECTOR.—



1 “(1) APPOINTMENT.—The Bureau shall be
2 headed by a Director who shall be appointed by the
3 President, by and with the advice and consent of the
4 Senate.

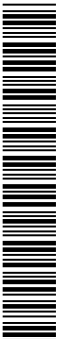
5 “(2) QUALIFICATIONS.—The Director shall be
6 appointed from among individuals who are qualified
7 to serve as the Director by virtue of their training
8 and experience in the collection, analysis, and use of
9 transportation statistics.

10 “(3) REPORTING.—The Director shall report
11 directly to the Secretary.

12 “(4) TERM.—The term of the Director shall be
13 5 years. The Director may continue to serve after
14 the expiration of the term until a successor is ap-
15 pointed and confirmed.

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

20 “(1) PROVIDING DATA, STATISTICS, AND ANAL-
21 YSIS TO TRANSPORTATION DECISIONMAKERS.—En-
22 suring that the statistics compiled under paragraph
23 (5) are designed to support transportation decision-
24 making by the Federal Government, State and local
25 governments, metropolitan planning organizations,



1 transportation-related associations, the private sec-
2 tor (including the freight community), and the pub-
3 lic.

4 “(2) COORDINATING COLLECTION OF INFORMA-
5 TION.—Working with the operating administrations
6 of the Department to establish and implement the
7 Bureau’s data programs and to improve the coordi-
8 nation of information collection efforts with other
9 Federal agencies.

10 “(3) DATA MODERNIZATION.—Continually im-
11 proving surveys and data collection methods to im-
12 prove the accuracy and utility of transportation sta-
13 tistics.

14 “(4) ENCOURAGING DATA STANDARDIZATION.—
15 Encouraging the standardization of data, data col-
16 lection methods, and data management and storage
17 technologies for data collected by the Bureau, the
18 operating administrations of the Department of
19 Transportation, States, local governments, metro-
20 politan planning organizations, and private sector
21 entities.

22 “(5) COMPILING TRANSPORTATION STATIS-
23 TICS.—Compiling, analyzing, and publishing a com-
24 prehensive set of transportation statistics on the per-



1 formance and impacts of the national transportation
2 system, including statistics on—

3 “(A) productivity in various parts of the
4 transportation sector;

5 “(B) traffic flows for all modes of trans-
6 portation;

7 “(C) other elements of the Intermodal
8 Transportation Database established under sub-
9 section (g);

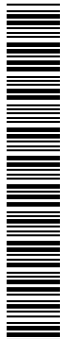
10 “(D) travel times and measures of conges-
11 tion;

12 “(E) vehicle weights and other vehicle
13 characteristics;

14 “(F) demographic, economic, and other
15 variables influencing traveling behavior, includ-
16 ing choice of transportation mode, and goods
17 movement;

18 “(G) transportation costs for passenger
19 travel and goods movement;

20 “(H) availability and use of mass transit
21 (including the number of passengers served by
22 each mass transit authority) and other forms of
23 for-hire passenger travel;



1 “(I) frequency of vehicle and transpor-
2 tation facility repairs and other interruptions of
3 transportation service;

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

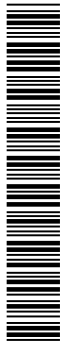
6 “(K) consequences of transportation for
7 the human and natural environment;

8 “(L) the extent, connectivity, and condition
9 of the transportation system, building on the
10 National Transportation Atlas Database devel-
11 oped under subsection (g); and

12 “(M) transportation-related variables that
13 influence the domestic economy and global com-
14 petitiveness.

15 “(6) NATIONAL SPATIAL DATA INFRASTRUC-
16 TURE.—Building and disseminating the transpor-
17 tation layer of the National Spatial Data Infrastruc-
18 ture, including coordinating the development of
19 transportation geospatial data standards, compiling
20 intermodal geospatial data, and collecting geospatial
21 data that is not being collected by others.

22 “(7) ISSUING GUIDELINES.—Issuing guidelines
23 for the collection of information by the Department
24 of Transportation required for statistics to be com-
25 piled under paragraph (5) in order to ensure that



1 such information is accurate, reliable, relevant, and
2 in a form that permits systematic analysis. The Bu-
3 reau shall review and report to the Secretary of
4 Transportation on the sources and reliability of the
5 statistics proposed by the heads of the operating ad-
6 ministrations of the Department to measure outputs
7 and outcomes as required by the Government Per-
8 formance and Results Act of 1993, and the amend-
9 ments made by such Act, and shall carry out such
10 other reviews of the sources and reliability of other
11 data collected or statistical information published by
12 the heads of the operating administrations of the
13 Department as shall be requested by the Secretary.

14 “(8) MAKING STATISTICS ACCESSIBLE.—Mak-
15 ing the statistics published under this subsection
16 readily accessible.

17 “(d) INFORMATION NEEDS ASSESSMENT.—

18 “(1) IN GENERAL.—Within 60 days after the
19 date of the enactment of the Transportation Equity
20 Act: A Legacy for Users, the Secretary shall enter
21 into an arrangement with the National Research
22 Council to develop and publish a National Transpor-
23 tation Information Needs Assessment (referred to in
24 this subsection as the ‘Assessment’). The Assess-
25 ment shall be transmitted to the Secretary and the



1 Congress not later than 24 months after such ar-
2 rangement is entered into.

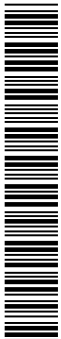
3 “(2) CONTENT.—The Assessment shall—

4 “(A) identify, in priority order, transpor-
5 tation data that is not being collected by the
6 Bureau, Department of Transportation oper-
7 ating administrations, or other Federal, State,
8 or local entities, but is needed to improve trans-
9 portation decisionmaking at the Federal, State,
10 and local level and to fulfill the requirements of
11 subsection (c)(5);

12 “(B) recommend whether the data identi-
13 fied in subparagraph (A) should be collected by
14 the Bureau, other parts of the Department, or
15 by other Federal, State, or local entities, and
16 whether any data is a higher priority than data
17 currently being collected;

18 “(C) identify any data the Bureau or other
19 Federal, State, and local entities is collecting
20 that is not needed;

21 “(D) describe new data collection methods
22 (including changes in surveys) and other
23 changes the Bureau or other Federal, State,
24 and local entities should implement to improve



1 the standardization, accuracy, and utility of
2 transportation data and statistics; and

3 “(E) estimate the cost of implementing
4 any recommendations.

5 “(3) CONSULTATION.—In developing the As-
6 sessment, the National Research Council shall con-
7 sult with the Department’s Advisory Council on
8 Transportation Statistics and a representative cross-
9 section of transportation community stakeholders as
10 well as other Federal agencies, including the Envi-
11 ronmental Protection Agency, the Department of
12 Energy, and the Department of Housing and Urban
13 Development.

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

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

21 “(B) how the Department plans to stop
22 collecting data identified under paragraph
23 (2)(C);

24 “(C) how the Department plans to imple-
25 ment improved data collection methods and



1 other changes identified under paragraph
2 (2)(D);

3 “(D) the expected costs of implementing
4 subparagraphs (A), (B), and (C) of this para-
5 graph;

6 “(E) any findings of the Assessment under
7 paragraph (1) with which the Secretary dis-
8 agrees, and why; and

9 “(F) any proposed statutory changes need-
10 ed to implement the findings of the Assessment
11 under paragraph (1).

12 “(e) INTERMODAL TRANSPORTATION DATA BASE.—

13 “(1) IN GENERAL.—In consultation with the
14 Under Secretary for Policy, the Assistant Secre-
15 taries, and the heads of the operating administra-
16 tions of the Department of Transportation, the Di-
17 rector shall establish and maintain a transportation
18 data base for all modes of transportation.

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

22 “(3) CONTENTS.—The data base shall
23 include—

24 “(A) information on the volumes and pat-
25 terns of movement of goods, including local,



1 interregional, and international movement, by
2 all modes of transportation and intermodal
3 combinations, and by relevant classification;

4 “(B) information on the volumes and pat-
5 terns of movement of people, including local,
6 interregional, and international movements, by
7 all modes of transportation (including bicycle
8 and pedestrian modes) and intermodal combina-
9 tions, and by relevant classification;

10 “(C) information on the location and
11 connectivity of transportation facilities and
12 services; and

13 “(D) a national accounting of expenditures
14 and capital stocks on each mode of transpor-
15 tation and intermodal combination.

16 “(f) NATIONAL TRANSPORTATION LIBRARY.—

17 “(1) IN GENERAL.—The Director shall establish
18 and maintain a National Transportation Library,
19 which shall contain a collection of statistical and
20 other information needed for transportation decision-
21 making at the Federal, State, and local levels.

22 “(2) ACCESS.—The Director shall facilitate and
23 promote access to the Library, with the goal of im-
24 proving the ability of the transportation community
25 to share information and the ability of the Director



1 to make statistics readily accessible under subsection
2 (c)(8).

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

7 “(g) NATIONAL TRANSPORTATION ATLAS DATA
8 BASE.—

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

11 “(A) transportation networks;

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

14 “(C) social, economic, and environmental
15 conditions that affect or are affected by the net-
16 works.

17 “(2) INTERMODAL NETWORK ANALYSIS.—The
18 data bases shall be able to support intermodal net-
19 work analysis.

20 “(h) MANDATORY RESPONSE AUTHORITY FOR
21 FREIGHT DATA COLLECTION.—Whoever, being the
22 owner, official, agent, person in charge, or assistant to the
23 person in charge of any corporation, company, business,
24 institution, establishment, or organization of any nature
25 whatsoever, neglects or refuses, when requested by the Di-



1 rector or other authorized officer, employee, or contractor
2 of the Bureau, to answer completely and correctly to the
3 best of his or her knowledge all questions relating to the
4 corporation, company, business, institution, establishment,
5 or other organization, or to make available records or sta-
6 tistics in his or her official custody, contained in a data
7 collection request prepared and submitted under the au-
8 thority of subsection (c)(1), shall be fined not more than
9 \$500; but if he or she willfully gives a false answer to
10 such a question, he or she shall be fined not more than
11 \$10,000.

12 “(i) RESEARCH AND DEVELOPMENT GRANTS.—The
13 Secretary may make grants to, or enter into cooperative
14 agreements or contracts with, public and nonprofit private
15 entities (including State transportation departments, met-
16 ropolitan planning organizations, and institutions of high-
17 er education) for—

18 “(1) investigation of the subjects specified in
19 subsection (c)(5) and research and development of
20 new methods of data collection, standardization,
21 management, integration, dissemination, interpreta-
22 tion, and analysis;

23 “(2) demonstration programs by States, local
24 governments, and metropolitan planning organiza-
25 tions to harmonize data collection, reporting, man-



1 agement, storage, and archiving to simplify data
2 comparisons across jurisdictions;

3 “(3) development of electronic clearinghouses of
4 transportation data and related information, as part
5 of the National Transportation Library under sub-
6 section (f); and

7 “(4) development and improvement of methods
8 for sharing geographic data, in support of the na-
9 tional transportation atlas data base under sub-
10 section (g) and the National Spatial Data Infra-
11 structure developed under Executive Order No.
12 12906.

13 “(j) LIMITATIONS ON STATUTORY CONSTRUCTION.—
14 Nothing in this section shall be construed—

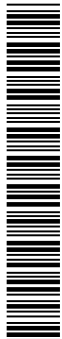
15 “(1) to authorize the Bureau to require any
16 other department or agency to collect data; or

17 “(2) to reduce the authority of any other officer
18 of the Department of Transportation to collect and
19 disseminate data independently.

20 “(k) PROHIBITION ON CERTAIN DISCLOSURES.—

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

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



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

3 “(C) permit anyone other than an indi-
4 vidual authorized by the Director to examine
5 any individual report provided under subsection
6 (c).

7 “(2) COPIES OF REPORTS.—

8 “(A) IN GENERAL.—No department, bu-
9 reau, agency, officer, or employee of the United
10 States (except the Director in carrying out this
11 section) may require, for any reason, a copy of
12 any report that has been filed under subsection
13 (c) with the Bureau or retained by an indi-
14 vidual respondent.

15 “(B) LIMITATION ON JUDICIAL PRO-
16 CEEDINGS.—A copy of a report described in
17 subparagraph (A) that has been retained by an
18 individual respondent or filed with the Bureau
19 or any of its employees, contractors, or
20 agents—

21 “(i) shall be immune from legal proc-
22 ess; and

23 “(ii) shall not, without the consent of
24 the individual concerned, be admitted as
25 evidence or used for any purpose in any



1 action, suit, or other judicial or adminis-
2 trative proceeding.

3 “(C) APPLICABILITY.—This paragraph
4 shall apply only to reports that permit informa-
5 tion concerning an individual or organization to
6 be reasonably determined by direct or indirect
7 means.

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

17 “(1) TRANSPORTATION STATISTICS ANNUAL RE-
18 PORT.—The Director shall transmit to the President and
19 Congress a Transportation Statistics Annual Report which
20 shall include information on items referred to in sub-
21 section (c)(5), documentation of methods used to obtain
22 and ensure the quality of the statistics presented in the
23 report, and recommendations for improving transportation
24 statistical information.



1 “(m) DATA ACCESS.—The Director shall have access
2 to transportation and transportation-related information
3 in the possession of any Federal agency except
4 information—

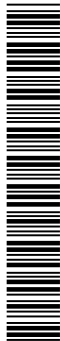
5 “(1) the disclosure of which to another Federal
6 agency is expressly prohibited by law; or

7 “(2) the disclosure of which the agency so re-
8 quested determines would significantly impair the
9 discharge of authorities and responsibilities which
10 have been delegated to, or vested by law, in such
11 agency.

12 “(n) PROCEEDS OF DATA PRODUCT SALES.—Not-
13 withstanding section 3302 of title 31, United States Code,
14 funds received by the Bureau from the sale of data prod-
15 ucts, for necessary expenses incurred, may be credited to
16 the Highway Trust Fund (other than the Mass Transit
17 Account) for the purpose of reimbursing the Bureau for
18 the expenses.

19 “(o) ADVISORY COUNCIL ON TRANSPORTATION STA-
20 TISTICS.—

21 “(1) ESTABLISHMENT.—The Director of the
22 Bureau of Transportation Statistics shall establish
23 an Advisory Council on Transportation Statistics.



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

4 “(A) advise the Director of the Bureau of
5 Transportation Statistics on the quality, reli-
6 ability, consistency, objectivity, and relevance of
7 transportation statistics and analyses collected,
8 supported, or disseminated by the Bureau of
9 Transportation Statistics and the Department
10 of Transportation;

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

13 “(C) advise the Director on methods to en-
14 courage harmonization and interoperability of
15 transportation data collected by the Bureau, the
16 operating administrations of the Department of
17 Transportation, States, local governments, met-
18 ropolitan planning organizations, and private
19 sector entities.

20 “(3) MEMBERSHIP.—The Advisory Council es-
21 tablished under this subsection shall be composed of
22 not fewer than 9 and not more than 11 members ap-
23 pointed by the Director, who are not officers or em-
24 ployees of the United States. Each member shall
25 have expertise in transportation data collection or



1 analysis or application; except that 1 member shall
2 have expertise in economics, 1 member shall have ex-
3 pertise in statistics, and 1 member shall have experi-
4 ence in transportation safety. At least 1 member
5 shall be a senior official of a State department of
6 transportation. Members shall include representation
7 of a cross-section of transportation community
8 stakeholders.

9 “(4) TERMS OF APPOINTMENT.—(A) Except as
10 provided in subparagraph (B), members shall be ap-
11 pointed to staggered terms not to exceed 3 years. A
12 member may be renominated for one additional 3-
13 year term.

14 “(B) Members serving on the Advisory Council
15 on Transportation Statistics as of the date of enact-
16 ment of the Transportation Equity Act: A Legacy
17 for Users shall serve until the end of their appointed
18 terms.

19 “(5) APPLICABILITY OF FEDERAL ADVISORY
20 COMMITTEE ACT.—The Federal Advisory Committee
21 Act shall apply to the Advisory Council established
22 under this subsection, except that section 14 of such
23 Act shall not apply to such Advisory Council.”

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



1 (h) ADVISORY COMMITTEE.—

2 (1) IN GENERAL.—The Secretary shall establish
3 an Advisory Committee to advise the Secretary on
4 carrying out this subtitle.

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

9 (A) a representative from a State highway
10 department;

11 (B) a representative from a local highway
12 department who is not from a metropolitan
13 planning organization;

14 (C) a representative from a State, local, or
15 regional transit agency;

16 (D) a representative from a metropolitan
17 planning organization;

18 (E) a private sector user of intelligent
19 transportation system technologies;

20 (F) an academic researcher with expertise
21 in computer science or another information
22 science field related to intelligent transportation
23 systems, and who is not an expert on transpor-
24 tation issues;



1 (G) an academic researcher who is a civil
2 engineer;

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

5 (I) a representative from a not-for-profit
6 group representing the intelligent transpor-
7 tation system industry;

8 (J) a representative from a public interest
9 group concerned with safety;

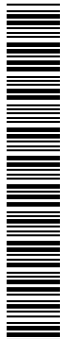
10 (K) a representative from a public interest
11 group concerned with the impact of the trans-
12 portation system on land use and residential
13 patterns; and

14 (L) members with expertise in planning,
15 safety, and operations.

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

18 (A) Provide input into the development of
19 the Intelligent Transportation System aspects
20 of the strategic plan under section 508 of title
21 23, United States Code.

22 (B) Review, at least annually, areas of in-
23 telligent transportation systems research being
24 considered for funding by the Department, to
25 determine—



1 (i) whether these activities are likely
2 to advance either the state-of-the-practice
3 or state-of-the-art in intelligent transpor-
4 tation systems;

5 (ii) whether the intelligent transpor-
6 tation system technologies are likely to be
7 deployed by users, and, if not, to determine
8 the barriers to deployment; and

9 (iii) the appropriate roles for govern-
10 ment and the private sector in investing in
11 the research and technologies being consid-
12 ered.

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

17 (A) all recommendations made by the Ad-
18 visory Committee during the preceding calendar
19 year;

20 (B) an explanation of how the Secretary
21 has implemented those recommendations; and

22 (C) for recommendations not implemented,
23 the reasons for rejecting the recommendations.

24 (5) APPLICABILITY OF FEDERAL ADVISORY
25 COMMITTEE ACT.—The Advisory Committee shall be



1 subject to the Federal Advisory Committee Act (5
2 U.S.C. App.).

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

3 (2) utilize interdisciplinary approaches to de-
4 velop traffic management strategies and tools to ad-
5 dress multiple impacts of congestion concurrently;

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

Title V, after section 5606, insert the following:

6 **SEC. 5607. ROAD WEATHER RESEARCH AND DEVELOPMENT**
7 **PROGRAM.**

8 (a) ESTABLISHMENT.—The Secretary shall establish
9 a road weather research and development program to—

10 (1) maximize use of available road weather in-
11 formation and technologies;

12 (2) expand road weather research and develop-
13 ment efforts to enhance roadway safety, capacity,
14 and efficiency while minimizing environmental im-
15 pacts; and

16 (3) promote technology transfer of effective
17 road weather scientific and technological advances.



1 (b) STAKEHOLDER INPUT.—In carrying out this sec-
2 tion, the Secretary shall consult with the National Oceanic
3 and Atmospheric Administration, the National Science
4 Foundation, the American Association of State Highway
5 and Transportation Officials, nonprofit organizations, and
6 the private sector.

7 (c) CONTENTS.— The program established under this
8 section shall solely carry out research and development
9 called for in the National Research Council’s report enti-
10 tled “A Research Agenda for Improving Road Weather
11 Services”. Such research and development includes—

12 (1) integrating existing observational networks
13 and data management systems for road weather ap-
14 plications;

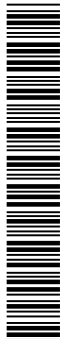
15 (2) improving weather modeling capabilities and
16 forecast tools, such as the road surface and atmos-
17 pheric interface;

18 (3) enhancing mechanisms for communicating
19 road weather information to users, such as transpor-
20 tation officials and the public; and

21 (4) integrating road weather technologies into
22 an information infrastructure.

23 (d) ACTIVITIES.— In carrying out this section, the
24 Secretary shall—

25 (1) enable efficient technology transfer;



1 (2) improve education and training of road
2 weather information users, such as State and local
3 transportation officials and private sector transpor-
4 tation contractors; and

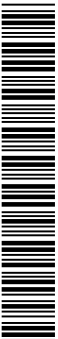
5 (3) coordinate with transportation weather re-
6 search programs in other modes, such as aviation.

7 (e) FUNDING.—

8 (1) IN GENERAL.—In awarding funds under
9 this section, the Secretary shall give preference to
10 applications with significant matching funds from
11 non-Federal sources.

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

In subsection (d) as proposed to be inserted in sec-
tion 5213 of title 49, United States Code, by section
6001(a) of the bill (page 765), insert at the end the fol-
lowing:



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

In subsection (c) as proposed to be inserted in section 5214 of title 49, United States Code, by section 6001(a) of the bill (page 789), strike “The consent” and insert the following:

1 “(1) IN GENERAL.—The consent

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

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

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

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

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

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



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

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

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

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

4 **TITLE IX—RAIL PROVISIONS**

5 **SEC. 9001. HIGH-SPEED RAIL CORRIDOR DEVELOPMENT.**

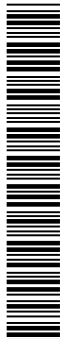
6 (a) CORRIDOR DEVELOPMENT.—

7 (1) AMENDMENTS.—Section 26101 of title 49,
 8 United States Code, is amended—

9 (A) in the section heading, by striking
 10 “**PLANNING**” and inserting “**DEVELOP-**
 11 **MENT**”;

12 (B) in the heading of subsection (a), by
 13 striking “**PLANNING**” and inserting “**DEVELOP-**
 14 **MENT**”;

15 (C) by striking “corridor planning” each
 16 place it appears and inserting “corridor devel-
 17 opment”;



1 (D) in subsection (b)(1)—

2 (i) by inserting “, or if it is an activity
3 described in subparagraph (M)” after
4 “high-speed rail improvements”;

5 (ii) by striking “and” at the end of
6 subparagraph (K);

7 (iii) by striking the period at the end
8 of subparagraph (L) and inserting “; and”;
9 and

10 (iv) by adding at the end the following
11 new subparagraph:

12 “(M) the acquisition of locomotives, rolling
13 stock, track, and signal equipment.”; and

14 (E) in subsection (c)(2), by striking “plan-
15 ning” and inserting “development”.

16 (2) CONFORMING AMENDMENT.—The item re-
17 lating to section 26101 in the table of sections of
18 chapter 261 of title 49, United States Code, is
19 amended by striking “planning” and inserting “de-
20 velopment”.

21 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
22 26104 of title 49, United States Code, is amended to read
23 as follows:



1 **“§ 26104. Authorization of appropriations**

2 “(a) FISCAL YEARS 2005 THROUGH 2012.—There
3 are authorized to be appropriated to the Secretary—

4 “(1) \$70,000,000 for carrying out section
5 26101; and

6 “(2) \$30,000,000 for carrying out section
7 26102, for each of the fiscal years 2005 through
8 2012.

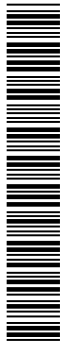
9 “(b) FUNDS TO REMAIN AVAILABLE.—Funds made
10 available under this section shall remain available until ex-
11 pended.”

12 **SEC. 9002. REHABILITATION AND IMPROVEMENT FINANC-**
13 **ING.**

14 (a) DEFINITIONS.—Section 102(7) of the Railroad
15 Revitalization and Regulatory Reform Act of 1976 (45
16 U.S.C. 802(7)) is amended to read as follows:

17 “(7) ‘railroad’ has the meaning given that term
18 in section 20102 of title 49, United States Code;
19 and”.

20 (b) GENERAL AUTHORITY.—Section 502(a) of the
21 Railroad Revitalization and Regulatory Reform Act of
22 1976 (45 U.S.C. 822(a)) is amended by striking “Sec-
23 retary may provide direct loans and loan guarantees to
24 State and local governments,” and inserting “Secretary
25 shall provide direct loans and loan guarantees to State and
26 local governments, agreements or interstate compacts con-



1 sented to by Congress under section 410(a) of Public Law
2 10509134 (49 U.S.C. 24101 nt),”.

3 (c) EXTENT OF AUTHORITY.—Section 502(d) of the
4 Railroad Revitalization and Regulatory Reform Act of
5 1976 (45 U.S.C. 822(d)) is amended—

6 (1) by striking “\$3,500,000,000” and inserting
7 “\$35,000,000,000”;

8 (2) by striking “\$1,000,000,000” and inserting
9 “\$7,000,000,000”; and

10 (3) by adding at the end the following new sen-
11 tence: “The Secretary shall not establish any limit
12 on the proportion of the unused amount authorized
13 under this subsection that may be used for 1 loan
14 or loan guarantee.”.

15 (d) COHORTS OF LOANS.—Section 502(f) of the Rail-
16 road Revitalization and Regulatory Reform Act of 1976
17 (45 U.S.C. 822(f)) is amended—

18 (1) in paragraph (2)—

19 (A) by striking “and” at the end of sub-
20 paragraph (D);

21 (B) by redesignating subparagraph (E) as
22 subparagraph (F); and

23 (C) by adding after subparagraph (D) the
24 following new subparagraph:



1 “(E) the size and characteristics of the co-
2 hort of which the loan or loan guarantee is a
3 member; and”;

4 (2) by adding at the end of paragraph (4) the
5 following: “A cohort may include loans and loan
6 guarantees. The Secretary shall not establish any
7 limit on the proportion of a cohort that may be used
8 for 1 loan or loan guarantee.”.

9 (e) CONDITIONS OF ASSISTANCE.—Section 502 of the
10 Railroad Revitalization and Regulatory Reform Act of
11 1976 (45 U.S.C. 822) is amended—

12 (1) in subsection (f)(2)(A), by inserting “, if
13 any” after “collateral offered”; and

14 (2) by adding at the end of subsection (h) the
15 following:

16 “The Secretary shall not require an applicant for a direct
17 loan or loan guarantee under this section to provide collat-
18 eral. The Secretary shall not require that an applicant for
19 a direct loan or loan guarantee under this section have
20 previously sought the financial assistance requested from
21 another source. The Secretary shall require recipients of
22 direct loans or loan guarantees under this section to apply
23 the standards of section 24312, as in effect on September
24 1, 2002, with respect to the project in the same manner
25 that the National Railroad Passenger Corporation is re-



1 quired to comply with such standards for construction
2 work financed under an agreement made under section
3 24308(a).”.

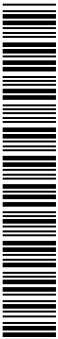
4 (f) TIME LIMIT FOR APPROVAL OR DISAPPROVAL.—
5 Section 502 of the Railroad Revitalization and Regulatory
6 Reform Act of 1976 (45 U.S.C. 822) is amended by add-
7 ing at the end the following new subsection:

8 “(i) TIME LIMIT FOR APPROVAL OR DISAPPROVAL.—
9 Not later than 90 days after receiving a complete applica-
10 tion for a direct loan or loan guarantee under this section,
11 the Secretary shall approve or disapprove the applica-
12 tion.”.

13 (g) FEES AND CHARGES.—Section 503 of the Rail-
14 road Revitalization and Regulatory Reform Act of 1976
15 (45 U.S.C. 823) is amended by adding at the end the fol-
16 lowing new subsection:

17 “(l) FEES AND CHARGES.—Except as provided in
18 this title, the Secretary may not assess any fees, including
19 user fees, or charges in connection with a direct loan or
20 loan guarantee provided under section 502.”.

21 (h) SUBSTANTIVE CRITERIA AND STANDARDS.—Not
22 later than 30 days after the date of the enactment of this
23 Act, the Secretary of Transportation shall publish in the
24 Federal Register and post on the Department of Trans-
25 portation web site the substantive criteria and standards



1 used by the Secretary to determine whether to approve
2 or disapprove applications submitted under section 502 of
3 the Railroad Revitalization and Regulatory Reform Act of
4 1976 (45 U.S.C. 822).

5 **SEC. 9003. CAPITAL GRANTS FOR RAILROAD TRACK.**

6 (a) AMENDMENT.—Chapter 223 of title 49, United
7 States Code, is amended to read as follows:

8 **“CHAPTER 223—CAPITAL GRANTS FOR**
9 **RAILROAD TRACK**

“Sec.

“22301. Capital grants for railroad track.

10 **“§ 22301. Capital grants for railroad track**

11 “(a) ESTABLISHMENT OF PROGRAM.—

12 “(1) ESTABLISHMENT.—The Secretary of
13 Transportation shall establish a program of capital
14 grants for the rehabilitation, preservation, or im-
15 provement of railroad track (including roadbed,
16 bridges, and related track structures) of class II and
17 class III railroads. Such grants shall be for rehabili-
18 tating, preserving, or improving track used primarily
19 for freight transportation to a standard ensuring
20 that the track can be operated safely and efficiently,
21 including grants for rehabilitating, preserving, or im-
22 proving track to handle 286,000 pound rail cars.
23 Grants may be provided under this chapter—



1 “(A) directly to the class II or class III
2 railroad; or

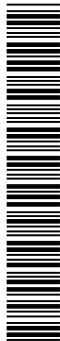
3 “(B) with the concurrence of the class II
4 or class III railroad, to a State or local govern-
5 ment.

6 “(2) STATE COOPERATION.—Class II and class
7 III railroad applicants for a grant under this chap-
8 ter are encouraged to utilize the expertise and assist-
9 ance of State transportation agencies in applying for
10 and administering such grants. State transportation
11 agencies are encouraged to provide such expertise
12 and assistance to such railroads.

13 “(3) INTERIM REGULATIONS.—Not later than
14 December 31, 2004, the Secretary shall issue tem-
15 porary regulations to implement the program under
16 this section. Subchapter II of chapter 5 of title 5
17 does not apply to a temporary regulation issued
18 under this paragraph or to an amendment to such
19 a temporary regulation.

20 “(4) FINAL REGULATIONS.—Not later than Oc-
21 tober 1, 2005, the Secretary shall issue final regula-
22 tions to implement the program under this section.

23 “(b) MAXIMUM FEDERAL SHARE.—The maximum
24 Federal share for carrying out a project under this section
25 shall be 80 percent of the project cost. The non-Federal



1 share may be provided by any non-Federal source in cash,
2 equipment, or supplies. Other in-kind contributions may
3 be approved by the Secretary on a case by case basis con-
4 sistent with this chapter.

5 “(c) PROJECT ELIGIBILITY.—For a project to be eli-
6 gible for assistance under this section the track must have
7 been operated or owned by a class II or class III railroad
8 as of the date of the enactment of this section.

9 “(d) USE OF FUNDS.—Grants provided under this
10 section shall be used to implement track capital projects
11 as soon as possible. In no event shall grant funds be con-
12 tractually obligated for a project later than the end of the
13 third Federal fiscal year following the year in which the
14 grant was awarded. Any funds not so obligated by the end
15 of such fiscal year shall be returned to the Secretary for
16 reallocation.

17 “(e) EMPLOYEE PROTECTION.—The Secretary shall
18 require as a condition of any grant made under this sec-
19 tion that the recipient railroad provide a fair arrangement
20 at least as protective of the interests of employees who
21 are affected by the project to be funded with the grant
22 as the terms imposed under section 11326(a), as in effect
23 on the date of the enactment of this section.

24 “(f) LABOR STANDARDS.—



1 “(1) PREVAILING WAGES.—The Secretary shall
2 ensure that laborers and mechanics employed by
3 contractors and subcontractors in construction work
4 financed by a grant made under this section will be
5 paid wages not less than those prevailing on similar
6 construction in the locality, as determined by the
7 Secretary of Labor under the Act of March 3, 1931
8 (known as the Davis-Bacon Act; 40 U.S.C. 276a et
9 seq.). The Secretary shall make a grant under this
10 section only after being assured that required labor
11 standards will be maintained on the construction
12 work.

13 “(2) WAGE RATES.—Wage rates in a collective
14 bargaining agreement negotiated under the Railway
15 Labor Act (45 U.S.C. 151 et seq.) are deemed for
16 purposes of this subsection to comply with the Act
17 of March 3, 1931 (known as the Davis-Bacon Act;
18 40 U.S.C. 276a et seq.).

19 “(g) STUDY.—The Secretary shall conduct a study
20 of the projects carried out with grant assistance under this
21 section to determine the public interest benefits associated
22 with the light density railroad networks in the States and
23 their contribution to a multimodal transportation system.
24 Not later than March 31, 2006, the Secretary shall report
25 to Congress any recommendations the Secretary considers



1 appropriate regarding the eligibility of light density rail
2 networks for Federal infrastructure financing.

3 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to the Secretary of
5 Transportation \$350,000,000 for each of the fiscal years
6 2005 through 2007 for carrying out this section.”.

7 (b) CONFORMING AMENDMENT.—The item relating
8 to chapter 223 in the table of chapters of subtitle V of
9 title 49, United States Code, is amended to read as fol-
10 lows:

“223. CAPITAL GRANTS FOR RAILROAD TRACK22301”.

11 **SEC. 9004. ALASKA RAILROAD.**

12 (a) GRANTS.—The Secretary shall make grants to
13 the Alaska railroad for capital rehabilitation and improve-
14 ments benefiting its passenger operations.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to carry out this section
17 such sums as may be necessary.

