

112TH CONGRESS  
2D SESSION

# H. R. 7

To authorize funds for Federal-aid highway, public transportation, and highway and motor carrier safety programs, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 31, 2012

Mr. MICA (for himself and Mr. DUNCAN of Tennessee) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To authorize funds for Federal-aid highway, public transportation, and highway and motor carrier safety programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “American Energy and Infrastructure Jobs Act of 2012”.

6 (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.  
Sec. 2. General definitions.  
Sec. 3. Effective date.

### TITLE I—FEDERAL-AID HIGHWAYS

Sec. 1001. Amendments to title 23, United States Code.

### Subtitle A—Authorization of Programs

- Sec. 1101. Authorization of appropriations.
- Sec. 1102. Highway obligation ceiling.
- Sec. 1103. Alternative Transportation Account obligation ceiling.
- Sec. 1104. Apportionment.
- Sec. 1105. Federal-aid systems.
- Sec. 1106. National Highway System program.
- Sec. 1107. Surface transportation program.
- Sec. 1108. Congestion mitigation and air quality improvement program.
- Sec. 1109. Equity bonus program.
- Sec. 1110. Project approval and oversight.
- Sec. 1111. Emergency relief.
- Sec. 1112. Uniform transferability of Federal-aid highway funds.
- Sec. 1113. Ferry boats and ferry terminal facilities.
- Sec. 1114. National highway bridge and tunnel inventory and inspection program.
- Sec. 1115. Minimum investment in highway bridges.
- Sec. 1116. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.
- Sec. 1117. Puerto Rico highway program.
- Sec. 1118. Appalachian development highway system.
- Sec. 1119. References to Mass Transit Account.

### Subtitle B—Innovative Financing

- Sec. 1201. Transportation infrastructure finance and innovation.
- Sec. 1202. State infrastructure bank program.
- Sec. 1203. State infrastructure bank capitalization.
- Sec. 1204. Tolling.
- Sec. 1205. HOV facilities.
- Sec. 1206. Public-private partnerships.

### Subtitle C—Highway Safety

- Sec. 1301. Highway safety improvement program.
- Sec. 1302. Railway-highway crossings.
- Sec. 1303. Highway worker safety.

### Subtitle D—Freight Mobility

- Sec. 1401. National freight policy.
- Sec. 1402. State freight advisory committees.
- Sec. 1403. State freight plans.
- Sec. 1404. Trucking productivity.

### Subtitle E—Federal Lands and Tribal Transportation

- Sec. 1501. Federal lands and tribal transportation programs.
- Sec. 1502. Definitions.
- Sec. 1503. Conforming amendments.
- Sec. 1504. Repeals; effective date.
- Sec. 1505. Clerical amendment.

### Subtitle F—Program Elimination and Consolidation

- Sec. 1601. Program elimination and consolidation.

## Subtitle G—Miscellaneous

- Sec. 1701. Transportation enhancement activity defined.
- Sec. 1702. Pavement markings.
- Sec. 1703. Rest areas.
- Sec. 1704. Justification reports for access points on the Interstate System.
- Sec. 1705. Patented or proprietary items.
- Sec. 1706. Preventive maintenance.
- Sec. 1707. Mapping.
- Sec. 1708. Funding flexibility for transportation emergencies.
- Sec. 1709. Budget justification.
- Sec. 1710. Extension of over-the-road bus and public transit vehicle exemption  
from axle weight restrictions.
- Sec. 1711. Repeal of requirement for Interstate System designation.
- Sec. 1712. Retroreflectivity.
- Sec. 1713. Engineering judgment.
- Sec. 1714. Evacuation routes.
- Sec. 1715. Truck parking.
- Sec. 1716. Use of certain administrative expenses.
- Sec. 1717. Transportation training and employment programs.
- Sec. 1717A. Engineering and design services.
- Sec. 1718. Notice of certain grant awards.

## TITLE II—PUBLIC TRANSPORTATION

- Sec. 2001. Short title; amendments to title 49, United States Code.
- Sec. 2002. Definitions.
- Sec. 2003. Planning programs.
- Sec. 2004. Private enterprise participation.
- Sec. 2005. Urbanized area formula grants.
- Sec. 2006. Capital investment grants.
- Sec. 2007. Bus and bus facilities formula grants.
- Sec. 2008. Rural area formula grants.
- Sec. 2009. Transit research.
- Sec. 2010. Coordinated access and mobility program formula grants.
- Sec. 2011. Training and technical assistance programs.
- Sec. 2012. General provisions.
- Sec. 2013. Contract requirements.
- Sec. 2014. Private sector participation.
- Sec. 2015. Project management oversight.
- Sec. 2016. State safety oversight.
- Sec. 2017. Apportionment of appropriations for formula grants.
- Sec. 2018. Fixed guideway modernization formula grants.
- Sec. 2019. Authorizations.
- Sec. 2020. Obligation limits.
- Sec. 2021. Program elimination and consolidation.

## TITLE III—ENVIRONMENTAL STREAMLINING

- Sec. 3001. Amendments to title 23, United States Code.
- Sec. 3002. Declaration of policy.
- Sec. 3003. Expedited permits.
- Sec. 3004. Exemption in emergencies.
- Sec. 3005. Advance acquisition of real property interests.
- Sec. 3006. Standards.
- Sec. 3007. Letting of contracts.

- Sec. 3008. Elimination of duplication in historic preservation requirements.
- Sec. 3009. Funding threshold.
- Sec. 3010. Efficient environmental reviews for project decisionmaking.
- Sec. 3011. Disposal of historic properties.
- Sec. 3012. Integration of planning and environmental review.
- Sec. 3013. Development of programmatic mitigation plans.
- Sec. 3014. State assumption of responsibility for categorical exclusions.
- Sec. 3015. Surface transportation project delivery program.
- Sec. 3016. Program for eliminating duplication of environmental reviews.
- Sec. 3017. State performance of legal sufficiency reviews.
- Sec. 3018. Categorical exclusions.
- Sec. 3019. Environmental review process deadline.
- Sec. 3020. Relocation assistance.

#### TITLE IV—TRANSPORTATION PLANNING

- Sec. 4001. Transportation planning.
- Sec. 4002. Special rules for small metropolitan planning organizations.
- Sec. 4003. Financial plans.
- Sec. 4004. Plan update.
- Sec. 4005. State planning and research funding for title 23.
- Sec. 4006. National Academy of Sciences study.
- Sec. 4007. Congestion relief.

#### TITLE V—HIGHWAY SAFETY

- Sec. 5001. Amendments to title 23, United States Code.
- Sec. 5002. Authorization of appropriations.
- Sec. 5003. Highway safety programs.
- Sec. 5004. Use of certain funds made available for administrative expenses.
- Sec. 5005. Repeal of programs.
- Sec. 5006. Discovery and admission as evidence of certain reports and surveys.
- Sec. 5007. Prohibition on funds to check helmet usage or create checkpoints for a motorcycle driver or passenger.
- Sec. 5008. National Driver Register.

#### TITLE VI—COMMERCIAL MOTOR VEHICLE SAFETY

- Sec. 6001. Short title.
- Sec. 6002. Amendments to title 49, United States Code.

##### Subtitle A—Authorization of Appropriations

- Sec. 6101. Motor carrier safety grants.
- Sec. 6102. Grant programs.

##### Subtitle B—Registration

- Sec. 6201. Registration requirements.
- Sec. 6202. Motor carrier registration.
- Sec. 6203. Registration of freight forwarders and brokers.
- Sec. 6204. Effective periods of registration.
- Sec. 6205. Reincarnated carriers.
- Sec. 6206. Financial security of brokers and freight forwarders.
- Sec. 6207. Registration fee system.
- Sec. 6208. Unlawful brokerage activities.
- Sec. 6209. Requirement for registration and USDOT number.

### Subtitle C—Commercial Motor Vehicle Safety

- Sec. 6301. Motor carrier safety assistance program.
- Sec. 6302. Performance and registration information systems management program.
- Sec. 6303. Commercial vehicle information systems and networks deployment grants.
- Sec. 6304. Commercial motor vehicle safety inspection programs.
- Sec. 6305. Amendments to safety fitness determination.
- Sec. 6306. New entrant carriers.
- Sec. 6307. Improved oversight of motor carriers of passengers.
- Sec. 6308. Driver medical qualifications.
- Sec. 6309. Commercial motor vehicle safety standards.
- Sec. 6310. Crash avoidance technology.
- Sec. 6311. Expansion of collision mitigation study.

### Subtitle D—Commercial Motor Vehicle Operators

- Sec. 6401. National clearinghouse for records relating to alcohol and controlled substances testing of commercial motor vehicle operators.
- Sec. 6402. Commercial motor vehicle operator training.
- Sec. 6403. Commercial driver's license program.
- Sec. 6404. Commercial driver's license passenger endorsement requirements.
- Sec. 6405. Commercial driver's license hazardous materials endorsement exemption.
- Sec. 6406. Program to assist veterans to acquire commercial driver's licenses.

### Subtitle E—Motor Carrier Safety

- Sec. 6501. Motor carrier transportation.
- Sec. 6502. Hours of service study.
- Sec. 6503. Electronic logging devices.
- Sec. 6504. Motor Carrier Safety Advisory Committee.
- Sec. 6505. Transportation of agricultural commodities and farm supplies.
- Sec. 6506. Exemption relating to transportation of grapes during harvest periods.

### Subtitle F—Miscellaneous

- Sec. 6601. Exemptions from requirements for certain farm vehicles.
- Sec. 6602. Technical correction.
- Sec. 6603. Study of impact of regulations on small trucking companies.
- Sec. 6604. Report on small trucking companies.
- Sec. 6605. Rulemaking on road visibility of agricultural equipment.
- Sec. 6606. Transportation of horses.
- Sec. 6607. Regulatory review and revision.
- Sec. 6608. Issuance of safety regulations.
- Sec. 6609. Repeals.

## TITLE VII—RESEARCH AND EDUCATION

- Sec. 7001. Authorization of appropriations.
- Sec. 7002. Obligation ceiling.
- Sec. 7003. Definitions.
- Sec. 7004. Surface transportation research, development, and technology.
- Sec. 7005. Research and development.
- Sec. 7006. Technology and innovation deployment program.

- Sec. 7007. Training and education.
- Sec. 7008. State planning and research.
- Sec. 7009. International highway transportation outreach program.
- Sec. 7010. Surface transportation-environmental cooperative research program.
- Sec. 7011. Transportation research and development strategic planning.
- Sec. 7012. National cooperative freight transportation research program.
- Sec. 7013. Future strategic highway research program.
- Sec. 7014. National intelligent transportation systems program plan.
- Sec. 7015. Use of funds for intelligent transportation systems activities.
- Sec. 7016. Intelligent transportation systems program goals and purposes.
- Sec. 7017. Intelligent transportation systems program general authorities and requirements.
- Sec. 7018. Intelligent transportation systems research and development.
- Sec. 7019. Intelligent transportation systems national architecture and standards.
- Sec. 7020. National university transportation centers.
- Sec. 7021. University transportation research.
- Sec. 7022. Bureau of Transportation Statistics.
- Sec. 7023. Administrative authority.
- Sec. 7024. Technical and conforming amendments.

#### TITLE VIII—RAILROADS

##### Subtitle A—Repeals and Reforms of Intercity Passenger Rail Capital Grant Programs

- Sec. 8001. Capital grants for Class II and Class III railroads.
- Sec. 8002. Congestion grants.
- Sec. 8003. Intercity passenger rail capital grants to States.

##### Subtitle B—Amtrak Reforms

- Sec. 8101. Authorization for Amtrak operating expenses.
- Sec. 8102. Limitations on Amtrak authority.
- Sec. 8103. Applicability of laws.
- Sec. 8104. Inspector General of Amtrak.
- Sec. 8105. Amtrak management accountability.
- Sec. 8106. Amtrak food and beverage service.

##### Subtitle C—Project Development and Review

- Sec. 8201. Project development and review.

##### Subtitle D—Railroad Rehabilitation and Improvement Financing

- Sec. 8301. Railroad rehabilitation and improvement financing.

##### Subtitle E—Positive Train Control

- Sec. 8401. Positive train control.

##### Subtitle F—Regulatory Reform

- Sec. 8501. Federal Railroad Administration regulations.

##### Subtitle G—Technical Corrections

- Sec. 8601. Miscellaneous corrections, revisions, and repeals.

## TITLE IX—HAZARDOUS MATERIAL TRANSPORTATION

- Sec. 9001. Short title.
- Sec. 9002. Amendment of title 49, United States Code.
- Sec. 9003. Findings.
- Sec. 9004. Purposes.
- Sec. 9005. Definitions.
- Sec. 9006. General regulatory authority.
- Sec. 9007. Inspections of motor vehicles transporting radioactive material.
- Sec. 9008. Hazmat employee training requirements and grants.
- Sec. 9009. Fees.
- Sec. 9010. Motor carrier safety permits.
- Sec. 9011. Planning and training grants, monitoring, and review.
- Sec. 9012. Special permits and exclusions.
- Sec. 9013. Hazardous material uniform motor carrier permit program.
- Sec. 9014. International uniformity of standards and requirements.
- Sec. 9015. Investigations.
- Sec. 9016. Building partnerships for improved safety and system performance.
- Sec. 9017. Safety reporting.
- Sec. 9018. Civil penalties.
- Sec. 9019. Preemption.
- Sec. 9020. Authorization of appropriations.
- Sec. 9021. Electronic shipping papers pilot program.
- Sec. 9022. Wetlines.
- Sec. 9023. Product study.

## TITLE X—WATERBORNE TRANSPORTATION

- Sec. 10001. Sense of Congress on harbor maintenance.

TITLE XI—REAUTHORIZATION AND AMENDMENTS TO THE  
SPORT FISH RESTORATION AND BOATING TRUST FUND

- Sec. 11001. Short title.
- Sec. 11002. Reauthorization and amendments to the Sport Fish Restoration and Boating Trust Fund.

TITLE XII—EXTENSION OF SURFACE TRANSPORTATION  
PROGRAMS

- Sec. 12001. Short title; effective date.

## Subtitle A—Federal-Aid Highways

- Sec. 12101. Extension of Federal-aid highway programs.

## Subtitle B—Extension of Highway Safety Programs

- Sec. 12201. Extension of National Highway Traffic Safety Administration highway safety programs.
- Sec. 12202. Extension of Federal Motor Carrier Safety Administration programs.
- Sec. 12203. Additional programs.

## Subtitle C—Public Transportation Programs

- Sec. 12301. Allocation of funds for planning programs.
- Sec. 12302. Special rule for urbanized area formula grants.

Sec. 12303. Allocating amounts for capital investment grants.  
 Sec. 12304. Apportionment of formula grants for other than urbanized areas.  
 Sec. 12305. Apportionment based on fixed guideway factors.  
 Sec. 12306. Authorizations for public transportation.  
 Sec. 12307. Amendments to SAFETEA-LU.

1 **SEC. 2. GENERAL DEFINITIONS.**

2 In this Act, the following definitions apply:

3 (1) DEPARTMENT.—The term “Department”  
 4 means the Department of Transportation.

5 (2) SECRETARY.—The term “Secretary” means  
 6 the Secretary of Transportation.

7 **SEC. 3. EFFECTIVE DATE.**

8 Except as otherwise expressly provided, titles I  
 9 through VII of this Act, including the amendments made  
 10 by those titles, shall take effect on October 1, 2012.

11 **TITLE I—FEDERAL-AID**  
 12 **HIGHWAYS**

13 **SEC. 1001. AMENDMENTS TO TITLE 23, UNITED STATES**  
 14 **CODE.**

15 Except as otherwise expressly provided, whenever in  
 16 this title an amendment or repeal is expressed in terms  
 17 of an amendment to, or a repeal of, a section or other  
 18 provision, the reference shall be considered to be made to  
 19 a section or other provision of title 23, United States  
 20 Code.

1           **Subtitle A—Authorization of**  
2                           **Programs**

3   **SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.**

4           (a) HIGHWAY TRUST FUND.—The following sums  
5 are authorized to be appropriated out of the Highway  
6 Trust Fund (other than the Alternative Transportation  
7 Account):

8                   (1) NATIONAL HIGHWAY SYSTEM PROGRAM.—  
9           For the National Highway System program under  
10          section 119 of title 23, United States Code—

11                           (A) \$17,400,000,000 for fiscal year 2013;

12                           (B) \$17,600,000,000 for fiscal year 2014;

13                           (C) \$17,600,000,000 for fiscal year 2015;

14                           and

15                           (D) \$17,750,000,000 for fiscal year 2016.

16                   (2) SURFACE TRANSPORTATION PROGRAM.—  
17          For the surface transportation program under sec-  
18          tion 133 of title 23, United States Code—

19                           (A) \$10,500,000,000 for fiscal year 2013;

20                           (B) \$10,550,000,000 for fiscal year 2014;

21                           (C) \$10,600,000,000 for fiscal year 2015;

22                           and

23                           (D) \$10,750,000,000 for fiscal year 2016.

24                   (3) HIGHWAY SAFETY IMPROVEMENT PRO-  
25          GRAM.—For the highway safety improvement pro-

1       gram under section 148 of title 23, United States  
2       Code—

3               (A) \$2,600,000,000 for fiscal year 2013;

4               (B) \$2,605,000,000 for fiscal year 2014;

5               (C) \$2,610,000,000 for fiscal year 2015;

6               and

7               (D) \$2,630,000,000 for fiscal year 2016.

8               (4) TRIBAL TRANSPORTATION PROGRAM.—For  
9       the tribal transportation program under section 202  
10      of title 23, United States Code, \$465,000,000 for  
11      each of fiscal years 2013 through 2016.

12              (5) FEDERAL LANDS TRANSPORTATION PRO-  
13      GRAM.—For the Federal lands transportation pro-  
14      gram under section 203 of title 23, United States  
15      Code, \$535,000,000 for each of fiscal years 2013  
16      through 2016.

17              (6) RECREATIONAL TRAILS PROGRAM.—For the  
18      recreational trails program under section 206 of title  
19      23, United States Code, \$85,000,000 for each of fis-  
20      cal years 2013 through 2016.

21              (7) APPALACHIAN DEVELOPMENT HIGHWAY  
22      SYSTEM PROGRAM.—For the Appalachian develop-  
23      ment highway system program under section 14501  
24      of title 40, United States Code, \$470,000,000 for  
25      each of fiscal years 2013 through 2016.

1 (b) ALTERNATIVE TRANSPORTATION ACCOUNT.—  
2 The following sums are authorized to be appropriated out  
3 of the Alternative Transportation Account of the Highway  
4 Trust Fund:

5 (1) CONGESTION MITIGATION AND AIR QUALITY  
6 IMPROVEMENT PROGRAM.—For the congestion miti-  
7 gation and air quality improvement program under  
8 section 149 of title 23, United States Code,  
9 \$2,000,000,000 for each of fiscal years 2013  
10 through 2016.

11 (2) FERRY BOAT AND FERRY TERMINAL FACILI-  
12 TIES PROGRAM.—For the ferry boat and ferry ter-  
13 minal facilities program under section 147 of title  
14 23, United States Code, \$67,000,000 for each of fis-  
15 cal years 2013 through 2016.

16 (3) PUERTO RICO HIGHWAY PROGRAM.—For  
17 the Puerto Rico highway program under section 165  
18 of title 23, United States Code, \$150,000,000 for  
19 each of fiscal years 2013 through 2016.

20 (4) TERRITORIAL HIGHWAY PROGRAM.—For  
21 the territorial highway program under section 215 of  
22 title 23, United States Code, \$50,000,000 for each  
23 of fiscal years 2013 through 2016.

24 (c) DISADVANTAGED BUSINESS ENTERPRISES.—

1           (1) DEFINITIONS.—In this subsection, the fol-  
2           lowing definitions apply:

3                   (A) SMALL BUSINESS CONCERN.—

4                           (i) IN GENERAL.—The term “small  
5                           business concern” means a small business  
6                           concern (as the term is used in section 3  
7                           of the Small Business Act (15 U.S.C.  
8                           632)).

9                           (ii) EXCLUSIONS.—The term “small  
10                           business concern” does not include any  
11                           concern or group of concerns controlled by  
12                           the same socially and economically dis-  
13                           advantaged individual or individuals that  
14                           have average annual gross receipts during  
15                           the preceding 3 fiscal years in excess of  
16                           \$22,410,000, as adjusted annually by the  
17                           Secretary for inflation.

18                   (B) SOCIALLY AND ECONOMICALLY DIS-  
19                   ADVANTAGED INDIVIDUALS.—The term “so-  
20                   cially and economically disadvantaged individ-  
21                   uals” means—

22                           (i) women; and

23                           (ii) any other socially and economi-  
24                           cally disadvantaged individuals (as the  
25                           term is used in section 8(d) of the Small

1 Business Act (15 U.S.C. 637(d)) and rel-  
2 evant subcontracting regulations promul-  
3 gated pursuant to that Act).

4 (2) AMOUNTS FOR SMALL BUSINESS CON-  
5 CERNS.—Except to the extent that the Secretary de-  
6 termines otherwise, not less than 10 percent of the  
7 amounts made available for any program under ti-  
8 tles I, II, and VII of this Act and section 403(a) of  
9 title 23, United States Code, shall be expended  
10 through small business concerns owned and con-  
11 trolled by socially and economically disadvantaged  
12 individuals.

13 (3) ANNUAL LISTING OF DISADVANTAGED BUSI-  
14 NESS ENTERPRISES.—Each State shall annually—

15 (A) survey and compile a list of the small  
16 business concerns referred to in paragraph (2)  
17 in the State, including the location of the small  
18 business concerns in the State; and

19 (B) notify the Secretary, in writing, of the  
20 percentage of the small business concerns that  
21 are controlled by—

22 (i) women;

23 (ii) socially and economically dis-  
24 advantaged individuals (other than  
25 women); and

1 (iii) individuals who are women and  
2 are otherwise socially and economically dis-  
3 advantaged individuals.

4 (4) UNIFORM CERTIFICATION.—

5 (A) IN GENERAL.—The Secretary shall es-  
6 tablish minimum uniform criteria for use by  
7 State governments in certifying whether a con-  
8 cern qualifies as a small business concern for  
9 the purpose of this subsection.

10 (B) INCLUSIONS.—The minimum uniform  
11 criteria established under subparagraph (A)  
12 shall include, with respect to a potential small  
13 business concern—

- 14 (i) on-site visits;  
15 (ii) personal interviews with personnel;  
16 (iii) issuance or inspection of licenses;  
17 (iv) analyses of stock ownership;  
18 (v) listings of equipment;  
19 (vi) analyses of bonding capacity;  
20 (vii) listings of work completed;  
21 (viii) examination of the resumes of  
22 principal owners;  
23 (ix) analyses of financial capacity; and  
24 (x) analyses of the type of work pre-  
25 ferred.

1           (5) REPORTING.—The Secretary shall establish  
2           minimum requirements for use by State govern-  
3           ments in reporting to the Secretary—

4                   (A) information concerning disadvantaged  
5           business enterprise awards, commitments, and  
6           achievements; and

7                   (B) such other information as the Sec-  
8           retary determines to be appropriate for the  
9           proper monitoring of the disadvantaged busi-  
10          ness enterprise program.

11          (6) COMPLIANCE WITH COURT ORDERS.—Noth-  
12          ing in this subsection limits the eligibility of an indi-  
13          vidual or entity to receive funds made available  
14          under titles I, II, and VII of this Act and section  
15          403(a) of title 23, United States Code, if the entity  
16          or person is prevented, in whole or in part, from  
17          complying with paragraph (2) because a Federal  
18          court issues a final order in which the court finds  
19          that a requirement or the implementation of para-  
20          graph (2) is unconstitutional.

21 **SEC. 1102. HIGHWAY OBLIGATION CEILING.**

22          (a) GENERAL LIMITATION.—Subject to subsection  
23          (f), and notwithstanding any other provision of law, the  
24          obligations for Federal-aid highway and highway safety  
25          construction programs authorized from the Highway

1 Trust Fund (other than the Alternative Transportation  
2 Account) shall not exceed—

- 3 (1) \$37,366,000,000 for fiscal year 2013;
- 4 (2) \$37,621,000,000 for fiscal year 2014;
- 5 (3) \$37,676,000,000 for fiscal year 2015; and
- 6 (4) \$38,000,000,000 for fiscal year 2016.

7 (b) EXCEPTIONS.—The limitations under subsection  
8 (a) shall not apply to obligations under or for—

- 9 (1) section 125 of title 23, United States Code;
- 10 (2) section 147 of the Surface Transportation  
11 Assistance Act of 1978 (23 U.S.C. 144 note; 92  
12 Stat. 2714);
- 13 (3) section 9 of the Federal-Aid Highway Act  
14 of 1981 (Public Law 97–134; 95 Stat. 1701);
- 15 (4) subsections (b) and (j) of section 131 of the  
16 Surface Transportation Assistance Act of 1982  
17 (Public Law 97–424; 96 Stat. 2119);
- 18 (5) subsections (b) and (c) of section 149 of the  
19 Surface Transportation and Uniform Relocation As-  
20 sistance Act of 1987 (Public Law 100–17; 101 Stat.  
21 198);
- 22 (6) sections 1103 through 1108 of the Inter-  
23 modal Surface Transportation Efficiency Act of  
24 1991 (Public Law 102–240; 105 Stat. 2027);

1           (7) section 157 of title 23, United States Code  
2           (as in effect on June 8, 1998);

3           (8) section 105 of title 23, United States Code  
4           (as in effect for fiscal years 1998 through 2004, but  
5           only in an amount equal to \$639,000,000 for each  
6           of those fiscal years);

7           (9) Federal-aid highway programs for which ob-  
8           ligation authority was made available under the  
9           Transportation Equity Act for the 21st Century  
10          (Public Law 105–178; 112 Stat. 107) or subsequent  
11          public laws for multiple years or to remain available  
12          until used, but only to the extent that the obligation  
13          authority has not lapsed or been used;

14          (10) section 105 of title 23, United States Code  
15          (as in effect for fiscal years 2005 through 2012, but  
16          only in an amount equal to \$639,000,000 for each  
17          of those fiscal years);

18          (11) section 1603 of SAFETEA–LU (Public  
19          Law 109-59; 119 Stat. 1248), to the extent that  
20          funds obligated in accordance with that section were  
21          not subject to a limitation on obligations at the time  
22          at which the funds were initially made available for  
23          obligation; and

24          (12) section 105 of title 23, United States Code  
25          (as in effect for fiscal years 2013 through 2016, but

1       only in an amount equal to \$639,000,000 for each  
2       of such fiscal years).

3       (c) DISTRIBUTION OF OBLIGATION AUTHORITY.—

4 For each of fiscal years 2013 through 2016, the Sec-  
5 retary—

6           (1) shall not distribute obligation authority pro-  
7       vided by subsection (a) for the fiscal year for  
8       amounts authorized for administrative expenses and  
9       programs by section 104(a) of title 23, United  
10      States Code;

11          (2) shall not distribute an amount of obligation  
12      authority provided by subsection (a) that is equal to  
13      the unobligated balance of amounts made available  
14      for Federal-aid highway and highway safety con-  
15      struction programs for previous fiscal years the  
16      funds for which are allocated by the Secretary;

17          (3) shall determine the ratio that—

18            (A) the obligation authority provided by  
19      subsection (a) for the fiscal year, less the aggre-  
20      gate of amounts not distributed under para-  
21      graphs (1) and (2); bears to

22            (B) the total of the sums authorized to be  
23      appropriated for Federal-aid highway and high-  
24      way safety construction programs (other than  
25      sums authorized to be appropriated for provi-

1           sions of law described in paragraphs (1)  
2           through (11) of subsection (b) and sums au-  
3           thorized to be appropriated for section 105 of  
4           title 23, United States Code, equal to the  
5           amount referred to in subsection (b)(12) for the  
6           fiscal year), less the aggregate of amounts not  
7           distributed under paragraphs (1) and (2);

8           (4)(A) shall distribute the obligation authority  
9           provided by subsection (a) less the aggregate of  
10          amounts not distributed under paragraphs (1) and  
11          (2), for section 14501 of title 40, United States  
12          Code, so that the amount of obligation authority  
13          available for that section is equal to the amount de-  
14          termined by multiplying—

15                 (i) the ratio determined under paragraph  
16                 (3); by

17                 (ii) the sums authorized to be appropriated  
18                 for that section for the fiscal year; and

19          (B) shall distribute \$2,000,000,000 for section  
20          105 of title 23, United States Code;

21          (5) shall distribute among the States the obliga-  
22          tion authority provided by subsection (a), less the  
23          aggregate amounts not distributed under paragraphs  
24          (1) and (2) and the amounts distributed under para-  
25          graph (4), for each of the programs that are allo-

1 cated by the Secretary under this Act and title 23,  
2 United States Code (other than to programs to  
3 which paragraph (1) applies), by multiplying—

4 (A) the ratio determined under paragraph  
5 (3); by

6 (B) the amounts authorized to be appro-  
7 priated for each such program for the fiscal  
8 year; and

9 (6) shall distribute the obligation authority pro-  
10 vided by subsection (a), less the aggregate of  
11 amounts not distributed under paragraphs (1) and  
12 (2) and the aggregate of amounts distributed under  
13 paragraphs (4) and (5), for Federal-aid highway and  
14 highway safety construction programs (other than  
15 the amounts apportioned for the equity bonus pro-  
16 gram, but only to the extent that the amounts ap-  
17 portioned for the equity bonus program for the fiscal  
18 year are greater than \$2,639,000,000, and the Ap-  
19 palachian development highway system program)  
20 that are apportioned by the Secretary under this Act  
21 and title 23, United States Code, in the ratio that—

22 (A) amounts authorized to be appropriated  
23 for the programs that are apportioned to each  
24 State for the fiscal year; bear to

1 (B) the total of the amounts authorized to  
2 be appropriated for the programs that are ap-  
3 portioned to all States for the fiscal year.

4 (d) REDISTRIBUTION OF UNUSED OBLIGATION AU-  
5 THORITY.—Notwithstanding subsection (c), the Secretary  
6 shall, after August 1 of each of fiscal years 2013 through  
7 2016—

8 (1) revise a distribution of the obligation au-  
9 thority made available under subsection (c) if an  
10 amount distributed cannot be obligated during that  
11 fiscal year; and

12 (2) redistribute sufficient amounts to those  
13 States able to obligate amounts in addition to those  
14 previously distributed during that fiscal year, giving  
15 priority to those States having large unobligated bal-  
16 ances of funds apportioned under section 104 of title  
17 23, United States Code, and section 144 of such  
18 title (as in effect on the day before the date of en-  
19 actment of this Act).

20 (e) REDISTRIBUTION OF CERTAIN AUTHORIZED  
21 FUNDS.—

22 (1) IN GENERAL.—Not later than 30 days after  
23 the date of distribution of obligation authority under  
24 subsection (c) for each of fiscal years 2013 through

1       2016, the Secretary shall distribute to the States  
2       any funds that—

3               (A) are authorized to be appropriated for  
4       the fiscal year for Federal-aid highway pro-  
5       grams; and

6               (B) the Secretary determines will not be  
7       allocated to the States, and will not be available  
8       for obligation, in the fiscal year due to the im-  
9       position of any obligation limitation for the fis-  
10      cal year.

11              (2) RATIO.—Funds shall be distributed under  
12      paragraph (1) in the same ratio as the distribution  
13      of obligation authority under subsection (c)(6).

14              (3) AVAILABILITY.—Funds distributed under  
15      paragraph (1) shall be available for any purpose de-  
16      scribed in section 133(b) of title 23, United States  
17      Code.

18              (f) SPECIAL LIMITATION CHARACTERISTICS.—Obli-  
19      gation authority distributed for a fiscal year under sub-  
20      section (c)(4) for the provision specified in subsection  
21      (c)(4) shall—

22              (1) remain available until used for obligation of  
23      funds for that provision; and

24              (2) be in addition to the amount of any limita-  
25      tion imposed on obligations for Federal-aid highway

1 and highway safety construction programs for future  
2 fiscal years.

3 **SEC. 1103. ALTERNATIVE TRANSPORTATION ACCOUNT OB-**  
4 **LIGATION CEILING.**

5 (a) IN GENERAL.—Notwithstanding any other provi-  
6 sion of law, the total of all obligations from amounts made  
7 available from the Alternative Transportation Account of  
8 the Highway Trust Fund for the programs for which sums  
9 are authorized to be appropriated under sections 1101(b)  
10 and 7101 of this Act shall not exceed \$2,707,000,000 for  
11 each of fiscal years 2013 through 2016.

12 (b) AVAILABILITY OF FUNDS.—Section 118(a) is  
13 amended—

14 (1) by striking “Mass Transit Account” and in-  
15 sserting “Alternative Transportation Account”; and

16 (2) by inserting “, and amounts made available  
17 from the Alternative Transportation Account to  
18 carry out the congestion mitigation and air quality  
19 improvement program under section 149, the ferry  
20 boat and ferry terminal facilities program under sec-  
21 tion 147, the Puerto Rico highway program under  
22 section 165, and the territorial highway program  
23 under section 215,” before “shall be available”.

24 **SEC. 1104. APPORTIONMENT.**

25 Section 104 is amended to read as follows:

1 **“§ 104. Apportionment**

2 “(a) ADMINISTRATIVE EXPENSES.—

3 “(1) IN GENERAL.—There is authorized to be  
4 appropriated from the Highway Trust Fund (other  
5 than the Alternative Transportation Account) to be  
6 made available to the Secretary for administrative  
7 expenses of the Federal Highway Administration  
8 \$400,000,000 for each of fiscal years 2013 through  
9 2016.

10 “(2) PURPOSES.—The funds made available  
11 under paragraph (1) shall be used—

12 “(A) to administer the provisions of law to  
13 be financed from appropriations for the Fed-  
14 eral-aid highway program and programs au-  
15 thorized under chapter 2; and

16 “(B) to make transfers of such sums as  
17 the Secretary determines to be appropriate to  
18 the Appalachian Regional Commission for ad-  
19 ministrative activities associated with the Appa-  
20 lachian development highway system.

21 “(3) AVAILABILITY.—Funds made available  
22 under paragraph (1) shall remain available until ex-  
23 pended.

24 “(b) APPORTIONMENTS.—On October 1 of each fiscal  
25 year, the Secretary, after making the set-asides authorized  
26 by subsection (f), subsections (b) and (c) of section 140,

1 and section 130(e), shall apportion the remainder of the  
2 sums authorized to be appropriated for expenditure on the  
3 National Highway System program, the congestion miti-  
4 gation and air quality improvement program, the surface  
5 transportation program, and the highway safety improve-  
6 ment program among the several States in the following  
7 manner:

8           “(1) NATIONAL HIGHWAY SYSTEM PROGRAM.—

9                   “(A) IN GENERAL.—For the National  
10 Highway System program, in accordance with  
11 the following formula:

12                           “(i) 15 percent of the apportionments  
13                           in the ratio that—

14                                   “(I) the total lane miles of prin-  
15                                   cipal arterial routes (excluding Inter-  
16                                   state System routes) in each State;  
17                                   bears to

18                                   “(II) the total lane miles of prin-  
19                                   cipal arterial routes (excluding Inter-  
20                                   state System routes) in all States.

21                           “(ii) 15 percent of the apportionments  
22                           in the ratio that—

23                                   “(I) the total vehicle miles trav-  
24                                   eled on lanes on principal arterial

1 routes (excluding Interstate System  
2 routes) in each State; bears to

3 “(II) the total vehicle miles trav-  
4 eled on lanes on principal arterial  
5 routes (excluding Interstate System  
6 routes) in all States.

7 “(iii) 5 percent of the apportionments  
8 in the ratio that—

9 “(I) the quotient obtained by di-  
10 viding the total lane miles on principal  
11 arterial highways in each State by the  
12 total population of the State; bears to

13 “(II) the quotient obtained by di-  
14 viding the total lane miles on principal  
15 arterial highways in all States by the  
16 total population of all States.

17 “(iv) 15 percent of the apportion-  
18 ments in the ratio that—

19 “(I) the total lane miles on Inter-  
20 state System routes open to traffic in  
21 each State; bears to

22 “(II) the total lane miles on  
23 Interstate System routes open to traf-  
24 fic in all States.

1 “(v) 15 percent of the apportionments  
2 in the ratio that—

3 “(I) the total vehicle miles trav-  
4 eled on Interstate System routes open  
5 to traffic in each State; bears to

6 “(II) the total vehicle miles trav-  
7 eled on Interstate System routes open  
8 to traffic in all States.

9 “(vi) 35 percent of the appor-  
10 tionments in the ratio that—

11 “(I) the total of the annual con-  
12 tributions to the Highway Trust Fund  
13 (other than the Alternative Transpor-  
14 tation Account) attributable to com-  
15 mercial vehicles in each State; bears  
16 to

17 “(II) the total of the annual con-  
18 tributions to the Highway Trust Fund  
19 (other than the Alternative Transpor-  
20 tation Account) attributable to com-  
21 mercial vehicles in all States.

22 “(B) MINIMUM APPORTIONMENT.—Not-  
23 withstanding subparagraph (A), each State  
24 shall receive a minimum of  $\frac{1}{2}$  of 1 percent of

1 the funds apportioned for a fiscal year under  
2 this paragraph.

3 “(2) CONGESTION MITIGATION AND AIR QUAL-  
4 ITY IMPROVEMENT PROGRAM.—

5 “(A) IN GENERAL.—For the congestion  
6 mitigation and air quality improvement pro-  
7 gram, in the ratio that—

8 “(i) the total of all weighted non-  
9 attainment and maintenance area popu-  
10 lations in each State; bears to

11 “(ii) the total of all weighted non-  
12 attainment and maintenance area popu-  
13 lations in all States.

14 “(B) CALCULATION OF WEIGHTED NON-  
15 ATTAINMENT AND MAINTENANCE AREA POPU-  
16 LATION.—Subject to subparagraph (C), for the  
17 purpose of subparagraph (A), the weighted non-  
18 attainment and maintenance area population  
19 shall be calculated by multiplying the popu-  
20 lation of each area in a State that was a non-  
21 attainment area or maintenance area as de-  
22 scribed in section 149(b) for ozone or carbon  
23 monoxide by a factor of—

24 “(i) 1.0 if, at the time of the appor-  
25 tionment, the area is a maintenance area;

1           “(ii) 1.0 if, at the time of the appor-  
2           tionment, the area is classified as a mar-  
3           ginal ozone nonattainment area under sub-  
4           part 2 of part D of title I of the Clean Air  
5           Act (42 U.S.C. 7511 et seq.);

6           “(iii) 1.1 if, at the time of the appor-  
7           tionment, the area is classified as a mod-  
8           erate ozone nonattainment area under such  
9           subpart;

10          “(iv) 1.2 if, at the time of the appor-  
11          tionment, the area is classified as a serious  
12          ozone nonattainment area under such sub-  
13          part;

14          “(v) 1.3 if, at the time of the appor-  
15          tionment, the area is classified as a severe  
16          ozone nonattainment area under such sub-  
17          part;

18          “(vi) 1.4 if, at the time of the appor-  
19          tionment, the area is classified as an ex-  
20          treme ozone nonattainment area under  
21          such subpart;

22          “(vii) 1.0 if, at the time of the appor-  
23          tionment, the area is not a nonattainment  
24          or maintenance area as described in sec-  
25          tion 149(b) for ozone, but is classified

1 under subpart 3 of part D of title I of such  
2 Act (42 U.S.C. 7512 et seq.) as a non-  
3 attainment area described in section  
4 149(b) for carbon monoxide; or

5 “(viii) 1.0 if, at the time of the appor-  
6 tionment, an area is designated as non-  
7 attainment for ozone under subpart 1 of  
8 part D of title I of such Act (42 U.S.C.  
9 7501 et seq.).

10 “(C) ADDITIONAL ADJUSTMENT FOR CAR-  
11 BON MONOXIDE AREAS.—If, in addition to  
12 being designated as a nonattainment or mainte-  
13 nance area for ozone as described in section  
14 149(b), any county within the area was also  
15 classified under subpart 3 of part D of title I  
16 of the Clean Air Act (42 U.S.C. 7512 et seq.)  
17 as a nonattainment or maintenance area de-  
18 scribed in section 149(b) for carbon monoxide,  
19 the weighted nonattainment or maintenance  
20 area population of the county, as determined  
21 under clauses (i) through (vi) or clause (viii) of  
22 subparagraph (B), shall be further multiplied  
23 by a factor of 1.2.

24 “(D) MINIMUM APPORTIONMENT.—Not-  
25 withstanding any other provision of this para-

1 graph, each State shall receive a minimum of  
2  $\frac{1}{2}$  of 1 percent of the funds apportioned for a  
3 fiscal year under this paragraph.

4 “(E) DETERMINATIONS OF POPULATION.—  
5 In determining population figures for the pur-  
6 poses of this paragraph, the Secretary shall use  
7 the latest available annual estimates prepared  
8 by the Secretary of Commerce.

9 “(3) SURFACE TRANSPORTATION PROGRAM.—

10 “(A) IN GENERAL.—For the surface trans-  
11 portation program, in accordance with the fol-  
12 lowing formula:

13 “(i) 15 percent of the apportionments  
14 in the ratio that—

15 “(I) the total lane miles of Fed-  
16 eral-aid highways in each State; bears  
17 to

18 “(II) the total lane miles of Fed-  
19 eral-aid highways in all States.

20 “(ii) 25 percent of the apportionments  
21 in the ratio that—

22 “(I) the total vehicle miles trav-  
23 eled on lanes on Federal-aid highways  
24 in each State; bears to

1           “(II) the total vehicle miles trav-  
2           eled on lanes on Federal-aid highways  
3           in all States.

4           “(iii) 25 percent of the apportion-  
5           ments in the ratio that—

6                   “(I) the estimated tax payments  
7                   attributable to highway users in each  
8                   State paid into the Highway Trust  
9                   Fund (other than the Alternative  
10                  Transportation Account) in the latest  
11                  fiscal year for which data are avail-  
12                  able; bears to

13                   “(II) the estimated tax payments  
14                   attributable to highway users in all  
15                   States paid into the Highway Trust  
16                   Fund (other than the Alternative  
17                   Transportation Account) in the latest  
18                   fiscal year for which data are avail-  
19                   able.

20           “(iv) 35 percent of the apportion-  
21           ments in the ratio that—

22                   “(I) the bridge replacement and  
23                   rehabilitation costs in each State (as  
24                   determined under subsection (c)(4));  
25                   bears to

1                   “(II) the bridge replacement and  
2                   rehabilitation costs in all States (as  
3                   determined under subsection (c)(5)).

4                   “(B) MINIMUM APPORTIONMENT.—Not-  
5                   withstanding subparagraph (A), each State  
6                   shall receive a minimum of  $\frac{1}{2}$  of 1 percent of  
7                   the funds apportioned for a fiscal year under  
8                   this paragraph.

9                   “[(4) Repealed.]

10                  “(5) HIGHWAY SAFETY IMPROVEMENT PRO-  
11                  GRAM.—

12                   “(A) IN GENERAL.—For the highway safe-  
13                   ty improvement program, in accordance with  
14                   the following formula:

15                   “(i)  $33\frac{1}{3}$  percent of the apportion-  
16                   ments in the ratio that—

17                   “(I) the total lane miles of Fed-  
18                   eral-aid highways in each State; bears  
19                   to

20                   “(II) the total lane miles of Fed-  
21                   eral-aid highways in all States.

22                   “(ii)  $33\frac{1}{3}$  percent of the apportion-  
23                   ments in the ratio that—

1                   “(I) the total vehicle miles trav-  
2                   eled on lanes on Federal-aid highways  
3                   in each State; bears to

4                   “(II) the total vehicle miles trav-  
5                   eled on lanes on Federal-aid highways  
6                   in all States.

7                   “(iii)  $33\frac{1}{3}$  percent of the apportion-  
8                   ments in the ratio that—

9                   “(I) the number of fatalities on  
10                  Federal-aid highways in each State in  
11                  the latest fiscal year for which data  
12                  are available; bears to

13                  “(II) the number of fatalities on  
14                  Federal-aid highways in all States in  
15                  the latest fiscal year for which data  
16                  are available.

17                  “(B) MINIMUM APPORTIONMENT.—Not-  
18                  withstanding subparagraph (A), each State  
19                  shall receive a minimum of  $\frac{1}{2}$  of 1 percent of  
20                  the funds apportioned for a fiscal year under  
21                  this paragraph.

22                  “(c) BRIDGE CALCULATION.—For each fiscal year,  
23                  the Secretary shall determine the bridge replacement and  
24                  rehabilitation costs as follows:

1           “(1) The Secretary shall identify deficient high-  
2           way bridges in each State.

3           “(2) The Secretary shall place each deficient  
4           highway bridge into one of the following categories:

5                   “(A) Federal-aid highway bridges eligible  
6                   for replacement.

7                   “(B) Federal-aid highway bridges eligible  
8                   for rehabilitation.

9                   “(C) Bridges not on Federal-aid highways  
10                  eligible for replacement.

11                  “(D) Bridges not on Federal-aid highways  
12                  eligible for rehabilitation.

13           “(3) The Secretary shall determine—

14                   “(A) the deck area of deficient highway  
15                   bridges in each category described in paragraph  
16                   (2); and

17                   “(B) the respective unit price of such deck  
18                   area on a State-by-State basis.

19           “(4) The Secretary shall determine the bridge  
20           replacement and rehabilitation costs for each State  
21           by multiplying the deck area of deficient bridges in  
22           the State by the respective unit price.

23           “(5) The Secretary shall determine the bridge  
24           replacement and rehabilitation costs for all States by

1 multiplying the deck area of deficient bridges in all  
2 States by the respective unit price.

3 “(d) CERTIFICATION OF APPORTIONMENTS.—

4 “(1) IN GENERAL.—On October 1 of each fiscal  
5 year, the Secretary shall certify to each of the State  
6 transportation departments the sums which the Sec-  
7 retary has apportioned under this section to each  
8 State for such fiscal year. To permit the States to  
9 develop adequate plans for the utilization of appor-  
10 tioned sums, the Secretary shall advise each State of  
11 the amount that will be apportioned each year under  
12 this section not later than 90 days before the begin-  
13 ning of the fiscal year for which the sums to be ap-  
14 portioned are authorized.

15 “(2) NOTICE TO STATES.—If the Secretary has  
16 not made an apportionment under this section or  
17 section 105 by the 21st day of a fiscal year begin-  
18 ning after September 30, 2012, the Secretary shall  
19 transmit, by such 21st day, to the Committee on  
20 Transportation and Infrastructure of the House of  
21 Representatives and the Committee on Environment  
22 and Public Works of the Senate a written statement  
23 of the reason for not making such apportionment in  
24 a timely manner.

1       “(e) AUDITS OF HIGHWAY TRUST FUND.—From ad-  
2 ministrative funds made available under subsection (a),  
3 the Secretary may reimburse the Office of Inspector Gen-  
4 eral of the Department of Transportation for the conduct  
5 of annual audits of financial statements in accordance  
6 with section 3521 of title 31.

7       “(f) METROPOLITAN PLANNING.—

8           “(1) SET ASIDE.—On October 1 of each fiscal  
9 year, the Secretary shall set aside 1.15 percent of  
10 the funds authorized to be appropriated for the Na-  
11 tional Highway System program and surface trans-  
12 portation program authorized under this title to  
13 carry out the requirements of section 5203 of title  
14 49.

15           “(2) APPORTIONMENT TO STATES OF SET-  
16 ASIDE FUNDS.—Funds set aside under paragraph  
17 (1) shall be apportioned to the States in the ratio  
18 which the population in urbanized areas, or parts  
19 thereof, in each State bears to the total population  
20 in such urbanized areas in all the States as shown  
21 by the latest available census, except that no State  
22 shall receive less than  $\frac{1}{2}$  of 1 percent of the amount  
23 apportioned.

24           “(3) USE OF FUNDS.—

1           “(A) IN GENERAL.—The funds appor-  
2           tioned to any State under paragraph (2) shall  
3           be made available by the State to the metropoli-  
4           tan planning organizations responsible for car-  
5           rying out the provisions of section 5203 of title  
6           49, except that States receiving the minimum  
7           apportionment under paragraph (2) may, in ad-  
8           dition, subject to the approval of the Secretary,  
9           use the funds apportioned to finance transpor-  
10          tation planning outside of urbanized areas.

11          “(B) UNUSED FUNDS.—Any funds that  
12          are not used to carry out section 5203 of title  
13          49 may be made available by a metropolitan  
14          planning organization to the State to fund ac-  
15          tivities under section 5204 of such title.

16          “(4) DISTRIBUTION OF FUNDS WITHIN  
17          STATES.—

18                 “(A) IN GENERAL.—The distribution with-  
19                 in any State of the planning funds made avail-  
20                 able to agencies under paragraph (3) shall be in  
21                 accordance with a formula developed by each  
22                 State and approved by the Secretary that shall  
23                 consider, but not necessarily be limited to, pop-  
24                 ulation, status of planning, attainment of air  
25                 quality standards, metropolitan area transpor-

1           tation needs, and other factors necessary to  
2           provide for an appropriate distribution of funds  
3           to carry out the requirements of section 5203  
4           of title 49 and other applicable requirements of  
5           Federal law.

6           “(B) REIMBURSEMENT.—Not later than  
7           30 days after the date of receipt by a State of  
8           a request for reimbursement of expenditures  
9           made by a metropolitan planning organization  
10          for carrying out section 5203 of title 49, the  
11          State shall reimburse, from funds distributed  
12          under this paragraph to the metropolitan plan-  
13          ning organization by the State, the metropoli-  
14          tan planning organization for those expendi-  
15          tures.

16          “(5) DETERMINATION OF POPULATION FIG-  
17          URES.—For the purposes of determining population  
18          figures under this subsection, the Secretary shall use  
19          the most recent estimate published by the Secretary  
20          of Commerce.

21          “(g) REPORT TO CONGRESS.—For each fiscal year,  
22          the Secretary shall submit to Congress, and also make  
23          available to the public in a user-friendly format via the  
24          Internet, a report on—

1           “(1) the amount obligated, by each State, for  
2 Federal-aid highways and highway safety construc-  
3 tion programs during the preceding fiscal year;

4           “(2) the balance, as of the last day of the pre-  
5 ceding fiscal year, of the unobligated apportionment  
6 of each State by fiscal year under this section and  
7 section 105;

8           “(3) the balance of unobligated sums available  
9 for expenditure at the discretion of the Secretary for  
10 such highways and programs for the fiscal year; and

11           “(4) the rates of obligation of funds appor-  
12 tioned or set aside under this section and sections  
13 105 and 133, according to—

14                   “(A) program;

15                   “(B) funding category or subcategory;

16                   “(C) type of improvement;

17                   “(D) State; and

18                   “(E) sub-State geographic area, including  
19 urbanized and rural areas, on the basis of the  
20 population of each such area.

21           “(h) TRANSFER OF HIGHWAY AND TRANSIT  
22 FUNDS.—

23                   “(1) TRANSFER OF HIGHWAY FUNDS FOR  
24 TRANSIT PROJECTS.—

1           “(A) IN GENERAL.—Subject to subpara-  
2 graph (B), funds made available under this title  
3 for transit projects or transportation planning  
4 may be transferred to and administered by the  
5 Secretary in accordance with chapter 53 of title  
6 49.

7           “(B) NON-FEDERAL SHARE.—The provi-  
8 sions of this title relating to the non-Federal  
9 share shall apply to the funds transferred under  
10 subparagraph (A).

11           “(2) TRANSFER OF TRANSIT FUNDS FOR HIGH-  
12 WAY PROJECTS.—

13           “(A) IN GENERAL.—Subject to subpara-  
14 graph (B), funds made available under chapter  
15 53 of title 49 for highway projects or transpor-  
16 tation planning may be transferred to and ad-  
17 ministered by the Secretary in accordance with  
18 this title.

19           “(B) NON-FEDERAL SHARE.—The provi-  
20 sions of chapter 53 of title 49 relating to the  
21 non-Federal share shall apply to funds trans-  
22 ferred under subparagraph (A).

23           “(3) TRANSFER OF FUNDS AMONG STATES OR  
24 TO FEDERAL HIGHWAY ADMINISTRATION.—

1           “(A) IN GENERAL.—Subject to subpara-  
2           graphs (B) and (C), the Secretary, at the re-  
3           quest of a State, may transfer funds appor-  
4           tioned or allocated under this title to the State  
5           to another State, or to the Federal Highway  
6           Administration, for the purpose of funding one  
7           or more projects that are eligible for assistance  
8           with funds so apportioned or allocated.

9           “(B) APPORTIONMENT.—A transfer under  
10          subparagraph (A) shall have no effect on any  
11          apportionment of funds to a State under this  
12          section or section 105.

13          “(C) SURFACE TRANSPORTATION PRO-  
14          GRAM.—Funds that are apportioned or allo-  
15          cated to a State under subsection (b)(3) and at-  
16          tributed to an urbanized area of a State with  
17          a population of over 200,000 individuals under  
18          section 133(d)(3) may be transferred under this  
19          paragraph only if the metropolitan planning or-  
20          ganization designated for the area concurs, in  
21          writing, with the transfer request.

22          “(4) TRANSFER OF OBLIGATION AUTHORITY.—  
23          Obligation authority for funds transferred under this  
24          subsection shall be transferred in the same manner

1 and amount as the funds for the projects that are  
2 transferred under this subsection.

3 “(i) RECREATIONAL TRAILS PROGRAM.—

4 “(1) ADMINISTRATIVE COSTS.—Before appor-  
5 tioning sums authorized to be appropriated to carry  
6 out the recreational trails program under section  
7 206, the Secretary shall deduct for administrative,  
8 research, technical assistance, and training expenses  
9 for such program \$840,000 for each fiscal year. The  
10 Secretary may enter into contracts with for-profit  
11 organizations or contracts, partnerships, or coopera-  
12 tive agreements with other government agencies, in-  
13 stitutions of higher learning, or nonprofit organiza-  
14 tions to perform these tasks.

15 “(2) APPORTIONMENT TO THE STATES.—The  
16 Secretary shall apportion the sums authorized to be  
17 appropriated for expenditure on the recreational  
18 trails program for each fiscal year among eligible  
19 States in the following manner:

20 “(A) 50 percent equally among eligible  
21 States.

22 “(B) 50 percent in amounts proportionate  
23 to the degree of non-highway recreational fuel  
24 use in each eligible State during the preceding  
25 year.

1           “(3) ELIGIBLE STATE DEFINED.—In this sub-  
2           section, the term ‘eligible State’ means a State that  
3           meets the requirements of section 206(c).”.

4 **SEC. 1105. FEDERAL-AID SYSTEMS.**

5           Section 103(b) is amended—

6           (1) in paragraph (1)—

7           (A) in the matter preceding subparagraph

8           (A) by inserting “and the modifications to the  
9           system approved by the Secretary before the  
10          date of enactment of the American Energy and  
11          Infrastructure Jobs Act of 2012” after “1996”;

12          and

13          (B) in subparagraph (C) by inserting “and  
14          commerce” before the period at the end;

15          (2) in paragraph (2)—

16          (A) in subparagraph (B) by inserting “and  
17          border crossings on such routes not included on  
18          the National Highway System before the date  
19          of enactment of the American Energy and In-  
20          rastructure Jobs Act of 2012” before the pe-  
21          riod at the end; and

22          (B) in subparagraph (C) by inserting “not  
23          included on the National Highway System be-  
24          fore the date of enactment of the American En-

1           ergy and Infrastructure Jobs Act of 2012” be-  
2           fore the period at the end; and

3           (3) by striking paragraphs (6) and (7) and in-  
4           serting the following:

5           “(6) REQUIREMENT FOR STATE ASSET MAN-  
6           AGEMENT PLAN FOR NATIONAL HIGHWAY SYSTEM.—

7                   “(A) IN GENERAL.—A State shall develop  
8                   and implement a risk-based State asset man-  
9                   agement plan for managing all infrastructure  
10                  assets in the right-of-way corridor of the Na-  
11                  tional Highway System based on a process es-  
12                  tablished by the Secretary. The process shall re-  
13                  quire use of quality information and economic  
14                  and engineering analysis to identify a sequence  
15                  of maintenance, repair, and rehabilitation ac-  
16                  tions that will achieve and maintain a desired  
17                  state of good repair over the lifecycle of the net-  
18                  work at the least possible cost.

19                  “(B) PERFORMANCE GOALS.—A State  
20                  asset management plan shall include strategies  
21                  leading to a program of projects that will make  
22                  progress toward achievement of the national  
23                  goals for infrastructure condition and perform-  
24                  ance of the National Highway System in a

1 manner consistent with the requirements of  
2 chapter 52 of title 49.

3 “(C) PLAN CONTENTS.—A State asset  
4 management plan shall be in a form that the  
5 Secretary determines to be appropriate and  
6 shall include, at a minimum, the following:

7 “(i) A summary listing of the highway  
8 infrastructure assets on the National  
9 Highway System in the State that includes  
10 current condition and performance statis-  
11 tics by asset.

12 “(ii) Asset management objectives and  
13 measures.

14 “(iii) Analysis of lifecycle cost, value  
15 for investment, and risk management.

16 “(iv) A financial plan.

17 “(v) Investment strategies.

18 “(D) PROCESS.—Not later than 2 years  
19 after the date of enactment of the American  
20 Energy and Infrastructure Jobs Act of 2012,  
21 the Secretary shall establish a process by which  
22 a State shall develop and implement a risk-  
23 based State asset management plan described  
24 in subparagraph (A).

1           “(E) COMPLIANCE.—Notwithstanding sec-  
2           tion 120, with respect to the second fiscal year  
3           beginning after the date of establishment of the  
4           process under subparagraph (D) or any subse-  
5           quent fiscal year, if the Secretary determines  
6           that a State has not developed and implemented  
7           a State asset management plan in a manner  
8           consistent with this section, the Federal share  
9           payable on account of any project or activity  
10          carried out by the State in that fiscal year  
11          under section 119 shall be 70 percent.”.

12 **SEC. 1106. NATIONAL HIGHWAY SYSTEM PROGRAM.**

13          (a) IN GENERAL.—Section 119 is amended to read  
14 as follows:

15 **“§ 119. National Highway System program**

16          “(a) ESTABLISHMENT.—The Secretary shall estab-  
17 lish and implement a National Highway System program  
18 under this section.

19          “(b) PURPOSES.—The purposes of the National  
20 Highway System program shall be—

21                 “(1) to provide support for the condition and  
22 operational performance of the National Highway  
23 System;

24                 “(2) to provide support for the construction of  
25 new facilities on the National Highway System; and

1           “(3) to ensure that investments of National  
2 Highway System program funds are directed to  
3 achievement of performance goals established in a  
4 State’s asset management plan for the National  
5 Highway System under section 103(b)(6).

6           “(c) ELIGIBLE FACILITIES.—Except as otherwise  
7 specifically provided by this section, to be eligible for fund-  
8 ing apportioned under section 104(b)(1) to carry out this  
9 section, a facility must be located on the National High-  
10 way System.

11          “(d) ELIGIBLE PROJECTS.—Funds apportioned to a  
12 State to carry out this section may be obligated only for  
13 a project that is—

14           “(1) on an eligible facility, as described in sub-  
15 section (c);

16           “(2) a project, or is a part of a program of  
17 projects, supporting progress toward the achieve-  
18 ment of national performance goals under section  
19 5206 of title 49 for improving infrastructure condi-  
20 tion, safety, mobility, or freight movement on the  
21 National Highway System;

22           “(3) consistent with the requirements of sec-  
23 tions 5203 and 5204 of title 49; and

24           “(4) for one or more of the purposes specified  
25 in subsection (e).

1       “(e) PROJECT PURPOSES.—A project receiving fund-  
2 ing under this section shall be for one or more of the fol-  
3 lowing purposes:

4           “(1) Construction, reconstruction, resurfacing,  
5 restoration, rehabilitation, preservation, or oper-  
6 ational improvements of segments of the National  
7 Highway System.

8           “(2) Construction, reconstruction, replacement  
9 (including replacement with fill material), rehabilita-  
10 tion, preservation, and protection (including scour  
11 countermeasures, seismic retrofits, and impact pro-  
12 tection measures) of bridges and tunnels on the Na-  
13 tional Highway System.

14           “(3) Inspection and evaluation, as defined in  
15 section 151, of bridges and tunnels on the National  
16 Highway System, or inspection and evaluation of  
17 other highway infrastructure assets on the National  
18 Highway System.

19           “(4) Training of bridge and tunnel inspectors,  
20 as defined in section 151.

21           “(5) Rehabilitation or replacement of existing  
22 ferry boats and ferry boat facilities, including ap-  
23 proaches, that connect road segments of the Na-  
24 tional Highway System.

1           “(6) Highway safety improvements for seg-  
2           ments of the National Highway System.

3           “(7) Capital and operating costs for traffic  
4           management and traveler information monitoring,  
5           management, and control facilities and programs for  
6           the National Highway System.

7           “(8) Infrastructure-based intelligent transpor-  
8           tation systems capital improvements for the Na-  
9           tional Highway System.

10          “(9) Development and implementation of a  
11          State asset management plan for the National High-  
12          way System in accordance with section 103(b), in-  
13          cluding data collection, maintenance, and integration  
14          and the cost associated with obtaining, updating,  
15          and licensing software and equipment required for  
16          risk-based asset management and performance-based  
17          management.

18          “(10) Environmental mitigation efforts related  
19          to projects funded under this section, as described in  
20          subsection (f).

21          “(11) Construction of publicly owned intracity  
22          or intercity bus terminals.

23          “(12) Environmental restoration and pollution  
24          abatement associated with a project funded under  
25          this section in accordance with section 328.

1 “(f) ENVIRONMENTAL MITIGATION.—

2 “(1) ELIGIBLE ACTIVITIES.—Environmental  
3 mitigation efforts referred to in subsection (e)(10)  
4 include—

5 “(A) participation in mitigation banking or  
6 other third-party mitigation arrangements, such  
7 as—

8 “(i) the purchase of credits from com-  
9 mercial mitigation banks;

10 “(ii) the establishment and manage-  
11 ment of agency-sponsored mitigation  
12 banks; and

13 “(iii) the purchase of credits or estab-  
14 lishment of in-lieu fee mitigation programs;

15 “(B) contributions to statewide and re-  
16 gional efforts to conserve, restore, enhance, and  
17 create natural habitats, wetlands, and other re-  
18 sources; and

19 “(C) the development of statewide and re-  
20 gional environmental protection plans.

21 “(2) INCLUSION OF OTHER ACTIVITIES.—The  
22 banks, efforts, and plans described in paragraph (1)  
23 include any such banks, efforts, and plans developed  
24 in accordance with applicable law (including regula-  
25 tions).

1           “(3) TERMS AND CONDITIONS.—The following  
2 terms and conditions apply to natural habitat and  
3 wetlands mitigation efforts referred to in subsection  
4 (e)(10):

5           “(A) Contributions to the mitigation effort  
6 may take place concurrent with, in advance of,  
7 or subsequent to the construction of a project  
8 or projects.

9           “(B) Credits from any agency-sponsored  
10 mitigation bank that are attributable to funding  
11 under this section may be used only for projects  
12 funded under this title unless the agency pays  
13 to the Secretary an amount equal to the Fed-  
14 eral funds attributable to the mitigation bank  
15 credits the agency uses for purposes other than  
16 mitigation of a project funded under this title.

17           “(4) PREFERENCE.—At the discretion of the  
18 project sponsor, preference shall be given, to the  
19 maximum extent practicable, to mitigating an envi-  
20 ronmental impact through the use of a mitigation  
21 bank or other third-party mitigation arrangement, if  
22 the use of credits from the mitigation bank for the  
23 project is approved by the applicable Federal agency.

24           “(g) FEDERAL SHARE.—

1           “(1) IN GENERAL.—Except as provided by  
2 paragraph (2), the Federal share of the cost of a  
3 project payable from funds made available to carry  
4 out this section shall be determined under section  
5 120(b).

6           “(2) INTERSTATE SYSTEM.—The Federal share  
7 of the cost of a project on the Interstate System  
8 payable from funds made available to carry out this  
9 section shall be determined under section 120(a).”.

10          (b) CLERICAL AMENDMENT.—The analysis for chap-  
11 ter 1 is amended by striking the item relating to section  
12 119 and inserting the following:

“119. National Highway System program.”.

13 **SEC. 1107. SURFACE TRANSPORTATION PROGRAM.**

14          (a) ELIGIBLE PROJECTS.—Section 133(b) is amend-  
15 ed—

16           (1) by striking paragraphs (1) and (15);

17           (2) by redesignating paragraphs (2) through  
18 (14) as paragraphs (5) through (17), respectively;

19           (3) by inserting before paragraph (5) (as so re-  
20 designated) the following:

21           “(1) Construction, reconstruction, rehabilita-  
22 tion, resurfacing, restoration, preservation, and oper-  
23 ational improvements for highways, including con-  
24 struction of designated routes of the Appalachian  
25 Development Highway System.

1           “(2) Replacement (including replacement with  
2           fill material), rehabilitation, preservation, and pro-  
3           tection (including painting, scour countermeasures,  
4           seismic retrofits, impact protection measures, secu-  
5           rity countermeasures, and protection against ex-  
6           treme events) for bridges and tunnels on public  
7           roads of all functional classifications.

8           “(3) Construction of a new bridge or tunnel at  
9           a new location on a Federal-aid highway.

10           “(4) Inspection and evaluation of bridges and  
11           tunnels and training of bridge and tunnel inspectors  
12           (as defined in section 151), and inspection and eval-  
13           uation of other highway assets (including signs, re-  
14           taining walls, and drainage structures).”; and

15           (4) by striking paragraph (14) (as so redesign-  
16           ated) and inserting the following:

17           “(14) Environmental mitigation efforts relating  
18           to projects funded under this title in the same man-  
19           ner and to the same extent as such activities are eli-  
20           gible under section 119(f).”.

21           (b) LOCATION OF PROJECTS.—Section 133(c) is  
22           amended to read as follows:

23           “(c) LOCATION OF PROJECTS.—Except for projects  
24           described in subsections (b)(2), (b)(6), and (b)(7), surface  
25           transportation program projects may not be undertaken

1 on roads functionally classified as local or rural minor col-  
2 lectors unless the roads were on a Federal-aid highway  
3 system on January 1, 1991, and except as approved by  
4 the Secretary.”.

5 (c) ALLOCATION OF APPORTIONED FUNDS.—

6 (1) REPEAL.—Section 133(d)(2) is repealed.

7 (2) DIVISION BETWEEN URBANIZED AREAS OF  
8 OVER 200,000 POPULATION AND OTHER AREAS.—Sec-  
9 tion 133(d)(3) is amended—

10 (A) in subparagraph (A)—

11 (i) in the matter preceding clause (i)  
12 by striking “62.5 percent of the remaining  
13 90 percent” and inserting “50 percent”;  
14 and

15 (ii) in matter following clause (ii) by  
16 striking “37.5 percent” and inserting “50  
17 percent”; and

18 (B) by adding at the end the following:

19 “(E) CONSULTATION WITH RURAL PLAN-  
20 NING ORGANIZATIONS.—For purposes of sub-  
21 paragraph (A)(ii), before obligating funding at-  
22 tributed to an area with a population greater  
23 than 5,000 and less than 200,000, a State shall  
24 consult with the rural planning organizations  
25 that represent the area, if any.”; and

1           (3) in paragraph (5)(A) by striking “funded  
2           from the allocation required under paragraph (2)”.

3           (d) ADMINISTRATION.—Section 133(e)(3) is amended  
4 to read as follows:

5           “(3) PAYMENTS.—The Secretary shall make  
6           payments to a State of costs incurred by the State  
7           for the surface transportation program in accord-  
8           ance with procedures to be established by the Sec-  
9           retary.”.

10          (e) OBLIGATION AUTHORITY.—Section 133(f)(1) is  
11 amended—

12           (1) by striking “2004 through 2006” and in-  
13           serting “2011 through 2013”; and

14           (2) by striking “2007 through 2009” and in-  
15           serting “2014 through 2016”.

16          (f) DIVISION OF STP FUNDS FOR AREAS OF LESS  
17 THAN 5,000 POPULATION.—

18           (1) SPECIAL RULE.—Notwithstanding section  
19           133(c) of title 23, United States Code, and except  
20           as provided in paragraph (2), up to 15 percent of  
21           the amounts required to be obligated by a State  
22           under section 133(d)(3)(B) of such title for each of  
23           fiscal years 2013 through 2016 may be obligated on  
24           roads functionally classified as minor collectors.



1 7407(d)) and classified pursuant to section  
2 181(a), 186(a), 188(a), or 188(b) of the  
3 Clean Air Act (42 U.S.C. 7511(a),  
4 7512(a), 7513(a), or 7513(b));

5 “(ii) is or was designated as a non-  
6 attainment area under such section 107(d)  
7 after December 31, 1997; or

8 “(iii) is required to prepare, and file  
9 with the Administrator of the Environ-  
10 mental Protection Agency, maintenance  
11 plans under the Clean Air Act (42 U.S.C.  
12 7505a).

13 “(C) PURPOSE OF PROJECT OR PRO-  
14 GRAM.—A project or program meets the re-  
15 quirements of this subparagraph if—

16 “(i) the Secretary, after consultation  
17 with the Administrator, determines that—

18 “(I) on the basis of information  
19 published by the Environmental Pro-  
20 tection Agency pursuant to section  
21 108(f)(1)(A) of the Clean Air Act  
22 (other than clause (xvi) of such sec-  
23 tion), the project or program is likely  
24 to contribute to—

1                   “(aa) the attainment of a  
2                   national ambient air quality  
3                   standard; or

4                   “(bb) the maintenance of a  
5                   national ambient air quality  
6                   standard in a maintenance area;  
7                   or

8                   “(II) the project or program is  
9                   part of a program, method, or strat-  
10                  egy described in such section  
11                  108(f)(1)(A);

12                  “(ii) the project or program is in-  
13                  cluded in a State implementation plan that  
14                  has been approved pursuant to the Clean  
15                  Air Act and the project will have air qual-  
16                  ity benefits;

17                  “(iii) the Secretary, after consultation  
18                  with the Administrator, determines that  
19                  the project or program is likely to con-  
20                  tribute to the attainment of a national am-  
21                  bient air quality standard through reduc-  
22                  tions in travel time delay, vehicle miles  
23                  traveled, or fuel consumption or through  
24                  other factors; or

1                   “(iv) the Secretary determines that  
2                   the project or program is likely to con-  
3                   tribute to the mitigation of congestion.

4                   “(2) SPECIAL RULES.—

5                   “(A) PROJECTS RESULTING IN NEW CA-  
6                   PACITY FOR SINGLE OCCUPANT VEHICLES.—A  
7                   State may obligate funds apportioned to the  
8                   State under section 104(b)(2) for a project or  
9                   program that will result in the construction of  
10                  new capacity available to single occupant vehi-  
11                  cles only if the project or program is likely to  
12                  contribute to the mitigation of congestion or the  
13                  improvement of air quality.

14                  “(B) PROJECTS FOR PM-10 NONATTAIN-  
15                  MENT AREAS.—A State may obligate funds ap-  
16                  portioned to the State under section 104(b)(2)  
17                  for a project or program for an area that is  
18                  nonattainment for ozone or carbon monoxide, or  
19                  both, and for PM-10 resulting from transpor-  
20                  tation activities, without regard to any limita-  
21                  tion of the Department of Transportation relat-  
22                  ing to the type of ambient air quality standard  
23                  such project or program addresses.”.

24                  (b) COST-EFFECTIVE EMISSION REDUCTION GUID-  
25                  ANCE.—Section 149 is amended—

1 (1) by striking subsection (f); and

2 (2) by redesignating subsections (g) and (h) as  
3 subsections (f) and (g), respectively.

4 **SEC. 1109. EQUITY BONUS PROGRAM.**

5 Section 105 is amended to read as follows:

6 **“§ 105. Equity bonus program**

7 “(a) PROGRAM.—

8 “(1) IN GENERAL.—Subject to subsections (c),  
9 (d), and (e), for fiscal year 2013 and each fiscal  
10 year thereafter, the Secretary shall apportion among  
11 the States amounts sufficient to ensure that no  
12 State receives a percentage of the total apporportion-  
13 ments for the fiscal year for the programs specified  
14 in paragraph (2) that is less than the percentage  
15 calculated under subsection (b).

16 “(2) SPECIFIED PROGRAMS.—The programs re-  
17 ferred to in paragraph (1) are—

18 “(A) the metropolitan planning programs  
19 under section 104(f);

20 “(B) the equity bonus program under this  
21 section;

22 “(C) the National Highway System pro-  
23 gram under section 119;

24 “(D) the rail-highway grade crossing pro-  
25 gram under section 130;

1           “(E) the surface transportation program  
2           under section 133;

3           “(F) the highway safety improvement pro-  
4           gram under section 148;

5           “(G) the recreational trails programs  
6           under section 206;

7           “(H) the State infrastructure bank capital-  
8           ization program under section 611; and

9           “(I) the Appalachian development highway  
10          system program under section 14501 of title  
11          40.

12         “(b) STATE PERCENTAGE.—For each of fiscal years  
13         2013 through 2016, the percentage referred to in sub-  
14         section (a) for each State shall be 94 percent of the  
15         quotient obtained by dividing—

16                 “(1) the estimated tax payments attributable to  
17                 highway users in the State paid into the Highway  
18                 Trust Fund in the most recent fiscal year for which  
19                 data are available; by

20                 “(2) the estimated tax payments attributable to  
21                 highway users in all States paid into the Highway  
22                 Trust Fund for the fiscal year.

23         “(c) MINIMUM AMOUNT.—

24                 “(1) IN GENERAL.—For each fiscal year, before  
25                 making the apportionments under subsection (a)(1),

1 the Secretary shall apportion among the States  
2 amounts sufficient to ensure that each State receives  
3 a combined total apportionment for the programs  
4 specified in subsection (a)(2) and the congestion  
5 mitigation and air quality improvement program  
6 under section 149 that equals or exceeds the com-  
7 bined amount that the State was apportioned for fis-  
8 cal year 2012 for the programs specified in section  
9 105(a)(2) of this title (other than the high priority  
10 projects program under subparagraph (H) of such  
11 section), as in effect on the day before the date of  
12 enactment of the American Energy and Infrastruc-  
13 ture Jobs Act of 2012.

14 “(2) SPECIAL RULE.—In determining a State’s  
15 combined apportionment for fiscal year 2012 for  
16 purposes of paragraph (1), the Secretary shall not  
17 consider amounts apportioned to the State for such  
18 fiscal year under the following:

19 “(A) Section 111(d)(1) of the Surface  
20 Transportation Extension Act of 2011, Part II  
21 (Public Law 112–30; 125 Stat. 344).

22 “(B) Section 111(d)(3) of the Surface  
23 Transportation Extension Act of 2011, Part II  
24 (Public Law 112–30; 125 Stat. 345).

1       “(d) NO NEGATIVE ADJUSTMENT.—No negative ad-  
2       justment shall be made under subsection (a)(1) to the ap-  
3       portionment of any State.

4       “(e) TREATMENT OF FUNDS.—

5               “(1) PROGRAMMATIC DISTRIBUTION.—The Sec-  
6       retary shall apportion the amounts made available  
7       under this section that exceed \$2,639,000,000 so  
8       that the amount apportioned to each State under  
9       this section for each program referred to in subpara-  
10      graphs (C) and (E) of subsection (a)(2) is equal to  
11      the amount determined by multiplying the amount  
12      to be apportioned to such State under this section  
13      by the ratio that—

14              “(A) the amount of funds apportioned to  
15              such State for each program referred to in sub-  
16              paragraphs (C) and (E) of subsection (a)(2) for  
17              a fiscal year; bears to

18              “(B) the total amount of funds appor-  
19              tioned to such State for all such programs for  
20              such fiscal year.

21               “(2) REMAINING DISTRIBUTION.—The Sec-  
22      retary shall administer the remainder of funds made  
23      available under this section to the States in accord-  
24      ance with section 133, except that section 133(d)(3)  
25      and section 1115(a) of the American Energy and In-

1        frastructure Jobs Act of 2012 shall not apply to the  
2        amounts administered pursuant to this paragraph.

3        “(f) METROPOLITAN PLANNING SET-ASIDE.—Not-  
4        withstanding section 104(f), no set aside provided for  
5        under that section shall apply to funds allocated under this  
6        section.

7        “(g) AUTHORIZATION OF APPROPRIATIONS.—

8            “(1) IN GENERAL.—Subject to paragraphs (2)  
9        and (3), there is authorized to be appropriated from  
10       the Highway Trust Fund (other than the Alternative  
11       Transportation Account) to carry out this section  
12       \$3,900,000,000 for each of fiscal years 2013  
13       through 2016.

14           “(2) UPWARD ADJUSTMENT.—If the amount  
15       authorized by paragraph (1) for a fiscal year is less  
16       than the minimum amount required to ensure that  
17       each State receives the minimum percentage of total  
18       apportionments required under subsection (a)(1) and  
19       the minimum amount required under subsection  
20       (c)(1) for the fiscal year—

21            “(A) the amount authorized by paragraph  
22       (1) for the fiscal year shall be increased by the  
23       amount of the shortfall, so as to equal such  
24       minimum amount; and

1           “(B) the amounts authorized by section  
2           1101(a)(2) of the American Energy and Infra-  
3           structure Jobs Act of 2012 for the surface  
4           transportation program for the fiscal year shall  
5           be decreased by the amount of the shortfall.

6           “(3) DOWNWARD ADJUSTMENT.—If the amount  
7           authorized by paragraph (1) for a fiscal year is more  
8           than the minimum amount required to ensure that  
9           each State receives the minimum percentage of total  
10          apportionments required under subsection (a)(1) and  
11          the minimum amount required under subsection  
12          (c)(1) for the fiscal year—

13                 “(A) the amount authorized by paragraph  
14                 (1) for the fiscal year shall be decreased by the  
15                 amount of the excess, so as to equal such min-  
16                 imum amount; and

17                 “(B) the amounts authorized by section  
18                 1101(a)(1) of the American Energy and Infra-  
19                 structure Jobs Act of 2012 for the National  
20                 Highway System program for the fiscal year  
21                 shall be increased by the amount of the ex-  
22                 cess.”.

1 **SEC. 1110. PROJECT APPROVAL AND OVERSIGHT.**

2 (a) ASSUMPTION BY STATES OF RESPONSIBILITIES  
3 OF THE SECRETARY.—Section 106(c)(1) is amended to  
4 read as follows:

5 “(1) NHS PROJECTS.—For projects under this  
6 title that are on the National Highway System, in-  
7 cluding projects on the Interstate System, the State  
8 may assume the responsibility of the Secretary  
9 under this title for design, plans, specifications, esti-  
10 mates, contract awards, and inspections with respect  
11 to such projects unless the Secretary determines  
12 that such assumption is not appropriate.”.

13 (b) VALUE ENGINEERING ANALYSIS.—Section  
14 106(e) is amended—

15 (1) in paragraph (2)(A)—

16 (A) by striking “Federal-aid system” and  
17 inserting “National Highway System receiving  
18 Federal assistance”; and

19 (B) by striking “\$25,000,000” and insert-  
20 ing “\$50,000,000”;

21 (2) in paragraph (2)(B)—

22 (A) by inserting “on the National Highway  
23 System receiving Federal assistance” after  
24 “project”; and

25 (B) by striking “\$20,000,000” and insert-  
26 ing “\$40,000,000”; and

1 (3) by adding at the end the following:

2 “(5) DESIGN-BUILD PROJECTS.—A requirement  
3 to provide a value engineering analysis under this  
4 subsection does not apply to a project delivered  
5 using the design-build method of construction.”.

6 (c) MAJOR PROJECTS.—Section 106(h)(3) is amend-  
7 ed—

8 (1) in subparagraph (A) by striking “and”;

9 (2) in subparagraph (B) by striking the period  
10 and inserting “; and”; and

11 (3) by adding at the end the following:

12 “(C) assess the appropriateness of a pub-  
13 lic-private partnership to deliver the project.”.

14 (d) USE OF ADVANCED MODELING TECH-  
15 NOLOGIES.—Section 106 is amended by adding at the end  
16 the following:

17 “(j) USE OF ADVANCED MODELING TECH-  
18 NOLOGIES.—

19 “(1) IN GENERAL.—With respect to transpor-  
20 tation projects that receive Federal funding, the Sec-  
21 retary shall encourage the use of advanced modeling  
22 technologies during environmental, planning, finan-  
23 cial management, design, simulation, and construc-  
24 tion processes related to the projects.

1           “(2) ACTIVITIES.—In carrying out paragraph  
2 (1), the Secretary shall—

3           “(A) compile information relating to ad-  
4 vanced modeling technologies, including indus-  
5 try best practices with respect to the use of the  
6 technologies;

7           “(B) disseminate to States information re-  
8 lating to advanced modeling technologies, in-  
9 cluding industry best practices with respect to  
10 the use of the technologies; and

11           “(C) promote the use of advanced mod-  
12 eling technologies.

13           “(3) COMPREHENSIVE PLAN.—The Secretary  
14 shall develop and publish on the Internet Web site  
15 of the Department of Transportation a detailed and  
16 comprehensive plan for the implementation of para-  
17 graph (1).

18           “(4) ADVANCED MODELING TECHNOLOGY DE-  
19 FINED.—The term ‘advanced modeling technology’  
20 means an available or developing technology, includ-  
21 ing 3-dimensional digital modeling, that can accel-  
22 erate and improve the environmental review process,  
23 increase effective public participation, enhance the  
24 detail and accuracy of project designs, increase safe-  
25 ty, accelerate construction and reduce construction

1 costs, or otherwise expedite project delivery with re-  
2 spect to transportation projects that receive Federal  
3 funding.”.

4 (e) REVIEW OF OVERSIGHT PROGRAM.—

5 (1) IN GENERAL.—The Secretary shall review  
6 the oversight program established under section  
7 106(g) of title 23, United States Code, to determine  
8 the efficacy of the program in monitoring the effec-  
9 tive and efficient use of funds authorized to carry  
10 out title 23, United States Code.

11 (2) MINIMUM REQUIREMENTS FOR REVIEW.—

12 At a minimum, the review under paragraph (1) shall  
13 assess the capability of the program to—

14 (A) identify projects funded under title 23,  
15 United States Code, for which there are cost or  
16 schedule overruns; and

17 (B) evaluate the extent of such overruns.

18 (3) REPORT TO CONGRESS.—Not later than 2  
19 years after the date of enactment of this Act, the  
20 Secretary shall transmit to the Committee on Trans-  
21 portation and Infrastructure of the House of Rep-  
22 resentatives and the Committee on Environment and  
23 Public Works of the Senate a report on the results  
24 of the review conducted under paragraph (1), which  
25 shall include recommendations for legislative

1 changes to improve the oversight program estab-  
2 lished under section 106(g) of title 23, United  
3 States Code.

4 (f) TRANSPARENCY AND ACCOUNTABILITY.—

5 (1) DATA COLLECTION.—The Secretary shall  
6 compile and make available to the public on the  
7 Internet Web site of the Department the annual ex-  
8 penditure data for funds made available under title  
9 23 and chapter 53 of title 49, United States Code.

10 (2) REQUIREMENTS.—In carrying out para-  
11 graph (1), the Secretary shall ensure that the data  
12 made available on the Internet Web site of the De-  
13 partment—

14 (A) is organized by project and State;

15 (B) to the maximum extent possible, is up-  
16 dated regularly to reflect the current status of  
17 obligations, expenditures, and Federal-aid  
18 projects; and

19 (C) can be searched and downloaded by  
20 users of the Web site.

21 (3) REPORT TO CONGRESS.—The Secretary  
22 shall transmit, annually, to the Committee on Trans-  
23 portation and Infrastructure of the House of Rep-  
24 resentatives and the Committee on Environment and  
25 Public Works and the Committee on Banking, Hous-

1 ing, and Urban Affairs of the Senate a report con-  
2 taining a summary of the data described in para-  
3 graph (1) for the 1-year period ending on the date  
4 on which the report is submitted.

5 **SEC. 1111. EMERGENCY RELIEF.**

6 (a) **ELIGIBILITY.**—Section 125(d) is amended to read  
7 as follows:

8 “(d) **ELIGIBILITY.**—

9 “(1) **IN GENERAL.**—Subject to the require-  
10 ments of this subsection, the Secretary may expend  
11 funds from the emergency fund authorized by this  
12 section for the repair or reconstruction of Federal-  
13 aid highways in accordance with the provisions of  
14 this chapter.

15 “(2) **MAXIMUM TOTAL PROJECT COSTS.**—

16 “(A) **IN GENERAL.**—The total cost of a  
17 project carried out under this section may not  
18 exceed the cost of repair or reconstruction of a  
19 comparable facility.

20 “(B) **COMPARABLE FACILITY DEFINED.**—

21 In this paragraph, the term ‘comparable facil-  
22 ity’ means a facility that meets the current geo-  
23 metric and construction standards required for  
24 the types and volume of traffic that the facility  
25 will carry over its design life.

1           “(3) DEBRIS REMOVAL.—The costs of debris  
2 removal shall be an eligible expense under this sec-  
3 tion only for—

4           “(A) an event not declared a major dis-  
5 aster or emergency by the President under the  
6 Robert T. Stafford Disaster Relief and Emer-  
7 gency Assistance Act (42 U.S.C. 5121 et seq.);  
8 or

9           “(B) an event declared a major disaster or  
10 emergency by the President under that Act if  
11 the debris removal is not eligible for assistance  
12 pursuant to section 403, 407, or 502 of that  
13 Act (42 U.S.C. 5170b, 5173, 5192).

14           “(4) TERRITORIES.—The total obligations for  
15 projects under this section in a fiscal year in the  
16 Virgin Islands, Guam, American Samoa, and the  
17 Commonwealth of the Northern Mariana Islands  
18 may not exceed \$20,000,000.

19           “(5) TEMPORARY SUBSTITUTE HIGHWAY TRAF-  
20 FIC SERVICE.—Notwithstanding any other provision  
21 of this chapter, actual and necessary costs of main-  
22 tenance and operation of ferryboats or additional  
23 transit service providing temporary substitute high-  
24 way traffic service, less the amount of fares charged,

1 may be expended from the emergency fund under  
2 this section authorized for Federal-aid highways.

3 “(6) APPLICATIONS; EMERGENCY DECLARA-  
4 TIONS.—Except as to highways, roads, and trails re-  
5 ferred to in subsection (e), no funds may be ex-  
6 pended under this section unless—

7 “(A) a declaration is made—

8 “(i) by the Governor of the State and  
9 concurred in by the Secretary, that an  
10 emergency exists; or

11 “(ii) by the President under the Rob-  
12 ert T. Stafford Disaster Relief and Emer-  
13 gency Assistance Act (42 U.S.C. 5121 et  
14 seq.) that a major disaster or emergency  
15 exists; and

16 “(B) not later than 2 years after a dec-  
17 laration is made under subparagraph (A), the  
18 Secretary has received an application for assist-  
19 ance from the State transportation department  
20 that includes a comprehensive list of potentially  
21 eligible project sites and repair costs.”.

22 (b) TRIBAL ROADS, FEDERAL LANDS HIGHWAYS,  
23 AND PUBLIC ROADS ON FEDERAL LANDS.—Section  
24 125(e) is amended to read as follows:

1       “(e) TRIBAL ROADS, FEDERAL LANDS HIGHWAYS,  
2 AND PUBLIC ROADS ON FEDERAL LANDS.—

3           “(1) USE OF EMERGENCY FUND.—Notwith-  
4 standing subsection (d)(1), the Secretary may ex-  
5 pend funds from the emergency fund authorized by  
6 this section, either independently or in cooperation  
7 with any other branch of the Government, a State  
8 agency, tribal organization, organization, or person,  
9 for the repair or reconstruction of tribal roads, Fed-  
10 eral lands highways, and other federally owned roads  
11 that are open to public travel, whether or not such  
12 roads are Federal-aid highways.

13           “(2) REIMBURSEMENTS.—The Secretary may  
14 reimburse Federal agencies, State (including polit-  
15 ical subdivisions of the States) agencies, and Indian  
16 tribal governments for expenditures made on  
17 projects determined eligible under this section, in-  
18 cluding expenditures for emergency repairs made be-  
19 fore a determination of eligibility. Such reimburse-  
20 ments to Federal agencies and Indian tribal govern-  
21 ments shall be transferred to the account from  
22 which the expenditure was made, or to a similar ac-  
23 count that remains available for obligation, and the  
24 budget authority associated with the expenditure  
25 shall be restored to the agency from which it was de-

1 rived and shall be available for obligation until the  
2 end of the fiscal year following the year in which the  
3 transfer occurs.

4 “(3) OPEN TO PUBLIC TRAVEL DEFINED.—In  
5 this subsection, the term ‘open to public travel’  
6 means that, except during scheduled periods, ex-  
7 treme weather conditions, or emergencies, the road  
8 is open to the general public for use with a standard  
9 passenger auto, without restrictive gates or prohibi-  
10 tive signs or regulations, other than for general traf-  
11 fic control or restrictions based on size, weight, or  
12 class of registration.”.

13 (c) RULEMAKING.—Not later than 6 months after the  
14 date of enactment of this Act, the Secretary shall initiate  
15 a rulemaking to update regulations governing the emer-  
16 gency relief program under section 125 of title 23, United  
17 States Code, to—

18 (1) ensure that allocations are made to States  
19 only for sums that the State will be able to obligate  
20 in the current fiscal year;

21 (2) determine whether to raise the threshold for  
22 an eligible event and raise such threshold if war-  
23 ranted; and

24 (3) address such other matters as the Secretary  
25 considers appropriate.

1 (d) IMPROVING PROGRAM IMPLEMENTATION.—The  
2 Secretary shall take steps to—

3 (1) improve training for Federal and State offi-  
4 cials on emergency relief requirements and proc-  
5 esses;

6 (2) establish an Internet Web site containing  
7 information on best practices for the implementation  
8 of the emergency relief program;

9 (3) address program differences with the dis-  
10 aster assistance program of the Federal Emergency  
11 Management Agency; and

12 (4) provide guidance on performing a benefit-  
13 cost analysis to justify cases in which a betterment  
14 is eligible for funding under the emergency relief  
15 program.

16 **SEC. 1112. UNIFORM TRANSFERABILITY OF FEDERAL-AID**  
17 **HIGHWAY FUNDS.**

18 Section 126 is amended to read as follows:

19 **“§ 126. Uniform transferability of Federal-aid high-**  
20 **way funds**

21 **“(a) GENERAL RULE.—**Notwithstanding any other  
22 provision of law, but subject to subsection (b), a State may  
23 transfer not to exceed 25 percent of the State’s apportion-  
24 ment under paragraph (1), (3), or (5) of section 104(b)

1 for a fiscal year to any other apportionment of the State  
2 under any of those paragraphs for that fiscal year.

3 “(b) APPLICATION TO CERTAIN SET-ASIDES.—No  
4 funds may be transferred under this section that are sub-  
5 ject to section 104(f) or section 133(d)(3).”.

6 **SEC. 1113. FERRY BOATS AND FERRY TERMINAL FACILI-**  
7 **TIES.**

8 Section 147 is amended—

9 (1) in subsection (b) by striking “ferry boats,  
10 ferry terminals, and ferry maintenance facilities”  
11 and inserting “ferry boats and ferry terminals”;

12 (2) by striking subsections (c), (d), and (e) and  
13 inserting the following:

14 “(c) APPORTIONMENT OF FUNDS.—The Secretary  
15 shall apportion the sums authorized to be appropriated for  
16 expenditure on the construction of ferry boats and ferry  
17 terminal facilities for each fiscal year among eligible  
18 States in the following manner:

19 “(1) 35 percent based on the total annual num-  
20 ber of vehicles carried by ferry systems operating in  
21 each eligible State.

22 “(2) 35 percent based on the total annual num-  
23 ber of passengers (including passengers in vehicles)  
24 carried by ferry systems operating in each eligible  
25 State.

1           “(3) 30 percent based on the total nautical  
2           route miles serviced by ferry systems operating in  
3           each eligible State.

4           “(d) ELIGIBLE STATE DEFINED.—In this section,  
5           the term ‘eligible State’ means a State that has a ferry  
6           system operating in the State or between the State and  
7           another State.”; and

8           (3) by redesignating subsection (f) as sub-  
9           section (e).

10 **SEC. 1114. NATIONAL HIGHWAY BRIDGE AND TUNNEL IN-**  
11 **VENTORY AND INSPECTION PROGRAM.**

12           (a) IN GENERAL.—Section 151 is amended to read  
13 as follows:

14 **“§ 151. National highway bridge and tunnel inventory**  
15 **and inspection program**

16           “(a) NATIONAL HIGHWAY BRIDGE AND TUNNEL IN-  
17 VENTORY.—The Secretary, in consultation with the States  
18 and Federal agencies with jurisdiction over highway  
19 bridges and tunnels, shall—

20           “(1) inventory all bridges on public roads, on  
21           and off Federal-aid highways, including tribally  
22           owned and federally owned bridges, that are over  
23           waterways, other topographical barriers, other high-  
24           ways, and railroads;

1           “(2) inventory all tunnels on public roads, on  
2           and off Federal-aid highways, including tribally  
3           owned and federally owned tunnels;

4           “(3) identify each bridge or tunnel inventoried  
5           under paragraph (1) or (2) that is structurally defi-  
6           cient or functionally obsolete;

7           “(4) assign a risk-based priority for replace-  
8           ment or rehabilitation of each structurally deficient  
9           bridge or tunnel identified under paragraph (3) after  
10          consideration of safety, serviceability, and essen-  
11          tiality for public use, including the potential impacts  
12          to emergency evacuation routes and to regional and  
13          national freight and passenger mobility if the serv-  
14          iceability of the bridge or tunnel is diminished; and

15          “(5) determine the cost of replacing each struc-  
16          turally deficient bridge or tunnel identified under  
17          paragraph (3) with a comparable facility or the cost  
18          of rehabilitating the bridge or tunnel.

19          “(b) NATIONAL HIGHWAY BRIDGE AND TUNNEL IN-  
20          SPECTION STANDARDS.—

21                 “(1) IN GENERAL.—The Secretary shall estab-  
22                 lish and maintain inspection standards for the prop-  
23                 er safety inspection and evaluation of all highway  
24                 bridges and tunnels described in subsections (a)(1)  
25                 and (a)(2). The standards shall be designed to en-

1       sure uniformity in the conduct of such inspections  
2       and evaluations.

3               “(2) MINIMUM REQUIREMENTS FOR INSPEC-  
4       TION STANDARDS.—At a minimum, the standards  
5       established under paragraph (1) shall—

6                       “(A) specify, in detail, the method by  
7       which inspections will be carried out by States,  
8       Federal agencies, and tribal governments;

9                       “(B) establish the maximum time period  
10      between inspections;

11                      “(C) establish the qualifications for those  
12      charged with carrying out inspections;

13                      “(D) require each State, Federal agency,  
14      and tribal government to maintain and make  
15      available to the Secretary upon request—

16                               “(i) written reports on the results of  
17      highway bridge and tunnel inspections, to-  
18      gether with notations of any action taken  
19      pursuant to the findings of such inspec-  
20      tions; and

21                               “(ii) inventory data for all highway  
22      bridges and tunnels described in sub-  
23      sections (a)(1) and (a)(2) under the juris-  
24      diction of the State, Federal agency, or  
25      tribal government that reflect the findings

1 of the most recent highway bridge and tun-  
2 nel inspections;

3 “(E) establish a procedure for national  
4 certification of highway bridge and tunnel in-  
5 spectors;

6 “(F) establish, in consultation with the  
7 States, Federal agencies, and interested and  
8 knowledgeable private organizations and indi-  
9 viduals, procedures for the Secretary to conduct  
10 reviews of State and Federal agency compliance  
11 with the standards established under this sub-  
12 section; and

13 “(G) establish, in consultation with the  
14 States, Federal agencies, and interested and  
15 knowledgeable private organizations and indi-  
16 viduals, procedures for the States to follow in  
17 reporting to the Secretary—

18 “(i) critical findings relating to struc-  
19 tural safety-related deficiencies of highway  
20 bridges and tunnels; and

21 “(ii) monitoring activities and correc-  
22 tive actions taken in response to a critical  
23 finding described in clause (i).

24 “(3) COMPLIANCE REQUIREMENTS.—

1           “(A) REVIEWS OF STATE COMPLIANCE.—

2           The Secretary shall annually review State com-  
3           pliance with the standards established under  
4           this section.

5           “(B) FINDINGS OF NONCOMPLIANCE.—If

6           the Secretary identifies noncompliance by a  
7           State in conducting an annual review under  
8           subparagraph (A), the Secretary shall issue a  
9           report detailing the noncompliance by December  
10          31 of the calendar year in which the review is  
11          conducted and shall provide the State an oppor-  
12          tunity to address the noncompliance by—

13                   “(i) developing a corrective action  
14                   plan to remedy the noncompliance; or

15                   “(ii) resolving the noncompliance  
16                   within 45 days of receiving notification of  
17                   the noncompliance.

18          “(4) PENALTY FOR NONCOMPLIANCE.—

19           “(A) FUNDING REQUIREMENT.—If the  
20           Secretary identifies noncompliance by a State in  
21           conducting an annual review under paragraph  
22           (3)(A) in a calendar year, and the State fails to  
23           address the noncompliance in the manner de-  
24           scribed in paragraph (3)(B) by August 1 of the  
25           succeeding year, on October 1 of such suc-

1           ceeding year, and each year thereafter as nec-  
2           essary, the Secretary shall require the State to  
3           dedicate funds apportioned to the State under  
4           sections 104(b)(1) and 104(b)(3) to correct the  
5           noncompliance.

6           “(B) AMOUNT.—The amount of the funds  
7           dedicated to correcting the noncompliance in ac-  
8           cordance with subparagraph (A) shall—

9                   “(i) be determined by the State based  
10                   on an analysis of the actions needed to ad-  
11                   dress the noncompliance; and

12                   “(ii) require approval by the Sec-  
13                   retary.

14           “(c) TRAINING PROGRAM FOR BRIDGE AND TUNNEL  
15           INSPECTORS.—The Secretary, in cooperation with State  
16           transportation departments, shall establish a program de-  
17           signed to train appropriate personnel to carry out highway  
18           bridge and tunnel inspections.

19           “(d) AVAILABILITY OF FUNDS.—In carrying out this  
20           section—

21                   “(1) the Secretary may use funds made avail-  
22                   able to the Secretary under sections 104(a) and 503;

23                   “(2) a State may use amounts apportioned to  
24                   the State under sections 104(b)(1), 104(b)(3), and  
25                   104(b)(5);

1           “(3) an Indian tribe may use funds made avail-  
2           able to the Indian tribe under section 502; and

3           “(4) a Federal agency may use funds made  
4           available to the agency under section 503.”.

5           (b) CLERICAL AMENDMENT.—The analysis for chap-  
6           ter 1 is amended by striking the item relating to section  
7           151 and inserting the following:

          “151. National highway bridge and tunnel inventory and inspection program.”.

8           **SEC. 1115. MINIMUM INVESTMENT IN HIGHWAY BRIDGES.**

9           (a) MINIMUM INVESTMENT REQUIREMENTS.—

10           (1) NATIONAL HIGHWAY SYSTEM BRIDGES.—

11           Out of amounts apportioned to a State for a fiscal  
12           year under each of sections 104(b)(1) and 104(b)(3)  
13           of title 23, United States Code, an amount equal to  
14           10 percent of such amounts shall be available to the  
15           State only for eligible projects on highway bridges  
16           on the National Highway System if the Secretary  
17           determines under paragraph (3) for the fiscal year  
18           that more than 10 percent of the total deck area of  
19           highway bridges in the State on the National High-  
20           way System is located on highway bridges that have  
21           been classified as structurally deficient.

22           (2) BRIDGES NOT ON FEDERAL-AID HIGH-  
23           WAYS.—Out of amounts apportioned to a State for  
24           a fiscal year under section 104(b)(3) of title 23,  
25           United States Code, an amount equal to 110 percent

1 of the amount that the State was required to expend  
2 for fiscal year 2009 on projects under section  
3 144(f)(2) of such title (as in effect on the day before  
4 the date of enactment of this Act) shall be available  
5 to the State only for eligible projects on highway  
6 bridges not on Federal-aid highways if the Secretary  
7 determines under paragraph (3) for the fiscal year  
8 that more than 15 percent of the total deck area of  
9 highway bridges not on Federal-aid highways in the  
10 State is located on highway bridges not on Federal-  
11 aid highways that have been classified as struc-  
12 turally deficient.

13 (3) USE OF DATA IN NATIONAL BRIDGE AND  
14 TUNNEL INVENTORY.—The Secretary shall make the  
15 determinations under paragraphs (1) and (2) with  
16 respect to a State for a fiscal year based on an aver-  
17 age of the final data concerning highway bridges in  
18 the State contained in the national bridge and tun-  
19 nel inventory for the most recent 3 calendar years  
20 for which such data are available.

21 (4) APPLICABILITY.—This subsection shall  
22 apply to amounts apportioned for each of fiscal  
23 years 2013 through 2016.

24 (5) DEFINITIONS.—In this subsection, the fol-  
25 lowing definitions apply:

1 (A) ELIGIBLE PROJECT.—The term “eligi-  
2 ble project” means a project to replace (includ-  
3 ing replacement with fill material), rehabilitate,  
4 preserve, or protect (including through paint-  
5 ing, scour countermeasures, seismic retrofits,  
6 impact protection measures, security counter-  
7 measures, and protection against extreme  
8 events) a bridge or tunnel on a public road of  
9 any functional classification.

10 (B) NATIONAL BRIDGE AND TUNNEL IN-  
11 VENTORY.—The term “national bridge and tun-  
12 nel inventory” means the national bridge and  
13 tunnel inventory established under section 151  
14 of title 23, United States Code (as amended by  
15 this title).

16 (b) BRIDGE REHABILITATION AND REPLACEMENT.—  
17 Section 217(e) is amended by striking “then such bridge”  
18 and all that follows before the period at the end and in-  
19 serting “the State carrying out the rehabilitation or re-  
20 placement is encouraged to provide such safe accommoda-  
21 tions as part of the rehabilitation or replacement”.

22 **SEC. 1116. MINIMUM PENALTIES FOR REPEAT OFFENDERS**  
23 **FOR DRIVING WHILE INTOXICATED OR DRIV-**  
24 **ING UNDER THE INFLUENCE.**

25 (a) DEFINITIONS.—Section 164(a) is amended—

1 (1) by striking paragraph (3);

2 (2) by redesignating paragraphs (4) and (5) as  
3 paragraphs (3) and (4), respectively; and

4 (3) in paragraph (4), as so redesignated by  
5 paragraph (2) of this subsection, by amending sub-  
6 paragraph (A) to read as follows:

7 “(A) receive—

8 “(i) a suspension of all driving privi-  
9 leges for not less than 1 year; or

10 “(ii) a suspension of unlimited driving  
11 privileges for 1 year with limited driving  
12 privileges permitted (subject to require-  
13 ments established under State law) if an  
14 ignition interlock device is installed for not  
15 less than 1 year on each motor vehicle  
16 owned or operated, or both, by the indi-  
17 vidual;”.

18 (b) **TRANSFER OF FUNDS.**—Section 164(b)(1)(A) is  
19 amended by striking “alcohol-impaired driving counter-  
20 measures” and inserting “projects and activities address-  
21 ing impaired driving (as such term is defined in section  
22 402(p)(11))”.

23 **SEC. 1117. PUERTO RICO HIGHWAY PROGRAM.**

24 (a) **IN GENERAL.**—Section 165 is amended by strik-  
25 ing subsections (a) and (b) and inserting the following:

1       “(a) ALLOCATION OF FUNDS.—On October 1 of each  
2 fiscal year, the Secretary shall allocate the funds made  
3 available for the fiscal year to carry out this section to  
4 the Commonwealth of Puerto Rico to carry out a highway  
5 program in the Commonwealth.

6       “(b) APPLICABILITY OF TITLE.—Amounts made  
7 available to carry out this section shall be available for  
8 obligation in the same manner as if such funds were ap-  
9 portioned under this chapter.”.

10       (b) CONFORMING AMENDMENT.—Section 165 is  
11 amended—

12             (1) in subsection (c)(1) by striking “sections  
13 104(b) and 144” and inserting “section 104(b)”;  
14 and

15             (2) in subsection (d) by striking “sections 104  
16 and 144” and inserting “section 104”.

17 **SEC. 1118. APPALACHIAN DEVELOPMENT HIGHWAY SYS-**  
18 **TEM.**

19       (a) APPORTIONMENT.—The Secretary shall appor-  
20 tion funds made available under section 1101(a) for the  
21 Appalachian development highway system program for  
22 each of fiscal years 2013 through 2016 among the States  
23 in the ratio that—

24             (1) the latest available cost to complete esti-  
25 mate for the Appalachian development highway sys-

1       tem under section 14501 of title 40, United States  
2       Code, with respect to each State; bears to

3           (2) the latest available cost to complete esti-  
4       mate for that system with respect to all States.

5       (b) MINIMUM AND MAXIMUM APPORTIONMENT.—

6       Notwithstanding subsection (a), each State that receives  
7       an apportionment under subsection (a) shall receive—

8           (1) not less than 1 percent of the funds appor-  
9       tioned under this section; and

10          (2) not more than 25 percent of the funds ap-  
11       portioned under this section.

12       (c) APPLICABILITY OF TITLE 23.—Funds made

13       available under section 1101(a) of this Act for the Appa-

14       lachian development highway system program shall be

15       available for obligation in the same manner as if such

16       funds were apportioned under chapter 1 of title 23, United

17       States Code, except that the Federal share of the cost of

18       any project under this section shall be determined in ac-

19       cordance with section 14501 of title 40, United States

20       Code, and such funds shall be available to construct high-

21       ways and access roads under such section 14501 and shall

22       remain available until expended.

23       (d) CREDIT FOR NON-FEDERAL SHARE.—Section

24       120(j)(1)(A) is amended by striking “and the Appalachian

1 development highway system program under section  
2 14501 of title 40”.

3 **SEC. 1119. REFERENCES TO MASS TRANSIT ACCOUNT.**

4 Any reference to the Mass Transit Account of the  
5 Highway Trust Fund in title 23 or 49, United States  
6 Code, or in any other provision of law shall be deemed  
7 to refer to the Alternative Transportation Account of the  
8 Highway Trust Fund.

9 **Subtitle B—Innovative Financing**

10 **SEC. 1201. TRANSPORTATION INFRASTRUCTURE FINANCE**  
11 **AND INNOVATION.**

12 (a) DEFINITIONS.—

13 (1) ELIGIBLE PROJECT COSTS.—Section  
14 601(a)(1) is amended in the matter preceding sub-  
15 paragraph (A) by inserting “(regardless of when in-  
16 curred)” after “including the cost”.

17 (2) MASTER CREDIT AGREEMENT.—Section  
18 601(a) is amended—

19 (A) by redesignating paragraphs (7)  
20 through (14) as paragraphs (8) through (15),  
21 respectively; and

22 (B) by inserting after paragraph (6) the  
23 following:

24 “(7) MASTER CREDIT AGREEMENT.—The term  
25 ‘master credit agreement’ means an agreement en-

1       tered into by and between the Secretary and an obli-  
2       gor for a project that—

3               “(A) makes contingent commitments of  
4               one or more secured loans or other Federal  
5               credit instruments at future dates;

6               “(B) establishes the amounts and general  
7               terms and conditions of such secured loans or  
8               other Federal credit instruments;

9               “(C) identifies the dedicated revenue  
10              sources that will secure the repayment of such  
11              secured loans or other Federal credit instru-  
12              ments, which may differ by project; and

13              “(D) provides for the obligation of funds  
14              for such a secured loan or other Federal credit  
15              instrument for a project included in the agree-  
16              ment after all requirements under this section  
17              have been met for the project.”.

18              (3) OBLIGOR.—Section 601(a)(8) (as redesign-  
19              nated by paragraph (2)(A) of this subsection) is  
20              amended by inserting “limited liability company,”  
21              after “corporation,”.

22              (4) PROJECT.—Section 601(a)(9) (as redesign-  
23              nated by paragraph (2)(A) of this subsection) is  
24              amended—

1 (A) by striking “and” at the end of sub-  
2 paragraph (C);

3 (B) by striking the period at the end of  
4 subparagraph (D) and inserting a semicolon;  
5 and

6 (C) by adding at the end the following:

7 “(E) a program of related transportation  
8 projects that—

9 “(i) are coordinated to achieve a com-  
10 mon transportation goal;

11 “(ii) are eligible for funding under  
12 this title or chapter 53 of title 49; and

13 “(iii) together receive not more than  
14 30 percent of their funding for capital  
15 costs from Federal grant funds made avail-  
16 able under this title or chapter 53 of title  
17 49; and

18 “(F) a highway, transit, or pedestrian  
19 project, or grouping of projects, that—

20 “(i) improves mobility; and

21 “(ii) is located within the station area  
22 of a transit, passenger rail, or intercity bus  
23 station.”.

24 (5) SUBSIDY AMOUNT.—Section 601(a)(14) (as  
25 redesignated by paragraph (2)(A) of this subsection)

1 is amended by inserting “, or other source of funds  
2 provided pursuant to section 608(c)(2),” after  
3 “budget authority”.

4 (b) PROJECT APPLICATIONS AND DETERMINATIONS  
5 OF ELIGIBILITY.—

6 (1) IN GENERAL.—Section 602 is amended to  
7 read as follows:

8 **“SEC. 602. PROJECT APPLICATIONS AND DETERMINATIONS**  
9 **OF ELIGIBILITY.**

10 “(a) PROJECT APPLICATIONS.—

11 “(1) IN GENERAL.—A State, local government,  
12 agency or instrumentality of a State or local govern-  
13 ment, public authority, private party to a public-pri-  
14 vate partnership, or any other legal entity under-  
15 taking a project may submit to the Secretary an ap-  
16 plication requesting financial assistance under this  
17 chapter for the project.

18 “(2) MASTER CREDIT AGREEMENTS.—An appli-  
19 cation submitted under paragraph (1) may request  
20 that financial assistance under this chapter be pro-  
21 vided under a master credit agreement.

22 “(3) APPLICATIONS WHERE OBLIGOR WILL BE  
23 IDENTIFIED LATER.—A State, local government,  
24 agency or instrumentality of a State or local govern-  
25 ment, or public authority may submit an application

1 to the Secretary under paragraph (1) under which a  
2 private party to a public-private partnership will be  
3 the obligor and will be identified later through com-  
4 pletion of a procurement and selection of the private  
5 party.

6 “(b) ELIGIBILITY.—

7 “(1) APPROVAL.—The Secretary shall approve  
8 an application submitted under subsection (a)(1) for  
9 each project that meets the criteria specified in  
10 paragraph (2).

11 “(2) CRITERIA.—To be eligible to receive finan-  
12 cial assistance under this chapter, a project shall  
13 meet the following criteria:

14 “(A) INCLUSION IN TRANSPORTATION  
15 PLANS AND PROGRAMS.—The project shall sat-  
16 isfy the applicable planning and programmatic  
17 requirements of sections 5203 and 5204 of title  
18 49—

19 “(i) in the case of an application for  
20 financial assistance to be provided under a  
21 master credit agreement, at such time as  
22 credit assistance is provided for the project  
23 pursuant to the master credit agreement;  
24 and

1           “(ii) in the case of any other project  
2 application, at such time as an agreement  
3 to make available a Federal credit instru-  
4 ment is entered into under this chapter.

5           “(B) CREDITWORTHINESS.—

6           “(i) IN GENERAL.—The project shall  
7 satisfy applicable creditworthiness stand-  
8 ards, including, at a minimum—

9                   “(I) a rate covenant, if applica-  
10 ble;

11                   “(II) adequate coverage require-  
12 ments to ensure repayment;

13                   “(III) an investment grade rating  
14 from at least 2 rating agencies on  
15 debt senior to the Federal credit in-  
16 strument; and

17                   “(IV) a rating from at least 2  
18 rating agencies on the Federal credit  
19 instrument.

20           “(ii) AMOUNTS LESS THAN  
21 \$75,000,000.—Notwithstanding clauses  
22 (i)(III) and (i)(IV), if the senior debt and  
23 Federal credit instrument is for an amount  
24 less than \$75,000,000, 1 rating agency  
25 opinion for each of the senior debt and

1 Federal credit instrument shall be suffi-  
2 cient.

3 “(iii) FEDERAL CREDIT INSTRUMENTS  
4 THAT ARE THE SENIOR DEBT.—Notwith-  
5 standing clauses (i)(III) and (i)(IV), in a  
6 case in which the Federal credit instru-  
7 ment is the senior debt, the Federal credit  
8 instrument shall be required to receive an  
9 investment grade rating from at least 2  
10 rating agencies.

11 “(C) ELIGIBLE PROJECT COSTS.—The eli-  
12 gible costs of the project—

13 “(i) in the case of a project described  
14 in section 601(a)(9)(F) or a project prin-  
15 cipally involving the installation of an intel-  
16 ligent transportation system, shall be rea-  
17 sonably anticipated to equal or exceed  
18 \$15,000,000;

19 “(ii) in the case of a project for which  
20 financial assistance will be provided under  
21 a master credit agreement, shall be reason-  
22 ably anticipated to equal or exceed  
23 \$1,000,000,000; and

1           “(iii) in the case of any other project,  
2           shall be reasonably anticipated to equal or  
3           exceed the lesser of—

4                       “(I) \$50,000,000; or

5                       “(II) 33<sup>1</sup>/<sub>3</sub> percent of the amount  
6           apportioned, out of amounts made  
7           available from the Highway Trust  
8           Fund (other than the Alternative  
9           Transportation Account), to the State  
10          in which the project is located for  
11          Federal-aid highway and highway  
12          safety construction programs for the  
13          most recently completed fiscal year.

14                   “(D) DEDICATED REVENUE SOURCES.—

15          The Federal credit instrument for the project  
16          shall be repayable, in whole or in part, from  
17          tolls, user fees, payments owing to the obligor  
18          under a public-private partnership, or other  
19          dedicated revenue sources that also secure or  
20          fund the project obligations.

21                   “(E) REGIONAL SIGNIFICANCE.—The

22          project shall be regionally significant (as de-  
23          fined in regulations implementing sections 134  
24          and 135 (as in effect on the day before the date  
25          of enactment of the American Energy and In-

1           frastructure Jobs Act of 2012)) or otherwise  
2           significantly enhance the national transpor-  
3           tation system.

4           “(F) PUBLIC SPONSORSHIP OF PRIVATE  
5           ENTITIES.—In the case of a project undertaken  
6           by an entity that is not a State or local govern-  
7           ment (or an agency or instrumentality of a  
8           State or local government), the project shall be  
9           publicly sponsored as provided under subsection  
10          (a).

11          “(G) BENEFICIAL EFFECTS.—The Sec-  
12          retary shall determine that financial assistance  
13          for the project under this chapter will—

14                 “(i) foster an innovative public-private  
15                 partnership and attract private debt or eq-  
16                 uity investment for the project;

17                 “(ii) enable the project to proceed at  
18                 an earlier date than the project would oth-  
19                 erwise be able to proceed or reduce the  
20                 project’s life cycle costs, including debt  
21                 service costs; and

22                 “(iii) reduce the contribution of Fed-  
23                 eral grant assistance for the project.

24          “(H) PROJECT READINESS.—The appli-  
25          cant shall demonstrate that the contracting

1 process for construction of the project can be  
2 commenced not later than 90 days after the  
3 date on which a Federal credit instrument is se-  
4 cured for the project under this chapter.

5 “(c) PRELIMINARY RATING OPINION LETTER.—For  
6 purposes of subsection (b)(2)(B), the Secretary shall re-  
7 quire each applicant for a project to provide a preliminary  
8 rating opinion letter from at least 1 rating agency indi-  
9 cating that the project’s senior obligations, which may  
10 consist, in whole or in part, of the Federal credit instru-  
11 ment, have the potential to achieve an investment-grade  
12 rating.

13 “(d) APPROVAL OF APPLICATIONS AND FUNDING.—

14 “(1) IN GENERAL.—The Secretary shall—

15 “(A) approve applications for projects that  
16 meet the criteria specified in subsection (b)(2)  
17 in the order in which the Secretary receives the  
18 applications; and

19 “(B) commit or conditionally commit budg-  
20 et authority for projects, out of amounts made  
21 available to carry out this chapter for a fiscal  
22 year, in the order in which the Secretary ap-  
23 proves the applications for such projects.

24 “(2) INSUFFICIENT FUNDS.—If the Secretary  
25 approves an application submitted under subsection

1 (a)(1) for a project in a fiscal year, but is unable to  
2 provide financial assistance for the project in that  
3 fiscal year as a result of prior commitments or con-  
4 ditional commitments of budget authority under this  
5 chapter, the Secretary shall provide the project spon-  
6 sor with the option of receiving such financial assist-  
7 ance as soon as sufficient budget authority is made  
8 available to carry out this chapter in a subsequent  
9 fiscal year.

10 “(e) PROCEDURES FOR DETERMINING PROJECT ELI-  
11 GIBILITY.—

12 “(1) ESTABLISHMENT.—The Secretary shall es-  
13 tablish procedures for—

14 “(A) processing applications received under  
15 subsection (a)(1) requesting financial assistance  
16 for projects; and

17 “(B) approving or disapproving the appli-  
18 cations based on whether the projects meet the  
19 criteria specified in subsection (b)(2).

20 “(2) APPLICATION PROCESSING PROCE-  
21 DURES.—The procedures shall meet the following re-  
22 quirements:

23 “(A) The procedures may not restrict when  
24 applications may be filed.

25 “(B) The procedures shall ensure that—

1           “(i) the Secretary will provide written  
2 notice to an applicant, on or before the  
3 15th day following the date of receipt of  
4 the applicant’s application, informing the  
5 applicant of whether the application is  
6 complete;

7           “(ii) if the application is complete, the  
8 Secretary will provide written notice to the  
9 applicant, on or before the 60th day fol-  
10 lowing the date of issuance of written no-  
11 tice for the application under clause (i), in-  
12 forming the applicant of whether the Sec-  
13 retary has approved or disapproved the ap-  
14 plication;

15           “(iii) if the application is not com-  
16 plete, the Secretary will provide written no-  
17 tice to the applicant, together with the  
18 written notice issued for the application  
19 under clause (i), informing the applicant of  
20 the information and materials needed to  
21 complete the application; and

22           “(iv) if the Secretary does not provide  
23 written notice to an applicant under clause  
24 (i) in the 15-day period specified in clause  
25 (i)—

1           “(I) the applicant’s application is  
2           deemed complete; and

3           “(II) the Secretary will provide  
4           written notice to the applicant, on or  
5           before the 60th day following the last  
6           day of such 15-day period, informing  
7           the applicant of whether the Secretary  
8           has approved or disapproved the ap-  
9           plication.

10           “(C) The procedures may not use eligi-  
11           bility criteria that are supplemental to those es-  
12           tablished by this chapter.

13           “(D) In accordance with subsection (b)(1),  
14           the procedures shall require approval of an ap-  
15           plication if the project meets the eligibility cri-  
16           teria specified in subsection (b)(2).

17           “(E) The procedures shall require that any  
18           written notice of disapproval of an application  
19           identify the eligibility criteria that were not sat-  
20           isfied and contain an explanation of the defi-  
21           ciencies that resulted in failure to meet such  
22           criteria.

23           “(3) SPECIAL RULES FOR MASTER CREDIT  
24           AGREEMENTS.—The Secretary shall issue special  
25           rules for—

1           “(A) processing applications under which  
2           financial assistance will be provided under a  
3           master credit agreement; and

4           “(B) approving or disapproving such appli-  
5           cations based on whether the proposed project  
6           or program of related projects meets the appli-  
7           cable eligibility criteria specified in section  
8           601(a)(7).

9           “(f) APPLICATION APPROVAL.—Approval of an appli-  
10          cation for a project under subsection (a)(1) qualifies the  
11          project for execution of a conditional term sheet estab-  
12          lishing a conditional commitment of credit assistance.

13          “(g) FEDERAL REQUIREMENTS.—In addition to the  
14          requirements of this title for highway projects, chapter 53  
15          of title 49 for public transportation projects, and section  
16          5333(a) of title 49 for rail projects, the following provi-  
17          sions of law shall apply to funds made available under this  
18          chapter and projects assisted with the funds:

19                 “(1) Title VI of the Civil Rights Act of 1964  
20                 (42 U.S.C. 2000d et seq.).

21                 “(2) The National Environmental Policy Act of  
22                 1969 (42 U.S.C. 4321 et seq.).

23                 “(3) The Uniform Relocation Assistance and  
24                 Real Property Acquisition Policies Act of 1970 (42  
25                 U.S.C. 4601 et seq.).

1       “(h) DEVELOPMENT PHASE ACTIVITIES.—Any credit  
2 instrument secured under this chapter may be used to fi-  
3 nance 100 percent of the cost of development phase activi-  
4 ties as described in section 601(a)(1)(A) if the total  
5 amount of the credit instrument does not exceed the max-  
6 imum amount for such instrument prescribed in this chap-  
7 ter.”.

8               (2) CLERICAL AMENDMENT.—The analysis for  
9 chapter 6 is amended by striking the item relating  
10 to section 602 and inserting the following:

“602. Project applications and determinations of eligibility.”.

11       (c) SECURED LOANS.—

12               (1) IN GENERAL.—

13                       (A) APPROVAL OF PROJECTS.—Section  
14 603 is amended by striking “selected” each  
15 place it appears and inserting “approved”.

16                       (B) AGREEMENTS.—Section 603(a)(1) is  
17 amended in the matter preceding subparagraph  
18 (A) by inserting “, including master credit  
19 agreements,” after “agreements”.

20                       (C) RISK ASSESSMENT.—Section 603(a)(3)  
21 is amended by striking “602(b)(2)(B)” and in-  
22 serting “602(c)”.

23       (2) TERMS AND LIMITATIONS.—

24                       (A) IN GENERAL.—Section 603(b)(1) is  
25 amended by inserting “are consistent with this

1 chapter and its purpose and that” before “the  
2 Secretary determines appropriate.”.

3 (B) MAXIMUM AMOUNTS.—Section  
4 603(b)(2) is amended to read as follows:

5 “(2) MAXIMUM AMOUNTS.—The amount of the  
6 secured loan may not exceed 49 percent of the rea-  
7 sonably anticipated eligible project costs.”.

8 (C) PAYMENT.—Section 603(b)(3)(A)(i) is  
9 amended by inserting “payments owing to the  
10 obligor under a public-private partnership,” be-  
11 fore “or other dedicated revenue sources”.

12 (D) NONSUBORDINATION.—Section  
13 603(b)(6) is amended by inserting after  
14 “project obligations” the following: “entered  
15 into after the date on which the agreement to  
16 provide the secured loan is entered into under  
17 this section (except that such obligations do not  
18 include project obligations issued to refund  
19 prior project obligations or project obligations  
20 not contemplated by the parties at the time)”.

21 (d) LINES OF CREDIT.—

22 (1) APPROVAL OF PROJECTS.—Section  
23 604(a)(1) is amended by striking “selected” and in-  
24 serting “approved”.

1           (2) RISK ASSESSMENT.—Section 604(a)(3) is  
2 amended by striking “602(b)(2)(B)” and inserting  
3 “602(c)”.

4           (3) TERMS AND LIMITATIONS.—

5           (A) IN GENERAL.—Section 604(b)(1) is  
6 amended by inserting “are consistent with this  
7 chapter and its purpose and that” before “the  
8 Secretary determines appropriate.”.

9           (B) MAXIMUM AMOUNTS.—Section  
10 604(b)(2) is amended to read as follows:

11           “(2) MAXIMUM AMOUNTS.—The total amount  
12 of the line of credit may not exceed 49 percent of  
13 the reasonably anticipated eligible project costs.”.

14           (C) SECURITY.—Section 604(b)(5)(A)(i) is  
15 amended by inserting “payments owing to the  
16 obligor under a public-private partnership,” be-  
17 fore “or other dedicated revenue sources”.

18           (D) NONSUBORDINATION.—Section  
19 604(b)(8) is amended by inserting after  
20 “project obligations” the following: “entered  
21 into after the date on which the agreement to  
22 provide the direct loan is entered into under  
23 this section (except that such obligations do not  
24 include project obligations issued to refund

1 prior project obligations or project obligations  
2 not contemplated by the parties at the time)”.  
3

4 (E) RELATIONSHIP TO OTHER CREDIT IN-  
5 STRUMENTS.—Section 604(b)(10) is amended  
6 by striking “33 percent” and inserting “49 per-  
7 cent”.

8 (e) PROGRAM ADMINISTRATION.—Section 605 is  
9 amended by adding at the end the following:

10 “(e) EXPEDITED PROCESSING.—The Secretary shall  
11 implement procedures and measures to economize the time  
12 and cost involved in obtaining approval and the issuance  
13 of credit assistance under this chapter.”.

14 (f) FUNDING.—

15 (1) IN GENERAL.—Section 608(a)(1) is amend-  
16 ed to read as follows:

17 “(1) IN GENERAL.—There is authorized to be  
18 appropriated from the Highway Trust Fund (other  
19 than the Alternative Transportation Account) to  
20 carry out this chapter \$1,000,000,000 for each of  
21 fiscal years 2013 through 2016.”.

22 (2) ADMINISTRATIVE COSTS.—Section  
23 608(a)(3) is amended by striking “\$2,200,000 for  
24 each of fiscal years 2005 through 2009” and insert-  
25 ing “\$3,250,000 for each of fiscal years 2013  
through 2016”.

1           (3) PROJECTS UNDER A MASTER CREDIT  
2 AGREEMENT.—Section 608(a) is amended by adding  
3 at the end the following:

4           “(4) PROJECTS UNDER A MASTER CREDIT  
5 AGREEMENT.—The Secretary may commit or condi-  
6 tionally commit to projects covered by master credit  
7 agreements not more than 15 percent of the amount  
8 of budget authority for each fiscal year under para-  
9 graph (1). This limitation does not apply to a  
10 project under a master credit agreement that has re-  
11 ceived final credit approval.”.

12           (4) EXHAUSTION OF AVAILABILITY.—Section  
13 608 is amended by adding at the end the following:

14           “(c) EXHAUSTION OF AVAILABILITY.—

15           “(1) NOTICE OF EXHAUSTION.—Whenever the  
16 Secretary fully commits budget authority available in  
17 a fiscal year under subparagraph (a)(1), the Sec-  
18 retary shall—

19           “(A) publish notice of that fact in the Fed-  
20 eral Register; and

21           “(B) deliver written notice of that fact to  
22 the applicants under all approved and pending  
23 applications.

24           “(2) ELECTION TO USE OTHER SOURCES FOR  
25 SUBSIDY AMOUNT.—An applicant may elect in its

1 application or at any time after receipt of such no-  
2 tice to pay the subsidy amount from available  
3 sources other than the budget authority available in  
4 a fiscal year under subparagraph (a)(1), including  
5 from Federal assistance available to the applicant  
6 under this title or chapter 53 of title 49.

7 “(d) USE OF UNALLOCATED FUNDS.—

8 “(1) DISTRIBUTION AMONG STATES.—On Sep-  
9 tember 1 of each fiscal year, the Secretary shall dis-  
10 tribute any remaining budget authority made avail-  
11 able in subsection (a)(1) among the States in the  
12 ratio that—

13 “(A) the amount authorized to be appor-  
14 tioned, out of amounts made available from the  
15 Highway Trust Fund (other than the Alter-  
16 native Transportation Account), to each State  
17 for the National Highway System program, the  
18 surface transportation program, and highway  
19 safety improvement program for the fiscal year;  
20 bears to

21 “(B) the amount authorized to be appor-  
22 tioned, out of amounts made available from the  
23 Highway Trust Fund (other than the Alter-  
24 native Transportation Account), to all States  
25 for the National Highway System program, the

1 surface transportation program, and highway  
2 safety improvement program for the fiscal year.

3 “(2) ELIGIBLE PURPOSES.—Such budget au-  
4 thority shall be available for any purpose eligible for  
5 funding under section 133.”.

6 **SEC. 1202. STATE INFRASTRUCTURE BANK PROGRAM.**

7 (a) FUNDING.—

8 (1) IN GENERAL.—Section 610(d) is amend-  
9 ed—

10 (A) by striking “fiscal years 2005 through  
11 2009” each place that it appears and inserting  
12 “fiscal years 2013 through 2016”; and

13 (B) by striking “10 percent” each place  
14 that it appears and inserting “15 percent”.

15 (2) HIGHWAY ACCOUNTS.—Section 610(d)(1) is  
16 amended—

17 (A) in subparagraph (A) by striking “and”  
18 at the end;

19 (B) in subparagraph (B) by striking the  
20 period at the end and inserting “; and”; and

21 (C) by adding at the end the following:

22 “(C) 100 percent of the funds apportioned  
23 to the State for each of fiscal years 2013  
24 through 2016 under section 611.”.

1 (b) PROGRAM ADMINISTRATION.—Section 610(k) is  
2 amended by striking “fiscal years 2005 through 2009”  
3 and inserting “fiscal years 2013 through 2016”.

4 **SEC. 1203. STATE INFRASTRUCTURE BANK CAPITALIZA-**  
5 **TION.**

6 (a) IN GENERAL.—Chapter 6 is amended by adding  
7 at the end the following:

8 **“§ 611. State infrastructure bank capitalization**

9 “(a) APPORTIONMENT OF FUNDS.—On October 1 of  
10 each fiscal year, the Secretary shall apportion amounts  
11 made available to carry out this section for a fiscal year  
12 among the States in the ratio that—

13 “(1) the amount authorized to be apportioned,  
14 out of amounts made available from the Highway  
15 Trust Fund (other than the Alternative Transpor-  
16 tation Account), to each State for the National  
17 Highway System program, the surface transpor-  
18 tation program, and highway safety improvement  
19 program for the fiscal year; bears to

20 “(2) the amount authorized to be apportioned,  
21 out of amounts made available from the Highway  
22 Trust Fund (other than the Alternative Transpor-  
23 tation Account), to all States for the National High-  
24 way System program, the surface transportation

1 program, and highway safety improvement program  
2 for the fiscal year.

3 “(b) ELIGIBLE USES OF FUNDING.—

4 “(1) IN GENERAL.—Except as provided in para-  
5 graph (2), funds apportioned to a State under sub-  
6 section (a) shall be used by the State to make cap-  
7 italization grants to the highway account of the  
8 State’s infrastructure bank established under section  
9 610.

10 “(2) FISCAL YEARS 2013 AND 2014.—Funds ap-  
11 portioned to a State under subsection (a) for fiscal  
12 years 2013 and 2014 may be used by the State for  
13 eligible projects on the National Highway System, as  
14 described in section 119(d).

15 “(c) REAPPORTIONMENT OF FUNDS.—For fiscal year  
16 2015 and each fiscal year thereafter, if by August 1 of  
17 the fiscal year a State does not obligate the funds appor-  
18 tioned to the State for the fiscal year under subsection  
19 (a) for providing capitalization grants described in sub-  
20 section (b), the Secretary shall reappportion the remaining  
21 funds among those States that—

22 “(1) did obligate before such date all of the  
23 funds apportioned to the State for the fiscal year  
24 under subsection (a); and

1           “(2) certify to the Secretary that the State will  
2           use the additional funds to make capitalization  
3           grants described in subsection (b) before the end of  
4           the fiscal year.

5           “(d) LIMITATION.—Any reapportionment of funds  
6           pursuant to subsection (d) shall not require a recalculation  
7           of percentages under section 105.

8           “(e) APPLICABILITY OF FEDERAL LAW.—The re-  
9           quirements referred to in section 610(h) shall apply to any  
10          funds apportioned under this section.

11          “(f) FUNDING.—

12           “(1) IN GENERAL.—There is authorized to be  
13           appropriated out of the Highway Trust Fund (other  
14           than the Alternative Transportation Account) to  
15           carry out this section \$750,000,000 for each of fis-  
16           cal years 2013 through 2016.

17           “(2) CONTRACT AUTHORITY.—Funds made  
18           available under paragraph (1) shall be available for  
19           obligation in the same manner as if the funds were  
20           apportioned under chapter 1.”.

21          (b) CLERICAL AMENDMENT.—The analysis for chap-  
22          ter 6 is amended by adding at the end the following:

        “611. State infrastructure bank capitalization.”.

23          **SEC. 1204. TOLLING.**

24           (a) AMENDMENT TO TOLLING PROVISION.—Section  
25          129(a) is amended to read as follows:

1 “(a) BASIC PROGRAM.—

2 “(1) AUTHORIZATION FOR FEDERAL PARTICI-  
3 PATION.—Subject to the provisions of this section,  
4 Federal participation shall be permitted on the same  
5 basis and in the same manner as construction of  
6 toll-free highways is permitted under this chapter in  
7 the—

8 “(A) initial construction of a toll highway,  
9 bridge, or tunnel or approach thereto;

10 “(B) initial construction of one or more  
11 lanes or other improvements that increase ca-  
12 pacity of a highway, bridge, or tunnel (other  
13 than a highway on the Interstate System) and  
14 conversion of that highway, bridge, or tunnel to  
15 a tolled facility;

16 “(C) initial construction of one or more  
17 lanes or other improvements that increase the  
18 capacity of a highway, bridge, or tunnel on the  
19 Interstate System and conversion of that high-  
20 way, bridge, or tunnel to a tolled facility, if the  
21 number of toll-free non-HOV lanes, excluding  
22 auxiliary lanes, after such construction is not  
23 less than the number of toll-free non-HOV  
24 lanes, excluding auxiliary lanes, before such  
25 construction;

1           “(D) reconstruction, resurfacing, restora-  
2           tion, rehabilitation, or replacement of a toll  
3           highway, bridge, or tunnel or approach thereto;

4           “(E) reconstruction or replacement of a  
5           toll-free bridge or tunnel and conversion of the  
6           bridge or tunnel to a toll facility;

7           “(F) reconstruction, restoration, or reha-  
8           bilitation of a toll-free Federal-aid highway  
9           (other than a highway on the Interstate Sys-  
10          tem) and conversion of the highway to a toll fa-  
11          cility;

12          “(G) reconstruction, restoration, or reha-  
13          bilitation of a highway on the Interstate System  
14          if the number of toll-free non-HOV lanes, ex-  
15          cluding auxiliary lanes, after reconstruction,  
16          restoration, or rehabilitation is not less than the  
17          number of toll-free non-HOV lanes, excluding  
18          auxiliary lanes, before reconstruction, restora-  
19          tion or rehabilitation;

20          “(H) conversion of a high occupancy vehi-  
21          cle lane on a highway, bridge, or tunnel to a toll  
22          facility; and

23          “(I) preliminary studies to determine the  
24          feasibility of a toll facility for which Federal

1 participation is authorized under this para-  
2 graph.

3 “(2) OWNERSHIP.—Each highway, bridge, tun-  
4 nel, or approach thereto constructed under this sub-  
5 section must—

6 “(A) be publicly owned; or

7 “(B) be privately owned if the public au-  
8 thority with jurisdiction over the highway,  
9 bridge, tunnel, or approach has entered into a  
10 contract with a private person or persons to de-  
11 sign, finance, construct, and operate the facility  
12 and the public authority will be responsible for  
13 complying with all applicable requirements of  
14 this title with respect to the facility.

15 “(3) LIMITATIONS ON USE OF REVENUES.—

16 “(A) IN GENERAL.—A public authority  
17 with jurisdiction over a toll facility shall use all  
18 toll revenues received from operation of the toll  
19 facility only for—

20 “(i) debt service with respect to the  
21 projects on or for which the tolls are au-  
22 thorized, including funding of reasonable  
23 reserves and debt service on refinancing;

24 “(ii) reasonable return on investment  
25 of any private person financing the project,

1 as determined by the State or interstate  
2 compact of States concerned;

3 “(iii) any costs necessary for the im-  
4 provement and proper operation and main-  
5 tenance of the toll facility, including recon-  
6 struction, resurfacing, restoration, and re-  
7 habilitation;

8 “(iv) if the toll facility is subject to a  
9 public-private partnership agreement, pay-  
10 ments that the party holding the right to  
11 toll revenues owes to the other party under  
12 the public-private partnership agreement;  
13 and

14 “(v) if the public authority certifies  
15 annually that the tolled facility is being  
16 adequately maintained, the public author-  
17 ity may use toll revenues for any other  
18 purpose for which Federal funds may be  
19 obligated by a State under this title.

20 “(B) ANNUAL AUDIT.—A public authority  
21 with jurisdiction over a toll facility shall con-  
22 duct or have an independent auditor conduct an  
23 annual audit of toll facility records to verify  
24 adequate maintenance and compliance with sub-  
25 paragraph (A), and report the results of such

1 audits to the Secretary. Upon reasonable notice,  
2 the public authority shall make all records of  
3 the public authority pertaining to the toll facil-  
4 ity available for audit by the Secretary.

5 “(C) NONCOMPLIANCE.—If the Secretary  
6 concludes that a public authority has not com-  
7 plied with the limitations on the use of revenues  
8 described in subparagraph (A), the Secretary  
9 may require the public authority to discontinue  
10 collecting tolls until an agreement with the Sec-  
11 retary is reached to achieve compliance with the  
12 limitation on the use of revenues described in  
13 subparagraph (A).

14 “(4) LIMITATIONS ON CONVERSION OF HIGH  
15 OCCUPANCY VEHICLE FACILITIES ON INTERSTATE  
16 SYSTEM.—

17 “(A) IN GENERAL.—A public authority  
18 with jurisdiction over a high occupancy vehicle  
19 facility on the Interstate System may undertake  
20 reconstruction, restoration, or rehabilitation  
21 under subsection (a)(1)(G) on the facility, and  
22 may levy tolls on vehicles, excluding high occu-  
23 pancy vehicles, using the reconstructed, re-  
24 stored, or rehabilitated facility, if the public au-  
25 thority—

1           “(i) in the case of a high occupancy  
2           vehicle facility that affects a metropolitan  
3           area, submits to the Secretary a written  
4           assurance that the metropolitan planning  
5           organization designated under section  
6           5203 of title 49 for the area has been con-  
7           sulted concerning the placement and  
8           amount of tolls on the converted facility;

9           “(ii) develops, manages, and main-  
10          tains a system that will automatically col-  
11          lect the toll; and

12          “(iii) establishes policies and proce-  
13          dures to—

14                 “(I) manage the demand to use  
15                 the facility by varying the toll amount  
16                 that is charged; and

17                 “(II) enforce sanctions for viola-  
18                 tions of use of the facility.

19          “(B) EXEMPTION FROM TOLLS.—In lev-  
20          ying tolls on a facility under subparagraph (A),  
21          a public authority may designate classes of ve-  
22          hicles that are exempt from the tolls or charge  
23          different toll rates for different classes of vehi-  
24          cles.

1           “(5) SPECIAL RULE FOR FUNDING.—In the  
2 case of a toll facility under the jurisdiction of a pub-  
3 lic authority of a State (other than the State trans-  
4 portation department), upon request of the State  
5 transportation department and subject to such terms  
6 and conditions as such department and public au-  
7 thority may agree, the Secretary, working through  
8 the State department of transportation, shall reim-  
9 burse such public authority for the Federal share of  
10 the costs of construction of the project carried out  
11 on the toll facility under this subsection in the same  
12 manner and to the same extent as such department  
13 would be reimbursed if such project was being car-  
14 ried out by such department. The reimbursement of  
15 funds under this paragraph shall be from sums ap-  
16 portioned to the State under this chapter and avail-  
17 able for obligations on projects on the Federal-aid  
18 system in such State on which the project is being  
19 carried out.

20           “(6) LIMITATION ON FEDERAL SHARE.—The  
21 Federal share payable for a project described in  
22 paragraph (1) shall be a percentage determined by  
23 the State but not to exceed 80 percent.

24           “(7) MODIFICATIONS.—If a public authority  
25 (including a State transportation department) with

1 jurisdiction over a toll facility subject to an agree-  
2 ment under this section or section 119(e), as in ef-  
3 fect on the day before the effective date of title I of  
4 the Intermodal Surface Transportation Efficiency  
5 Act of 1991, requests modification of such agree-  
6 ment, the Secretary shall modify such agreement to  
7 allow the continuation of tolls in accordance with  
8 paragraph (3) without repayment of Federal funds.

9 “(8) LOANS.—

10 “(A) IN GENERAL.—Using amounts made  
11 available under this title, a State may loan to  
12 a public or private entity constructing or pro-  
13 posing to construct under this section a toll fa-  
14 cility or non-toll facility with a dedicated rev-  
15 enue source an amount equal to all or part of  
16 the Federal share of the cost of the project if  
17 the project has a revenue source specifically  
18 dedicated to it. Dedicated revenue sources for  
19 non-toll facilities include excise taxes, sales  
20 taxes, motor vehicle use fees, tax on real prop-  
21 erty, tax increment financing, and such other  
22 dedicated revenue sources as the Secretary de-  
23 termines appropriate.

24 “(B) COMPLIANCE WITH FEDERAL  
25 LAWS.—As a condition of receiving a loan

1 under this paragraph, the public or private enti-  
2 ty that receives the loan shall ensure that the  
3 project will be carried out in accordance with  
4 this title and any other applicable Federal law,  
5 including any applicable provision of a Federal  
6 environmental law.

7 “(C) SUBORDINATION OF DEBT.—The  
8 amount of any loan received for a project under  
9 this paragraph may be subordinated to any  
10 other debt financing for the project.

11 “(D) OBLIGATION OF FUNDS LOANED.—  
12 Funds loaned under this paragraph may only  
13 be obligated for projects under this paragraph.

14 “(E) REPAYMENT.—The repayment of a  
15 loan made under this paragraph shall com-  
16 mence not later than 5 years after date on  
17 which the facility that is the subject of the loan  
18 is open to traffic.

19 “(F) TERM OF LOAN.—The term of a loan  
20 made under this paragraph shall not exceed 30  
21 years from the date on which the loan funds are  
22 obligated.

23 “(G) INTEREST.—A loan made under this  
24 paragraph shall bear interest at or below mar-  
25 ket interest rates, as determined by the State,

1 to make the project that is the subject of the  
2 loan feasible.

3 “(H) REUSE OF FUNDS.—Amounts repaid  
4 to a State from a loan made under this para-  
5 graph may be obligated—

6 “(i) for any purpose for which the  
7 loan funds were available under this title;  
8 and

9 “(ii) for the purchase of insurance or  
10 for use as a capital reserve for other forms  
11 of credit enhancement for project debt in  
12 order to improve credit market access or to  
13 lower interest rates for projects eligible for  
14 assistance under this title.

15 “(I) GUIDELINES.—The Secretary shall es-  
16 tablish procedures and guidelines for making  
17 loans under this paragraph.

18 “(9) STATE LAW PERMITTING TOLLING.—If a  
19 State does not have a highway, bridge, or tunnel toll  
20 facility as of the date of enactment of the American  
21 Energy and Infrastructure Jobs Act of 2012, before  
22 commencing any activity authorized under this sec-  
23 tion, the State must have in effect a law that per-  
24 mits tolling on a highway, bridge, or tunnel.

1           “(10) DEFINITIONS.—In this subsection, the  
2 following definitions apply:

3           “(A) HIGH OCCUPANCY VEHICLE; HOV.—

4           The term ‘high occupancy vehicle’ or ‘HOV’  
5 means a vehicle with no fewer than 2 occu-  
6 pants.

7           “(B) INITIAL CONSTRUCTION.—The term

8 ‘initial construction’ means the construction of  
9 a highway, bridge, tunnel, or other facility at  
10 any time before it is open to traffic and does  
11 not include any improvement to a highway,  
12 bridge, tunnel, or other facility after it is open  
13 to traffic.

14           “(C) PUBLIC AUTHORITY.—The term ‘pub-

15 lic authority’ means a State, interstate compact  
16 of States, or public entity designated by a  
17 State.

18           “(D) TOLL FACILITY.—The term ‘toll fa-

19 cility’ means a toll highway, bridge, or tunnel or  
20 approach thereto constructed under this sub-  
21 section.”.

22           (b) ELECTRONIC TOLL COLLECTION INTEROPER-  
23 ABILITY REQUIREMENTS.—Not later than 2 years after  
24 the date of enactment of this Act, all toll facilities on the  
25 Federal-aid highways shall implement technologies or

1 business practices that provide for the interoperability of  
2 electronic toll collection programs.

3 **SEC. 1205. HOV FACILITIES.**

4 (a) HOV EXCEPTIONS.—Section 166(b)(5) is amend-  
5 ed—

6 (1) in subparagraphs (A) and (B) by striking  
7 “2009” and inserting “2016”; and

8 (2) in subparagraph (C)—

9 (A) by striking “subparagraph (B)” and  
10 inserting “this paragraph”; and

11 (B) by inserting “or equal to” after “less  
12 than”.

13 (b) REQUIREMENTS APPLICABLE TO TOLLS.—Sec-  
14 tion 166(c)(3) is amended to read as follows:

15 “(3) TOLL REVENUE.—Toll revenue collected  
16 under this section is subject to the requirements of  
17 section 129(a)(3).”.

18 (c) HOV FACILITY MANAGEMENT, OPERATION,  
19 MONITORING, AND ENFORCEMENT.—Section 166(d)(2) is  
20 amended by adding at the end the following:

21 “(D) MAINTENANCE OF OPERATING PER-  
22 FORMANCE.—Not later than 6 months after a  
23 facility has been determined to be degraded  
24 pursuant to the standard specified in subpara-  
25 graph (B), the State agency with jurisdiction

1 over the facility shall bring the facility into  
2 compliance with the minimum average oper-  
3 ating speed performance standard through  
4 changes to operation of the facility, including—

5 “(i) increasing the occupancy require-  
6 ment for HOV lanes;

7 “(ii) varying the toll charged to vehi-  
8 cles allowed under subsection (b) to reduce  
9 demand;

10 “(iii) discontinuing allowing non-HOV  
11 vehicles to use HOV lanes under sub-  
12 section (b); or

13 “(iv) increasing the available capacity  
14 of the HOV facility;”.

15 **SEC. 1206. PUBLIC-PRIVATE PARTNERSHIPS.**

16 (a) **BEST PRACTICES.**—The Secretary shall compile,  
17 and make available to the public on the Internet Web site  
18 of the Department, best practices on how States, public  
19 transportation agencies, and other public officials can  
20 work with the private sector in the development, financing,  
21 construction, and operation of transportation facilities.

22 (b) **CONTENTS.**—The best practices shall include po-  
23 licies and techniques to ensure that the interests of the  
24 traveling public and State and local governments are pro-  
25 tected in any agreement entered into with the private sec-

1 tor for the development, financing, construction, and oper-  
2 ation of transportation facilities.

3 (c) TECHNICAL ASSISTANCE.—The Secretary, upon  
4 request, may provide technical assistance to States, public  
5 transportation agencies, and other public officials regard-  
6 ing proposed public-private partnership agreements for  
7 the development, financing, construction, and operation of  
8 transportation facilities, including assistance in analyzing  
9 whether the use of a public-private partnership agreement  
10 would provide value compared with traditional public de-  
11 livery methods.

12 (d) STANDARD TRANSACTION CONTRACTS.—

13 (1) DEVELOPMENT.—Not later than 18 months  
14 after the date of enactment of this Act, the Sec-  
15 retary shall develop standard public-private partner-  
16 ship transaction model contracts for the most pop-  
17 ular types of public-private partnerships for the de-  
18 velopment, financing, construction, and operation of  
19 transportation facilities.

20 (2) USE.—The Secretary shall encourage  
21 States, public transportation agencies, and other  
22 public officials to use the model contracts as a base  
23 template when developing their own public-private  
24 partnership agreements for the development, financ-

1 ing, construction, and operation of transportation fa-  
 2 cilities.

### 3 **Subtitle C—Highway Safety**

#### 4 **SEC. 1301. HIGHWAY SAFETY IMPROVEMENT PROGRAM.**

5 Section 148 is amended to read as follows:

#### 6 **“§ 148. Highway safety improvement program**

7 “(a) DEFINITIONS.—In this section, the following  
 8 definitions apply:

9 “(1) HIGHWAY SAFETY IMPROVEMENT PRO-  
 10 GRAM.—The term ‘highway safety improvement pro-  
 11 gram’ means the program carried out under this sec-  
 12 tion.

13 “(2) HIGHWAY SAFETY IMPROVEMENT  
 14 PROJECT.—The term ‘highway safety improvement  
 15 project’ means a project consistent with an applica-  
 16 ble State strategic highway safety plan that—

17 “(A) corrects or improves a roadway fea-  
 18 ture that constitutes a hazard to any road  
 19 users; or

20 “(B) addresses any other highway safety  
 21 problem.

22 “(3) PROJECT TO MAINTAIN MINIMUM LEVELS  
 23 OF RETROREFLECTIVITY.—The term ‘project to  
 24 maintain minimum levels of retroreflectivity’ means  
 25 a project undertaken pursuant to the provisions of

1 the Manual on Uniform Traffic Control Devices that  
2 require the use of an assessment or management  
3 method designed to maintain highway sign or pave-  
4 ment marking retroreflectivity at or above minimum  
5 levels prescribed in the Manual.

6 “(4) ROAD USERS.—The term ‘road users’  
7 means motor vehicle drivers and passengers, public  
8 transportation operators and users, truck drivers,  
9 bicyclists, motorcyclists, and pedestrians, including  
10 persons with disabilities.

11 “(5) SAFETY DATA.—The term ‘safety data’ in-  
12 cludes crash, roadway, driver licensing, and traffic  
13 data with respect to all public roads and, for high-  
14 way-rail grade crossings, data on the characteristics  
15 of highway and train traffic.

16 “(6) SAFETY PROJECT UNDER ANY OTHER SEC-  
17 TION.—

18 “(A) IN GENERAL.—The term ‘safety  
19 project under any other section’ means a  
20 project carried out for the purpose of safety  
21 under any other section of this title.

22 “(B) INCLUSION.—The term ‘safety  
23 project under any other section’ includes—

24 “(i) projects consistent with an appli-  
25 cable State strategic highway safety plan

1           that promote the awareness of the public  
2           and educate the public concerning highway  
3           safety matters (including motorcycle safe-  
4           ty);

5           “(ii) projects to enforce highway safe-  
6           ty laws; and

7           “(iii) projects to provide infrastruc-  
8           ture and equipment to support emergency  
9           services.

10           “(7) STATE HIGHWAY SAFETY IMPROVEMENT  
11           PROGRAM.—The term ‘State highway safety im-  
12           provement program’ means a program of highway  
13           safety improvement projects carried out as part of  
14           the statewide transportation improvement program  
15           under section 5204(g) of title 49.

16           “(8) STATE STRATEGIC HIGHWAY SAFETY  
17           PLAN.—The term ‘State strategic highway safety  
18           plan’ means a comprehensive, data-driven safety  
19           plan developed in accordance with subsection (c)(2).

20           “(b) IN GENERAL.—The Secretary shall carry out a  
21           highway safety improvement program that is consistent  
22           with achieving a significant reduction in traffic fatalities  
23           and serious injuries on all public roads.

24           “(c) STATE HIGHWAY SAFETY IMPROVEMENT PRO-  
25           GRAMS.—

1           “(1) IN GENERAL.—To obligate funds appor-  
2           tioned under section 104(b)(5) to carry out this sec-  
3           tion, a State shall have in effect a State highway  
4           safety improvement program that—

5                   “(A) includes a set of projects that are  
6                   consistent with the State strategic highway  
7                   safety plan of the State;

8                   “(B) satisfies the requirements of this sec-  
9                   tion; and

10                   “(C) is consistent with the State’s state-  
11                   wide transportation improvement program  
12                   under section 5204(g) of title 49.

13           “(2) STRATEGIC HIGHWAY SAFETY PLAN.—As  
14           part of the State highway safety improvement pro-  
15           gram of the State, each State shall have in effect,  
16           update at least every 2 years, and submit to the Sec-  
17           retary a State strategic highway safety plan that—

18                   “(A) is developed after consultation with—

19                           “(i) a highway safety representative of  
20                           the Governor of the State;

21                           “(ii) regional transportation planning  
22                           organizations and metropolitan planning  
23                           organizations, if any;

24                           “(iii) representatives of major modes  
25                           of transportation;

1           “(iv) State and local traffic enforce-  
2           ment officials;

3           “(v) representatives of entities con-  
4           ducting a Federal or State motor carrier  
5           safety program;

6           “(vi) motor vehicle administration  
7           agencies;

8           “(vii) a highway-rail grade crossing  
9           safety representative of the Governor of  
10          the State; and

11          “(viii) other major Federal, State,  
12          tribal, regional, and local safety stake-  
13          holders;

14          “(B) is approved by the Governor of the  
15          State or a responsible State agency;

16          “(C) defines State safety goals, including  
17          with respect to performance measures estab-  
18          lished under section 5206 of title 49;

19          “(D) addresses engineering, management,  
20          operation, education, enforcement, and emer-  
21          gency services elements of highway safety (in-  
22          cluding integrated, interoperable emergency  
23          communications) as key factors in evaluating  
24          highway projects;

1           “(E) analyzes and makes effective use of  
2 State, regional, and local safety data, including  
3 data from the safety data system required  
4 under subsection (e);

5           “(F) considers the results of Federal,  
6 State, regional, and local transportation and  
7 highway safety planning processes; and

8           “(G) considers the safety needs of, and  
9 high-fatality segments of, public roads.

10       “(3) IMPLEMENTATION.—

11           “(A) IDENTIFICATION AND ANALYSIS OF  
12 HIGHWAY SAFETY PROBLEMS AND OPPORTUNI-  
13 TIES.—As part of the State highway safety im-  
14 provement program of the State, each State  
15 shall, including through use of the safety data  
16 system required under subsection (e)—

17           “(i) identify roadway features that  
18 constitute a hazard to road users;

19           “(ii) identify highway safety improve-  
20 ment projects on the basis of crash history  
21 (including crash rates), crash potential, or  
22 other data-supported means;

23           “(iii) establish the relative severity of  
24 the risks of roadway features based on  
25 crash, injury, fatality, traffic volume, and

1 other relevant data (including the number  
2 and rates of crashes, injuries, and fatali-  
3 ties);

4 “(iv) consider whether highway safety  
5 improvement projects maximize opportuni-  
6 ties to advance safety; and

7 “(v) in conjunction with the National  
8 Highway Traffic Safety Administration  
9 and the Federal Motor Carrier Safety Ad-  
10 ministration, evaluate the progress made  
11 each year in achieving State safety goals  
12 identified in the State strategic highway  
13 safety plan.

14 “(B) SCHEDULE OF HIGHWAY SAFETY IM-  
15 PROVEMENT PROJECTS.—As part of the State  
16 highway safety improvement program of the  
17 State, each State shall, including through use  
18 of the safety data system required under sub-  
19 section (e)—

20 “(i) identify highway safety improve-  
21 ment projects;

22 “(ii) determine priorities for the cor-  
23 rection of roadway features that constitute  
24 a hazard to road users as identified  
25 through safety data analysis; and

1           “(iii) establish and implement a  
2           schedule of highway safety improvement  
3           projects to address roadway features iden-  
4           tified as constituting a hazard to road  
5           users.

6           “(4) ELIGIBLE PROJECTS.—

7           “(A) IN GENERAL.—A State may obligate  
8           funds apportioned to the State under section  
9           104(b)(5) to carry out—

10           “(i) any highway safety improvement  
11           project on any public road or publicly  
12           owned pathway or trail;

13           “(ii) any project to put in effect or  
14           improve the safety data system required  
15           under subsection (e), without regard to  
16           whether the project is included in an appli-  
17           cable State strategic highway safety plan;

18           “(iii) any project to maintain min-  
19           imum levels of retroreflectivity with respect  
20           to a public road, without regard to whether  
21           the project is included in an applicable  
22           State strategic highway safety plan; or

23           “(iv) as provided in subsection (d),  
24           other projects.

1           “(B) USE OF OTHER FUNDING FOR SAFE-  
2           TY IMPROVEMENT PROJECTS.—

3           “(i) EFFECT OF SECTION.—Nothing  
4           in this section prohibits the use of funds  
5           made available under other provisions of  
6           this title for highway safety improvement  
7           projects.

8           “(ii) USE OF OTHER FUNDS.—States  
9           are encouraged to address the full scope of  
10          their safety needs and opportunities by  
11          using, for a highway safety improvement  
12          project, funds made available under other  
13          provisions of this title (except a provision  
14          that specifically prohibits that use).

15          “(C) AUTOMATED TRAFFIC ENFORCEMENT  
16          SYSTEMS.—

17          “(i) PROHIBITION.—A State may not  
18          obligate funds apportioned to the State  
19          under section 104(b) to carry out any pro-  
20          gram to purchase, operate, or maintain an  
21          automated traffic enforcement system.

22          “(ii) AUTOMATED TRAFFIC ENFORCE-  
23          MENT SYSTEM DEFINED.—In this subpara-  
24          graph, the term ‘automated traffic enforce-

1           ment system’ means automated technology  
2           that monitors compliance with traffic laws.

3           “(5) UPDATED STATE STRATEGIC HIGHWAY  
4 SAFETY PLAN REQUIRED.—

5           “(A) IN GENERAL.—A State may obligate  
6 funds apportioned to the State under section  
7 104(b)(5) for the second fiscal year beginning  
8 after the date of enactment of the American  
9 Energy and Infrastructure Jobs Act of 2012  
10 only if the State has in effect and has sub-  
11 mitted to the Secretary an updated State stra-  
12 tegic highway safety plan that satisfies require-  
13 ments under this subsection.

14           “(B) TRANSITION.—Before the second fis-  
15 cal year beginning after the date of enactment  
16 of the American Energy and Infrastructure  
17 Jobs Act of 2012, a State may obligate funds  
18 apportioned to the State under section  
19 104(b)(5) in a manner consistent with a State  
20 strategic highway safety plan of the State devel-  
21 oped before such date of enactment.

22           “(d) FLEXIBLE FUNDING.—To further the imple-  
23 mentation of a State strategic highway safety plan and  
24 the achievement of performance measures established  
25 under section 5206 of title 49, a State may use not more

1 than 10 percent of the funds apportioned to the State  
2 under section 104(b)(5) for a fiscal year to carry out safe-  
3 ty projects under any other section if—

4 “(1) the use is consistent with the State stra-  
5 tegic highway safety plan of the State; and

6 “(2) the State certifies to the Secretary that  
7 the funds are being used for the most effective  
8 projects for making progress toward achieving per-  
9 formance measures established under section 5206  
10 of title 49.

11 “(e) SAFETY DATA SYSTEM.—

12 “(1) IN GENERAL.—Not later than 1 year after  
13 the date of enactment of the American Energy and  
14 Infrastructure Jobs Act of 2012, each State, as part  
15 of the State highway safety improvement program of  
16 the State, shall have in effect a safety data system  
17 to—

18 “(A) collect and maintain a record of safe-  
19 ty data with respect to all public roads in the  
20 State;

21 “(B) advance the capabilities of the State  
22 with respect to safety data collection, analysis,  
23 and integration;

24 “(C) identify roadway features that con-  
25 stitute a hazard to road users; and

1           “(D) perform safety problem identification  
2           and countermeasure analysis.

3           “(2) IMPROVEMENT EFFORTS.—Each State  
4           shall carry out projects, as needed, to ensure that  
5           the safety data system of the State enhances—

6           “(A) the timeliness, accuracy, complete-  
7           ness, uniformity, and accessibility of safety data  
8           with respect to all public roads in the State;

9           “(B) the ability of the State to integrate  
10          all safety data collected throughout the State;

11          “(C) the ability of State and national safe-  
12          ty data systems to be compatible and interoper-  
13          able;

14          “(D) the ability of the Secretary to observe  
15          and analyze national trends in crash rates, out-  
16          comes, and circumstances; and

17          “(E) the collection of data on crashes that  
18          involve a bicyclist or pedestrian.

19          “(3) EVALUATION OF IMPROVEMENT EF-  
20          FORTS.—Each State shall collect and maintain a  
21          record of projects undertaken to improve the safety  
22          data system of the State and shall evaluate the ef-  
23          fectiveness of such projects.

1       “(f) TRANSPARENCY.—A State shall make all plans  
2 and reports submitted to the Secretary under this section  
3 available to the public through—

4               “(1) the Internet Web site of the State trans-  
5 portation department of the State; or

6               “(2) such other means as the Secretary deter-  
7 mines to be appropriate.

8       “(g) DISCOVERY AND ADMISSION INTO EVIDENCE OF  
9 CERTAIN REPORTS, SURVEYS, AND INFORMATION.—Not-  
10 withstanding any other provision of law, reports, surveys,  
11 schedules, lists, or data compiled or collected for any pur-  
12 pose directly relating to this section, or published in ac-  
13 cordance with subsection (f), shall not be subject to dis-  
14 covery or admitted into evidence in a Federal or State  
15 court proceeding or considered for other purposes in any  
16 action for damages arising from any occurrence at a loca-  
17 tion identified or addressed in such reports, surveys,  
18 schedules, lists, or other data.

19       “(h) FEDERAL SHARE OF HIGHWAY SAFETY IM-  
20 PROVEMENT PROJECTS.—The Federal share of the cost  
21 of a highway safety improvement project carried out with  
22 funds apportioned to a State under section 104(b)(5) shall  
23 be 90 percent, unless a Federal share exceeding 90 per-  
24 cent would apply to the project under section 120 or  
25 130.”.

1 **SEC. 1302. RAILWAY-HIGHWAY CROSSINGS.**

2 (a) TRANSPARENCY OF STATE SURVEYS AND SCHED-  
3 ULES WITH RESPECT TO RAILWAY-HIGHWAY CROSS-  
4 INGS.—

5 (1) SURVEY AND SCHEDULE OF PROJECTS.—

6 Section 130(d) is amended by adding at the end the  
7 following: “Each State shall make the surveys con-  
8 ducted and schedules implemented under this sub-  
9 section available to the public on an appropriate  
10 Internet Web site of the State.”.

11 (2) EFFECTIVE DATE.—The amendment made  
12 by paragraph (1) shall take effect 1 year after the  
13 date of enactment of this Act.

14 (b) RAILWAY-HIGHWAY CROSSING INFORMATION.—

15 Section 130 is amended by adding at the end the fol-  
16 lowing:

17 “(m) RAILWAY-HIGHWAY CROSSING INFORMA-  
18 TION.—

19 “(1) PRIORITY LISTS AND ACTION PLANS.—

20 “(A) IN GENERAL.—Not later than 1 year  
21 after the date of enactment of this subsection,  
22 each State shall compile and submit to the Sec-  
23 retary a report that includes—

24 “(i) a list of the 10 railway-highway  
25 crossings in the State that have the great-  
26 est need for safety improvements;

1           “(ii) an action plan that identifies  
2           projects and activities the State plans to  
3           carry out to improve safety at those rail-  
4           way-highway crossings; and

5           “(iii) a list of projects and activities  
6           the State carried out to improve safety at  
7           those railway-highway crossings during the  
8           2-year period ending on the date on which  
9           the report is submitted to the Secretary.

10          “(B) UPDATES.—Each State shall update  
11          and submit to the Secretary, at least once every  
12          2 years, the report of that State under subpara-  
13          graph (A).

14          “(2) PUBLICATION OF REPORTS ON U.S. DOT  
15          WEB SITE.—The Secretary shall make the reports  
16          submitted under paragraph (1) available to the pub-  
17          lic on the Internet Web site of the Department of  
18          Transportation.

19          “(3) PUBLICATION OF REPORTS ON STATE WEB  
20          SITES.—Each State shall make the reports compiled  
21          under paragraph (1) available to the public on an  
22          appropriate Internet Web site of the State.

23          “(4) LIMITATION ON USE OF DATA IN JUDICIAL  
24          PROCEEDINGS.—Notwithstanding any other provi-  
25          sion of law, any report, review, survey, schedule, list,

1 data, information, or document of any kind compiled  
2 or collected pursuant to this subsection, including  
3 for the purpose of identifying, evaluating, or plan-  
4 ning the safety enhancement of a potential accident  
5 site or railway-highway crossing pursuant to this  
6 section, shall not be subject to discovery or admitted  
7 into evidence in a Federal or State court proceeding  
8 or considered for other purposes in any action for  
9 damages arising from any occurrence at a location  
10 mentioned or addressed in such report, review, sur-  
11 vey, schedule, list, data, information, or document.

12 “(5) NONCOMPLIANCE.—If the Secretary deter-  
13 mines that a State is not in compliance with require-  
14 ments under this subsection, the Secretary may  
15 withhold funding that would otherwise be appor-  
16 tioned to that State under this section.”.

17 **SEC. 1303. HIGHWAY WORKER SAFETY.**

18 (a) POSITIVE PROTECTIVE MEASURES.—Not later  
19 than 60 days after the date of enactment of this Act, the  
20 Secretary shall modify section 630.1108(a) of title 23,  
21 Code of Federal Regulations, to ensure that—

22 (1) at a minimum, positive protective measures  
23 are used to separate workers on highway construc-  
24 tion projects from motorized traffic in all work zones  
25 where traffic is present and where workers have no

1 means of escape, including tunnels and bridges, un-  
2 less an engineering analysis determines such meas-  
3 ures are not necessary;

4 (2) temporary longitudinal traffic barriers are  
5 used to protect workers on highway construction  
6 projects in stationary work zones lasting 2 weeks or  
7 more if traffic is present, the traffic will be traveling  
8 at a speed of 45 miles per hour or more, and the  
9 nature of the work requires workers to be within 1  
10 lane-width from the edge of a live travel lane, un-  
11 less—

12 (A) an engineering analysis determines  
13 such barriers are not necessary; or

14 (B) the project is located—

15 (i) in a State with a population den-  
16 sity of 20 or fewer persons per square  
17 mile;

18 (ii) outside of an urbanized area; and

19 (iii) on a roadway with an annual av-  
20 erage daily traffic load that is less than  
21 100 vehicles per hour; and

22 (3) when positive protective measures are nec-  
23 essary for a highway construction project, such  
24 measures are paid for on a unit pay basis, unless  
25 doing so would create a conflict with innovative con-

1       tracting approaches, including a design-build con-  
2       tract or a performance-based contract, under which  
3       the contractor is paid to assume a certain risk allo-  
4       cation and payment is generally made on a lump  
5       sum basis.

6       (b) APPAREL.—Not later than 180 days after the  
7       date of enactment of this Act, the Secretary shall modify  
8       regulations issued pursuant to section 1402 of  
9       SAFETEA-LU (23 U.S.C. 401 note)—

10           (1) to allow fire services personnel, who are  
11       subject to the regulations, to wear apparel meeting  
12       the high visibility requirements set forth in NFPA  
13       1971–2007 (Standard on Protective Ensembles for  
14       Structural Fire Fighting and Proximity Fire Fight-  
15       ing); and

16           (2) to not require such personnel to wear ap-  
17       parel meeting requirements set forth in ANSI/ISEA  
18       107–2004.

## 19       **Subtitle D—Freight Mobility**

### 20       **SEC. 1401. NATIONAL FREIGHT POLICY.**

21       (a) DEVELOPMENT.—Not later than 1 year after the  
22       date of enactment of this Act, and every 5 years there-  
23       after, the Secretary, in consultation with interested public  
24       and private sector freight stakeholders, including rep-  
25       resentatives of ports, shippers, carriers, freight-related as-

1 sociations, State transportation departments, and local  
2 governments, shall develop a 5-year National Freight Pol-  
3 icy.

4 (b) CONTENTS.—The National Freight Policy shall—

5 (1) specify goals, objectives, and milestones  
6 with respect to the expansion of freight transpor-  
7 tation capacity and the improvement of freight  
8 transportation infrastructure in the United States;

9 (2) specify programs, strategies, and projects  
10 that will assist in achieving the goals, objectives, and  
11 milestones specified under paragraph (1);

12 (3) specify the manner in which the programs,  
13 strategies, and projects specified under paragraph  
14 (2) will achieve the goals, objectives, and milestones  
15 specified under paragraph (1), including with respect  
16 to a 5-year timeframe for meeting the goals, objec-  
17 tives, and milestones;

18 (4) identify protocols to promote and ensure the  
19 implementation of the National Freight Policy; and

20 (5) identify a cooperative process, which in-  
21 cludes State and local governments, for imple-  
22 menting the National Freight Policy.

23 (c) GOALS.—In developing the National Freight Pol-  
24 icy, the Secretary shall consider the goals of—

1           (1) investing in freight transportation infra-  
2           structure to strengthen the economic competitiveness  
3           of the United States, reduce congestion, and in-  
4           crease productivity, particularly with respect to do-  
5           mestic industries and businesses that create high-  
6           value jobs;

7           (2) improving and maintaining existing freight  
8           transportation infrastructure to ensure that infra-  
9           structure meets appropriate standards;

10          (3) expanding the capacity of freight transpor-  
11          tation infrastructure to meet future demand;

12          (4) incorporating concepts of performance, in-  
13          novation, competition, and accountability into the  
14          operation and maintenance of freight transportation  
15          infrastructure;

16          (5) increasing the usage and number of strate-  
17          gically-located, multi-modal freight transportation  
18          facilities to reduce congestion and emissions relating  
19          to highways in the United States;

20          (6) improving the safety of freight transpor-  
21          tation;

22          (7) implementing new technologies to improve  
23          the coordination and efficiency of the movement of  
24          freight throughout the United States; and

1           (8) improving methods for incorporating inter-  
2           national trade estimates into transportation plan-  
3           ning.

4           (d) REPORTING.—The Secretary shall include the  
5           National Freight Policy in the National Strategic Trans-  
6           portation Plan developed under section 5205 of title 49,  
7           United States Code.

8           (e) COMMODITY FLOW SURVEY.—The Secretary, in  
9           consultation with other relevant Federal agencies, shall  
10          make changes to the commodity flow survey (conducted  
11          by the Bureau of Transportation Statistics pursuant to  
12          section 111(c)(5) of title 49, United States Code) that the  
13          Secretary determines will reduce identified freight data  
14          gaps and deficiencies and assist in the evaluation of fore-  
15          casts of transportation demand.

16          **SEC. 1402. STATE FREIGHT ADVISORY COMMITTEES.**

17          (a) IN GENERAL.—The Secretary shall encourage  
18          each State to establish a freight advisory committee con-  
19          sisting of a representative cross-section of public and pri-  
20          vate sector freight stakeholders, including representatives  
21          of ports, shippers, carriers, freight-related associations,  
22          the State’s transportation department, and local govern-  
23          ments.

24          (b) ROLE OF COMMITTEE.—A freight advisory com-  
25          mittee described in subsection (a) shall—

1           (1) advise the State on freight-related priorities,  
2           issues, projects, and funding needs;

3           (2) serve as a forum for discussion for State  
4           transportation decisions affecting freight mobility;

5           (3) communicate and coordinate regional prior-  
6           ities with other organizations;

7           (4) promote the sharing of information between  
8           the private and public sectors on freight issues; and

9           (5) participate in the development of the State's  
10          freight plan described in section 1403 of this Act.

11 **SEC. 1403. STATE FREIGHT PLANS.**

12          (a) **IN GENERAL.**—The Secretary shall encourage  
13          each State to develop a freight plan that provides a com-  
14          prehensive plan for the State's immediate and long-range  
15          planning activities and investments with respect to freight.

16          (b) **PLAN CONTENTS.**—A freight plan described in  
17          subsection (a) shall include, at a minimum—

18               (1) an identification of significant freight sys-  
19               tem trends, needs, and issues with respect to the  
20               State;

21               (2) a description of the freight policies, strate-  
22               gies, and performance measures that will guide the  
23               State's freight-related transportation investment de-  
24               cisions;

1           (3) evidence of consideration of innovative tech-  
2 nologies and operational strategies, including intel-  
3 ligent transportation systems, that improve the safe-  
4 ty and efficiency of freight movement; and

5           (4) for routes on which travel by heavy vehicles,  
6 including mining, agricultural, and timber vehicles,  
7 is projected to substantially deteriorate the condition  
8 of roadways, a description of improvements that may  
9 be required to reduce or impede such deterioration.

10       (c) RELATIONSHIP TO LONG-RANGE PLAN.—A  
11 freight plan described in subsection (a) may be developed  
12 separate from or incorporated into the statewide strategic  
13 long-range transportation plan required by section 5204  
14 of title 49, United States Code.

15 **SEC. 1404. TRUCKING PRODUCTIVITY.**

16       (a) WEIGHT LIMITATIONS.—Section 127(a) is  
17 amended by adding at the end the following:

18           “(13) A State may allow, by special permit, the  
19 operation of vehicles with a gross vehicle weight of  
20 up to 126,000 pounds, and with loads conforming to  
21 such single axle, tandem axle, and bridge formula  
22 limits as may be established by the State, on a seg-  
23 ment on the Interstate System in the State that is  
24 not more than 25 miles in length.”.

1 (b) LONGER COMBINATION VEHICLES.—Section  
2 127(d) is amended by adding at the end the following:

3 “(6) OPERATIONS ON SPECIFIC ROUTES.—

4 “(A) IN GENERAL.—If, as of the date of  
5 enactment of this paragraph, a State has au-  
6 thority under paragraph (1) to allow longer  
7 combination vehicles to operate in the State, the  
8 State may allow, in addition to such operations,  
9 the operation of longer combination vehicles on  
10 additional routes in the State.

11 “(B) DETERMINATIONS BY THE SEC-  
12 RETARY.—The Secretary may prohibit the oper-  
13 ation of a longer combination vehicle under sub-  
14 paragraph (A) if the Secretary determines that  
15 the operation poses an unreasonable safety risk  
16 based on an analysis of engineering data, safety  
17 data, or other applicable data.”.

18 (c) ADDITIONAL VEHICLE WEIGHT PROVISIONS.—  
19 Section 127 is amended by adding at the end the fol-  
20 lowing:

21 “(i) AUTOMOBILE TRANSPORTERS LIMITATIONS.—

22 “(1) IN GENERAL.—A State may not prohibit  
23 the operation of an automobile transporter with a  
24 gross weight of 88,000 pounds or less on—

1           “(A) any segment of the Interstate System  
2           (except a segment exempted under section  
3           31111(f) of title 49); or

4           “(B) those classes of qualifying Federal-  
5           aid primary highways designated by the Sec-  
6           retary under section 31111(e) of title 49.

7           “(2) REASONABLE ACCESS.—A State may not  
8           enact or enforce a law denying reasonable access to  
9           automobile transporters, to and from highways de-  
10          scribed in paragraph (1), to loading or unloading  
11          points or facilities for food, fuel, repair, or rest.

12          “(3) AXLE WEIGHT TOLERANCE.—A State shall  
13          allow an automobile transporter a tolerance of no  
14          more than 10 percent on axle weight limitations set  
15          forth in subsection (a).

16          “(4) AUTOMOBILE TRANSPORTER DEFINED.—  
17          In this subsection, the term ‘automobile transporter’  
18          has the meaning given that term in section 31111(a)  
19          of title 49.

20          “(j) ADDITIONAL EXCEPTION TO WEIGHT REQUIRE-  
21          MENTS.—

22          “(1) EXCEPTION FOR CERTAIN VEHICLES.—

23                  “(A) IN GENERAL.—A State may allow the  
24                  maximum gross weight, including all enforce-  
25                  ment tolerances, for a vehicle using Interstate

1 System routes in the State to exceed the max-  
2 imum gross weight otherwise applicable under  
3 subsection (a), if—

4 “(i) the vehicle is equipped with at  
5 least 6 axles;

6 “(ii) the weight of any single axle on  
7 the vehicle does not exceed 20,000 pounds,  
8 including enforcement tolerances;

9 “(iii) the weight of any tandem axle  
10 on the vehicle does not exceed 34,000  
11 pounds, including enforcement tolerances;

12 “(iv) the weight of any group of 3 or  
13 more axles on the vehicle does not exceed  
14 51,000 pounds, including enforcement tol-  
15 erances; and

16 “(v) the gross weight of the vehicle  
17 does not exceed 97,000 pounds, including  
18 enforcement tolerances.

19 “(B) DETERMINATIONS BY THE SEC-  
20 RETARY.—The Secretary may prohibit the oper-  
21 ation of a vehicle under subparagraph (A) if the  
22 Secretary determines that the operation poses  
23 an unreasonable safety risk based on an anal-  
24 ysis of engineering data, safety data, or any  
25 other applicable data the Secretary may use.

1 “(2) SPECIAL RULES.—

2 “(A) SPECIAL EXCEPTION FOR CERTAIN  
3 STATES.—This subsection does not—

4 “(i) apply to a vehicle exceeding the  
5 maximum gross weight requirements under  
6 subsection (a) that could have operated  
7 lawfully in a State before the date of en-  
8 actment of this subsection; or

9 “(ii) otherwise restrict a vehicle that  
10 may lawfully operate under another provi-  
11 sion of this section.

12 “(B) INCREASE IN AXLE WEIGHT RE-  
13 QUIREMENT.—A State may authorize a vehicle  
14 to exceed the maximum axle weight requirement  
15 that applies to any one of the axle groupings  
16 described in clauses (ii), (iii), and (iv) of para-  
17 graph (1)(A) by not more than 2,000 pounds.

18 “(3) AUTHORITY TO COLLECT FEES.—

19 “(A) GENERAL AUTHORITY.—The Sec-  
20 retary shall establish and collect a fee for vehi-  
21 cles allowed to operate on Interstate System  
22 routes under paragraph (1).

23 “(B) AMOUNT TO BE COLLECTED.—The  
24 fee established under this paragraph shall equal  
25 as nearly as possible the pro rata share of the

1 increased costs, if any, to the Interstate System  
2 attributable to the operation of vehicles de-  
3 scribed in paragraph (1) on the Interstate Sys-  
4 tem.

5 “(C) DEPOSIT.—The Secretary shall de-  
6 posit the amounts collected in fees under this  
7 paragraph in the Highway Trust Fund (other  
8 than the Alternative Transportation Account).

9 “(k) SPECIAL PERMITS DURING PERIODS OF EMER-  
10 GENCY.—

11 “(1) IN GENERAL.—A State may issue special  
12 permits with respect to a major disaster or emer-  
13 gency declared under the Robert T. Stafford Dis-  
14 aster Relief and Emergency Assistance Act (42  
15 U.S.C. 5121 et seq.) to overweight vehicles and  
16 loads that can be easily dismantled or divided allow-  
17 ing operations on the Interstate System that would  
18 otherwise be prohibited under subsection (a), if—

19 “(A) the permits are issued in accordance  
20 with State law; and

21 “(B) the permits are issued exclusively to  
22 vehicles and loads that are delivering relief sup-  
23 plies in response to the major disaster or emer-  
24 gency.

1           “(2) EXPIRATION.—A permit issued with re-  
2           spect to a major disaster or emergency under para-  
3           graph (1) shall expire not later than 120 days after  
4           the date of the declaration of the major disaster or  
5           emergency as described in paragraph (1).

6           “(1) EMERGENCY VEHICLES.—

7           “(1) IN GENERAL.—Notwithstanding subsection  
8           (a), a State may not enforce against an emergency  
9           vehicle a weight limit of—

10                   “(A) less than 24,000 pounds on a single  
11                   steering axle;

12                   “(B) less than 33,500 pounds on a single  
13                   drive axle;

14                   “(C) less than 62,000 pounds on a tandem  
15                   axle; or

16                   “(D) less than 52,000 pounds on a tandem  
17                   rear drive steer axle, up to a maximum gross  
18                   vehicle weight of 86,000 pounds.

19           “(2) EMERGENCY VEHICLE DEFINED.—In this  
20           subsection, the term ‘emergency vehicle’ means a ve-  
21           hicle designed to be used under emergency condi-  
22           tions—

23                   “(A) to transport personnel and equip-  
24                   ment; and

1           “(B) to support the suppression of fires or  
2           mitigation of other hazardous situations.”.

3           (d) WAIVER OF HIGHWAY FUNDING REDUCTION.—

4           The total amount of funds apportioned to a State under  
5           section 104(b)(1) of title 23, United States Code, for any  
6           period may not be reduced under section 127(a) of such  
7           title on the basis that the State authorizes a vehicle to  
8           operate on the Interstate System in the State in accord-  
9           ance with the amendments made by this section.

10          (e) LENGTH LIMITATIONS.—Section 31111 of title  
11          49, United States Code, is amended—

12           (1) in subsection (a) by adding at the end the  
13           following:

14           “(5) TRAILER TRANSPORTER TOWING UNIT.—

15           The term ‘trailer transporter towing unit’ means a  
16           power unit that is not used to carry property when  
17           operating in a towaway trailer transporter combina-  
18           tion.

19           “(6) TOWAWAY TRAILER TRANSPORTER COM-

20           BINATION.—The term ‘towaway trailer transporter  
21           combination’ means a combination of vehicles con-  
22           sisting of a trailer transporter towing unit and 2  
23           trailers or semitrailers—

24           “(A) with a total weight that does not ex-  
25           ceed 26,000 pounds; and

1           “(B) in which the trailers or semitrailers  
2           carry no property and constitute inventory  
3           property of a manufacturer, distributor, or  
4           dealer of such trailers or semitrailers.”; and  
5           (2) in subsection (b)(1)—

6           (A) by striking subparagraph (A) and in-  
7           serting the following:

8           “(A) imposes a vehicle length limitation, on any  
9           segment of the Dwight D. Eisenhower System of  
10          Interstate and Defense Highways (except a segment  
11          exempted under subsection (f)) and those classes of  
12          qualifying Federal-aid primary system highways des-  
13          ignated by the Secretary of Transportation under  
14          subsection (e), of—

15                 “(i) less than 45 feet on a bus;

16                 “(ii) less than 53 feet on a semitrailer op-  
17                 erating in a truck tractor-semitrailer combina-  
18                 tion; or

19                 “(iii) notwithstanding section 31112, less  
20                 than 33 feet on a semitrailer or trailer oper-  
21                 ating in a truck tractor-semitrailer-trailer com-  
22                 bination;”;

23           (B) in subparagraph (E) by striking “; or”  
24           and inserting a semicolon;

1 (C) in subparagraph (F) by striking the  
2 period at the end and inserting a semicolon;  
3 and

4 (D) by adding at the end the following:

5 “(G) imposes a vehicle length limitation of less  
6 than 80 feet on a stinger steered automobile trans-  
7 porter with a rear overhand of less than 6 feet;

8 “(H) has the effect of imposing an overall  
9 length limitation of less than 82 feet on a towaway  
10 trailer transporter combination;

11 “(I) imposes a limitation of less than 46 feet on  
12 the distance from the kingpin to the center of the  
13 rear axle on a trailer used exclusively or primarily  
14 for the transport of livestock; or

15 “(J) has the effect of prohibiting the use of a  
16 device designed by a bus manufacturer to affix to  
17 the rear of an intercity bus purchased after October  
18 1, 2012, for use in carrying passenger baggage, if  
19 the device does not result in the bus exceeding 47  
20 feet in total length.”.

21 (f) PROPERTY-CARRYING UNIT LIMITATION.—Sec-  
22 tion 31112 of title 49, United States Code, is amended—

23 (1) in subsection (a)(1) by striking the period  
24 at the end and inserting “, but not including a trail-  
25 er or semitrailer transported as part of a towaway

1 trailer transporter combination as defined in section  
2 31111(a).”; and

3 (2) by adding at the end the following:

4 “(h) ADDITIONAL OPERATIONS.—

5 “(1) IN GENERAL.—If, as of the date of enact-  
6 ment of this subsection, a State has authority under  
7 subsection (b) or (c) to allow a commercial motor ve-  
8 hicle combination with more than one property-car-  
9 rying unit (not including the truck tractor) to oper-  
10 ate in the State, the State may allow, in addition to  
11 such operations, the operation of commercial motor  
12 vehicle combinations with more than one property-  
13 carrying unit (not including the truck tractor) on  
14 additional routes in the State.

15 “(2) DETERMINATIONS BY THE SECRETARY.—

16 The Secretary may prohibit the operation of a vehi-  
17 cle under paragraph (1) if the Secretary determines  
18 that the operation poses an unreasonable safety risk  
19 based on an analysis of engineering data, safety  
20 data, or any other applicable data the Secretary may  
21 use.”.

22 (g) ACCESS TO INTERSTATE SYSTEM.—Section  
23 31114(a)(2) of title 49, United States Code, is amended  
24 by inserting “a towaway trailer transporter combination  
25 as defined in section 31111(a),” before “or any”.

1           **Subtitle E—Federal Lands and**  
2                           **Tribal Transportation**

3   **SEC. 1501. FEDERAL LANDS AND TRIBAL TRANSPORTATION**  
4                           **PROGRAMS.**

5           Chapter 2 is amended by striking sections 201  
6 through 203 and inserting the following:

7   **“§ 201. General provisions**

8           “(a) **PURPOSE.**—Recognizing the need for all Federal  
9 lands transportation facilities and tribal transportation fa-  
10 cilities to be treated under uniform policies similar to the  
11 policies that apply to Federal-aid highways and other pub-  
12 lic road and transit facilities constructed with Federal as-  
13 sistance, the Secretary, in consultation with the Secretary  
14 of each Federal land management agency, shall establish  
15 and coordinate, in accordance with the requirements of  
16 this section, a uniform policy for all transportation facili-  
17 ties constructed under a covered program.

18           “(b) **COVERED PROGRAM DEFINED.**—In this section,  
19 the term ‘covered program’ means—

20                   “(1) the tribal transportation program estab-  
21 lished under section 202; and

22                   “(2) the Federal lands transportation program  
23 established under section 203.

24           “(c) **AVAILABILITY OF FUNDS.**—

1           “(1) AVAILABILITY.—Funds made available to  
2 carry out a covered program shall be available for  
3 contract—

4                   “(A) upon apportionment; or

5                   “(B) if no apportionment is required, on  
6 October 1 of the fiscal year for which author-  
7 ized.

8           “(2) PERIOD OF AVAILABILITY.—Funds appor-  
9 tioned or allocated to carry out a covered program  
10 shall remain available for obligation for a period of  
11 3 years after the last day of the fiscal year for which  
12 the funds are authorized. Any amounts so appor-  
13 tioned or allocated that remain unobligated at the  
14 end of that period shall lapse.

15           “(3) AUTHORITY OF DEPARTMENT SECRE-  
16 TARIES.—

17                   “(A) AUTHORITY TO INCUR OBLIGATIONS,  
18 APPROVE PROJECTS, AND ENTER INTO CON-  
19 TRACTS.—The Secretary of a Department  
20 charged with the administration of funds made  
21 available to carry out a covered program may  
22 incur obligations, approve projects, and enter  
23 into contracts with respect to such funds.

24                   “(B) CONTRACTUAL OBLIGATIONS.—A  
25 Secretary’s action under subparagraph (A) shall

1           be deemed to be a contractual obligation of the  
2           United States to pay the cost thereof, and the  
3           funds subject to the action shall be deemed to  
4           have been expended when so obligated.

5           “(4) EXPENDITURE.—Any funds made avail-  
6           able to carry out a covered program for a fiscal year  
7           shall be deemed to have been expended if a sum  
8           equal to the total of the sums appropriated for the  
9           fiscal year and previous fiscal years have been obli-  
10          gated. Any of such funds released by payment of  
11          final voucher or modification of project authoriza-  
12          tions shall be credited to the balance of unobligated  
13          appropriations and be immediately available for ex-  
14          penditure.

15          “(5) AUTHORITY OF SECRETARY.—

16                 “(A) OBLIGATING FUNDS FOR COVERED  
17                 PROGRAMS.—Notwithstanding any other provi-  
18                 sion of law, either of the following actions shall  
19                 be deemed to constitute a contractual obligation  
20                 of the United States to pay the total eligible  
21                 cost of any construction project funded under a  
22                 covered program:

23                         “(i) The authorization by the Sec-  
24                         retary, or the Secretary of a Department  
25                         charged with the administration of funds

1           made available to carry out a covered pro-  
2           gram, of engineering and related work for  
3           the development, design, and acquisition  
4           associated with the project, whether per-  
5           formed by contract or agreement author-  
6           ized by law.

7           “(ii) The approval by the Secretary,  
8           or the Secretary of a Department charged  
9           with the administration of funds made  
10          available to carry out a covered program,  
11          of plans, specifications, and estimates for  
12          the project.

13          “(B) LIMITATION ON STATUTORY CON-  
14          STRUCTION.—Nothing in this paragraph may  
15          be construed to affect the application of the  
16          Federal share associated with a project under-  
17          taken under a covered program or to modify the  
18          point of obligation associated with Federal sala-  
19          ries and expenses.

20          “(d) FEDERAL SHARE.—

21                 “(1) IN GENERAL.—Except as provided by  
22                 paragraph (2), the Federal share payable on account  
23                 of a project carried out under a covered program  
24                 shall be 100 percent of the total cost of the project.

1           “(2) OPERATING ASSISTANCE.—The Federal  
2 share payable, with amounts made available to carry  
3 out this chapter, on account of operating expenses  
4 for a project carried out under a covered program  
5 may not exceed 50 percent of the net operating  
6 costs, as determined by the Secretary.

7           “(e) TRANSPORTATION PLANNING.—

8           “(1) TRANSPORTATION PLANNING PROCE-  
9 DURES.—In consultation with the Secretary of each  
10 Federal land management agency, the Secretary  
11 shall implement transportation planning procedures  
12 for tribal transportation facilities and Federal lands  
13 transportation facilities that are consistent with the  
14 planning processes required under sections 5203 and  
15 5204 of title 49.

16           “(2) APPROVAL OF TRANSPORTATION IMPROVE-  
17 MENT PROGRAM.—A transportation improvement  
18 program developed as a part of the transportation  
19 planning process under this subsection shall be sub-  
20 ject to approval by the Secretary, acting in coordina-  
21 tion with the Secretary of the appropriate Federal  
22 land management agency.

23           “(3) INCLUSION IN OTHER PLANS.—Any  
24 project under a covered program that is regionally  
25 significant shall—

1           “(A) be developed in cooperation with ap-  
2           propriate States and metropolitan planning or-  
3           ganizations; and

4           “(B) be included in—

5                 “(i) plans for the covered program;

6                 “(ii) appropriate State and metropoli-  
7                 tan long-range transportation plans; and

8                 “(iii) appropriate State and metropoli-  
9                 tan transportation improvement programs.

10           “(4) INCLUSION IN STATE PROGRAMS.—A  
11           transportation improvement program that is ap-  
12           proved by the Secretary as a part of the transpor-  
13           tation planning process under this subsection shall  
14           be included in appropriate plans and programs of  
15           States and metropolitan planning organizations  
16           without further action on the transportation im-  
17           provement program.

18           “(5) ASSET MANAGEMENT.—The Secretary and  
19           the Secretary of each Federal land management  
20           agency, to the extent appropriate, shall have in ef-  
21           fect safety, bridge, pavement, and congestion man-  
22           agement systems in support of asset management  
23           for highways funded under a covered program.

24           “(6) DATA COLLECTION.—

1           “(A) IN GENERAL.—The Secretary of each  
2           Federal land management agency shall collect  
3           and report on the data that is necessary to im-  
4           plement a covered program, including at a min-  
5           imum—

6                   “(i) inventory and condition informa-  
7                   tion on tribal roads and Federal lands  
8                   highways; and

9                   “(ii) bridge inspection and inventory  
10                  information on any Federal bridge that is  
11                  open to the public.

12           “(B) STANDARDS.—The Secretary, in co-  
13           ordination with the Secretary of each Federal  
14           land management agency, shall define collection  
15           and reporting data standards for purposes of  
16           subparagraph (A).

17           “(7) ADMINISTRATIVE EXPENSES.—The Sec-  
18           retary may use up to 5 percent of the funds made  
19           available to carry out section 203 for a fiscal year  
20           for purposes of implementing the activities described  
21           in this subsection, including direct support of trans-  
22           portation planning activities among Federal land  
23           management agencies.

24           “(f) REFERENCES TO SECRETARIES OF FEDERAL  
25           LAND MANAGEMENT AGENCIES.—In this chapter, the

1 term ‘Secretary’, when used in connection with a Federal  
2 land management agency, means the Secretary of the de-  
3 partment that contains the agency.

4 **“§ 202. Tribal transportation program**

5 “(a) IN GENERAL.—The Secretary shall carry out a  
6 tribal transportation program in accordance with the re-  
7 quirements of this section.

8 “(b) USE OF FUNDS.—

9 “(1) IN GENERAL.—Funds made available to  
10 carry out the tribal transportation program shall be  
11 used by the Secretary and the Secretary of the Inte-  
12 rior to pay for the following:

13 “(A) The covered costs of—

14 “(i) tribal roads;

15 “(ii) vehicular parking areas adjacent  
16 to tribal roads;

17 “(iii) pedestrian walkways and bicycle  
18 transportation facilities (as defined in sec-  
19 tion 217) on tribal lands; and

20 “(iv) roadside rest areas, including  
21 sanitary and water facilities, on tribal  
22 lands.

23 “(B) The costs of transportation projects  
24 eligible for assistance under this title that are  
25 within, or provide access to, tribal lands.

1           “(C) The costs of public transportation  
2 projects eligible for assistance under section  
3 5311(b)(1) of title 49 that are within, or pro-  
4 vide access to, tribal lands (without regard to  
5 whether the project is located in an urbanized  
6 area).

7           “(D) The costs of rehabilitation, restora-  
8 tion, and construction of interpretive signage at  
9 tribal roads.

10           “(E) The costs of acquisition of necessary  
11 scenic easements and scenic or historic sites as-  
12 sociated with tribal roads.

13           “(2) COVERED COSTS DEFINED.—In paragraph  
14 (1), the term ‘covered costs’ means the costs of  
15 transportation planning, research, preventive mainte-  
16 nance, engineering, rehabilitation, restoration, con-  
17 struction, and reconstruction.

18           “(3) CONTRACT.—In connection with an activ-  
19 ity described in paragraph (1), the Secretary and the  
20 Secretary of the Interior may enter into a contract  
21 or other appropriate agreement with respect to such  
22 activity with—

23           “(A) a State (including a political subdivi-  
24 sion of a State); or

25           “(B) an Indian tribe.

1           “(4) INDIAN LABOR.—Indian labor may be em-  
2           ployed, in accordance with such rules and regula-  
3           tions as may be promulgated by the Secretary of the  
4           Interior, to carry out any construction or other ac-  
5           tivity described in paragraph (1).

6           “(5) FEDERAL EMPLOYMENT.—No maximum  
7           limitation on Federal employment shall apply to con-  
8           struction or improvement of tribal transportation fa-  
9           cilities.

10          “(6) ADMINISTRATIVE EXPENSES.—

11                 “(A) IN GENERAL.—Of the funds made  
12                 available to carry out the tribal transportation  
13                 program for a fiscal year, up to 6 percent may  
14                 be used by the Secretary or the Secretary of the  
15                 Interior for program management and oversight  
16                 and project-related administrative expenses.

17                 “(B) RESERVATION OF FUNDS.—The Sec-  
18                 retary of the Interior may reserve funds from  
19                 administrative funds of the Bureau of Indian  
20                 Affairs that are associated with the tribal trans-  
21                 portation program to fund tribal technical as-  
22                 sistance centers under section 504(b).

23          “(7) MAINTENANCE.—

24                 “(A) USE OF FUNDS.—Notwithstanding  
25                 any other provision of this title, of the funds al-

1 located to an Indian tribe under the tribal  
2 transportation program for a fiscal year, the  
3 Secretary may use for the purpose of mainte-  
4 nance (excluding road sealing, which shall not  
5 be subject to any limitation) an amount that  
6 does not exceed the greater of—

7 “(i) 25 percent of the funds; or

8 “(ii) \$500,000.

9 “(B) ROAD MAINTENANCE PROGRAMS ON  
10 INDIAN RESERVATIONS.—

11 “(i) BIA RESPONSIBILITY.—The Bu-  
12 reau of Indian Affairs shall continue to re-  
13 tain primary responsibility, including an-  
14 nual funding request responsibility, for  
15 road maintenance programs on Indian res-  
16 ervations.

17 “(ii) FUNDING.—The Secretary of the  
18 Interior shall ensure that funding made  
19 available under this paragraph for mainte-  
20 nance of tribal transportation facilities for  
21 a fiscal year is supplementary to and not  
22 in lieu of any obligation of funds by the  
23 Bureau of Indian Affairs for road mainte-  
24 nance programs on Indian reservations.

1                   “(C) TRIBAL-STATE ROAD MAINTENANCE  
2 AGREEMENTS.—

3                   “(i) AUTHORITY TO ENTER INTO  
4 AGREEMENTS.—An Indian tribe and a  
5 State may enter into a road maintenance  
6 agreement under which the Indian tribe  
7 assumes the responsibilities of the State  
8 for tribal transportation facilities.

9                   “(ii) NEGOTIATIONS.—Agreements  
10 entered into under clause (i)—

11                           “(I) shall be negotiated between  
12 the State and the Indian tribe; and

13                           “(II) shall not require the ap-  
14 proval of the Secretary.

15                   “(8) COOPERATION OF STATES AND COUN-  
16 TIES.—

17                   “(A) IN GENERAL.—The cooperation of  
18 States, counties, and other political subdivisions  
19 of States may be accepted in construction and  
20 improvement of tribal transportation facilities.

21                   “(B) CREDITING OF FUNDS.—Any funds  
22 received from a State, county, or other political  
23 subdivision of a State for construction or im-  
24 provement of tribal transportation facilities

1 shall be credited to appropriations available for  
2 the tribal transportation program.

3 “(9) COMPETITIVE BIDDING.—

4 “(A) IN GENERAL.—Construction of a  
5 project under the tribal transportation program  
6 shall be performed pursuant to a contract  
7 awarded by competitive bidding unless the Sec-  
8 retary or the Secretary of the Interior affirma-  
9 tively finds that, under the circumstances relat-  
10 ing to the project, some other method is in the  
11 public interest.

12 “(B) APPLICABILITY OF OTHER LAWS.—  
13 Notwithstanding subparagraph (A), section 23  
14 of the Act of June 25, 1910 (36 Stat. 861;  
15 known as the Buy Indian Act) and section 7(b)  
16 of the Indian Self-Determination and Education  
17 Assistance Act (88 Stat. 2205) shall apply to  
18 all funds administered by the Secretary of the  
19 Interior that are appropriated for the construc-  
20 tion and improvement of tribal roads.

21 “(c) FUNDS DISTRIBUTION.—

22 “(1) IN GENERAL.—All funds authorized to be  
23 appropriated for the tribal transportation program  
24 shall be allocated among Indian tribes in accordance

1 with the formula maintained by the Secretary of the  
2 Interior under paragraph (4).

3 “(2) NATIONAL TRIBAL ROADS INVENTORY.—

4 “(A) IN GENERAL.—The Secretary of the  
5 Interior, in cooperation with the Secretary, shall  
6 maintain a comprehensive national inventory of  
7 tribal roads that are eligible for assistance  
8 under the tribal transportation program.

9 “(B) TRIBAL ROADS INCLUDED IN THE IN-  
10 VENTORY.—For purposes of identifying the  
11 tribal transportation system and determining  
12 the relative transportation needs of Indian  
13 tribes, the Secretary of the Interior shall in-  
14 clude in the inventory, at a minimum, tribal  
15 roads that are eligible for assistance under the  
16 tribal transportation program that a tribe has  
17 requested, including facilities that—

18 “(i) were included in the Bureau of  
19 Indian Affairs system inventory prior to  
20 October 1, 2004;

21 “(ii) are owned by an Indian tribal  
22 government;

23 “(iii) are owned by the Bureau of In-  
24 dian Affairs;

1           “(iv) were constructed or recon-  
2           structed with funds from the Highway  
3           Trust Fund under the Indian reservation  
4           roads program since 1983;

5           “(v) are community streets or bridges  
6           within the exterior boundary of Indian res-  
7           ervations, Alaska native villages, or other  
8           recognized Indian communities (including  
9           communities in former Indian reservations  
10          in Oklahoma) in which the majority of  
11          residents are American Indians or Alaska  
12          Natives; or

13          “(vi) are primary access routes pro-  
14          posed by tribal governments, including  
15          roads between villages, roads to landfills,  
16          roads to drinking water sources, roads to  
17          natural resources identified for economic  
18          development, and roads that provide access  
19          to intermodal terminals, such as airports,  
20          harbors, or boat landings.

21          “(C) LIMITATION ON PRIMARY ACCESS  
22          ROUTES.—For purposes of this paragraph, a  
23          proposed primary access route is the shortest  
24          practicable route connecting 2 points of the pro-  
25          posed route.

1           “(D) ADDITIONAL FACILITIES.—Nothing  
2           in this paragraph shall preclude the Secretary  
3           of the Interior from including additional trans-  
4           portation facilities that are eligible for funding  
5           under the tribal transportation program in the  
6           inventory if such additional facilities are in-  
7           cluded in the inventory in a uniform and con-  
8           sistent manner nationally.

9           “(3) REGULATIONS.—Notwithstanding sections  
10          563(a) and 565(a) of title 5, the Secretary of the In-  
11          terior shall maintain regulations governing the tribal  
12          transportation program and the funding formula  
13          under paragraph (4) in accordance with established  
14          policies and procedures.

15          “(4) BASIS FOR FUNDING FORMULA FAC-  
16          TORS.—

17                 “(A) IN GENERAL.—The Secretary of the  
18                 Interior shall maintain a formula for distrib-  
19                 uting funds made available under the tribal  
20                 transportation program among Indian tribes.

21                 “(B) FACTORS.—Subject to subparagraph  
22                 (C), such formula shall be based on factors that  
23                 reflect—

1           “(i) the relative needs among the In-  
2           dian tribes, and reservation or tribal com-  
3           munities, for transportation assistance;

4           “(ii) the relative administration capaci-  
5           ties of, and challenges faced by, various  
6           Indian tribes, including the cost of road  
7           construction in each Bureau of Indian Af-  
8           fairs area, geographic isolation, and dif-  
9           ficulty in maintaining all-weather access to  
10          employment, commerce, health, safety, and  
11          educational resources; and

12          “(iii) the public roads included in the  
13          national tribal roads inventory to be main-  
14          tained under paragraph (2)(A).

15          “(C) SPECIAL RULE.—Not less than 50  
16          percent of the funds distributed under the fund-  
17          ing formula shall be allocated among Indian  
18          tribes based on an Indian tribe’s relative share  
19          of the tribal roads that are included in the na-  
20          tional tribal roads inventory as a result of para-  
21          graph (2)(B)(i), (2)(B)(ii), or (2)(B)(iii).

22          “(D) LIMITATION ON STATUTORY CON-  
23          STRUCTION.—Nothing in this subsection may  
24          be construed to prohibit the Secretary of the  
25          Interior from distributing funds made available

1 under the tribal transportation program among  
2 Indian tribes in accordance with the formula es-  
3 tablished by the Secretary of the Interior under  
4 part 170 of title 25, Code of Federal Regula-  
5 tions, as in effect on the date of enactment of  
6 the American Energy and Infrastructure Jobs  
7 Act of 2012, except that the special rule estab-  
8 lished by subparagraph (C) shall apply to any  
9 such distribution.

10 “(5) DISTRIBUTION OF FUNDS TO INDIAN  
11 TRIBES.—

12 “(A) IN GENERAL.—Not later than 30  
13 days after the date on which funds are made  
14 available to the Secretary of the Interior for a  
15 fiscal year to carry out the tribal transportation  
16 program, the funds shall be distributed to, and  
17 available for immediate use by, eligible Indian  
18 tribes in accordance with the formula main-  
19 tained by the Secretary of the Interior under  
20 paragraph (4).

21 “(B) USE OF FUNDS.—Notwithstanding  
22 any other provision of this section, funds made  
23 available to Indian tribes for tribal transpor-  
24 tation facilities shall be expended on projects

1 identified in a transportation improvement pro-  
2 gram approved by the Secretary.

3 “(6) HEALTH AND SAFETY ASSURANCES.—Not-  
4 withstanding any other provision of law, an Indian  
5 tribal government may approve plans, specifications,  
6 and estimates for, and may commence, a project for  
7 construction of a tribal transportation facility with  
8 funds made available to carry out the tribal trans-  
9 portation program through a contract or agreement  
10 entered into under the Indian Self-Determination  
11 and Education Assistance Act (25 U.S.C. 450 et  
12 seq.) if the Indian tribal government—

13 “(A) provides assurances in the contract or  
14 agreement that the construction will meet or ex-  
15 ceed applicable health and safety standards;

16 “(B) obtains the advance review of the  
17 plans and specifications for the project from a  
18 State-licensed civil engineer that has certified  
19 that the plans and specifications meet or exceed  
20 the applicable health and safety standards;

21 “(C) provides a copy of the certification  
22 under subparagraph (A) to the Deputy Assist-  
23 ant Secretary for Tribal Government Affairs of  
24 the Department of Transportation or the As-

1           sistant Secretary of Indian Affairs of the De-  
2           partment of the Interior, as appropriate; and

3           “(D) obtains the advance written approval  
4           of the plans, specifications, and estimates from  
5           the facility owner or public authority having  
6           maintenance responsibility for the facility and  
7           provides a copy of the approval to the officials  
8           referred to in subparagraph (C).

9           “(7) CONTRACTS AND AGREEMENTS WITH IN-  
10          DIAN TRIBES FOR PROGRAM COSTS.—

11           “(A) IN GENERAL.—Notwithstanding any  
12           other provision of law or any interagency agree-  
13           ment, program guideline, manual, or policy di-  
14           rective, all funds made available under this  
15           chapter and section 125(e) for tribal transpor-  
16           tation facilities to pay for the costs of pro-  
17           grams, services, functions, and activities, or  
18           portions thereof, that are specifically or func-  
19           tionally related to the cost of any tribal trans-  
20           portation facility that provides access to or is  
21           located within the reservation or community of  
22           an Indian tribe shall be made available, upon  
23           request of the Indian tribal government, to the  
24           Indian tribal government for contracts and  
25           agreements for such planning, research, engi-

1 neering, and construction in accordance with  
2 the Indian Self-Determination and Education  
3 Assistance Act (25 U.S.C. 450 et seq.).

4 “(B) EXCLUSION OF AGENCY PARTICIPA-  
5 TION.—Funds for programs, functions, services,  
6 or activities, or portions thereof (including sup-  
7 portive administrative functions that are other-  
8 wise contractible to which subparagraph (A) ap-  
9 plies) shall be paid in accordance with subpara-  
10 graph (A) without regard to the organizational  
11 level at which the Department of the Interior  
12 has previously carried out such programs, func-  
13 tions, services, or activities.

14 “(8) CONTRACTS AND AGREEMENTS WITH IN-  
15 DIAN TRIBES FOR TRIBAL TRANSPORTATION FACIL-  
16 ITY PROGRAMS AND PROJECTS.—

17 “(A) IN GENERAL.—Notwithstanding any  
18 other provision of law or any interagency agree-  
19 ment, program guideline, manual, or policy di-  
20 rective, all funds made available to an Indian  
21 tribal government under this chapter for a trib-  
22 al transportation facility program or project  
23 that is located on an Indian reservation or pro-  
24 vides access to the reservation or a community  
25 of an Indian tribe shall be made available, on

1 the request of the Indian tribal government, to  
2 the Indian tribal government for use in carrying  
3 out, in accordance with the Indian Self-Deter-  
4 mination and Education Assistance Act (25  
5 U.S.C. 450 et seq.), contracts and agreements  
6 for the planning, research, design, engineering,  
7 construction, and maintenance relating to the  
8 program or project.

9 “(B) EXCLUSION OF AGENCY PARTICIPA-  
10 TION.—In accordance with subparagraph (A),  
11 all funds for a program or project to which sub-  
12 paragraph (A) applies shall be paid to the In-  
13 dian tribal government without regard to the  
14 organizational level at which the Department of  
15 the Interior has previously carried out, or the  
16 Department of Transportation has previously  
17 carried out, the programs, functions, services,  
18 or activities involved.

19 “(C) CONSORTIA.—Two or more Indian  
20 tribes that are otherwise eligible to participate  
21 in a program or project to which this chapter  
22 applies may form a consortium to be considered  
23 as a single Indian tribe for the purpose of par-  
24 ticipating in the project under this section.

1           “(D) SECRETARY AS SIGNATORY.—Not-  
2 withstanding any other provision of law, the  
3 Secretary is authorized to enter into a funding  
4 agreement with an Indian tribal government to  
5 carry out a tribal transportation facility pro-  
6 gram or project under subparagraph (A) that is  
7 located on an Indian reservation or provides ac-  
8 cess to the reservation or a community of the  
9 Indian tribe.

10           “(E) FUNDING.—The amount an Indian  
11 tribal government receives for a program or  
12 project under subparagraph (A) shall equal the  
13 sum of the funding that the Indian tribal gov-  
14 ernment would otherwise receive for the pro-  
15 gram or project in accordance with the funding  
16 formula established under this subsection and  
17 such additional amounts as the Secretary deter-  
18 mines equal the amounts that would have been  
19 withheld for the costs of the Bureau of Indian  
20 Affairs for administration of the program or  
21 project.

22           “(F) ELIGIBILITY.—

23           “(i) IN GENERAL.—Subject to clause  
24 (ii), funds may be made available under  
25 subparagraph (A) to an Indian tribal gov-

1           ernment for a program or project in a fis-  
2           cal year only if the Indian tribal govern-  
3           ment requesting the funds demonstrates to  
4           the satisfaction of the Secretary financial  
5           stability and financial management capa-  
6           bility during the 3 fiscal years immediately  
7           preceding the fiscal year for which the re-  
8           quest is made.

9           “(ii) CRITERIA FOR DETERMINING FI-  
10          NANCIAL STABILITY AND FINANCIAL MAN-  
11          AGEMENT CAPABILITY.—If an Indian trib-  
12          al government did not have an uncorrected  
13          significant and material audit exception in  
14          a required annual audit of the Indian trib-  
15          al government’s self-determination con-  
16          tracts or self-governance funding agree-  
17          ments with a Federal agency during the 3-  
18          fiscal year period referred in clause (i), the  
19          Indian tribe shall be treated as having con-  
20          clusive evidence of its financial stability  
21          and financial management capability for  
22          purposes of clause (i).

23          “(G) ASSUMPTION OF FUNCTIONS AND DU-  
24          TIES.—An Indian tribal government receiving  
25          funding under subparagraph (A) for a program

1 or project shall assume all functions and duties  
2 that the Secretary of the Interior would have  
3 performed with respect to a program or project  
4 under this chapter, other than those functions  
5 and duties that inherently cannot be legally  
6 transferred under the Indian Self-Determina-  
7 tion and Education Assistance Act (25 U.S.C.  
8 450 et seq.).

9 “(H) POWERS.—An Indian tribal govern-  
10 ment receiving funding under subparagraph (A)  
11 for a program or project shall have all powers  
12 that the Secretary of the Interior would have  
13 exercised in administering the funds transferred  
14 to the Indian tribal government for such pro-  
15 gram or project under this section if the funds  
16 had not been transferred, except to the extent  
17 that such powers are powers that inherently  
18 cannot be legally transferred under the Indian  
19 Self-Determination and Education Assistance  
20 Act (25 U.S.C. 450 et seq.).

21 “(I) DISPUTE RESOLUTION.—In the event  
22 of a disagreement between the Secretary or the  
23 Secretary of the Interior and an Indian tribe  
24 over whether a particular function, duty, or  
25 power may be lawfully transferred under the In-

1           dian Self-Determination and Education Assist-  
2           ance Act (25 U.S.C. 450 et seq.), the Indian  
3           tribe shall have the right to pursue all alter-  
4           native dispute resolutions and appeal proce-  
5           dures authorized by such Act, including regula-  
6           tions issued to carry out such Act.

7           “(J) TERMINATION OF CONTRACT OR  
8           AGREEMENT.—On the date of the termination  
9           of a contract or agreement under this section  
10          by an Indian tribal government, the Secretary  
11          shall transfer all funds that would have been al-  
12          located to the Indian tribal government under  
13          the contract or agreement to the Secretary of  
14          the Interior to provide continued transportation  
15          services in accordance with applicable law.

16          “(d) PLANNING BY INDIAN TRIBAL GOVERN-  
17          MENTS.—

18                 “(1) IN GENERAL.—Of the funds made avail-  
19                 able for a fiscal year to carry out the tribal trans-  
20                 portation program, up to 2 percent may be allocated  
21                 to Indian tribal governments that have been author-  
22                 ized to conduct transportation planning pursuant to  
23                 the Indian Self-Determination and Education Assist-  
24                 ance Act (25 U.S.C. 450 et seq.).

1           “(2) COOPERATION.—An Indian tribal govern-  
2           ment described in paragraph (1), in cooperation with  
3           the Secretary of the Interior, and as appropriate  
4           with a State, local government, or metropolitan plan-  
5           ning organization, shall carry out a transportation  
6           planning process in accordance with section 201(e).

7           “(3) APPROVAL.—Projects selected by an In-  
8           dian tribal government described in paragraph (1)  
9           from a transportation improvement program shall be  
10          subject to the approval of the Secretary of the Inte-  
11          rior and the Secretary.

12          “(e) FEDERAL-AID ELIGIBLE PROJECT.—Before ap-  
13          proving as a project on a tribal transportation facility any  
14          project eligible funds apportioned under section 104 in a  
15          State, the Secretary shall determine that the obligation  
16          of funds for such project is supplementary to and not in  
17          lieu of the obligation, for projects on tribal transportation  
18          facilities, of a fair and equitable share of funds appor-  
19          tioned to such State under section 104.

20          **“§ 203. Federal lands transportation program**

21          “(a) IN GENERAL.—The Secretary shall carry out a  
22          Federal lands transportation program in accordance with  
23          the requirements of this section.

24          “(b) USE OF FUNDS.—

1           “(1) IN GENERAL.—Funds made available to  
2 carry out the Federal lands transportation program  
3 shall be used by the Secretary and the Secretaries  
4 of Federal land management agencies to pay for the  
5 following:

6           “(A) The covered costs of—

7           “(i) Federal lands highways;

8           “(ii) vehicular parking areas adjacent  
9 to Federal lands highways;

10           “(iii) pedestrian walkways and bicycle  
11 transportation facilities (as defined in sec-  
12 tion 217) on Federal lands; and

13           “(iv) roadside rest areas, including  
14 sanitary and water facilities, on Federal  
15 lands.

16           “(B) The costs of transportation projects  
17 on public roads or trails eligible for assistance  
18 under this title that are within, or provide ac-  
19 cess to, Federal lands.

20           “(C) The costs of public transportation  
21 projects eligible for assistance under section  
22 5311(b)(1) of title 49 that are within, or pro-  
23 vide access to, Federal lands (without regard to  
24 whether the project is located in an urbanized  
25 area).

1           “(D) The costs of rehabilitation, restora-  
2           tion, and construction of interpretive signage at  
3           Federal lands highways.

4           “(E) The costs of acquisition of necessary  
5           scenic easements and scenic or historic sites as-  
6           sociated with Federal lands highways.

7           “(2) COVERED COSTS DEFINED.—In paragraph  
8           (1), the term ‘covered costs’ means the costs of pro-  
9           gram administration, transportation planning, re-  
10          search, preventive maintenance, engineering, reha-  
11          bilitation, restoration, construction, and reconstruc-  
12          tion.

13          “(3) CONTRACT.—In connection with an activ-  
14          ity described in paragraph (1), the Secretary and the  
15          Secretary of the appropriate Federal land manage-  
16          ment agency may enter into a contract or other ap-  
17          propriate agreement with respect to such activity  
18          with—

19                 “(A) a State (including a political subdivi-  
20                 sion of a State); or

21                 “(B) an Indian tribe.

22          “(4) ADMINISTRATION.—All appropriations for  
23          the construction and improvement of Federal lands  
24          transportation facilities shall be administered in con-  
25          formity with regulations and agreements jointly ap-

1 proved by the Secretary and the Secretary of the ap-  
2 propriate Federal land management agency.

3 “(5) COOPERATION.—

4 “(A) IN GENERAL.—The cooperation of  
5 States and political subdivisions of States may  
6 be accepted in construction and improvement of  
7 Federal lands transportation facilities.

8 “(B) CREDITING OF FUNDS.—Any funds  
9 received from a State or a political subdivision  
10 of a State for such construction or improvement  
11 of Federal lands transportation facilities shall  
12 be credited to appropriations available for the  
13 class of Federal lands transportation facilities  
14 to which funds were contributed.

15 “(6) COMPETITIVE BIDDING.—Construction of  
16 a project under the Federal lands transportation  
17 program shall be performed pursuant to a contract  
18 awarded by competitive bidding unless the Secretary  
19 or the Secretary of the appropriate Federal land  
20 management agency affirmatively finds that, under  
21 the circumstances relating to the project, some other  
22 method is in the public interest.

23 “(c) AGENCY PROGRAM DISTRIBUTIONS.—

24 “(1) IN GENERAL.—On October 1 of each fiscal  
25 year, the Secretary shall allocate the funds made

1 available to carry out the Federal lands transpor-  
2 tation program for the fiscal year on the basis of ap-  
3 plications of need, as determined by the Secretary,  
4 and in coordination with the transportation plans re-  
5 quired by section 201(e), of the respective transpor-  
6 tation systems of the Federal land management  
7 agencies.

8 “(2) MINIMUM ALLOCATIONS.—When making  
9 an allocation of funds under paragraph (1) for a fis-  
10 cal year, the Secretary shall ensure that, of the total  
11 amount of funds subject to the allocation—

12 “(A) the National Park Service receives, at  
13 a minimum, 38 percent;

14 “(B) the Forest Service receives, at a min-  
15 imum, 32 percent; and

16 “(C) the United States Fish and Wildlife  
17 Service receives, at a minimum, 4.5 percent.

18 “(3) APPLICATIONS.—

19 “(A) IN GENERAL.—The Secretary of a  
20 Federal land management agency may submit  
21 to the Secretary an application for assistance  
22 under the Federal lands transportation pro-  
23 gram.

24 “(B) CONTENTS.—An application sub-  
25 mitted by the Secretary of a Federal land man-

1           agement agency under subparagraph (A) shall  
2           contain such information as the Secretary may  
3           require, including a description of any proposed  
4           program for which the agency is seeking assist-  
5           ance and the potential funding levels for the  
6           program.

7           “(C) CONSIDERATIONS.—In reviewing a  
8           proposed program described in an application  
9           submitted by the Secretary of a Federal land  
10          management agency under subparagraph (A),  
11          the Secretary shall consider the extent to which  
12          the program supports—

13                 “(i) a state of good repair of transpor-  
14                 tation facilities across the agency’s inven-  
15                 tory;

16                 “(ii) a reduction of deficient bridges  
17                 across the agency’s inventory;

18                 “(iii) improvement of safety across the  
19                 agency’s inventory;

20                 “(iv) high use Federal recreation sites  
21                 or Federal economic generators; and

22                 “(v) the resource management goals  
23                 of the Secretary of the respective Federal  
24                 land management agency.

1       “(d) NATIONAL FEDERAL LANDS HIGHWAYS INVEN-  
2 TORY.—

3           “(1) IN GENERAL.—The Secretaries of the Fed-  
4 eral land management agencies, in cooperation with  
5 the Secretary, shall maintain a comprehensive na-  
6 tional inventory of Federal lands highways.

7           “(2) HIGHWAYS INCLUDED IN THE INVEN-  
8 TORY.—For purposes of identifying the Federal  
9 lands transportation system and determining the rel-  
10 ative transportation needs among Federal land man-  
11 agement agencies, the inventory shall include, at a  
12 minimum, highways that—

13           “(A) provide access to high use Federal  
14 recreation sites or Federal economic generators,  
15 as determined by the Secretary in coordination  
16 with the Secretaries of the Federal land man-  
17 agement agencies; and

18           “(B) are administered by a Federal land  
19 management agency.

20           “(3) AVAILABILITY.—The Secretary of each  
21 Federal land management agency shall maintain an  
22 inventory of the Federal lands highways adminis-  
23 tered by the agency and make the inventory avail-  
24 able to the Secretary.

1           “(4) UPDATES.—The Secretary of each Federal  
2 land management agency shall update its inventory  
3 referred to in paragraph (3) as determined by the  
4 Secretary.

5           “(5) REVIEW.—A decision to add or remove a  
6 highway from an inventory referred to in paragraph  
7 (1) or (4) shall not be considered a Federal action  
8 for purposes of review under the National Environ-  
9 mental Policy Act of 1969 (42 U.S.C. 4321 et  
10 seq.).”.

11 **SEC. 1502. DEFINITIONS.**

12           (a) REPEALS.—Paragraphs (7), (9), (12), (19), (20),  
13 (24), (25), (26), and (28) of section 101(a) are repealed.

14           (b) DEFINITIONS RELATING TO FEDERAL LANDS  
15 AND TRIBAL TRANSPORTATION PROGRAMS.—Section  
16 101(a) is amended by adding at the end the following:

17           “(40) FEDERAL LAND MANAGEMENT AGEN-  
18 CY.—The term ‘Federal land management agency’  
19 means each of the following:

20                   “(A) The National Park Service.

21                   “(B) The Forest Service.

22                   “(C) The United States Fish and Wildlife  
23 Service.

24                   “(D) The Corps of Engineers.

25                   “(E) The Bureau of Land Management.

1           “(41) FEDERAL LANDS.—The term ‘Federal  
2 lands’ means lands administered by a Federal land  
3 management agency.

4           “(42) FEDERAL LANDS HIGHWAY.—The term  
5 ‘Federal lands highway’ means a public road, high-  
6 way, bridge, or trail that is located on, is adjacent  
7 to, or provides access to Federal lands and appears  
8 on the national inventory of Federal lands highways  
9 maintained under section 203(d).

10           “(43) FEDERAL LANDS TRANSPORTATION FA-  
11 CILITY.—The term ‘Federal lands transportation fa-  
12 cility’ means a transportation facility eligible for as-  
13 sistance under section 203(b).

14           “(44) TRIBAL ROAD.—The term ‘tribal road’  
15 means a public road, highway, bridge, or trail that  
16 is located on or provides access to tribal lands and  
17 appears on the national inventory of tribal roads  
18 maintained under section 202(c).

19           “(45) TRIBAL TRANSPORTATION FACILITY.—  
20 The term ‘tribal transportation facility’ means a  
21 transportation facility eligible for assistance under  
22 section 202(b).”.

23 **SEC. 1503. CONFORMING AMENDMENTS.**

24           (a) FEDERAL SHARE PAYABLE.—Section 120 is  
25 amended—

1           (1) in subsection (e) by striking “forest high-  
2           ways, forest development roads and trails, park  
3           roads and trails, parkways, public lands highways,  
4           public lands development roads and trails, and In-  
5           dian reservation roads” and inserting “tribal roads  
6           and Federal lands highways”; and

7           (2) in subsection (l)—

8                   (A) in the subsection heading by striking  
9                   “FEDERAL LANDS HIGHWAYS PROGRAM” and  
10                   inserting “TRIBAL TRANSPORTATION PROGRAM  
11                   AND FEDERAL LANDS TRANSPORTATION PRO-  
12                   GRAM”; and

13                   (B) by striking “the Federal lands high-  
14                   ways program under section 204” and inserting  
15                   “the tribal transportation program under sec-  
16                   tion 202 and the Federal lands transportation  
17                   program under section 203”.

18           (b) PRESERVATION OF PARKLANDS.—Section 138(a)  
19           is amended by striking “park road or parkway under sec-  
20           tion 204 of this title” and inserting “Federal lands trans-  
21           portation facility under section 203”.

22           (c) EFFICIENT ENVIRONMENTAL REVIEWS FOR  
23           PROJECT DECISIONMAKING.—Section 139(j)(3) is amend-  
24           ed—

1           (1) in the paragraph heading by striking “USE  
2           OF FEDERAL LANDS HIGHWAY FUNDS” and inserting  
3           “USE OF TRIBAL TRANSPORTATION PROGRAM AND  
4           FEDERAL LANDS TRANSPORTATION PROGRAM  
5           FUNDS”; and

6           (2) by striking “section 204” and inserting  
7           “sections 202 and 203”.

8           (d) BICYCLE TRANSPORTATION AND PEDESTRIAN  
9           WALKWAYS.—Section 217(c) is amended—

10           (1) in the subsection heading by striking “FED-  
11           ERAL LANDS HIGHWAYS” and inserting “TRIBAL  
12           TRANSPORTATION PROGRAM AND FEDERAL LANDS  
13           TRANSPORTATION PROGRAM FUNDS”; and

14           (2) by striking “Funds authorized for” and all  
15           that follows through “public lands highways” and  
16           inserting “Funds authorized for tribal transpor-  
17           tation facilities and Federal lands transportation fa-  
18           cilities”.

19           (e) RULES, REGULATIONS, AND RECOMMENDA-  
20           TIONS.—Section 315 is amended by striking “sections  
21           204(f) and 205(a) of this title” and inserting “sections  
22           203(b)(4) and 205(a)”.

1 **SEC. 1504. REPEALS; EFFECTIVE DATE.**

2 (a) IN GENERAL.—Sections 204 and 214, and the  
3 items relating to such sections in the analysis for chapter  
4 2, are repealed.

5 (b) EXISTING FUNDS.—A repeal or amendment made  
6 by this subtitle shall not affect funds apportioned or allo-  
7 cated (or funds awarded but not yet allocated) before the  
8 effective date of the repeal or amendment.

9 **SEC. 1505. CLERICAL AMENDMENT.**

10 The analysis for chapter 2 is amended by striking the  
11 items relating to sections 201 through 203 and inserting  
12 the following:

“201. General provisions.

“202. Tribal transportation program.

“203. Federal lands transportation program.”.

13 **Subtitle F—Program Elimination**  
14 **and Consolidation**

15 **SEC. 1601. PROGRAM ELIMINATION AND CONSOLIDATION.**

16 (a) GENERAL PROVISIONS.—

17 (1) EXISTING FUNDS.—A repeal or amendment  
18 made by this section shall not affect funds appor-  
19 tioned or allocated before the effective date of the  
20 repeal.

21 (2) AMENDATORY PROVISIONS.—A repeal made  
22 by this section of a provision that contains an  
23 amendment to or repeal of another law shall not be  
24 construed to affect that law. The amendment to or

1 repeal of that law shall remain in effect as if this  
2 section had not been enacted.

3 (b) REVENUE ALIGNED BUDGET AUTHORITY.—Sec-  
4 tion 110, and the item relating to that section in the anal-  
5 ysis for chapter 1, are repealed.

6 (c) HIGH PRIORITY PROJECTS PROGRAM.—Section  
7 117, and the item relating to that section in the analysis  
8 for chapter 1, are repealed.

9 (d) SET ASIDES FOR INTERSTATE DISCRETIONARY  
10 PROJECTS.—Section 118(c) is repealed.

11 (e) CONTROL OF JUNKYARDS.—Section 136, and the  
12 item relating to that section in the analysis for chapter  
13 1, are repealed.

14 (f) HIGHWAY BRIDGE PROGRAM.—Section 144, and  
15 the item relating to that section in the analysis for chapter  
16 1, are repealed.

17 (g) HAZARD ELIMINATION PROGRAM.—Section 152,  
18 and the item relating to that section in the analysis for  
19 chapter 1, are repealed.

20 (h) SAFETY INCENTIVE GRANTS FOR THE USE OF  
21 SEAT BELTS.—Section 157, and the item relating to that  
22 section in the analysis for chapter 1, are repealed.

23 (i) ACCESS HIGHWAYS TO PUBLIC RECREATION  
24 AREAS ON CERTAIN LAKES.—Section 155, and the item

1 relating to that section in the analysis for chapter 1, are  
2 repealed.

3 (j) REIMBURSEMENT FOR SEGMENTS OF THE INTER-  
4 STATE SYSTEM CONSTRUCTED WITHOUT FEDERAL AS-  
5 SISTANCE.—Section 160, and the item relating to that  
6 section in the analysis for chapter 1, are repealed.

7 (k) NATIONAL SCENIC BYWAYS PROGRAM.—Section  
8 162, and the item relating to that section in the analysis  
9 for chapter 1, are repealed.

10 (l) INTER-AMERICAN HIGHWAY.—Section 212, and  
11 the item relating to that section in the analysis for chapter  
12 2, are repealed.

13 (m) DARIEN GAP HIGHWAY.—Section 216, and the  
14 item relating to that section in the analysis for chapter  
15 2, are repealed.

16 (n) STATE COORDINATORS.—Section 217 (as amend-  
17 ed by this Act) is further amended—

18 (1) by striking subsection (d); and

19 (2) by redesignating subsections (e) through (j)  
20 as subsections (d) through (i), respectively.

21 (o) ALASKA HIGHWAY.—Section 218 is amended—

22 (1) in subsection (a)—

23 (A) by striking the first 2 sentences;

24 (B) in the third sentence—

1 (i) by striking “, in addition to such  
2 funds,”; and

3 (ii) by striking “such highway or”;  
4 and

5 (C) by striking “No expenditures” and all  
6 that follows through the period at the end;

7 (2) by striking subsection (b); and

8 (3) by redesignating subsection (c) as sub-  
9 section (b).

10 (p) MANAGEMENT SYSTEMS.—Section 303, and the  
11 item relating to that section in the analysis for chapter  
12 3, are repealed.

13 (q) COOPERATION WITH OTHER AMERICAN REPUB-  
14 LICS.—Section 309, and the item relating to that section  
15 in the analysis for chapter 3, are repealed.

16 (r) LANDSCAPING AND SCENIC ENHANCEMENT.—  
17 Section 319 is amended—

18 (1) by striking “(a) LANDSCAPE AND ROAD-  
19 SIDE DEVELOPMENT.—”; and

20 (2) by striking subsection (b).

21 (s) MAGNETIC LEVITATION TRANSPORTATION TECH-  
22 NOLOGY DEPLOYMENT PROGRAM.—Section 322, and the  
23 item relating to that section in the analysis for chapter  
24 3, are repealed.

1           (t) TRANSPORTATION, COMMUNITY, AND SYSTEM  
2 PRESERVATION PROGRAM.—Section 1117 of SAFETEA–  
3 LU (119 Stat. 1177), and the item relating to that section  
4 in the table of contents contained in section 1(b) of that  
5 Act, are repealed.

6           (u) PROJECTS OF NATIONAL AND REGIONAL SIG-  
7 NIFICANCE.—Section 1301 of SAFETEA–LU (119 Stat.  
8 1198), and the item relating to that section in the table  
9 of contents contained in section 1(b) of that Act, are re-  
10 pealed.

11          (v) NATIONAL CORRIDOR INFRASTRUCTURE IM-  
12 PROVEMENT PROGRAM.—Section 1302 of SAFETEA–LU  
13 (119 Stat. 1204), and the item relating to that section  
14 in the table of contents contained in section 1(b) of that  
15 Act, are repealed.

16          (w) TRUCK PARKING FACILITIES.—Section 1305 of  
17 SAFETEA–LU (119 Stat. 1214), and the item relating  
18 to that section in the table of contents contained in section  
19 1(b) of that Act, are repealed.

20          (x) FREIGHT INTERMODAL DISTRIBUTION PILOT  
21 GRANT PROGRAM.—Section 1306 of SAFETEA–LU (119  
22 Stat. 1215), and the item relating to that section in the  
23 table of contents contained in section 1(b) of that Act,  
24 are repealed.

1           (y) DEPLOYMENT OF MAGNETIC LEVITATION  
2 TRANSPORTATION PROJECTS.—Section 1307 of  
3 SAFETEA-LU (119 Stat. 1217), and the item relating  
4 to that section in the table of contents contained in section  
5 1(b) of that Act, are repealed.

6           (z) DELTA REGION TRANSPORTATION DEVELOP-  
7 MENT PROGRAM.—Section 1308 of SAFETEA-LU (119  
8 Stat. 1218), and the item relating to that section in the  
9 table of contents contained in section 1(b) of that Act,  
10 are repealed.

11          (aa) SAFE ROUTES TO SCHOOL PROGRAM.—Section  
12 1404 of SAFETEA-LU (119 Stat. 1228), and the item  
13 relating to that section in the table of contents contained  
14 in section 1(b) of that Act, are repealed.

15          (bb) NATIONAL WORK ZONE SAFETY INFORMATION  
16 CLEARINGHOUSE.—Section 1410 of SAFETEA-LU (119  
17 Stat. 1233), and the item relating to that section in the  
18 table of contents contained in section 1(b) of that Act,  
19 are repealed.

20          (cc) ROADWAY SAFETY.—Section 1411(b) of  
21 SAFETEA-LU (119 Stat. 1234) is repealed.

22          (dd) HIGHWAYS FOR LIFE PILOT PROGRAM.—Sec-  
23 tion 1502 of SAFETEA-LU (119 Stat. 1236), and the  
24 item relating to that section in the table of contents con-  
25 tained in section 1(b) of that Act, are repealed.

1 (ee) EXPRESS LANES DEMONSTRATION PROGRAM.—  
2 Section 1604(b) of SAFETEA-LU (119 Stat. 1250) is  
3 repealed.

4 (ff) INTERSTATE SYSTEM CONSTRUCTION TOLL  
5 PILOT PROGRAM.—Section 1604(c) of SAFETEA-LU  
6 (119 Stat. 1253) is repealed.

7 (gg) AMERICA'S BYWAYS RESOURCE CENTER.—Sec-  
8 tion 1803 of SAFETEA-LU (119 Stat. 1458), and the  
9 item relating to that section in the table of contents con-  
10 tained in section 1(b) of that Act, are repealed.

11 (hh) NATIONAL HISTORIC COVERED BRIDGE PRES-  
12 ERVATION.—Section 1804 of SAFETEA-LU (119 Stat.  
13 1458), and the item relating to that section in the table  
14 of contents contained in section 1(b) of that Act, are re-  
15 pealed.

16 (ii) NONMOTORIZED TRANSPORTATION PILOT PRO-  
17 GRAM.—Section 1807 of SAFETEA-LU (119 Stat.  
18 1460), and the item relating to that section in the table  
19 of contents contained in section 1(b) of that Act, are re-  
20 pealed.

21 (jj) GRANT PROGRAM TO PROHIBIT RACIAL  
22 PROFILING.—Section 1906 of SAFETEA-LU (119 Stat.  
23 1468), and the item relating to that section in the table  
24 of contents contained in section 1(b) of that Act, are re-  
25 pealed.

1 (kk) PAVEMENT MARKING SYSTEMS DEMONSTRATION PROJECTS.—Section 1907 of SAFETEA-LU (119  
2 TION PROJECTS.—Section 1907 of SAFETEA-LU (119  
3 Stat. 1469), and the item relating to that section in the  
4 table of contents contained in section 1(b) of that Act,  
5 are repealed.

6 (ll) LIMITATION ON PROJECT APPROVAL.—Section  
7 1958 of SAFETEA-LU (119 Stat. 1515), and the item  
8 relating to that section in the table of contents contained  
9 in section 1(b) of that Act, are repealed.

## 10 **Subtitle G—Miscellaneous**

### 11 **SEC. 1701. TRANSPORTATION ENHANCEMENT ACTIVITY DE-**

#### 12 **FINED.**

13 Section 101(a)(35) is amended—

14 (1) by striking subparagraphs (C), (F), (G),  
15 (H), and (L); and

16 (2) by redesignating subparagraphs (D), (E),  
17 (I), (J), and (K) as subparagraphs (C), (D), (E),  
18 (F), and (G), respectively.

### 19 **SEC. 1702. PAVEMENT MARKINGS.**

20 Section 109 is amended by adding at the end the fol-  
21 lowing:

22 “(r) PAVEMENT MARKINGS.—The Secretary may not  
23 approve any pavement markings project that includes the  
24 use of glass beads containing more than 200 parts per  
25 million of arsenic or lead.”.

1 **SEC. 1703. REST AREAS.**

2 (a) AGREEMENTS RELATING TO USE OF AND ACCESS  
3 TO RIGHTS-OF-WAY—INTERSTATE SYSTEM.—Section  
4 111 is amended—

5 (1) in subsection (a) in the second sentence by  
6 striking the period and inserting “and will not  
7 change the boundary of any right-of-way on the  
8 Interstate System to accommodate construction of,  
9 or afford access to, an automotive service station or  
10 other commercial establishment.”;

11 (2) by redesignating subsections (b) and (c) as  
12 subsections (c) and (d), respectively; and

13 (3) by inserting after subsection (a) the fol-  
14 lowing:

15 “(b) REST AREAS.—

16 “(1) IN GENERAL.—Notwithstanding subsection  
17 (a), the Secretary shall permit a State to acquire,  
18 construct, operate, and maintain a rest area along a  
19 highway on the Interstate System in such State.

20 “(2) ELIGIBLE ACTIVITIES.—The Secretary  
21 shall permit a rest area under paragraph (1) to in-  
22 clude commercial activities that provide goods, serv-  
23 ices, and information serving the traveling public  
24 and the commercial motor carrier industry. Such  
25 commercial activities shall be limited to—

1           “(A) commercial advertising and media  
2           displays if such advertising and displays are—

3                   “(i) exhibited solely within any facility  
4                   constructed in the rest area; and

5                   “(ii) not legible from the main trav-  
6                   eled way;

7           “(B) State promotional or tourism items;

8           “(C) tourism-related merchandise and  
9           products, including electronics and clothing;

10           “(D) historical or tourism-related enter-  
11           tainment items, including event or attraction  
12           tickets;

13           “(E) travel-related information, including  
14           maps, travel booklets, and hotel coupon book-  
15           lets;

16           “(F) automatic teller machines; and

17           “(G) lottery machines.

18           “(3) PRIVATE OPERATORS.—A State may per-  
19           mit a private party to operate such commercial ac-  
20           tivities.

21           “(4) LIMITATION ON USE OF REVENUES.—A  
22           State shall use any revenues received from the com-  
23           mercial activities in a rest area under this section to  
24           cover the costs of acquiring, constructing, operating,  
25           and maintaining rest areas in the State.”.

1           (b) CONTROL OF OUTDOOR ADVERTISING.—Section  
2 131(i) is amended by adding at the end the following: “A  
3 State may permit the installation of signs that acknowl-  
4 edge the sponsorship of rest areas within such rest areas  
5 or along the main traveled way of the system, provided  
6 that such signs shall not affect the safe and efficient utili-  
7 zation of the Interstate System and the primary system.  
8 The Secretary shall establish criteria for the installation  
9 of such signs on the main traveled way, including criteria  
10 pertaining to the placement of rest area sponsorship ac-  
11 knowledge signs in relation to the placement of ad-  
12 vance guide signs for rest areas.”.

13 **SEC. 1704. JUSTIFICATION REPORTS FOR ACCESS POINTS**  
14 **ON THE INTERSTATE SYSTEM.**

15           Section 111 is amended by adding at the end the fol-  
16 lowing:

17           “(e) JUSTIFICATION REPORTS.—If the Secretary re-  
18 quests or requires a justification report for a project that  
19 would add a point of access to, or exit from, the Interstate  
20 System, the Secretary may permit a State transportation  
21 department to approve such report.”.

22 **SEC. 1705. PATENTED OR PROPRIETARY ITEMS.**

23           Section 112 is amended by adding at the end the fol-  
24 lowing:

1       “(h) USE OF PATENTED OR PROPRIETARY ITEMS.—  
2 The Secretary shall approve the use, by a State, of Federal  
3 funds made available to carry out this chapter to pay for  
4 patented or proprietary items if the State transportation  
5 department certifies, based on the documented analysis  
6 and professional judgment of qualified State transpor-  
7 tation officials, that—

8               “(1) no equally suitable alternative item exists;

9               “(2) any specified patented or proprietary item  
10 will be clearly identified as a patented or proprietary  
11 item in bid documents; and

12               “(3) any specified patented or proprietary item  
13 will be available in sufficient quantity to complete  
14 any project identified in bid documents.”.

15 **SEC. 1706. PREVENTIVE MAINTENANCE.**

16       Section 116 is amended by adding at the end the fol-  
17 lowing:

18       “(e) DEFINITIONS.—In this section, the following  
19 definitions apply:

20               “(1) PREVENTIVE MAINTENANCE.—The term  
21 ‘preventive maintenance’ includes pavement preser-  
22 vation programs and activities.

23               “(2) PAVEMENT PRESERVATION PROGRAMS AND  
24 ACTIVITIES.—The term ‘pavement preservation pro-  
25 grams and activities’ means programs and activities

1       employing a network level, long-term strategy that  
2       enhances pavement performance by using an inte-  
3       grated, cost-effective set of practices that extend  
4       pavement life, improve safety, and meet road user  
5       expectations.”.

6 **SEC. 1707. MAPPING.**

7       (a) IN GENERAL.—Section 306 is amended—

8             (1) in subsection (a) by striking “may” and in-  
9       serting “shall”;

10            (2) in subsection (b) by striking “State and”  
11       and inserting “State government and”; and

12            (3) by adding at the end the following:

13       “(c) IMPLEMENTATION.—The Secretary shall develop  
14       a process for the oversight and monitoring, on an annual  
15       basis, of the compliance of each State with the guidance  
16       issued under subsection (b).”.

17       (b) SURVEY.—Not later than 2 years after the date  
18       of enactment of this Act, the Secretary shall conduct a  
19       survey of all States to determine what percentage of  
20       projects carried out under title 23, United States Code,  
21       in each State utilize private sector sources for surveying  
22       and mapping services.

1 **SEC. 1708. FUNDING FLEXIBILITY FOR TRANSPORTATION**  
2 **EMERGENCIES.**

3 (a) IN GENERAL.—Chapter 3 is amended by adding  
4 at the end the following:

5 **“§ 330. Funding flexibility for transportation emer-**  
6 **gencies**

7 “(a) IN GENERAL.—Notwithstanding any other pro-  
8 vision of law, the chief executive of a State, after declaring  
9 an emergency with respect to a transportation facility  
10 under subsection (b), may use any covered funds of the  
11 State to repair or replace the transportation facility.

12 “(b) DECLARATION OF EMERGENCY.—To declare an  
13 emergency with respect to a transportation facility for  
14 purposes of subsection (a), the chief executive of a State  
15 shall provide to the Secretary written notice of the declara-  
16 tion, which shall specify—

17 “(1) the emergency;

18 “(2) the affected transportation facility; and

19 “(3) the repair or replacement activities to be  
20 carried out.

21 “(c) DEFINITIONS.—In this section, the following  
22 definitions apply:

23 “(1) COVERED FUNDS.—The term ‘covered  
24 funds’ means any amounts apportioned to a State  
25 under this title, including any such amounts re-  
26 quired to be set aside for a purpose other than the

1 repair or replacement of a transportation facility  
2 under this section.

3 “(2) EMERGENCY.—The term ‘emergency’  
4 means any unexpected event or condition that—

5 “(A) may cause, or has caused, the cata-  
6 strophic failure of a transportation facility; and

7 “(B) is determined to be an emergency by  
8 the chief executive of a State.

9 “(3) TRANSPORTATION FACILITY.—The term  
10 ‘transportation facility’ means any component of the  
11 National Highway System.

12 “(d) LIMITATION ON STATUTORY CONSTRUCTION.—  
13 Nothing in this section may be construed to allow a State  
14 to change the division of surface transportation program  
15 funding under section 133(d)(3).”.

16 (b) CLERICAL AMENDMENT.—The analysis for such  
17 chapter is amended by adding at the end the following:  
“330. Funding flexibility for transportation emergencies.”.

18 **SEC. 1709. BUDGET JUSTIFICATION.**

19 (a) IN GENERAL.—Subchapter I of chapter 3 of title  
20 49, United States Code, is amended by adding at the end  
21 the following:

22 **“§ 310. Budget justification**

23 “The Secretary of Transportation and the head of  
24 each modal administration of the Department of Trans-  
25 portation shall submit to the Committee on Transpor-

1 tation and Infrastructure of the House of Representatives  
 2 and the Committee on Environment and Public Works and  
 3 the Committee on Banking, Housing, and Urban Affairs  
 4 of the Senate a budget justification concurrently with the  
 5 President’s annual budget submission to Congress.”.

6 (b) CLERICAL AMENDMENT.—The analysis for chap-  
 7 ter 3 is amended by inserting after the item relating to  
 8 section 309 the following:

“310. Budget justification.”.

9 **SEC. 1710. EXTENSION OF OVER-THE-ROAD BUS AND PUB-**  
 10 **LIC TRANSIT VEHICLE EXEMPTION FROM**  
 11 **AXLE WEIGHT RESTRICTIONS.**

12 Section 1023(h) of the Intermodal Surface Transpor-  
 13 tation Efficiency Act of 1991 (23 U.S.C. 127 note) is  
 14 amended—

15 (1) in the heading of paragraph (1) by striking  
 16 “TEMPORARY EXEMPTION” and inserting “EXEMP-  
 17 TION”;

18 (2) in paragraph (1) by striking “, for the pe-  
 19 riod beginning on October 6, 1992, and ending on  
 20 October 1, 2009,”; and

21 (3) in paragraph (2)(A) by striking “For the  
 22 period beginning on the date of enactment of this  
 23 subparagraph and ending on September 30, 2009,  
 24 a” and inserting “A”.

1 **SEC. 1711. REPEAL OF REQUIREMENT FOR INTERSTATE**  
2 **SYSTEM DESIGNATION.**

3 Section 1105(e)(5)(A) of the Intermodal Surface  
4 Transportation Efficiency Act of 1991 is amended by  
5 striking “that the segment” and all that follows through  
6 the period at the end and inserting “that the segment  
7 meets the Interstate System design standards approved by  
8 the Secretary under section 109(b) of title 23, United  
9 States Code.”.

10 **SEC. 1712. RETROREFLECTIVITY.**

11 Not later than 1 year after the date of enactment  
12 of this Act, the Secretary shall amend the Manual on Uni-  
13 form Traffic Control Devices to remove compliance dates  
14 with respect to retroreflectivity standards for regulatory,  
15 warning, and other post-mounted guide signs and for  
16 street name and other overhead guide signs.

17 **SEC. 1713. ENGINEERING JUDGMENT.**

18 Not later than 90 days after the date of enactment  
19 of this Act, the Secretary shall issue guidance to State  
20 transportation departments clarifying that the standards,  
21 guidance, and options for design and application of traffic  
22 control devices provided in the Manual on Uniform Traffic  
23 Control Devices should not be considered a substitute for  
24 engineering judgment.

1 **SEC. 1714. EVACUATION ROUTES.**

2 Each State shall give adequate consideration to the  
3 needs of evacuation routes when allocating funds appor-  
4 tioned to the State under title 23, Unites States Code,  
5 for the construction of Federal-aid highways.

6 **SEC. 1715. TRUCK PARKING.**

7 (a) TRUCK PARKING SURVEY.—

8 (1) REQUIREMENT.—Not later than 18 months  
9 after the date of enactment of this Act, the Sec-  
10 retary, in consultation with appropriate State motor  
11 carrier safety personnel, shall conduct a survey of  
12 each State—

13 (A) to develop a system of metrics to  
14 measure the adequacy of commercial motor ve-  
15 hicle parking facilities in the State;

16 (B) to assess the volume of commercial  
17 motor vehicle traffic in the State; and

18 (C) to evaluate the capability of the State  
19 to provide adequate parking and rest facilities  
20 for commercial motor vehicles engaged in inter-  
21 state transportation.

22 (2) PUBLICATION OF RESULTS.—The Secretary  
23 shall make available to the public on the Internet  
24 Web site of the Department the results of surveys  
25 conducted under paragraph (1).

1           (3) PERIODIC UPDATES.—The Secretary shall  
2           periodically update surveys conducted under para-  
3           graph (1).

4           (b) TRUCK PARKING PROJECTS.—A State may obli-  
5           gate funds apportioned to the State under paragraph (1),  
6           (2), (3), or (5) of section 104(b) of title 23, United States  
7           Code, for the following, if serving the National Highway  
8           System:

9           (1) Constructing a safety rest area (as defined  
10          in section 120(c) of such title) that includes parking  
11          for commercial motor vehicles.

12          (2) Constructing a commercial motor vehicle  
13          parking facility adjacent to a commercial truck stop  
14          or travel plaza.

15          (3) Making a facility available to commercial  
16          motor vehicle parking, including an inspection and  
17          weigh station or a park-and-ride facility.

18          (4) Promoting the availability of publicly or pri-  
19          vately provided commercial motor vehicle parking  
20          using intelligent transportation systems and other  
21          means.

22          (5) Constructing a turnout for commercial  
23          motor vehicles.

24          (6) Making capital improvements to a seasonal  
25          public commercial motor vehicle parking facility to

1 allow the facility to remain open throughout the  
2 year.

3 (7) Improving the geometric design of an inter-  
4 change to improve access to a commercial motor ve-  
5 hicle parking facility.

6 **SEC. 1716. USE OF CERTAIN ADMINISTRATIVE EXPENSES.**

7 (a) IN GENERAL.—Out of the funds made available  
8 under section 104(a) of title 23, United States Code, the  
9 Secretary may use not to exceed a total of \$2,000,000  
10 each fiscal year—

11 (1) to operate the national work zone safety in-  
12 formation clearinghouse authorized by section  
13 358(b)(2) of the National Highway System Designa-  
14 tion Act of 1995 (23 U.S.C. 401 note; 109 Stat.  
15 625);

16 (2) to operate a public road safety clearing-  
17 house under section 1411(a) of SAFETEA-LU (23  
18 U.S.C. 402 note; 119 Stat. 1234); and

19 (3) to provide work zone safety grants under  
20 subsections (a) and (b) of section 1409 of  
21 SAFETEA-LU (23 U.S.C. 401 note; 119 Stat.  
22 1232).

23 (b) CONFORMING AMENDMENTS.—

24 (1) ROADWAY SAFETY.—Section 1411(a) of  
25 SAFETEA-LU (23 U.S.C. 402 note; 119 Stat.

1 1234) is amended by striking paragraph (2) and in-  
2 sserting the following:

3 “(2) FUNDING.—Funding for activities under  
4 this subsection may be made available as described  
5 in section 1716(a) of the American Energy and In-  
6 frastructure Jobs Act of 2012.”.

7 (2) WORK ZONE SAFETY GRANTS.—Section  
8 1409 of SAFETEA–LU (23 U.S.C. 401 note; 119  
9 Stat. 1232) is amended by striking subsection (c)(1)  
10 and inserting the following:

11 “(1) IN GENERAL.—Funding for activities  
12 under this section may be made available as de-  
13 scribed in section 1716(a) of the American Energy  
14 and Infrastructure Jobs Act of 2012.”.

15 **SEC. 1717. TRANSPORTATION TRAINING AND EMPLOYMENT**  
16 **PROGRAMS.**

17 To encourage the development of careers in the trans-  
18 portation field, the Secretary of Education and the Sec-  
19 retary of Labor are encouraged to use funds for training  
20 and employment education programs to develop such pro-  
21 grams for transportation-related careers and trades, and  
22 to work with the Secretary of Transportation to carry out  
23 such programs.

1 **SEC. 1717A. ENGINEERING AND DESIGN SERVICES.**

2 (a) IN GENERAL.—For projects carried out under  
3 title 23, United States Code, a State transportation de-  
4 partment shall utilize, to the maximum extent practicable,  
5 commercial enterprises for the delivery of engineering and  
6 design services.

7 (b) REPORTING REQUIREMENT.—Not later than 1  
8 year after the date of enactment of this Act, each State  
9 transportation department shall submit to the Secretary  
10 a report documenting the extent to which the State utilizes  
11 commercial enterprises for the delivery of engineering and  
12 design services for projects carried out under title 23,  
13 United States Code, which shall include, at a minimum—

14 (1) the number and types of engineering and  
15 design activities for which commercial enterprises  
16 were utilized in the preceding year; and

17 (2) the policies or procedures utilized by the  
18 State transportation department to increase the  
19 amount of engineering and design services for which  
20 commercial enterprises were utilized.

21 (c) STATE TRANSPORTATION DEPARTMENT DE-  
22 FINED.—In this section, the term “State transportation  
23 department” has the meaning given that term under sec-  
24 tion 101 of title 23, United States Code.

1 **SEC. 1718. NOTICE OF CERTAIN GRANT AWARDS.**

2 (a) IN GENERAL.—Except to the extent otherwise ex-  
3 pressly provided in another provision of law, at least 3  
4 business days before a covered grant award is announced,  
5 the Secretary shall provide to the Committee on Transpor-  
6 tation and Infrastructure of the House of Representatives  
7 written notice of the covered grant award.

8 (b) COVERED GRANT AWARD DEFINED.—The term  
9 “covered grant award” means a grant award—

10 (1) made—

11 (A) by the Department; and

12 (B) with funds made available under this  
13 Act; and

14 (2) in an amount equal to or greater than  
15 \$500,000.

16 **TITLE II—PUBLIC**  
17 **TRANSPORTATION**

18 **SEC. 2001. SHORT TITLE; AMENDMENTS TO TITLE 49,**  
19 **UNITED STATES CODE.**

20 (a) SHORT TITLE.—This title may be cited as the  
21 “Public Transportation Act of 2012”.

22 (b) AMENDMENTS TO TITLE 49, UNITED STATES  
23 CODE.—Except as otherwise expressly provided, whenever  
24 in this title an amendment or repeal is expressed in terms  
25 of an amendment to, or a repeal of, a section or other  
26 provision, the reference shall be considered to be made to

1 a section or other provision of title 49, United States  
2 Code.

3 **SEC. 2002. DEFINITIONS.**

4 Section 5302(a) is amended—

5 (1) in paragraph (1)(I) by striking “10 per-  
6 cent” and inserting “15 percent”;

7 (2) by redesignating paragraphs (12) through  
8 (17) as paragraphs (13) through (18), respectively;  
9 and

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

12 “(12) RURAL AREA.—The term ‘rural area’  
13 means an area encompassing a population of less  
14 than 50,000 people that has not been designated in  
15 the most recent decennial census as an ‘urbanized  
16 area’ by the Secretary of Commerce.”.

17 **SEC. 2003. PLANNING PROGRAMS.**

18 Section 5305 is amended—

19 (1) in the heading for subsection (d) by insert-  
20 ing “TRANSPORTATION” before “PLANNING”;

21 (2) in paragraph (d)(2), by striking “designated  
22 under this section” and inserting “responsible for  
23 carrying out the provisions of section 5203 of this  
24 title”; and

25 (3) in subsection (e)—

1 (A) in the subsection heading by striking  
2 “STATE” and inserting “STATEWIDE TRANS-  
3 PORTATION”; and

4 (B) in paragraph (1)(A) by striking  
5 “5315.”.

6 **SEC. 2004. PRIVATE ENTERPRISE PARTICIPATION.**

7 Section 5306(a) is amended by striking “, as deter-  
8 mined by local policies, criteria, and decisionmaking.”.

9 **SEC. 2005. URBANIZED AREA FORMULA GRANTS.**

10 (a) GENERAL AUTHORITY.—Section 5307(b)(3) is  
11 amended—

12 (1) by inserting “TRANSPORTATION MANAGE-  
13 MENT AREAS.—” before “In a”; and

14 (2) by moving the text 2 ems to the right.

15 (b) GRANT RECIPIENT REQUIREMENTS.—Section  
16 5307(d)(1) is amended—

17 (1) in subparagraph (D)—

18 (A) by striking “elderly and handicapped  
19 individuals, or an” and inserting “elderly indi-  
20 viduals, individuals with disabilities, and any”;  
21 and

22 (B) by striking the comma before “will be  
23 charged”;

1           (2) in subparagraph (H) by striking “section  
2           5301(a), section 5301(d),” and inserting “section  
3           5301”;

4           (3) in subparagraph (I) by adding “and” at the  
5           end;

6           (4) in subparagraph (J)(ii) by striking “; and”  
7           and inserting a period; and

8           (5) by striking subparagraph (K).

9   **SEC. 2006. CAPITAL INVESTMENT GRANTS.**

10          (a) IN GENERAL.—Section 5309 is amended to read  
11          as follows:

12   **“§ 5309. Capital investment grants**

13          “(a) DEFINITIONS.—In this section, the following  
14          definitions apply:

15                 “(1) NEW FIXED GUIDEWAY CAPITAL  
16          PROJECT.—The term ‘new fixed guideway capital  
17          project’ means an operable segment of a capital  
18          project for a new fixed guideway system or extension  
19          to an existing fixed guideway system.

20                 “(2) NEW START PROJECT.—The term ‘new  
21          start project’ means a new fixed guideway capital  
22          project for which the Federal assistance provided or  
23          to be provided under this section is \$75,000,000 or  
24          more.

1           “(3) SMALL START PROJECT.—The term ‘small  
2 start project’ means a new fixed guideway capital  
3 project for which—

4                   “(A) the Federal assistance provided or to  
5 be provided under this section is less than  
6 \$75,000,000; and

7                   “(B) the total estimated net capital cost is  
8 less than \$250,000,000.

9           “(b) GENERAL AUTHORITY.—The Secretary may  
10 make grants under this section to assist State and local  
11 governmental authorities in financing—

12                   “(1) new fixed guideway capital projects under  
13 subsections (d) and (e), including the acquisition of  
14 real property, the initial acquisition of rolling stock  
15 for the systems, the acquisition of rights-of-way, and  
16 relocation assistance, for fixed guideway corridor de-  
17 velopment for projects in the advanced stages of  
18 planning or in project development; and

19                   “(2) the development of corridors to support  
20 new fixed guideway capital projects under sub-  
21 sections (d) and (e), including protecting rights-of-  
22 way through acquisition, construction of dedicated  
23 bus and high occupancy vehicle lanes, park and ride  
24 lots, and other nonvehicular capital improvements

1 that the Secretary may determine would result in in-  
2 creased public transportation usage in the corridor.

3 “(c) GRANT REQUIREMENTS.—

4 “(1) IN GENERAL.—The Secretary may not ap-  
5 prove a grant under this section unless the Secretary  
6 determines that—

7 “(A) the project is part of an approved  
8 long-range transportation plan and program of  
9 projects required under sections 5203, 5204,  
10 and 5306; and

11 “(B) the applicant has, or will have—

12 “(i) the legal, financial, and technical  
13 capacity to carry out the project, including  
14 safety and security aspects of the project;

15 “(ii) satisfactory continuing control  
16 over the use of the equipment or facilities;  
17 and

18 “(iii) the capability and willingness to  
19 maintain the equipment or facilities.

20 “(2) CERTIFICATION.—An applicant that has  
21 submitted the certifications required under subpara-  
22 graphs (A), (B), (C), and (H) of section 5307(d)(1)  
23 shall be deemed to have provided sufficient informa-  
24 tion upon which the Secretary may make the deter-  
25 minations required under this subsection.

1           “(3) GRANTEE REQUIREMENTS.—The Secretary  
2 shall require that any grant awarded under this sec-  
3 tion to a recipient be subject to all terms, conditions,  
4 requirements, and provisions that the Secretary de-  
5 termines to be necessary or appropriate for the pur-  
6 poses of this section, including requirements for the  
7 disposition of net increases in the value of real prop-  
8 erty resulting from the project assisted under this  
9 section.

10          “(d) NEW START PROJECTS.—

11           “(1) FULL FUNDING GRANT AGREEMENT.—

12           “(A) IN GENERAL.—A new start project  
13 shall be carried out through a full funding  
14 grant agreement.

15           “(B) CRITERIA.—The Secretary shall enter  
16 into a full funding grant agreement, based on  
17 the evaluations and ratings required under this  
18 subsection, with each grantee receiving assist-  
19 ance for a new start project that—

20           “(i) is authorized for project develop-  
21 ment; and

22           “(ii) has been rated as high, medium-  
23 high, or medium, in accordance with para-  
24 graph (5).

1           “(2) APPROVAL OF GRANTS.—The Secretary  
2           may approve a grant under this section for a new  
3           start project only if the Secretary, based upon eval-  
4           uations and considerations set forth in paragraph  
5           (3) and subject to paragraph (6), determines that  
6           the project—

7                   “(A) has been adopted as the locally pre-  
8                   ferred alternative as part of the long-range  
9                   transportation plan required under section  
10                  5203;

11                  “(B) is based on the results of an evalua-  
12                  tion of the benefits of the project as set forth  
13                  in paragraph (3); and

14                  “(C) is supported by an acceptable degree  
15                  of local financial commitment (including evi-  
16                  dence of stable and dependable financing  
17                  sources) to construct, maintain, and operate the  
18                  system or extension, and maintain and operate  
19                  the entire public transportation system without  
20                  requiring a reduction in existing public trans-  
21                  portation services or level of service to operate  
22                  the project.

23           “(3) EVALUATION OF BENEFITS AND FEDERAL  
24           INVESTMENT.—In making a determination for a new  
25           start project under paragraph (2)(B), the Secretary

1 shall analyze, evaluate, and consider the following  
2 evaluation criteria for the project (as compared to a  
3 no-action alternative):

4 “(A) The cost effectiveness of the project.

5 “(B) The mobility and accessibility bene-  
6 fits of the project, including direct intermodal  
7 connectivity with other modes of transportation.

8 “(C) The degree of congestion relief antici-  
9 pated as a result of the project.

10 “(D) The reductions in energy consump-  
11 tion and air pollution associated with the  
12 project.

13 “(E) The economic development effects as-  
14 sociated with the project.

15 “(F) The private contributions to the  
16 project, including cost-effective project delivery,  
17 management or transfer of project risks, expe-  
18 dited project schedule, financial partnering, and  
19 other public-private strategies.

20 “(4) EVALUATION OF LOCAL FINANCIAL COM-  
21 MITMENT.—In making a determination for a new  
22 start project under paragraph (2)(C), the Secretary  
23 shall—

24 “(A) require that the proposed project plan  
25 provide for the availability of contingency

1 amounts that the Secretary determines to be  
2 reasonable to cover unanticipated cost in-  
3 creases;

4 “(B) require that each proposed local  
5 source of capital and operating financing is sta-  
6 ble, reliable, and available within the project  
7 timetable;

8 “(C) consider private contributions to the  
9 project, including cost-effective project delivery,  
10 management or transfer of project risks, expe-  
11 dited project schedule, financial partnering, and  
12 other public-private partnership strategies;

13 “(D) consider the extent to which the  
14 project has a local financial commitment that  
15 exceeds the required non-Federal share of the  
16 cost of the project; and

17 “(E) consider the elements of the overall  
18 proposed public transportation system advanced  
19 with 100 percent non-Federal funds.

20 “(5) RATINGS.—In carrying out paragraphs (3)  
21 and (4) for a new start project, the Secretary shall  
22 evaluate and rate the project on a 5-point scale  
23 (high, medium-high, medium, medium-low, or low)  
24 based on an evaluation of the benefits of the project  
25 as compared to the Federal assistance to be provided

1 and the degree of local financial commitment, as re-  
2 quired under this subsection. In rating the projects,  
3 the Secretary shall provide, in addition to the overall  
4 project rating, individual ratings for each of the cri-  
5 teria established by this subsection and shall give  
6 comparable, but not necessarily equal, numerical  
7 weight to the benefits that the project will bring to  
8 the community in calculating the overall project rat-  
9 ing.

10 “(e) SMALL START PROJECTS.—

11 “(1) IN GENERAL.—

12 “(A) APPLICABILITY OF REQUIRE-  
13 MENTS.—Except as provided by subparagraph  
14 (B), a small start project shall be subject to the  
15 requirements of this subsection.

16 “(B) PROJECTS RECEIVING LESS THAN  
17 \$25,000,000 IN FEDERAL ASSISTANCE.—If the  
18 assistance provided under this section for a  
19 small start project is less than \$25,000,000—

20 “(i) the requirements of this sub-  
21 section shall not apply to the project if de-  
22 termined appropriate by the Secretary; and

23 “(ii) the Secretary shall utilize special  
24 warrants described in subsection (n) to ad-

1           vance the project and provide Federal as-  
2           sistance as appropriate.

3           “(2) SELECTION CRITERIA.—The Secretary  
4           may provide Federal assistance for a small start  
5           project under this subsection only if the Secretary  
6           determines that the project—

7                   “(A) has been adopted as the locally pre-  
8                   ferred alternative as part of the long-range  
9                   transportation plan required under section  
10                  5203;

11                  “(B) is based on the results of an analysis  
12                  of the benefits of the project as set forth in  
13                  paragraph (3); and

14                  “(C) is supported by an acceptable degree  
15                  of local financial commitment.

16           “(3) EVALUATION OF BENEFITS AND FEDERAL  
17           INVESTMENT.—In making a determination for a  
18           small start project under paragraph (2)(B), the Sec-  
19           retary shall analyze, evaluate, and consider the fol-  
20           lowing evaluation criteria for the project (as com-  
21           pared to a no-action alternative):

22                   “(A) The cost effectiveness of the project.

23                   “(B) The mobility and accessibility bene-  
24                   fits of the project, including direct intermodal  
25                   connectivity with other modes of transportation.

1           “(C) The degree of congestion relief antici-  
2           pated as a result of the project.

3           “(D) The economic development effects as-  
4           sociated with the project.

5           “(4) EVALUATION OF LOCAL FINANCIAL COM-  
6           MITMENT.—For purposes of paragraph (2)(C), the  
7           Secretary shall require that each proposed local  
8           source of capital and operating financing is stable,  
9           reliable, and available within the proposed project  
10          timetable.

11          “(5) RATINGS.—In carrying out paragraphs (3)  
12          and (4) for a small start project, the Secretary shall  
13          evaluate and rate the project on a 5-point scale  
14          (high, medium-high, medium, medium-low, or low)  
15          based on an evaluation of the benefits of the project  
16          as compared to the Federal assistance to be provided  
17          and the degree of local financial commitment, as re-  
18          quired under this subsection. In rating the projects,  
19          the Secretary shall provide, in addition to the overall  
20          project rating, individual ratings for each of the cri-  
21          teria established by this subsection and shall give  
22          comparable, but not necessarily equal, numerical  
23          weight to the benefits that the project will bring to  
24          the community in calculating the overall project rat-  
25          ing.

1           “(6) GRANTS AND EXPEDITED GRANT AGREE-  
2           MENTS.—

3           “(A) IN GENERAL.—The Secretary, to the  
4           maximum extent practicable, shall provide Fed-  
5           eral assistance under this subsection in a single  
6           grant. If the Secretary cannot provide such a  
7           single grant, the Secretary may execute an ex-  
8           pedited grant agreement in order to include a  
9           commitment on the part of the Secretary to  
10          provide funding for the project in future fiscal  
11          years.

12          “(B) TERMS OF EXPEDITED GRANT  
13          AGREEMENTS.—In executing an expedited grant  
14          agreement under this subsection, the Secretary  
15          may include in the agreement terms similar to  
16          those established under subsection (g)(2)(A).

17          “(C) NOTICE OF PROPOSED GRANTS AND  
18          EXPEDITED GRANT AGREEMENTS.—At least 10  
19          days before making a grant award or entering  
20          into a grant agreement for a project under this  
21          subsection, the Secretary shall notify, in writ-  
22          ing, the Committee on Transportation and In-  
23          frastructure and the Committee on Appropria-  
24          tions of the House of Representatives and the  
25          Committee on Banking, Housing, and Urban

1 Affairs and the Committee on Appropriations of  
2 the Senate of the proposed grant or expedited  
3 grant agreement, as well as the evaluations and  
4 ratings for the project.

5 “(7) INCLUSION OF CORRIDOR-BASED CAPITAL  
6 PROJECTS.—In this subsection, the term ‘small start  
7 project’ includes a corridor-based capital project if—

8 “(A) a majority of the project operates in  
9 a separate right-of-way dedicated for transit use  
10 during peak hour operations; or

11 “(B) the project represents a substantial  
12 investment in a defined corridor as dem-  
13 onstrated by investment in fixed transit facili-  
14 ties and equipment such as substantial transit  
15 stations, intelligent transportation systems tech-  
16 nology, traffic signal priority, off-board fare col-  
17 lection, and other direct investments in the cor-  
18 ridor.

19 “(f) PREVIOUSLY ISSUED LETTER OF INTENT OR  
20 GRANT AGREEMENT.—Subsections (d) and (e) do not  
21 apply to projects for which the Secretary has issued a let-  
22 ter of intent, entered into an early systems work agree-  
23 ment or a full funding grant agreement, or has been ap-  
24 proved to enter final design before the date of enactment  
25 of the Public Transportation Act of 2012.

1       “(g) LETTERS OF INTENT, FULL FUNDING GRANT  
2 AGREEMENTS, AND EARLY SYSTEMS WORK AGREE-  
3 MENTS.—

4           “(1) LETTERS OF INTENT.—

5               “(A) AMOUNTS INTENDED TO BE OBLI-  
6 GATED.—The Secretary may issue a letter of  
7 intent to an applicant announcing an intention  
8 to obligate, for a new start project, an amount  
9 from future available budget authority specified  
10 in law that is not more than the amount stipu-  
11 lated as the financial participation of the Sec-  
12 retary in the project.

13               “(B) TREATMENT.—The issuance of a let-  
14 ter under subparagraph (A) is deemed not to be  
15 an obligation under section 1108(c), 1108(d),  
16 1501, or 1502(a) of title 31 or an administra-  
17 tive commitment.

18           “(2) FULL FUNDING GRANT AGREEMENTS.—

19               “(A) TERMS.—The Secretary may enter  
20 into a full funding grant agreement with an ap-  
21 plicant for a grant under this section for a new  
22 start project. The agreement shall—

23                   “(i) establish the terms of participa-  
24 tion by the Government in the project;

1           “(ii) establish the maximum amount  
2 of Government financial assistance for the  
3 project;

4           “(iii) cover the period of time for com-  
5 pleting the project, including, if necessary,  
6 a period extending beyond the period of an  
7 authorization;

8           “(iv) make timely and efficient man-  
9 agement of the project easier according to  
10 the laws of the United States; and

11           “(v) establish terms requiring the ap-  
12 plicant to repay all Government payments  
13 made under the agreement (plus such rea-  
14 sonable interest and penalty charges as are  
15 established by the Secretary in the agree-  
16 ment) if the applicant does not carry out  
17 the project for reasons within the control  
18 of the applicant.

19           “(B) SPECIAL FINANCIAL RULES.—

20           “(i) IN GENERAL.—A full funding  
21 grant agreement under this paragraph ob-  
22 ligates an amount of available budget au-  
23 thority specified in law and may include a  
24 commitment (contingent on amounts to be  
25 specified in law in advance for commit-

1           ments under this paragraph) to obligate an  
2           additional amount from future available  
3           budget authority specified in law.

4           “(ii) STATEMENT OF CONTINGENT  
5           COMMITMENT.—The full funding grant  
6           agreement shall state that the contingent  
7           commitment is not an obligation of the  
8           Government.

9           “(iii) INTEREST AND OTHER FINANC-  
10          ING COSTS.—Interest and other financing  
11          costs of efficiently carrying out a part of  
12          the project within a reasonable time are a  
13          cost of carrying out the project under a  
14          full funding grant agreement, except that  
15          eligible costs may not be more than the  
16          cost of the most favorable financing terms  
17          reasonably available for the project at the  
18          time of borrowing. The applicant shall cer-  
19          tify, in a way satisfactory to the Secretary,  
20          that the applicant has shown reasonable  
21          diligence in seeking the most favorable fi-  
22          nancing terms.

23          “(iv) COMPLETION OF OPERABLE  
24          SEGMENT.—The amount stipulated in a  
25          full funding grant agreement for a new

1 start project shall be sufficient to complete  
2 at least one operable segment.

3 “(C) BEFORE AND AFTER STUDY.—

4 “(i) IN GENERAL.—A full funding  
5 grant agreement under this paragraph  
6 shall require the applicant to conduct a  
7 study that—

8 “(I) describes and analyzes the  
9 impacts of the new start project on  
10 transit services and transit ridership;

11 “(II) evaluates the consistency of  
12 predicted and actual project charac-  
13 teristics and performance; and

14 “(III) identifies sources of dif-  
15 ferences between predicted and actual  
16 outcomes.

17 “(ii) INFORMATION COLLECTION AND  
18 ANALYSIS PLAN.—

19 “(I) SUBMISSION OF PLAN.—An  
20 applicant seeking a full funding grant  
21 agreement under this paragraph shall  
22 submit to the Secretary a complete  
23 plan for the collection and analysis of  
24 information to identify the impacts of  
25 the new start project and the accuracy

1 of the forecasts prepared during the  
2 development of the project. Prepara-  
3 tion of the plan shall be included in  
4 the agreement as an eligible activity.

5 “(II) CONTENTS OF PLAN.—The  
6 plan submitted under subclause (I)  
7 shall provide for—

8 “(aa) the collection of data  
9 on the current transit system of  
10 the applicant regarding transit  
11 service levels and ridership pat-  
12 terns, including origins and des-  
13 tinations, access modes, trip pur-  
14 poses, and rider characteristics;

15 “(bb) documentation of the  
16 predicted scope, service levels,  
17 capital costs, operating costs, and  
18 ridership of the project;

19 “(cc) collection of data on  
20 the transit system of the appli-  
21 cant 2 years after the opening of  
22 the new start project, including  
23 analogous information on transit  
24 service levels and ridership pat-  
25 terns and information on the as-

1 built scope and capital costs of  
2 the project; and

3 “(dd) an analysis of the con-  
4 sistency of predicted project  
5 characteristics with the data col-  
6 lected under item (cc).

7 “(D) COLLECTION OF DATA ON CURRENT  
8 SYSTEM.—To be eligible to enter into a full  
9 funding grant agreement under this paragraph  
10 for a new start project, an applicant shall have  
11 collected data on the current transit system of  
12 the applicant, according to the plan required  
13 under subparagraph (C)(ii), before the begin-  
14 ning of construction of the project. Collection of  
15 the data shall be included in the full funding  
16 grant agreement as an eligible activity.

17 “(3) EARLY SYSTEMS WORK AGREEMENTS.—

18 “(A) CONDITIONS.—The Secretary may  
19 enter into an early systems work agreement  
20 with an applicant for a new start project if a  
21 record of decision under the National Environ-  
22 mental Policy Act of 1969 (42 U.S.C. 4321 et  
23 seq.) has been issued on the project and the  
24 Secretary finds there is reason to believe a full

1 funding grant agreement for the project will be  
2 made.

3 “(B) CONTENTS.—

4 “(i) IN GENERAL.—A work agreement  
5 under this paragraph for a new start  
6 project obligates an amount of available  
7 budget authority specified in law and shall  
8 provide for reimbursement of preliminary  
9 costs of carrying out the project, including  
10 land acquisition, timely procurement of  
11 system elements for which specifications  
12 are decided, and other activities the Sec-  
13 retary decides are appropriate to make ef-  
14 ficient, long-term project management  
15 easier.

16 “(ii) PERIOD COVERED.—A work  
17 agreement under this paragraph shall  
18 cover the period of time the Secretary con-  
19 siders appropriate. The period may extend  
20 beyond the period of current authorization.

21 “(iii) INTEREST AND OTHER FINANC-  
22 ING COSTS.—Interest and other financing  
23 costs of efficiently carrying out the work  
24 agreement within a reasonable time are a  
25 cost of carrying out the agreement, except

1 that eligible costs may not be more than  
2 the cost of the most favorable financing  
3 terms reasonably available for the project  
4 at the time of borrowing. The applicant  
5 shall certify, in a manner satisfactory to  
6 the Secretary, that the applicant has  
7 shown reasonable diligence in seeking the  
8 most favorable financing terms.

9 “(iv) FAILURE TO CARRY OUT  
10 PROJECT.—If, after entering into a work  
11 agreement under this paragraph for a new  
12 start project, an applicant does not carry  
13 out the project for reasons within the con-  
14 trol of the applicant, the applicant shall  
15 repay all Government payments made  
16 under the work agreement plus reasonable  
17 interest and penalty charges the Secretary  
18 establishes in the agreement.

19 “(4) LIMITATION ON AMOUNTS.—

20 “(A) NEW START GRANTS CONTINGENT  
21 COMMITMENT AUTHORITY.—The total estimated  
22 amount of future obligations of the Government  
23 and contingent commitments to incur obliga-  
24 tions covered by all outstanding letters of in-  
25 tent, full funding grant agreements, and early

1 systems work agreements under this subsection  
2 for new start projects may be not more than  
3 the greater of the amount authorized under sec-  
4 tion 5338(b) for such projects or an amount  
5 equivalent to the last 3 fiscal years of funding  
6 allocated under subsections (m)(2)(B) for such  
7 projects, less an amount the Secretary reason-  
8 ably estimates is necessary for grants under  
9 this section for the projects that are not covered  
10 by a letter or agreement. The total amount cov-  
11 ered by new letters and contingent commit-  
12 ments included in full funding grant agree-  
13 ments and early systems work agreements for  
14 such projects may be not more than a limitation  
15 specified in law.

16 “(B) APPROPRIATION REQUIRED.—An ob-  
17 ligation may be made under this subsection only  
18 when amounts are appropriated for the obliga-  
19 tion.

20 “(5) NOTIFICATION OF CONGRESS.—At least 10  
21 days before issuing a letter of intent or an early sys-  
22 tems work agreement under this section, and at  
23 least 21 days before entering into a full funding  
24 grant agreement under this section, the Secretary  
25 shall notify, in writing, the Committee on Transpor-

1 tation and Infrastructure and the Committee on Ap-  
2 propriations of the House of Representatives and the  
3 Committee on Banking, Housing, and Urban Affairs  
4 and the Committee on Appropriations of the Senate  
5 of the proposed letter or agreement. The Secretary  
6 shall include with the notification a copy of the pro-  
7 posed letter or agreement as well as the evaluations  
8 and ratings for the project.

9 “(h) GOVERNMENT’S SHARE OF NET PROJECT  
10 COST.—

11 “(1) IN GENERAL.—Based on engineering stud-  
12 ies, studies of economic feasibility, and information  
13 on the expected use of equipment or facilities, the  
14 Secretary shall estimate the net capital project cost  
15 of a new fixed guideway capital project. A grant  
16 under this section for the project shall be for 80 per-  
17 cent of the net capital project cost unless the grant  
18 recipient requests a lower grant percentage.

19 “(2) ADJUSTMENT FOR COMPLETION UNDER  
20 BUDGET.—The Secretary may adjust the final net  
21 project cost of a new fixed guideway capital project  
22 evaluated under subsections (d) and (e) to include  
23 the cost of eligible activities not included in the  
24 originally defined project if the Secretary determines  
25 that the originally defined project has been com-

1       pleted at a cost that is significantly below the origi-  
2       nal estimate.

3               “(3) REMAINDER OF NET PROJECT COST.—The  
4       remainder of net project costs shall be provided from  
5       an undistributed cash surplus, a replacement or de-  
6       preciation cash fund or reserve, or new capital from  
7       public or private sources.

8               “(4) LIMITATION ON STATUTORY CONSTRUC-  
9       TION.—Nothing in this section shall be construed as  
10      authorizing the Secretary to request or require a  
11      non-Federal financial commitment for a project that  
12      is more than 20 percent of the net capital project  
13      cost.

14              “(5) SPECIAL RULE FOR ROLLING STOCK  
15      COSTS.—In addition to amounts allowed pursuant to  
16      paragraph (1), a planned extension to a fixed guide-  
17      way system may include the cost of rolling stock pre-  
18      viously purchased if the applicant satisfies the Sec-  
19      retary that only amounts other than amounts of the  
20      Government were used and that the purchase was  
21      made for use on the extension. A refund or reduc-  
22      tion of the remainder may be made only if a refund  
23      of a proportional amount of the grant of the Govern-  
24      ment is made at the same time.

25              “(i) UNDERTAKING PROJECTS IN ADVANCE.—

1           “(1) IN GENERAL.—The Secretary may pay the  
2           Government’s share of the net capital project cost to  
3           a State or local governmental authority that carries  
4           out any part of a project described in this section  
5           without the aid of amounts of the Government and  
6           according to all applicable procedures and require-  
7           ments if—

8                   “(A) the State or local governmental au-  
9                   thority applies for the payment;

10                   “(B) the Secretary approves the payment;

11                   and

12                   “(C) before carrying out the part of the  
13                   project, the Secretary approves the plans and  
14                   specifications for the part in the same manner  
15                   as other projects under this section.

16           “(2) FINANCING COSTS.—

17                   “(A) IN GENERAL.—The cost of carrying  
18                   out part of a project includes the amount of in-  
19                   terest earned and payable on bonds issued by  
20                   the State or local governmental authority to the  
21                   extent proceeds of the bonds are expended in  
22                   carrying out the part.

23                   “(B) LIMITATION ON AMOUNT OF INTER-  
24                   EST.—The amount of interest under this para-  
25                   graph may not be more than the most favorable

1 interest terms reasonably available for the  
2 project at the time of borrowing.

3 “(C) CERTIFICATION.—The applicant shall  
4 certify, in a manner satisfactory to the Sec-  
5 retary, that the applicant has shown reasonable  
6 diligence in seeking the most favorable financial  
7 terms.

8 “(j) AVAILABILITY OF AMOUNTS.—An amount made  
9 available or appropriated under section 5338(b) for new  
10 fixed guideway capital projects shall remain available for  
11 a period of 3 fiscal years after the fiscal year in which  
12 the amount is made available or appropriated. Any of such  
13 amount that is unobligated at the end of such period shall  
14 be rescinded and deposited in the general fund of the  
15 Treasury, where such amounts shall be dedicated for the  
16 sole purpose of deficit reduction and prohibited from use  
17 as an offset for other spending increases or revenue reduc-  
18 tions.

19 “(k) REPORTS ON NEW START PROJECTS.—

20 “(1) ANNUAL REPORT ON FUNDING REC-  
21 OMMENDATIONS.—Not later than the first Monday  
22 in February of each year, the Secretary shall submit  
23 to the Committee on Transportation and Infrastruc-  
24 ture and the Committee on Appropriations of the  
25 House of Representatives and the Committee on

1 Banking, Housing, and Urban Affairs and the Com-  
2 mittee on Appropriations of the Senate a report that  
3 includes—

4 “(A) a proposal of allocations of amounts  
5 to be available to finance grants for new fixed  
6 guideway capital projects among applicants for  
7 these amounts;

8 “(B) evaluations and ratings, as required  
9 under subsections (d) and (e), for each such  
10 project that is authorized by the Public Trans-  
11 portation Act of 2012; and

12 “(C) recommendations of such projects for  
13 funding based on the evaluations and ratings  
14 and on existing commitments and anticipated  
15 funding levels for the next 3 fiscal years based  
16 on information currently available to the Sec-  
17 retary.

18 “(2) BIENNIAL GAO REVIEW.—Beginning 2  
19 years after the date of enactment of the Public  
20 Transportation Act of 2012, the Comptroller Gen-  
21 eral shall—

22 “(A) conduct a biennial review of—

23 “(i) the processes and procedures for  
24 evaluating, rating, and recommending new  
25 fixed guideway capital projects; and

1                   “(ii) the Secretary’s implementation  
2                   of such processes and procedures; and

3                   “(B) on a biennial basis, report to Con-  
4                   gress on the results of such review by May 31.

5           “(l) BEFORE AND AFTER STUDY REPORT.—Not  
6 later than the first Monday of August of each year, the  
7 Secretary shall submit to the committees referred to in  
8 subsection (k)(1) a report containing a summary of the  
9 results of the studies conducted under subsection  
10 (g)(2)(C).

11           “(m) LIMITATIONS.—

12                   “(1) LIMITATION ON GRANTS.—The Secretary  
13 may make a grant or enter into a grant agreement  
14 for a new fixed guideway capital project under this  
15 section only if the project has been rated as high,  
16 medium-high, or medium or the Secretary has issued  
17 a special warrant described in subsection (n) in lieu  
18 of such ratings.

19                   “(2) FISCAL YEARS 2013 THROUGH 2016.—Of  
20 the amounts made available or appropriated for fis-  
21 cal years 2013 through 2016 under section  
22 5338(b)—

23                   “(A) \$150,000,000 for each fiscal year  
24 shall be allocated for small start projects in ac-  
25 cordance with subsection (e); and

1           “(B) the remainder shall be allocated for  
2           new start projects in accordance with sub-  
3           section (d).

4           “(3) LIMITATION ON EXPENDITURES.—None of  
5           the amounts made available or appropriated under  
6           section 5338(b) may be expended on a project that  
7           has not been adopted as the locally preferred alter-  
8           native as part of a long-range transportation plan.

9           “(n) EXPEDITED PROJECT ADVANCEMENT.—

10           “(1) WARRANTS.—The Secretary, to the max-  
11           imum extent practicable, shall develop and utilize  
12           special warrants to advance projects and provide  
13           Federal assistance under this section. Special war-  
14           rants may be utilized to advance new fixed guideway  
15           projects under this section without requiring evalua-  
16           tions and ratings described under subsections (d)(5)  
17           and (e)(5). Such warrants shall be—

18           “(A) based on current transit ridership,  
19           corridor characteristics, and service on existing  
20           alignments;

21           “(B) designed to assess distinct categories  
22           of projects, such as proposed new service en-  
23           hancements on existing alignments, new line  
24           haul service, and new urban circulator service;  
25           and

1           “(C) based on the benefits for proposed  
2 projects as set forth in subsections (d)(3) and  
3 (e)(3) for the Federal assistance provided or to  
4 be provided under this subsection.

5           “(2) NEW PROJECT DEVELOPMENT.—

6           “(A) IN GENERAL.—A project sponsor who  
7 requests Federal funding under this section  
8 shall apply to the Secretary to begin new  
9 project development after a proposed new fixed  
10 guideway capital project has been adopted as  
11 the locally preferred alternative as part of the  
12 metropolitan long-range transportation plan re-  
13 quired under section 5303, and funding options  
14 for the non-Federal funding share have been  
15 identified. The application for new project de-  
16 velopment shall specify whether the project  
17 sponsor is seeking Federal assistance under  
18 subsection (d) or (e).

19           “(B) APPLICATIONS.—

20           “(i) NOTICE TO CONGRESS.—Not  
21 later than 10 days after the date of receipt  
22 of an application for new project develop-  
23 ment under subparagraph (A), the Sec-  
24 retary shall provide written notice of the  
25 application to the Committee on Transpor-

1           tation and Infrastructure of the House of  
2           Representatives and the Committee on  
3           Banking, Housing, and Urban Affairs of  
4           the Senate.

5           “(ii) APPROVAL OR DISAPPROVAL.—

6           On the 11th day following the date on  
7           which the Secretary provides written notice  
8           of an application for new project develop-  
9           ment under clause (i), the Secretary shall  
10          approve or disapprove the application.

11          “(C) PROJECT AUTHORIZATION.—Upon

12          approval of an application to begin new project  
13          development, the proposed new fixed guideway  
14          capital project shall be authorized and eligible  
15          for Federal funding under this section.

16          “(3) LETTERS OF INTENT AND EARLY SYSTEMS

17          WORK AGREEMENTS.—The Secretary, to the max-  
18          imum extent practicable, shall issue letters of intent  
19          and make early systems work agreements upon  
20          issuance of a record of decision under the National  
21          Environmental Policy Act of 1969 (42 U.S.C. 4321  
22          et seq.).

23          “(4) FUNDING AGREEMENTS.—The Secretary

24          shall enter into a full funding grant agreement, ex-  
25          pedited grant agreement, or grant, as appropriate,

1 between the Government and the project sponsor as  
2 soon as the Secretary determines that the project  
3 meets the requirements of subsection (d) or (e).

4 “(5) RECORDS RETENTION.—The Secretary  
5 shall adhere to a uniform records retention policy re-  
6 garding all documentation related to new fixed  
7 guideway capital projects.

8 “(o) REGULATIONS.—Not later than 240 days after  
9 the date of enactment of the Public Transportation Act  
10 of 2012, the Secretary shall issue regulations establishing  
11 new program requirements for the programs created  
12 under this section, including new evaluation and rating  
13 processes for proposed projects under this section.”.

14 (b) CLERICAL AMENDMENT.—The analysis for chap-  
15 ter 53 is amended by striking the item relating to section  
16 5309 and inserting the following:

“5309. Capital investment grants.”.

17 **SEC. 2007. BUS AND BUS FACILITIES FORMULA GRANTS.**

18 (a) IN GENERAL.—Section 5310 is amended to read  
19 as follows:

20 **“§ 5310. Bus and bus facilities formula grants**

21 “(a) GENERAL AUTHORITY.—The Secretary may  
22 make grants under this section to assist States and local  
23 governmental authorities in financing capital projects—

24 “(1) to replace, rehabilitate, and purchase buses  
25 and related equipment; and

1           “(2) to construct bus-related facilities.

2           “(b) GRANT REQUIREMENTS.—The requirements of  
3 subsections (c) and (d) of section 5307 apply to recipients  
4 of grants made under this section.

5           “(c) ELIGIBLE RECIPIENTS AND SUBRECIPIENTS.—

6           “(1) RECIPIENTS.—Eligible recipients under  
7 this section are providers of public transportation in  
8 urbanized areas that operate fixed route bus services  
9 and that do not operate heavy rail, commuter rail,  
10 or light rail services.

11           “(2) SUBRECIPIENTS.—A recipient that re-  
12 ceives a grant under this section may allocate the  
13 amounts provided to subrecipients that are public  
14 agencies, private companies engaged in public trans-  
15 portation, or private nonprofit organizations.

16           “(d) DISTRIBUTION OF GRANT FUNDS.—Grants  
17 under this section shall be distributed pursuant to the for-  
18 mula set forth in section 5336 other than subsection (b).

19           “(e) GOVERNMENT’S SHARE OF COSTS.—

20           “(1) CAPITAL PROJECTS.—A grant for a capital  
21 project, as defined in section 5302(a)(1), shall be for  
22 80 percent of the net project cost of the project. The  
23 recipient may provide additional local matching  
24 amounts.

1           “(2) REMAINING COSTS.—The remainder of the  
2 net project cost shall be provided—

3           “(A) in cash from non-Government sources  
4 other than revenues from providing public  
5 transportation services;

6           “(B) from revenues derived from the sale  
7 of advertising and concessions;

8           “(C) from an undistributed cash surplus, a  
9 replacement or depreciation cash fund or re-  
10 serve, or new capital; and

11           “(D) from amounts received under a serv-  
12 ice agreement with a State or local social serv-  
13 ice agency or private social service organization.

14           “(f) PERIOD OF AVAILABILITY TO RECIPIENTS.—A  
15 grant made available under this section may be obligated  
16 by the recipient for 3 years after the fiscal year in which  
17 the amount is apportioned. Not later than 30 days after  
18 the end of the 3-year period, an amount that is not obli-  
19 gated at the end of that period shall be added to the  
20 amount that may be apportioned under this section in the  
21 next fiscal year.

22           “(g) TRANSFERS OF APPORTIONMENTS.—

23           “(1) TRANSFER TO CERTAIN AREAS.—The chief  
24 executive officer of a State may transfer any part of  
25 the State’s funds made available under this section

1 to urbanized areas of less than 200,000 in popu-  
2 lation or to rural areas in the State, after consulting  
3 with responsible local officials and publicly owned  
4 operators of public transportation in each area for  
5 which the amount originally was provided under this  
6 section.

7 “(2) TRANSFER TO STATE.—A designated re-  
8 cipient for an urbanized area with a population of at  
9 least 200,000 may transfer a part of its grant funds  
10 provided under this section to the chief executive of-  
11 ficer of a State. The chief executive officer shall dis-  
12 tribute the transferred amounts to urbanized areas  
13 of less than 200,000 in population or to rural areas  
14 in the State.

15 “(h) APPLICATION OF OTHER SECTIONS.—Sections  
16 5302, 5318, 5323(a)(1), 5323(d), 5323(f), 5332, and  
17 5333 apply to this section and to a grant made with funds  
18 apportioned under this section. Except as provided in this  
19 section, no other provision of this chapter applies to this  
20 section or to a grant under this section.”.

21 (b) CLERICAL AMENDMENT.—The analysis for chap-  
22 ter 53 is amended by striking the item relating to section  
23 5310 and inserting the following:

“5310. Bus and bus facilities formula grants.”.

1 **SEC. 2008. RURAL AREA FORMULA GRANTS.**

2 (a) AMENDMENT TO SECTION HEADING.—Section  
3 5311 is amended by striking the section designation and  
4 heading and inserting the following:

5 **“§ 5311. Rural area formula grants”.**

6 (b) PROGRAM GOALS.—Section 5311(b) is amended  
7 by adding at the end the following:

8 “(5) PROGRAM GOALS.—The goals of this sec-  
9 tion are—

10 “(A) to enhance the mobility and access of  
11 people in rural areas by assisting in the devel-  
12 opment, construction, operation, improvement,  
13 maintenance, and use of public transportation  
14 systems and services in rural areas;

15 “(B) to increase the intermodalism of and  
16 connectivity among public transportation sys-  
17 tems and services within rural areas and to  
18 urban areas by providing for maximum coordi-  
19 nation of programs and services;

20 “(C) to increase the state of good repair of  
21 rural public transportation assets; and

22 “(D) to enhance the mobility and access of  
23 people in rural areas by assisting in the devel-  
24 opment and support of intercity bus transpor-  
25 tation.”.

1 (c) PROJECTS OF NATIONAL SCOPE.—Section  
2 5311(b)(3)(C) is amended by adding at the end the fol-  
3 lowing: “In carrying out such projects, the Secretary shall  
4 enter into a competitively selected contract to provide on-  
5 site technical assistance to local and regional governments,  
6 public transit agencies, and public transportation-related  
7 nonprofit and for-profit organizations in rural areas for  
8 the purpose of developing training materials and providing  
9 necessary training assistance to local officials and agencies  
10 in rural areas.”.

11 (d) APPORTIONMENTS.—Section 5311(c)(2) is  
12 amended—

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

15 (2) by striking subparagraph (B) and inserting  
16 the following:

17 “(B) 70 percent shall be apportioned to  
18 the States in accordance with paragraph (4);  
19 and”;

20 (3) by adding at the end the following:

21 “(C) 10 percent shall be apportioned to the  
22 States in accordance with paragraph (5).”.

23 (e) APPORTIONMENTS BASED ON PUBLIC TRANSPOR-  
24 TATION SERVICES PROVIDED IN RURAL AREAS.—Section  
25 5311(c) is amended by adding at the end the following:

1           “(5) APPORTIONMENTS BASED ON PUBLIC  
2           TRANSPORTATION SERVICES PROVIDED IN RURAL  
3           AREAS.—The Secretary shall apportion to each State  
4           an amount equal to the amount apportioned under  
5           paragraph (2)(C) as follows:

6                   “(A)  $\frac{1}{2}$  of such amount multiplied by the  
7           ratio that—

8                           “(i) the number of public transpor-  
9                           tation revenue vehicle-miles operated in or  
10                           attributable to rural areas in that State, as  
11                           determined by the Secretary; bears to

12                           “(ii) the total number of all public  
13                           transportation revenue vehicle-miles oper-  
14                           ated in or attributable to rural areas in all  
15                           States;

16                   “(B)  $\frac{1}{2}$  of such amount multiplied by the  
17           ratio that—

18                           “(i) the number of public transpor-  
19                           tation unlinked passenger trips operated in  
20                           or attributable to rural areas in that State,  
21                           as determined by the Secretary; bears to

22                           “(ii) the total number of all public  
23                           transportation unlinked passenger trips op-  
24                           erated in or attributable to rural areas in  
25                           all States.”.

1 (f) USE FOR ADMINISTRATIVE, PLANNING, AND  
2 TECHNICAL ASSISTANCE.—Section 5311(e) is amended by  
3 striking “15 percent” and inserting “10 percent”.

4 (g) INTERCITY BUS TRANSPORTATION.—Section  
5 5311(f)(1) is amended—

6 (1) in subparagraph (B) by striking “shelters”  
7 and inserting “facilities”; and

8 (2) in subparagraph (C) by striking “stops and  
9 depots” and inserting “facilities”.

10 (h) NON-FEDERAL SHARE.—Section 5311(g)(3) is  
11 amended—

12 (1) in subparagraph (B) by striking “and” at  
13 the end;

14 (2) in subparagraph (C) by striking the period  
15 at the end and inserting “; and”; and

16 (3) by adding at the end the following:

17 “(D) may be derived from the costs of a  
18 private operator’s intercity bus service as an in-  
19 kind match for the operating costs of con-  
20 necting rural intercity bus feeder service funded  
21 under subsection (f), except that this subpara-  
22 graph shall apply only if the project includes  
23 both feeder service and a connecting unsub-  
24 sidized intercity route segment and if the pri-

1 vate operator agrees in writing to the use of its  
2 unsubsidized costs as an in-kind match.”.

3 (i) CLERICAL AMENDMENT.—The analysis for chap-  
4 ter 53 is amended by striking the item relating to section  
5 5311 and inserting the following:

“5311. Rural area formula grants.”.

6 **SEC. 2009. TRANSIT RESEARCH.**

7 (a) AMENDMENT TO SECTION HEADING.—Section  
8 5312 is amended by striking the section designation and  
9 heading and inserting the following:

10 **“§ 5312. Transit research”.**

11 (b) RESEARCH PROJECTS.—Section 5312(a) is  
12 amended by adding at the end the following:

13 “(4) FUNDING.—The amounts made available  
14 under section 5338(e) are available to the Secretary  
15 for grants, contracts, cooperative agreements, or  
16 other agreements for the purposes of this section  
17 and sections 5305 and 5322, as the Secretary con-  
18 siders appropriate.”.

19 (c) JOINT PARTNERSHIP PROGRAM.—Section  
20 5312(b)(5) is amended by striking “Mass Transit Ac-  
21 count” and inserting “Alternative Transportation Ac-  
22 count”.

23 (d) TRANSIT COOPERATIVE RESEARCH PROGRAM.—  
24 Section 5312(e) is amended to read as follows:

25 “(c) TRANSIT COOPERATIVE RESEARCH PROGRAM.—

1           “(1) IN GENERAL.—The Secretary shall carry  
2           out a public transportation cooperative research pro-  
3           gram using amounts made available under section  
4           5338(e).

5           “(2) INDEPENDENT GOVERNING BOARD.—The  
6           Secretary shall establish an independent governing  
7           board for the program. The board shall recommend  
8           public transportation research, development, and  
9           technology transfer activities to be carried out under  
10          the program.

11          “(3) GRANTS AND COOPERATIVE AGREE-  
12          MENTS.—The Secretary may make grants to, and  
13          enter into cooperative agreements with, the National  
14          Academy of Sciences to carry out activities under  
15          this subsection that the Secretary determines appro-  
16          priate.”.

17          (e) GOVERNMENT SHARE.—Section 5312 is amended  
18          by adding at the end the following:

19          “(d) GOVERNMENT SHARE.—If there would be a  
20          clear and direct financial benefit to an entity under a  
21          grant or contract financed under this section, the Sec-  
22          retary shall establish a Government share consistent with  
23          that benefit.”.

1 (f) CLERICAL AMENDMENT.—The analysis for chap-  
 2 ter 53 is amended by striking the item relating to section  
 3 5312 and inserting the following:

“5312. Transit research.”.

4 **SEC. 2010. COORDINATED ACCESS AND MOBILITY PRO-**  
 5 **GRAM FORMULA GRANTS.**

6 (a) IN GENERAL.—Section 5317 is amended to read  
 7 as follows:

8 **“§ 5317. Coordinated access and mobility program**  
 9 **formula grants**

10 “(a) DEFINITIONS.—In this section, the following  
 11 definitions apply:

12 “(1) ELDERLY INDIVIDUAL.—The term ‘elderly  
 13 individual’ means an individual who is age 65 or  
 14 older.

15 “(2) ELIGIBLE LOW-INCOME INDIVIDUAL.—The  
 16 term ‘eligible low-income individual’ means an indi-  
 17 vidual whose family income is at or below 150 per-  
 18 cent of the poverty line (as that term is defined in  
 19 section 673 of the Community Services Block Grant  
 20 Act (42 U.S.C. 9902), including any revision re-  
 21 quired by that section) for a family of the size in-  
 22 volved.

23 “(3) JOB ACCESS AND REVERSE COMMUTE  
 24 PROJECT.—The term ‘job access and reverse com-  
 25 mute project’ means a transportation project to fi-

1 nance planning, capital, and operating costs that  
2 support the development and maintenance of trans-  
3 portation services designed to transport welfare re-  
4 cipients and eligible low-income individuals to and  
5 from jobs and activities related to their employment,  
6 including transportation projects that facilitate the  
7 provision of public transportation services from ur-  
8 banized areas and rural areas to suburban employ-  
9 ment locations.

10 “(4) RECIPIENT.—The term ‘recipient’ means a  
11 designated recipient (as defined in section 5307(a))  
12 and a State that directly receives a grant under this  
13 section.

14 “(5) SUBRECIPIENT.—The term ‘subrecipient’  
15 means a State or local governmental authority, non-  
16 profit organization, or private operator of public  
17 transportation services that receives a grant under  
18 this section indirectly through a recipient.

19 “(6) WELFARE RECIPIENT.—The term ‘welfare  
20 recipient’ means an individual who has received as-  
21 sistance under a State or tribal program funded  
22 under part A of title IV of the Social Security Act  
23 (42 U.S.C. 601 et seq.) at any time during the 3-  
24 year period before the date on which the applicant  
25 applies for a grant under this section.

1       “(b) GOALS.—The goals of the program established  
2 under this section are to—

3           “(1) improve the accessibility of the Nation’s  
4 public transportation systems and services;

5           “(2) improve the mobility of or otherwise meet  
6 the special needs of elderly individuals, eligible low-  
7 income individuals, and individuals with disabilities;  
8 and

9           “(3) improve the coordination among all pro-  
10 viders of public transportation and human services  
11 transportation.

12       “(c) GENERAL AUTHORITY.—

13           “(1) GRANTS.—The Secretary may make  
14 grants under this section to recipients for the fol-  
15 lowing purposes:

16           “(A) For public transportation projects  
17 planned, designed, and carried out to meet the  
18 special needs of elderly individuals and individ-  
19 uals with disabilities.

20           “(B) For job access and reverse commute  
21 projects carried out by the recipient or a sub-  
22 recipient.

23           “(C) For new public transportation serv-  
24 ices, and for public transportation alternatives  
25 beyond those required by the Americans with

1           Disabilities Act of 1990 (42 U.S.C. 12101 et  
2           seq.), that assist individuals with disabilities  
3           with transportation, including transportation to  
4           and from jobs and employment support serv-  
5           ices.

6           “(2) ACQUIRING PUBLIC TRANSPORTATION  
7           SERVICES.—A public transportation capital project  
8           under this section may include acquisition of public  
9           transportation services as an eligible capital expense.

10          “(3) ADMINISTRATIVE EXPENSES.—A recipient  
11          may use not more than 10 percent of the amounts  
12          apportioned to the recipient under this section to ad-  
13          minister, plan, and provide technical assistance for  
14          a project funded under this section.

15          “(d) APPORTIONMENTS.—

16          “(1) FORMULA.—The Secretary, using the most  
17          recent decennial census data, shall apportion  
18          amounts made available for a fiscal year to carry out  
19          this section as follows:

20                 “(A) 50 percent of the funds shall be ap-  
21                 portioned among designated recipients (as de-  
22                 fined in section 5307(a)) for urbanized areas  
23                 with a population of 200,000 or more in the  
24                 ratio that—

1           “(i) the number of elderly individuals,  
2 individuals with disabilities, eligible low-in-  
3 come individuals, and welfare recipients in  
4 each such urbanized area; bears to

5           “(ii) the number of elderly individuals,  
6 individuals with disabilities, eligible low-in-  
7 come individuals, and welfare recipients in  
8 all such urbanized areas.

9           “(B) 25 percent of the funds shall be ap-  
10 portioned among the States in the ratio that—

11           “(i) the number of elderly individuals,  
12 individuals with disabilities, eligible low-in-  
13 come individuals, and welfare recipients in  
14 urbanized areas with a population of less  
15 than 200,000 in each State; bears to

16           “(ii) the number of elderly individuals,  
17 individuals with disabilities, eligible low-in-  
18 come individuals, and welfare recipients in  
19 urbanized areas with a population of less  
20 than 200,000 in all States.

21           “(C) 25 percent of the funds shall be ap-  
22 portioned among the States in the ratio that—

23           “(i) the number of elderly individuals,  
24 individuals with disabilities, eligible low-in-  
25 come individuals, and welfare recipients in

1 rural areas with a population of less than  
2 50,000 in each State; bears to

3 “(ii) the number of elderly individuals,  
4 individuals with disabilities, eligible low-in-  
5 come individuals, and welfare recipients in  
6 rural areas with a population of less than  
7 50,000 in all States.

8 “(2) USE OF APPORTIONED FUNDS.—Except as  
9 provided in paragraph (3)—

10 “(A) funds apportioned under paragraph  
11 (1)(A) shall be used for projects serving urban-  
12 ized areas with a population of 200,000 or  
13 more;

14 “(B) funds apportioned under paragraph  
15 (1)(B) shall be used for projects serving urban-  
16 ized areas with a population of less than  
17 200,000; and

18 “(C) funds apportioned under paragraph  
19 (1)(C) shall be used for projects serving rural  
20 areas.

21 “(3) EXCEPTIONS.—A State may use funds ap-  
22 portioned under paragraph (1)(B) or (1)(C)—

23 “(A) for projects serving areas other than  
24 the area specified in paragraph (2)(B) or  
25 (2)(C), as the case may be, if the Governor of

1 the State certifies that all of the objectives of  
2 this section are being met in the specified area;  
3 or

4 “(B) for projects anywhere in the State if  
5 the State has established a statewide program  
6 for meeting the objectives of this section.

7 “(4) MINIMUM APPORTIONMENT.—

8 “(A) IN GENERAL.—The Secretary may es-  
9 tablish a minimum apportionment for States  
10 and territories under paragraph (1).

11 “(B) LIMITATION.—A minimum apportion-  
12 ment received by a State or territory under this  
13 paragraph for a fiscal year may not exceed the  
14 total of the fiscal year 2012 apportionments re-  
15 ceived by the State or territory under sections  
16 5310, 5316, and 5317 (as in effect on the day  
17 before the date of enactment of the Public  
18 Transportation Act of 2012).

19 “(e) COMPETITIVE PROCESS FOR GRANTS TO SUB-  
20 RECIPIENTS.—

21 “(1) AREAWIDE SOLICITATIONS.—A recipient of  
22 funds apportioned under subsection (d)(1)(A) shall  
23 conduct, in cooperation with the appropriate metro-  
24 politan planning organization, an areawide sollicita-

1       tion for applications for grants to the recipient and  
2       subrecipients under this section.

3           “(2) STATEWIDE SOLICITATION.—A recipient of  
4       funds apportioned under subsection (d)(1)(B) or  
5       (d)(1)(C) shall conduct a statewide solicitation for  
6       applications for grants to the recipient and sub-  
7       recipients under this section.

8           “(3) SPECIAL RULE.—A recipient of a grant  
9       under this section may allocate the amounts pro-  
10      vided under the grant to—

11           “(A) a nonprofit organization or private  
12      operator of public transportation, if the public  
13      transportation service provided under sub-  
14      section (c)(1) is unavailable, insufficient, or in-  
15      appropriate; or

16           “(B) in the case of a grant to provide the  
17      services described in subsection (c)(1)(A), a  
18      governmental authority that—

19           “(i) is approved by the recipient to co-  
20      ordinate services for elderly individuals and  
21      individuals with disabilities; or

22           “(ii) certifies that there are not any  
23      nonprofit organizations or private opera-  
24      tors of public transportation services read-

1           ily available in the area to provide the  
2           services described in subsection (c)(1)(A).

3           “(4) APPLICATION.—Recipients and subrecipi-  
4           ents seeking to receive a grant from funds appor-  
5           tioned under subsection (d) shall submit to the re-  
6           cipient an application in such form and in accord-  
7           ance with such requirements as the recipient shall  
8           establish.

9           “(5) GRANT AWARDS.—The recipient shall  
10          award grants under paragraphs (1) and (2) on a  
11          competitive basis.

12          “(6) FAIR AND EQUITABLE DISTRIBUTION.—A  
13          recipient of a grant under this section shall certify  
14          to the Secretary that allocations of the grant to sub-  
15          recipients will be distributed on a fair, equitable, and  
16          competitive basis.

17          “(f) GRANT REQUIREMENTS.—

18                 “(1) IN GENERAL.—Subject to paragraph (2), a  
19                 grant under this section shall be subject to—

20                         “(A) for a project in an urbanized area,  
21                         the requirements of section 5307; and

22                         “(B) for a project in a rural area, the re-  
23                         quirements of section 5311.

24                 “(2) WAIVERS.—With respect to a grant made  
25                 to provide services described in subsection (c), the

1 Secretary shall waive application of the requirements  
2 of section 5307 or 5311 to the extent the Secretary  
3 determines appropriate.

4 “(g) COORDINATION.—

5 “(1) IN GENERAL.—The Secretary shall coordi-  
6 nate activities under this section with related activi-  
7 ties under programs of other Federal departments  
8 and agencies.

9 “(2) PROJECT SELECTION AND PLANNING.—A  
10 recipient of funds under this section shall certify to  
11 the Secretary that—

12 “(A) the projects selected to receive fund-  
13 ing under this section were derived from a lo-  
14 cally developed, coordinated public transpor-  
15 tation-human services transportation plan;

16 “(B) the plan was developed through a  
17 process that included participation by rep-  
18 resentatives of public, private, and nonprofit  
19 transportation and human services providers  
20 and participation by the public and appropriate  
21 advocacy organizations; and

22 “(C) the planning process provided for  
23 consideration of projects and strategies to cre-  
24 ate or improve regional transportation services  
25 that connect multiple jurisdictions.

1 “(h) GOVERNMENT’S SHARE OF COSTS.—

2 “(1) CAPITAL PROJECTS.—

3 “(A) IN GENERAL.—Except as provided in  
4 subparagraph (B), a grant for a capital project  
5 under this section shall be for 80 percent of the  
6 net capital costs of the project, as determined  
7 by the Secretary. The recipient may provide ad-  
8 ditional local matching amounts.

9 “(B) EXCEPTION.—A State described in  
10 section 120(b) of title 23 shall receive an in-  
11 creased Government share in accordance with  
12 the formula under such section.

13 “(2) OPERATING ASSISTANCE.—

14 “(A) IN GENERAL.—Except as provided in  
15 subparagraph (B), a grant made under this sec-  
16 tion for operating assistance may not exceed 50  
17 percent of the net operating costs of the  
18 project, as determined by the Secretary.

19 “(B) EXCEPTION.—A State described in  
20 section 120(b) of title 23 shall receive a Gov-  
21 ernment share of the net operating costs that  
22 equals 62.5 percent of the Government share  
23 provided for under paragraph (1)(B).

24 “(3) REMAINDER.—The remainder of the net  
25 project costs—

1           “(A) may be provided from an undistrib-  
2           uted cash surplus, a replacement or deprecia-  
3           tion cash fund or reserve, a service agreement  
4           with a State or local social service agency or a  
5           private social service organization, or new cap-  
6           ital;

7           “(B) may be derived from amounts appro-  
8           priated to or made available to a department or  
9           agency of the Government (other than the De-  
10          partment of Transportation) that are eligible to  
11          be expended for transportation; and

12          “(C) notwithstanding subparagraph (B),  
13          may be derived from amounts made available to  
14          carry out the Federal lands transportation pro-  
15          gram established by section 203 of title 23.

16          “(4) USE OF CERTAIN FUNDS.—For purposes  
17          of paragraph (3)(B), the prohibitions on the use of  
18          funds for matching requirements under section  
19          403(a)(5)(C)(vii) of the Social Security Act (42  
20          U.S.C. 603(a)(5)(C)(vii)) shall not apply to Federal  
21          or State funds to be used for transportation pur-  
22          poses.

23          “(5) LIMITATION ON OPERATING ASSIST-  
24          ANCE.—A recipient carrying out a program of oper-  
25          ating assistance under this section may not limit the

1 level or extent of use of the Government grant for  
2 the payment of operating expenses.

3 “(i) LEASING VEHICLES.—Vehicles and equipment  
4 acquired under this section may be leased to a recipient  
5 or subrecipient to improve transportation services de-  
6 signed to meet the special needs of elderly individuals, eli-  
7 gible low-income individuals, and individuals with disabil-  
8 ities.

9 “(j) MEAL DELIVERY FOR HOMEBOUND INDIVID-  
10 UALS.—Public transportation service providers receiving  
11 assistance under this section or section 5311(c) may co-  
12 ordinate and assist in regularly providing meal delivery  
13 service for homebound individuals if the delivery service  
14 does not conflict with providing public transportation serv-  
15 ice or reduce service to public transportation passengers.

16 “(k) TRANSFERS OF FACILITIES AND EQUIPMENT.—  
17 With the consent of the recipient in possession of a facility  
18 or equipment acquired with a grant under this section, a  
19 State may transfer the facility or equipment to any recipi-  
20 ent eligible to receive assistance under this chapter if the  
21 facility or equipment will continue to be used as required  
22 under this section.

23 “(l) PROGRAM EVALUATION.—Not later than 2 years  
24 after the date of enactment of the Public Transportation

1 Act of 2012, and not later than 2 years thereafter, the  
2 Comptroller General shall—

3 “(1) conduct a study to evaluate the grant pro-  
4 gram authorized by this section; and

5 “(2) transmit to the Committee on Transpor-  
6 tation and Infrastructure of the House of Represent-  
7 atives and the Committee on Banking, Housing, and  
8 Urban Affairs of the Senate a report describing the  
9 results of the study under subparagraph (A).”.

10 (b) CLERICAL AMENDMENT.—The analysis for chap-  
11 ter 53 is amended by striking the item relating to section  
12 5317 and inserting the following:

“5317. Coordinated access and mobility program formula grants.”.

13 **SEC. 2011. TRAINING AND TECHNICAL ASSISTANCE PRO-**  
14 **GRAMS.**

15 (a) AMENDMENT TO SECTION HEADING.—Section  
16 5322 is amended by striking the section designation and  
17 heading and inserting the following:

18 **“§ 5322. Training and technical assistance programs”.**

19 (b) TRAINING AND OUTREACH.—Section 5322(a) is  
20 amended—

21 (1) by striking “programs that address” and all  
22 that follows before the period at the end of the first  
23 sentence and inserting “programs that address  
24 training and outreach needs as they apply to public  
25 transportation activities, and programs that provide

1 public transportation-related technical assistance to  
2 providers of public transportation services”;

3 (2) by striking “and” at the end of paragraph  
4 (3);

5 (3) by striking the period at the end of para-  
6 graph (4) and inserting “; and”; and

7 (4) by adding at the end the following:

8 “(5) technical assistance provided through na-  
9 tional nonprofit organizations with demonstrated ca-  
10 pacity and expertise in a particular area of public  
11 transportation policy.”.

12 (c) NATIONAL TRANSIT INSTITUTE, TECHNICAL AS-  
13 SISTANCE, AND FUNDING.—Section 5322 is amended by  
14 adding at the end the following:

15 “(c) NATIONAL TRANSIT INSTITUTE.—

16 “(1) GRANTS AND CONTRACTS.—The Secretary  
17 may award grants or enter into contracts with a  
18 public university to establish a National Transit In-  
19 stitute to support training and educational programs  
20 for Federal, State, and local transportation employ-  
21 ees engaged or to be engaged in Government-aid  
22 public transportation work.

23 “(2) EDUCATION AND TRAINING.—The Na-  
24 tional Transit Institute shall provide education and  
25 training to employees of State and local governments

1 at no cost when the education and training is related  
2 to a responsibility under a Government program.

3 “(d) TECHNICAL ASSISTANCE.—The Secretary may  
4 provide public transportation-related technical assistance  
5 under this section as follows:

6 “(1) To help public transportation providers  
7 comply with the Americans with Disabilities Act of  
8 1990 (42 U.S.C. 12101 et seq.) through a competi-  
9 tively selected contract with a national nonprofit or-  
10 ganization serving individuals with disabilities that  
11 has a demonstrated capacity to carry out technical  
12 assistance, demonstration programs, research, public  
13 education, and other activities related to complying  
14 with such Act.

15 “(2) To help public transportation providers  
16 comply with human services transportation coordina-  
17 tion requirements and to enhance the coordination of  
18 Federal resources for human services transportation  
19 with those of the Department of Transportation  
20 through a competitively selected contract with a na-  
21 tional nonprofit organization that has a dem-  
22 onstrated capacity to carry out technical assistance,  
23 training, and support services related to complying  
24 with such requirements.

1           “(3) To help public transportation providers  
2 meet the transportation needs of elderly individuals  
3 through a competitively selected contract with a na-  
4 tional nonprofit organization serving elderly individ-  
5 uals that has a demonstrated capacity to carry out  
6 such activities.

7           “(4) To provide additional technical assistance,  
8 mobility management services, volunteer support  
9 services, training, and research that the Secretary  
10 determines will assist public transportation providers  
11 meet the goals of this section.

12           “(e) FUNDING.—Training and outreach programs  
13 and technical assistance activities performed under this  
14 section shall be paid for with administrative funds made  
15 available under section 5338(c).”.

16           (d) CLERICAL AMENDMENT.—The analysis for chap-  
17 ter 53 is amended by striking the item relating to section  
18 5322 and inserting the following:

“5322. Training and technical assistance programs.”.

19 **SEC. 2012. GENERAL PROVISIONS.**

20           (a) GOVERNMENT’S SHARE OF COSTS FOR CERTAIN  
21 PROJECTS.—Section 5323(i) is amended by adding at the  
22 end the following:

23           “(3) COSTS INCURRED BY PROVIDERS OF PUB-  
24 LIC TRANSPORTATION BY VANPOOL.—

1           “(A) LOCAL MATCHING SHARE.—The local  
2 matching share provided by a recipient of as-  
3 sistance for a capital project under this chapter  
4 may include any amounts expended by a pro-  
5 vider of public transportation by vanpool for the  
6 acquisition of rolling stock to be used by such  
7 provider in the recipient’s service area, exclud-  
8 ing any amounts the provider may have re-  
9 ceived in Federal, State, or local government  
10 assistance for such acquisition.

11           “(B) USE OF REVENUES.—A private pro-  
12 vider of public transportation by vanpool may  
13 use revenues it receives in the provision of pub-  
14 lic transportation service in the service area of  
15 a recipient of assistance under this chapter that  
16 are in excess of the provider’s operating costs  
17 for the purpose of acquiring rolling stock, if the  
18 private provider enters into a legally binding  
19 agreement with the recipient that requires the  
20 provider to use the rolling stock in the recipi-  
21 ent’s service area.

22           “(C) DEFINITIONS.—In this paragraph,  
23 the following definitions apply:

24           “(i) PRIVATE PROVIDER OF PUBLIC  
25 TRANSPORTATION BY VANPOOL.—The term

1           ‘private provider of public transportation  
2           by vanpool’ means a private entity pro-  
3           viding vanpool services in the service area  
4           of a recipient of assistance under this  
5           chapter using a commuter highway vehicle  
6           or vanpool vehicle.

7           “(ii) COMMUTER HIGHWAY VEHICLE;  
8           VANPOOL VEHICLE.—The term ‘commuter  
9           highway vehicle’ or ‘vanpool vehicle’ means  
10          any vehicle—

11                   “(I) the seating capacity of which  
12                   is at least 6 adults (not including the  
13                   driver); and

14                   “(II) at least 80 percent of the  
15                   mileage use of which can be reason-  
16                   ably expected to be for the purposes  
17                   of transporting commuters in connec-  
18                   tion with travel between their resi-  
19                   dences and their place of employment.

20          “(4) INCENTIVES FOR COMPETITIVELY CON-  
21          TRACTED SERVICE.—

22                   “(A) ELIGIBILITY.—Subject to subpara-  
23                   graph (C), a recipient of assistance under this  
24                   chapter that meets the targets under subpara-  
25                   graph (B) for competitively contracted service

1 shall be eligible, at the request of the recipient,  
2 for a Federal share of 90 percent for the capital  
3 cost of buses and bus-related facilities and  
4 equipment purchased with financial assistance  
5 made available under this chapter.

6 “(B) TARGET.—To qualify for the com-  
7 petitively contracted service incentive program  
8 under this paragraph, a public transit agency or  
9 governmental unit shall competitively contract  
10 for at least 20 percent of its fixed route bus  
11 service. The percentage of competitively con-  
12 tracted service shall be calculated by deter-  
13 mining the ratio of competitively contracted  
14 service vehicles operated in annual maximum  
15 service to total vehicles operated in annual max-  
16 imum service.

17 “(C) MAINTENANCE OF EFFORT.—A pub-  
18 lic transit agency or governmental unit shall be  
19 eligible for an increased Federal share under  
20 this paragraph only if the amount of State and  
21 local funding provided to the affected public  
22 transit agency or governmental unit for the  
23 capital cost of buses and bus-related facilities  
24 and equipment will not be less than the average  
25 amount of funding for such purposes provided

1 during the 3 fiscal years preceding the date of  
2 enactment of this paragraph.

3 “(D) DEFINITIONS.—In this paragraph,  
4 the following definitions apply:

5 “(i) COMPETITIVELY CONTRACTED  
6 SERVICE.—The term ‘competitively con-  
7 tracted service’ means fixed route bus  
8 transportation service purchased by a pub-  
9 lic transit agency or governmental unit  
10 from a private transportation provider  
11 based on a written contract.

12 “(ii) VEHICLES OPERATED IN ANNUAL  
13 MAXIMUM SERVICE.—The term ‘vehicles  
14 operated in annual maximum service’  
15 means the number of transit vehicles oper-  
16 ated to meet the annual maximum service  
17 requirement during the peak season of the  
18 year, on the week and day that maximum  
19 service is provided.”.

20 (b) REASONABLE ACCESS TO PUBLIC TRANSPOR-  
21 TATION FACILITIES.—Section 5323 is amended by adding  
22 at the end the following:

23 “(q) REASONABLE ACCESS TO PUBLIC TRANSPOR-  
24 TATION FACILITIES.—A recipient of assistance under this  
25 chapter may not deny reasonable access for a private

1 intercity or charter transportation operator to federally  
2 funded public transportation facilities, including inter-  
3 modal facilities, park and ride lots, and bus-only highway  
4 lanes.”.

5 (c) SPECIAL CONDITION ON CHARTER BUS TRANS-  
6 PORTATION SERVICE.—If, in any fiscal year, the Secretary  
7 is prohibited by law from enforcing regulations related to  
8 charter bus service under part 604 of title 49, Code of  
9 Federal Regulations, for any transit agency that during  
10 fiscal year 2008 was both initially granted a 60-day period  
11 to come into compliance with part 604, and then was sub-  
12 sequently granted an exception from such part—

13 (1) the transit agency shall be precluded from  
14 receiving its allocation of urbanized area formula  
15 grant funds for that fiscal year; and

16 (2) any amounts withheld pursuant to para-  
17 graph (1) shall be added to the amount that the  
18 Secretary may apportion under section 5336 of title  
19 49, United States Code, in the following fiscal year.

20 **SEC. 2013. CONTRACT REQUIREMENTS.**

21 Section 5325(h) is amended by striking “Federal  
22 Public Transportation Act of 2005” and inserting “Public  
23 Transportation Act of 2012”.

1 **SEC. 2014. PRIVATE SECTOR PARTICIPATION.**

2 (a) IN GENERAL.—Chapter 53 is amended by insert-  
3 ing after section 5325 the following:

4 **“§ 5326. Private sector participation**

5 “(a) GENERAL PURPOSES.—In the interest of ful-  
6 filling the general purposes of this chapter under section  
7 5301(f), the Secretary shall—

8 “(1) better coordinate public and private sector-  
9 provided public transportation services; and

10 “(2) promote more effective utilization of pri-  
11 vate sector expertise, financing, and operational ca-  
12 pacity to deliver costly and complex new fixed guide-  
13 way capital projects.

14 “(b) ACTIONS TO PROMOTE BETTER COORDINATION  
15 BETWEEN PUBLIC AND PRIVATE SECTOR PROVIDERS OF  
16 PUBLIC TRANSPORTATION.—The Secretary shall—

17 “(1) provide technical assistance to recipients of  
18 Federal transit grant assistance on practices and  
19 methods to best utilize private providers of public  
20 transportation; and

21 “(2) educate recipients of Federal transit grant  
22 assistance on laws and regulations under this chap-  
23 ter that impact private providers of public transpor-  
24 tation.

25 “(c) ACTIONS TO PROVIDE TECHNICAL ASSISTANCE  
26 FOR ALTERNATIVE PROJECT DELIVERY METHODS.—

1 Upon request by a sponsor of a new fixed guideway capital  
2 project, the Secretary shall—

3 “(1) identify best practices for public-private  
4 partnerships models in the United States and in  
5 other countries;

6 “(2) develop standard public-private partner-  
7 ship transaction model contracts; and

8 “(3) perform financial assessments that include  
9 the calculation of public and private benefits of a  
10 proposed public-private partnership transaction.”.

11 (b) CLERICAL AMENDMENT.—The analysis for such  
12 chapter is amended by inserting after the item relating  
13 to section 5325 the following:

“5326. Private sector participation.”.

14 (c) PUBLIC-PRIVATE PARTNERSHIP PROCEDURES  
15 AND APPROACHES.—

16 (1) IDENTIFY IMPEDIMENTS.—The Secretary  
17 shall—

18 (A) except as provided in paragraph (4),  
19 identify any provisions of chapter 53 of title 49,  
20 United States Code, and any regulations or  
21 practices thereunder, that impede greater use of  
22 public-private partnerships and private invest-  
23 ment in public transportation capital projects;

24 (B) develop and implement on a project  
25 basis procedures and approaches that—

1 (i) address such impediments in a  
2 manner similar to the Special Experi-  
3 mental Project Number 15 of the Federal  
4 Highway Administration (commonly re-  
5 ferred to as “SEP-15”); and

6 (ii) protect the public interest and any  
7 public investment in covered projects.

8 (2) REPORT.—Not later than 4 years after the  
9 date of enactment of this Act, the Secretary shall  
10 submit to Congress a report on the status of the  
11 procedures and approaches developed and imple-  
12 mented under paragraph (1).

13 (3) RULEMAKING.—Not later than 1 year after  
14 the date of enactment of this Act, the Secretary  
15 shall issue rules to carry out the procedures and ap-  
16 proaches developed under paragraph (1).

17 (4) RULE OF CONSTRUCTION.—Nothing in this  
18 subsection may be construed to allow the Secretary  
19 to waive any requirement under—

20 (A) section 5333 of title 49, United States  
21 Code;

22 (B) the National Environmental Policy Act  
23 of 1969 (42 U.S.C. 4321 et seq.); or

24 (C) any other provision of Federal law not  
25 described in paragraph (2)(A).

1 (d) CONTRACTING OUT STUDY.—

2 (1) IN GENERAL.—Not later than 1 year after  
3 the date of enactment of this Act, the Comptroller  
4 General shall submit to the Committee on Transpor-  
5 tation and Infrastructure of the House of Represent-  
6 atives and the Committee on Banking, Housing, and  
7 Urban Affairs of the Senate a comprehensive report  
8 on the effect of contracting out public transportation  
9 operations and administrative functions on cost,  
10 availability and level of service, efficiency, and qual-  
11 ity of service.

12 (2) CONSIDERATIONS.—In developing the re-  
13 port, the Comptroller General shall consider—

14 (A) the number of grant recipients that  
15 have contracted out services and the types of  
16 public transportation services that are per-  
17 formed under contract, including paratransit  
18 service, fixed route bus service, commuter rail  
19 operations, and administrative functions;

20 (B) the size of the populations served by  
21 such grant recipients;

22 (C) the basis for decisions regarding con-  
23 tracting out such services;

24 (D) comparative costs of providing service  
25 under contract to providing the same service

1 through public transit agency employees, using  
2 to the greatest extent possible a standard cost  
3 allocation model;

4 (E) the extent of unionization among pri-  
5 vately contracted employees; and

6 (F) barriers to contracting out public  
7 transportation operations and administrative  
8 functions.

9 (e) GUIDANCE ON DOCUMENTING COMPLIANCE.—  
10 Not later than 1 year after the date of enactment of this  
11 Act, the Secretary shall publish in the Federal Register  
12 policy guidance regarding how to best document compli-  
13 ance by recipients of Federal assistance under chapter 53  
14 of title 49, United States Code, with the requirements re-  
15 garding private enterprise participation in public transpor-  
16 tation planning and transportation improvement programs  
17 under sections 5203(g)(6) (as added by title IV of this  
18 Act), and sections 5306(a) and 5307(c) of this title.

19 **SEC. 2015. PROJECT MANAGEMENT OVERSIGHT.**

20 Section 5327(c)(1) is amended—

21 (1) by striking “to make contracts”; and

22 (2) by adding at the end the following:

23 “(F) 1 percent of amounts made available  
24 to carry out section 5337.

1                   “(G) 0.75 percent of amounts made avail-  
2                   able to carry out section 5317.”.

3 **SEC. 2016. STATE SAFETY OVERSIGHT.**

4           (a) GENERAL AUTHORITY.—Section 5330(b) is  
5 amended to read as follows:

6           “(b) GENERAL AUTHORITY.—The Secretary may re-  
7 quire that up to 100 percent of the amount required to  
8 be appropriated for use in a State or urbanized area in  
9 the State under section 5307 for a fiscal year beginning  
10 after September 30, 2013, be utilized on capital safety im-  
11 provement and state of good repair projects for the benefit  
12 of fixed guideway transportation systems in such State or  
13 urbanized area in the State before any other transit cap-  
14 ital project is undertaken, if—

15                   “(1) the State in the prior fiscal year has not  
16 met the requirements of subsection (c); or

17                   “(2) the Secretary has certified that the State  
18 safety oversight agency (as defined in section  
19 5336(k)(1)(B)) does not have adequate technical ca-  
20 pacity, personnel resources, and authority under rel-  
21 evant State law to perform the agency’s responsibil-  
22 ities described in that section.”.

1 **SEC. 2017. APPORTIONMENT OF APPROPRIATIONS FOR**  
2 **FORMULA GRANTS.**

3 (a) APPORTIONMENTS.—Section 5336(i) is amended  
4 to read as follows:

5 “(i) APPORTIONMENTS.—Of the amounts made avail-  
6 able for each fiscal year under section 5338(a)(2)(B)—

7 “(1) 2 percent shall be apportioned to certain  
8 urbanized areas with populations of less than  
9 200,000 in accordance with subsection (j);

10 “(2) 1 percent shall be apportioned to applica-  
11 ble States for operational support and training costs  
12 of State safety oversight agencies and personnel em-  
13 ployed by or under contract to such agencies in ac-  
14 cordance with subsection (k); and

15 “(3) any amount not apportioned under para-  
16 graphs (1) and (2) shall be apportioned to urbanized  
17 areas in accordance with subsections (a) through  
18 (c).”.

19 (b) STATE SAFETY OVERSIGHT AGENCIES.—Section  
20 5336(k) is amended to read as follows:

21 “(k) STATE SAFETY OVERSIGHT AGENCIES FOR-  
22 MULA.—

23 “(1) DEFINITIONS.—In this subsection, the fol-  
24 lowing definitions apply:

25 “(A) APPLICABLE STATES.—The term ‘ap-  
26 plicable States’ means States that—

1 “(i) have rail fixed guideway public  
2 transportation systems that are not subject  
3 to regulation by the Federal Railroad Ad-  
4 ministration; or

5 “(ii) are designing or constructing rail  
6 fixed guideway public transportation sys-  
7 tems that will not be subject to regulation  
8 by the Federal Railroad Administration.

9 “(B) STATE SAFETY OVERSIGHT AGEN-  
10 CIES.—The term ‘State safety oversight agency’  
11 means a designated State authority that has re-  
12 sponsibility—

13 “(i) for requiring, reviewing, approv-  
14 ing, and monitoring safety program plans  
15 under section 5330(c)(1);

16 “(ii) for investigating hazardous con-  
17 ditions and accidents on fixed guideway  
18 public transportation systems that are not  
19 subject to regulation by the Federal Rail-  
20 road Administration; and

21 “(iii) for requiring action to correct or  
22 eliminate those conditions.

23 “(2) APPORTIONMENT.—

24 “(A) APPORTIONMENT FORMULA.—The  
25 amount to be apportioned under subsection

1 (i)(2) shall be apportioned among applicable  
2 States under a formula to be established by the  
3 Secretary. Such formula shall take into account  
4 factors of fixed guideway revenue vehicle miles,  
5 fixed guideway route miles, and fixed guideway  
6 vehicle passenger miles attributable to all rail  
7 fixed guideway systems not subject to regula-  
8 tion by the Federal Railroad Administration  
9 within each applicable State.

10 “(B) RECIPIENTS OF APPORTIONED  
11 AMOUNTS.—Amounts apportioned under the  
12 formula established pursuant to subparagraph  
13 (A) shall be made available as grants to State  
14 safety oversight agencies. Such grants are sub-  
15 ject to uniform administrative requirements for  
16 grants and cooperative agreements to State and  
17 local governments under part 18 of title 49,  
18 Code of Federal Regulations, and are subject to  
19 the requirements of this chapter as the Sec-  
20 retary determines appropriate.

21 “(C) USE OF FUNDS.—A State safety  
22 oversight agency may use funds apportioned  
23 under subparagraph (A) for program oper-  
24 ational and administrative expenses, including  
25 employee training activities, that assist the

1 agency in carrying out its responsibilities de-  
2 scribed in paragraph (1)(B).

3 “(D) CERTIFICATION PROCESS.—

4 “(i) DETERMINATIONS.—The Sec-  
5 retary shall determine whether or not each  
6 State safety oversight agency has adequate  
7 technical capacity, personnel resources,  
8 and authority under relevant State law to  
9 perform the agency’s defined responsibil-  
10 ities described in paragraph (1)(B).

11 “(ii) ISSUANCE OF CERTIFICATIONS  
12 AND DENIALS.—The Secretary shall—

13 “(I) issue a certification to each  
14 State safety oversight agency that the  
15 Secretary determines under clause (i)  
16 has adequate technical capacity, per-  
17 sonnel resources, and authority; and

18 “(II) issue a denial of certifi-  
19 cation to each State safety oversight  
20 agency that the Secretary determines  
21 under clause (i) does not have ade-  
22 quate technical capacity, personnel re-  
23 sources, and authority, and provide  
24 the agency with a written explanation  
25 of the reasons for the denial.

1           “(E) ANNUAL REPORT.—On or before July  
2           1 of each year, the Secretary shall submit to  
3           the Committee on Transportation and Infra-  
4           structure of the House of Representatives and  
5           the Committee on Banking, Housing, and  
6           Urban Affairs of the Senate a report on—

7                   “(i) the amount of funds apportioned  
8                   to each applicable State; and

9                   “(ii) the certification status of each  
10                  State safety oversight agency, including  
11                  what steps an agency that has been denied  
12                  certification must take in order to be so  
13                  certified.”.

14 **SEC. 2018. FIXED GUIDEWAY MODERNIZATION FORMULA**  
15 **GRANTS.**

16           (a) AMENDMENT TO SECTION HEADING.—Section  
17 5337 is amended—

18                   (1) by striking the section designation and  
19                   heading and inserting the following:

20 **“§ 5337. Fixed guideway modernization program”.**

21           (b) PROGRAM GOALS.—Section 5337 is amended—

22                   (1) by redesignating subsections (a) through (f)  
23                   as subsections (c) through (h), respectively; and

24                   (2) by inserting before subsection (c) (as so re-  
25                   designated) the following:

1       “(a) PROGRAM GOALS.—The goals of the fixed guide-  
2 way modernization program are—

3               “(1) to rehabilitate, maintain, and preserve the  
4 Nation’s fixed guideway public transportation sys-  
5 tems;

6               “(2) to reduce the maintenance backlog and in-  
7 crease the state of good repair of the Nation’s fixed  
8 guideway public transportation systems; and

9               “(3) to increase the overall ridership on fixed  
10 guideway public transportation systems.

11       “(b) GENERAL AUTHORITY.—The Secretary may  
12 make grants to eligible recipients under this section to as-  
13 sist State and local government authorities in financing  
14 capital projects to modernize eligible fixed guideway sys-  
15 tems.”.

16       (c) DISTRIBUTION.—Section 5337(c) (as redesign-  
17 nated by subsection (b)(1) of this section) is amended by  
18 striking “under section 5309” and all that follows before  
19 paragraph (1) and inserting “for a fiscal year as follows:”.

20       (d) AVAILABILITY OF AMOUNTS.—Section 5337(f)  
21 (as redesignated by subsection (b)(1) of this section) is  
22 amended to read as follows:

23               “(f) AVAILABILITY OF AMOUNTS.—An amount ap-  
24 propriated under this section shall remain available for a  
25 period of 3 fiscal years after the fiscal year in which the

1 amount is appropriated. Any of such amount that is unob-  
2 ligated at the end of such period shall be reapportioned  
3 for the next fiscal year among eligible recipients in accord-  
4 ance with subsection (c).”.

5 (e) GRANT REQUIREMENTS.—Section 5337 is  
6 amended by adding at the end the following:

7 “(i) UNDERTAKING PROJECTS IN ADVANCE.—

8 “(1) IN GENERAL.—When a recipient obligates  
9 all amounts apportioned to it under this section and  
10 then carries out a part of a project described in this  
11 section without amounts of the Government and ac-  
12 cording to all applicable procedures and require-  
13 ments (except to the extent the procedures and re-  
14 quirements limit a State to carrying out a project  
15 with amounts of the Government previously appor-  
16 tioned to it), the Secretary may pay to the recipient  
17 the Government’s share of the cost of carrying out  
18 that part when additional amounts are apportioned  
19 to the recipient under this section if—

20 “(A) the recipient applies for the payment;

21 “(B) the Secretary approves the payment;

22 and

23 “(C) before carrying out that part, the  
24 Secretary approves the plans and specifications

1           for the part in the same way as for other  
2           projects under this section.

3           “(2) REQUIREMENT FOR APPROVAL OF APPLI-  
4           CATIONS.—The Secretary may approve an applica-  
5           tion under paragraph (1) only if an authorization for  
6           this section is in effect for the fiscal year to which  
7           the application applies.

8           “(3) INTEREST PAYMENTS.—The cost of car-  
9           rying out that part of a project includes the amount  
10          of interest earned and payable on bonds issued by  
11          the recipient to the extent proceeds of the bonds are  
12          expended in carrying out this part. However, the  
13          amount of interest allowed under this paragraph  
14          may not be more than the most favorable financing  
15          terms reasonably available for the project at the  
16          time of borrowing. The applicant shall certify, in a  
17          manner satisfactory to the Secretary, that the appli-  
18          cant has shown reasonable diligence in seeking the  
19          most favorable financing terms.

20          “(j) GRANT REQUIREMENTS.—A grant under this  
21          section shall be subject to the requirements of subsections  
22          (c), (d), (e), (h), (i), and (m) of section 5307.”.

23          (f) CLERICAL AMENDMENT.—The analysis for chap-  
24          ter 53 is amended by striking the item relating to section  
25          5337 and inserting the following:

“5337. Fixed guideway modernization program.”.

1 **SEC. 2019. AUTHORIZATIONS.**

2 (a) IN GENERAL.—Section 5338 is amended to read  
3 as follows:

4 **“§ 5338. Authorizations**

5 “(a) FORMULA AND BUS GRANTS.—

6 “(1) IN GENERAL.—There shall be available  
7 from the Alternative Transportation Account of the  
8 Highway Trust Fund to carry out sections 5305,  
9 5307, 5310, 5311, 5317, 5330, 5335, and 5337  
10 \$8,400,000,000 for each of fiscal years 2013  
11 through 2016.

12 “(2) ALLOCATION OF FUNDS.—Amounts made  
13 available under paragraph (1) shall be allocated as  
14 follows:

15 “(A) \$126,000,000 for each of fiscal years  
16 2013 through 2016 shall be available to carry  
17 out section 5305.

18 “(B) \$4,578,000,000 for each of fiscal  
19 years 2013 through 2016 shall be allocated in  
20 accordance with section 5336 to provide finan-  
21 cial assistance for urbanized areas and State  
22 safety oversight agencies under sections 5307  
23 and 5336(k).

24 “(C) \$840,000,000 for each of fiscal years  
25 2013 through 2016 shall be available to provide  
26 financial assistance for States and local govern-

1           mental authorities to replace, rehabilitate, and  
2           purchase buses and related equipment and to  
3           construct bus-related facilities under section  
4           5310. Of such amount, \$3,000,000 shall be  
5           available for each fiscal year for bus testing  
6           under section 5318.

7           “(D) \$672,000,000 for each of fiscal years  
8           2013 through 2016 shall be available to provide  
9           financial assistance for rural areas under sec-  
10          tion 5311.

11          “(E) \$504,000,000 for each of fiscal years  
12          2013 through 2016 shall be available to provide  
13          financial assistance for recipients and subrecipi-  
14          ents to provide coordinated access and mobility  
15          public transportation projects and services  
16          under section 5317.

17          “(F) \$3,500,000 for each of fiscal years  
18          2013 through 2016 shall be available to carry  
19          out section 5335. Such amount shall be made  
20          available from funds allocated in accordance  
21          with section 5336 before the apportionments  
22          under subsection 5336(i) are carried out.

23          “(G) \$1,680,000,000 for each of fiscal  
24          years 2013 through 2016 shall be made avail-  
25          able and allocated in accordance with section

1           5337 to provide financial assistance for State  
2           and local government authorities to finance cap-  
3           ital projects to modernize eligible fixed guide-  
4           way systems.

5           “(b) CAPITAL INVESTMENT GRANTS.—There is au-  
6           thorized to be appropriated to carry out section  
7           5309(m)(2) \$1,955,000,000 for each of fiscal years 2013  
8           through 2016.

9           “(c) RESEARCH, TRAINING AND OUTREACH, AND  
10          TECHNICAL ASSISTANCE.—There is authorized to be ap-  
11          propriated to carry out the transit research program  
12          under section 5312 and the training and outreach, Na-  
13          tional Transit Institute, and technical assistance activities  
14          authorized by section 5322, \$45,000,000 for each of fiscal  
15          years 2013 through 2016. Such amounts shall remain  
16          available until expended.

17          “(d) ADMINISTRATION.—There is authorized to be  
18          appropriated to carry out sections 5326 and 5334  
19          \$98,000,000 for each of fiscal years 2013 through 2016.

20          “(e) GRANTS AS CONTRACTUAL OBLIGATIONS.—

21                  “(1) GRANTS FINANCED FROM HIGHWAY TRUST  
22          FUND.—A grant or contract that is approved by the  
23          Secretary and financed with amounts made available  
24          from the Alternative Transportation Account of the  
25          Highway Trust Fund pursuant to this section is a

1 contractual obligation of the Government to pay the  
2 Federal share of the cost of the project.

3 “(2) GRANTS FINANCED FROM GENERAL  
4 FUND.—A grant or contract that is approved by the  
5 Secretary and financed with amounts appropriated  
6 in advance from the General Fund of the Treasury  
7 pursuant to this section is a contractual obligation  
8 of the Government to pay the Federal share of the  
9 cost of the project only to the extent that amounts  
10 are appropriated for such purpose by an Act of Con-  
11 gress.”.

12 **SEC. 2020. OBLIGATION LIMITS.**

13 The total of all obligations from amounts made avail-  
14 able from the Alternative Transportation Account of the  
15 Highway Trust Fund by, and amounts appropriated  
16 under, subsections (a) through (d) of section 5338 of title  
17 49, United States Code, shall not exceed \$10,498,000,000  
18 in each of fiscal years 2013 through 2016, of which not  
19 more than \$8,400,000,000 shall be from the Alternative  
20 Transportation Account.

21 **SEC. 2021. PROGRAM ELIMINATION AND CONSOLIDATION.**

22 (a) GENERAL PROVISION.—A repeal or amendment  
23 made by this section shall not affect funds apportioned  
24 or allocated before the effective date of the repeal.

1 (b) CLEAN FUELS DISCRETIONARY GRANT PRO-  
2 GRAM.—Section 5308, and the item relating to that sec-  
3 tion in the analysis for chapter 53, are repealed.

4 (c) CONFORMING AMENDMENTS REGARDING FOR-  
5 MULA GRANTS FOR SPECIAL NEEDS OF ELDERLY INDI-  
6 VIDUALS AND INDIVIDUALS WITH DISABILITIES.—

7 (1) Section 5327(c) is amended by striking  
8 “5310” each place it appears and inserting “5317”.

9 (2) Section 31138(e)(4) is amended by striking  
10 “section 5307, 5310, or 5311” and inserting “sec-  
11 tion 5307, 5311, or 5317”.

12 (d) PUBLIC TRANSPORTATION ON INDIAN RESERVA-  
13 TIONS.—Section 5311(c)(1) is repealed.

14 (e) TRANSIT COOPERATIVE RESEARCH PROGRAM.—  
15 Section 5313, and the item relating to that section in the  
16 analysis for chapter 53, are repealed.

17 (f) NATIONAL RESEARCH PROGRAMS.—Section  
18 5314, and the item relating to that section in the analysis  
19 for chapter 53, are repealed.

20 (g) NATIONAL TRANSIT INSTITUTE.—

21 (1) REPEAL.—Section 5315, and the item relat-  
22 ing to that section in the analysis for chapter 53,  
23 are repealed.

24 (2) CONFORMING AMENDMENTS.—Chapter 53  
25 is amended—

1 (A) in section 5305(e)(1)(A) by striking  
2 “5315,”; and

3 (B) in section 5307(k)(1) by striking  
4 “5315(c)”.

5 (h) BICYCLE FACILITIES.—Section 3519 is amended  
6 by striking the last sentence.

7 (i) JOB ACCESS AND REVERSE COMMUTE FORMULA  
8 GRANTS.—

9 (1) REPEAL.—Section 5316, and the item relat-  
10 ing to that section in the analysis for chapter 53,  
11 are repealed.

12 (2) CONFORMING AMENDMENT.—Chapter 53 is  
13 amended in section 5333(b)(1) by striking “5316,”  
14 each place it appears.

15 (j) PAUL S. SARBANES TRANSIT IN THE PARKS PRO-  
16 GRAM.—

17 (1) REPEAL.—Section 5320, and the item relat-  
18 ing to that section in the analysis for chapter 53,  
19 are repealed.

20 (2) CONFORMING AMENDMENTS.—Section  
21 5327(c) is amended—

22 (A) in paragraph (1) by striking subpara-  
23 graph (F); and

24 (B) in paragraph (2)(B) by striking  
25 “5311, and 5320” and inserting “and 5311”

1 (k) REPEAL OF DEBT SERVICE RESERVE PILOT  
2 PROGRAM.—Section 5323(e) is amended by striking para-  
3 graph (4).

4 (l) PROGRAM OF INTERRELATED PROJECTS.—Sec-  
5 tion 5328 is amended by striking subsection (e).

6 (m) ALTERNATIVES ANALYSIS.—Section 5339, and  
7 the item relating to that section in the analysis for chapter  
8 53, are repealed.

9 (n) APPORTIONMENTS BASED ON GROWING STATES  
10 AND HIGH DENSITY STATES FORMULA FACTORS.—Sec-  
11 tion 5340, and the item relating to that section in the  
12 analysis for chapter 53, are repealed.

13 (o) CONTRACTED PARATRANSIT PILOT.—Section  
14 3009 of SAFETEA–LU (119 Stat. 1572) is amended by  
15 striking subsection (i).

16 (p) ELDERLY INDIVIDUALS AND INDIVIDUALS WITH  
17 DISABILITIES PILOT PROGRAM.—Section 3012(b) of  
18 SAFETEA–LU (49 U.S.C. 5310 note; 119 Stat. 1591)  
19 is repealed.

20 (q) NATIONAL FUEL CELL BUS TECHNOLOGY DE-  
21 VELOPMENT PROGRAM.—Section 3045 of SAFETEA–LU  
22 (49 U.S.C. 5308 note; 119 Stat. 1705), and the item re-  
23 lating to that section in the table of contents contained  
24 in section 1(b) of that Act, are repealed.

1 (r) ALLOCATIONS FOR NATIONAL RESEARCH AND  
2 TECHNOLOGY PROGRAMS.—Section 3046 of SAFETEA-  
3 LU (49 U.S.C. 5338 note; 119 Stat. 1706), and the item  
4 relating to that section in the table of contents contained  
5 in section 1(b) of that Act, are repealed.

6 (s) OVER-THE-ROAD BUS ACCESSIBILITY PRO-  
7 GRAM.—Section 3038 of the Transportation Equity Act  
8 for the 21st Century (49 U.S.C. 5310 note; 112 Stat.  
9 392), and the item relating to that section in the table  
10 of contents contained in section 1(b) of that Act, are re-  
11 pealed.

## 12 **TITLE III—ENVIRONMENTAL** 13 **STREAMLINING**

### 14 **SEC. 3001. AMENDMENTS TO TITLE 23, UNITED STATES** 15 **CODE.**

16 Except as otherwise expressly provided, whenever in  
17 this title an amendment or repeal is expressed in terms  
18 of an amendment to, or a repeal of, a section or other  
19 provision, the reference shall be considered to be made to  
20 a section or other provision of title 23, United States  
21 Code.

### 22 **SEC. 3002. DECLARATION OF POLICY.**

23 (a) EXPEDITED PROJECT DELIVERY.—Section  
24 101(b) is amended by adding at the end the following:

1           “(4) EXPEDITED PROJECT DELIVERY.—Con-  
2           gress declares that it is in the national interest to  
3           expedite the delivery of surface transportation  
4           projects by substantially reducing the average length  
5           of the environmental review process. Accordingly, it  
6           is the policy of the United States that—

7                   “(A) the Secretary shall have the lead role  
8                   among Federal agencies in carrying out the en-  
9                   vironmental review process for surface transpor-  
10                  tation projects;

11                  “(B) each Federal agency shall cooperate  
12                  with the Secretary to expedite the environ-  
13                  mental review process for surface transpor-  
14                  tation projects;

15                  “(C) there shall be a presumption that the  
16                  mode, facility type, and corridor location for a  
17                  surface transportation project will be deter-  
18                  mined in the transportation planning process,  
19                  as established in sections 5203 and 5204 of  
20                  title 49;

21                  “(D) project sponsors shall not be prohib-  
22                  ited from carrying out pre-construction project  
23                  development activities concurrently with the en-  
24                  vironmental review process;

1           “(E) programmatic approaches shall be  
2           used, to the maximum extent possible, to reduce  
3           the need for project-by-project reviews and deci-  
4           sions by Federal agencies; and

5           “(F) the Secretary shall actively support  
6           increased opportunities for project sponsors to  
7           assume responsibilities of the Secretary in car-  
8           rying out the environmental review process.”.

9   **SEC. 3003. EXPEDITED PERMITS.**

10       (a) **IN GENERAL.**—Notwithstanding any other provi-  
11       sion of law, the President may issue, during the 2-year  
12       period beginning on the date of enactment of this Act, an  
13       expedited permit for any transportation infrastructure  
14       project determined by the President to enhance the eco-  
15       nomic competitiveness of the United States.

16       (b) **APPLICATION.**—

17           (1) **IN GENERAL.**—For a transportation infra-  
18       structure project to be eligible for a permit under  
19       subsection (a), the Secretary of Transportation shall  
20       submit to the President an application in the man-  
21       ner and containing the information required by the  
22       President.

23           (2) **OTHER ELIGIBLE APPLICANTS.**—A State,  
24       local government, or public transportation agency  
25       carrying out a transportation infrastructure project

1 may submit an application for a permit under sub-  
2 section (a) to the Secretary of Transportation, and  
3 the Secretary shall submit the application to the  
4 President.

5 (3) RULE OF CONSTRUCTION.—The submission  
6 of an application to the President pursuant to para-  
7 graphs (1) and (2) is not subject to the National  
8 Environmental Policy Act of 1969 (42 U.S.C. 4321  
9 et seq.).

10 (c) DETERMINATIONS.—

11 (1) IN GENERAL.—Not later than 30 days after  
12 the date on which the President receives the applica-  
13 tion under this subsection, the President shall—

14 (A) approve the application if the Presi-  
15 dent determines the transportation infrastruc-  
16 ture project is imperative to improving the eco-  
17 nomic competitiveness of the United States; or

18 (B) deny the application.

19 (2) FAILURE TO MAKE A DETERMINATION.—If  
20 the President fails to approve or deny an application  
21 in accordance with paragraph (1), the application  
22 shall be treated as approved.

23 (d) EFFECT OF PERMIT.—

24 (1) RULE OF CONSTRUCTION.—A transpor-  
25 tation infrastructure project with respect to which a

1 permit is issued under subsection (a) shall be  
2 deemed as in compliance with all applicable Federal  
3 laws, including applicable regulations.

4 (2) JUDICIAL REVIEW.—The submission of an  
5 application for a permit, and any permit issued or  
6 approved under this section (including compliance  
7 with all Federal laws and regulations applicable to  
8 such permit) shall not be subject to judicial review.

9 (e) NOTICE.—Not later than 5 days after the date  
10 on which a permit is issued under subsection (a), the Sec-  
11 retary of Transportation shall provide notice of the permit  
12 to the head of each Federal agency that administers a law,  
13 including a regulation, applicable to the project for which  
14 the permit is issued.

15 (f) RESPONSIBILITY OF FEDERAL AGENCIES.—The  
16 head of each Federal agency shall establish, maintain, and  
17 periodically publish in the Federal Register a record of  
18 any notice received under subsection (e), including a de-  
19 scription of the basis on which the applicable permit was  
20 issued.

21 **SEC. 3004. EXEMPTION IN EMERGENCIES.**

22 Any road, highway, or bridge that is in operation or  
23 under construction when damaged by an emergency de-  
24 clared by the Governor of the State and concurred in by  
25 the Secretary, or declared by the President pursuant to

1 the Robert T. Stafford Disaster Relief and Emergency As-  
2 sistance Act (42 U.S.C. 5121), may be reconstructed in  
3 the same location with the same capacity, dimensions, and  
4 design as before the emergency and shall be exempt from  
5 any environmental reviews, approvals, licensing, and per-  
6 mit requirements under—

7 (1) the National Environmental Policy Act of  
8 1969 (42 U.S.C. 4321 et seq.);

9 (2) sections 402 and 404 of the Federal Water  
10 Pollution Control Act (33 U.S.C. 1342, 1344);

11 (3) the National Historic Preservation Act (16  
12 U.S.C. 470 et seq.);

13 (4) the Migratory Bird Treaty Act (16 U.S.C.  
14 703 et seq.);

15 (5) the Wild and Scenic Rivers Act (16 U.S.C.  
16 1271 et seq.);

17 (6) the Fish and Wildlife Coordination Act (16  
18 U.S.C. 661 et seq.);

19 (7) the Endangered Species Act of 1973 (16  
20 U.S.C. 1531 et seq.), except when the reconstruction  
21 occurs in designated critical habitat for threatened  
22 and endangered species;

23 (8) Executive Order 11990 (42 U.S.C. 4321  
24 note; relating to the protection of wetlands); and

1 (9) any Federal law (including regulations) re-  
2 quiring no net loss of wetlands.

3 **SEC. 3005. ADVANCE ACQUISITION OF REAL PROPERTY IN-**  
4 **TERESTS.**

5 (a) REAL PROPERTY INTERESTS.—Section 108 is  
6 amended—

7 (1) by striking “real property” each place it ap-  
8 pears and inserting “real property interests”;

9 (2) by striking “right-of-way” each place it ap-  
10 pears and inserting “real property interest”; and

11 (3) by striking “rights-of-way” each place it ap-  
12 pears and inserting “real property interests”.

13 (b) STATE-FUNDED EARLY ACQUISITION OF REAL  
14 PROPERTY INTERESTS.—Section 108(c) is amended—

15 (1) in the subsection heading by striking  
16 “EARLY ACQUISITION OF RIGHTS-OF-WAY” and in-  
17 serting “STATE-FUNDED EARLY ACQUISITION OF  
18 REAL PROPERTY INTERESTS”;

19 (2) by redesignating paragraphs (1) and (2) as  
20 paragraphs (2) and (3), respectively;

21 (3) in paragraph (2), as redesignated—

22 (A) in the heading by striking “GENERAL  
23 RULE” and inserting “ELIGIBILITY FOR REIM-  
24 BURSEMENT”; and

1 (B) by striking “Subject to paragraph (2)”  
2 and inserting “Subject to paragraph (3)”;

3 (4) by inserting before paragraph (2), as redesi-  
4 gnated, the following:

5 “(1) IN GENERAL.—A State may carry out, at  
6 the expense of the State, acquisitions of interests in  
7 real property for a project before completion of the  
8 review process required for the project under the  
9 National Environmental Policy Act of 1969 (42  
10 U.S.C. 4321 et seq.) without affecting subsequent  
11 approvals required for the project by the State or  
12 any Federal agency.”; and

13 (5) in paragraph (3), as redesignated—

14 (A) in the matter preceding subparagraph  
15 (A) by striking “in paragraph (1)” and insert-  
16 ing “in paragraph (2)”;

17 (B) in subparagraph (G) by striking “both  
18 the Secretary and the Administrator of the En-  
19 vironmental Protection Agency have concurred”  
20 and inserting “the Secretary has determined”.

21 (c) **FEDERALLY FUNDED ACQUISITION OF REAL**  
22 **PROPERTY INTERESTS.**—Section 108 is further amended  
23 by adding at the end the following:

24 “(d) **FEDERALLY FUNDED EARLY ACQUISITION OF**  
25 **REAL PROPERTY INTERESTS.**—

1           “(1) IN GENERAL.—The Secretary may author-  
2           ize the use of Federal funds for the acquisition of  
3           a real property interest by a State. For purposes of  
4           this subsection, an acquisition of a real property in-  
5           terest includes the acquisition of any interest in  
6           land, including the acquisition of a contractual right  
7           to acquire any interest in land, or any other similar  
8           action to acquire or preserve rights-of-way for a  
9           transportation facility.

10           “(2) STATE CERTIFICATION.—A State request-  
11           ing Federal funding for an acquisition of a real  
12           property interest shall certify in writing that—

13                   “(A) the State has authority to acquire the  
14                   real property interest under State law;

15                   “(B) the acquisition of the real property  
16                   interest is for a transportation purpose; and

17                   “(C) the State acknowledges that early ac-  
18                   quisition will not be considered by the Secretary  
19                   in the environmental assessment of a project,  
20                   the decision relative to the need to construct a  
21                   project, or the selection of a project design or  
22                   location.

23           “(3) ENVIRONMENTAL COMPLIANCE.—Before  
24           authorizing Federal funding for an acquisition of a  
25           real property interest, the Secretary shall complete

1 for the acquisition the review process under the Na-  
2 tional Environmental Policy Act of 1969 (42 U.S.C.  
3 4321 et seq.). For purposes of the review process,  
4 the acquisition of a real property interest shall be  
5 treated as having independent utility and does not  
6 limit consideration of alternatives for future trans-  
7 portation improvements with respect to the real  
8 property interest.

9 “(4) PROGRAMMING.—The acquisition of a real  
10 property interest for which Federal funding is re-  
11 quested shall be included as a project in an applica-  
12 ble transportation improvement program under sec-  
13 tions 5203 and 5204 of title 49, United States Code.  
14 The acquisition project may be included in the  
15 transportation improvement program on its own,  
16 without including the future construction project for  
17 which the real property interest is being acquired.  
18 The acquisition project may consist of the acquisi-  
19 tion of a specific parcel, a portion of a transpor-  
20 tation corridor, or an entire transportation corridor.

21 “(5) OTHER REQUIREMENTS.—The acquisition  
22 of a real property interest shall be carried out in  
23 compliance with all requirements applicable to the  
24 acquisition of real property interests for federally  
25 funded transportation projects.

1       “(e) CONSIDERATION OF LONG-RANGE TRANSPOR-  
2 TATION NEEDS.—The Secretary shall encourage States  
3 and other public authorities, if practicable, to acquire  
4 transportation real property interests that are sufficient  
5 to accommodate long-range transportation needs and, if  
6 possible, to do so through the acquisition of broad real  
7 property interests that have the capacity for expansion  
8 over a 50- to 100-year period and the potential to accom-  
9 modate one or more transportation modes.”.

10 **SEC. 3006. STANDARDS.**

11       Section 109 (as amended by title I of this Act) is  
12 further amended by adding at the end the following:

13       “(s) UNDERTAKING DESIGN ACTIVITIES BEFORE  
14 COMPLETION OF ENVIRONMENTAL REVIEW PROCESS.—

15               “(1) IN GENERAL.—A State may carry out, at  
16 the expense of the State, design activities at any  
17 level of detail for a project before completion of the  
18 review process required for the project under the  
19 National Environmental Policy Act of 1969 (42  
20 U.S.C. 4321 et seq.) without affecting subsequent  
21 approvals of the project.

22               “(2) ELIGIBILITY FOR REIMBURSEMENT.—Sub-  
23 ject to paragraph (3), funds apportioned to a State  
24 under this title may be used to participate in the  
25 payment of costs incurred by the State for design

1 activities, if the results of the activities are subse-  
2 quently incorporated (in whole or in substantial  
3 part) into a project eligible for surface transpor-  
4 tation program funds.

5 “(3) TERMS AND CONDITIONS.—The Federal  
6 share payable of the costs described in paragraph  
7 (2) shall be eligible for reimbursement out of funds  
8 apportioned to a State under this title when the de-  
9 sign activities are incorporated (in whole or in sub-  
10 stantial part) into a project eligible for surface  
11 transportation program funds, if the State dem-  
12 onstrates to the Secretary and the Secretary finds  
13 that—

14 “(A) before the time that the cost incurred  
15 by a State is approved for Federal participa-  
16 tion, environmental compliance pursuant to the  
17 National Environmental Policy Act of 1969 (42  
18 U.S.C. 4321 et seq.) has been completed for the  
19 project for which the design activities were con-  
20 ducted by the State; and

21 “(B) the design activities conducted pursu-  
22 ant to this subsection did not preclude the con-  
23 sideration of alternatives to the project.”.

1 **SEC. 3007. LETTING OF CONTRACTS.**

2 (a) BIDDING REQUIREMENTS.—Section 112(b)(1) is  
3 amended to read as follows:

4 “(1) IN GENERAL.—

5 “(A) COMPETITIVE BIDDING REQUIRE-  
6 MENT.—Subject to paragraphs (2), (3), and  
7 (4), construction of each project, subject to the  
8 provisions of subsection (a), shall be performed  
9 by contract awarded by competitive bidding, un-  
10 less the State transportation department dem-  
11 onstrates, to the satisfaction of the Secretary,  
12 that some other method is more cost effective  
13 or that an emergency exists.

14 “(B) BASIS OF AWARD.—

15 “(i) IN GENERAL.—Contracts for the  
16 construction of each project shall be  
17 awarded only on the basis of the lowest re-  
18 sponsive bid submitted by a bidder meeting  
19 established criteria of responsibility.

20 “(ii) PROHIBITION.—No requirement  
21 or obligation shall be imposed as a condi-  
22 tion precedent to the award of a contract  
23 to such bidder for a project, or to the Sec-  
24 retary’s concurrence in the award of a con-  
25 tract to such bidder, unless such require-  
26 ment or obligation is otherwise lawful and

1 is specifically set forth in the advertised  
2 specifications.”.

3 (b) DESIGN-BUILD CONTRACTING.—Section  
4 112(b)(3) is amended—

5 (1) in subparagraph (A) by striking “subpara-  
6 graph (C)” and inserting “subparagraph (B)”;

7 (2) by striking subparagraph (B);

8 (3) by redesignating subparagraphs (C) through  
9 (E) as subparagraphs (B) through (D), respectively;  
10 and

11 (4) in subparagraph (C), as redesignated—

12 (A) in the matter preceding clause (i) by  
13 striking “of the SAFETEA-LU” and inserting  
14 “of the American Energy and Infrastructure  
15 Jobs Act of 2012”;

16 (B) in clause (ii) by striking “and” at the  
17 end;

18 (C) in clause (iii)—

19 (i) by striking “final design or”; and

20 (ii) by striking the period at the end  
21 and inserting “; and”; and

22 (D) by adding at the end the following:

23 “(iv) permit the State transportation  
24 department, the local transportation agen-  
25 cy, and the design-build contractor to pro-

1           ceed, at the expense of one or more of  
2           those entities, with design activities at any  
3           level of detail for a project before comple-  
4           tion of the review process required for the  
5           project under the National Environmental  
6           Policy Act of 1969 (42 U.S.C. 4321 et  
7           seq.) without affecting subsequent approv-  
8           als required for the project. Design activi-  
9           ties carried out under this clause shall be  
10          eligible for Federal reimbursement as a  
11          project expense in accordance with the re-  
12          quirements under section 109(s).”.

13          (c) EFFICIENCIES IN CONTRACTING.—Section 112(b)  
14 is amended by adding at the end the following:

15                 “(4) METHOD OF CONTRACTING.—

16                         “(A) IN GENERAL.—

17                                 “(i) TWO-PHASE CONTRACT.—A con-  
18                                 tracting agency may award a two-phase  
19                                 contract for preconstruction and construc-  
20                                 tion services.

21                                 “(ii) PRE-CONSTRUCTION SERVICES  
22                                 PHASE.—In the pre-construction services  
23                                 phase, the contractor shall provide the con-  
24                                 tracting agency with advice for scheduling,  
25                                 work sequencing, cost engineering,

1           constructability, cost estimating, and risk  
2           identification.

3           “(iii) AGREEMENT.—Prior to the  
4           start of the construction services phase,  
5           the contracting agency and the contractor  
6           may agree to a price and other factors  
7           specified in regulation for the construction  
8           of the project or a portion of the project.

9           “(iv) CONSTRUCTION PHASE.—If an  
10          agreement is reached under clause (iii), the  
11          contractor shall be responsible for the con-  
12          struction of the project or portion of the  
13          project at the negotiated price and other  
14          factors specified in regulation.

15          “(B) SELECTION.—A contract shall be  
16          awarded to a contractor using a competitive se-  
17          lection process based on qualifications, experi-  
18          ence, best value, or any other combination of  
19          factors considered appropriate by the con-  
20          tracting agency.

21          “(C) TIMING.—

22                 “(i) RELATIONSHIP TO NEPA PROC-  
23                 ESS.—Prior to the completion of the proc-  
24                 ess required under section 102 of the Na-  
25                 tional Environmental Policy Act of 1969

1 (42 U.S.C. 4332), a contracting agency  
2 may—

3 “(I) issue requests for proposals;

4 “(II) proceed with the award of a  
5 contract for preconstruction services  
6 under subparagraph (A); and

7 “(III) issue notices to proceed  
8 with a preliminary design and any  
9 work related to preliminary design.

10 “(ii) PRECONSTRUCTION SERVICES  
11 PHASE.—If the preconstruction services  
12 phase of a contract under subparagraph  
13 (A)(ii) focuses primarily on one alternative,  
14 the Secretary shall require that the con-  
15 tract include appropriate provisions to  
16 achieve the objectives of section 102 of the  
17 National Environmental Policy Act of  
18 1969 (42 U.S.C. 4332) and comply with  
19 other applicable Federal laws and regula-  
20 tions.

21 “(iii) CONSTRUCTION SERVICES  
22 PHASE.—A contracting agency may not  
23 proceed with the award of the construction  
24 services phase of a contract under subpara-  
25 graph (A)(iv) and may not proceed, or per-

1 mit any consultant or contractor to pro-  
2 ceed, with construction until completion of  
3 the process required under section 102 of  
4 the National Environmental Policy Act of  
5 1969 (42 U.S.C. 4332).

6 “(iv) APPROVAL REQUIREMENT.—  
7 Prior to authorizing construction activities,  
8 the Secretary shall approve the contracting  
9 agency’s price estimate for the entire  
10 project, as well as any price agreement  
11 with the general contractor for the project  
12 or a portion of the project.

13 “(v) DESIGN ACTIVITIES.—A con-  
14 tracting agency may proceed, at its ex-  
15 pense, with design activities at any level of  
16 detail for a project before completion of  
17 the review process required for the project  
18 under the National Environmental Policy  
19 Act of 1969 (42 U.S.C. 4321 et seq.) with-  
20 out affecting subsequent approvals re-  
21 quired for the project. Design activities  
22 carried out under this clause shall be eligi-  
23 ble for Federal reimbursement as a project  
24 expense in accordance with the require-  
25 ments under section 109(s).”.

1 **SEC. 3008. ELIMINATION OF DUPLICATION IN HISTORIC**  
2 **PRESERVATION REQUIREMENTS.**

3 (a) **PRESERVATION OF PARKLANDS.**—Section 138 is  
4 amended by adding at the end the following:

5 “(c) **ELIMINATION OF DUPLICATION FOR HISTORIC**  
6 **SITES AND PROPERTIES.**—The requirements of this sec-  
7 tion shall be considered to be satisfied for an historic site  
8 or property where its treatment has been agreed upon in  
9 a memorandum of agreement by invited and mandatory  
10 signatories, including the Advisory Council on Historic  
11 Preservation, if participating, in accordance with section  
12 106 of the National Historic Preservation Act (16 U.S.C.  
13 470f).”.

14 (b) **POLICY ON LANDS, WILDLIFE AND WATERFOWL**  
15 **REFUGES, AND HISTORIC SITES.**—Section 303 of title 49,  
16 United States Code, is amended by adding at the end the  
17 following:

18 “(e) **ELIMINATION OF DUPLICATION FOR HISTORIC**  
19 **SITES AND PROPERTIES.**—The requirements of this sec-  
20 tion shall be considered to be satisfied for an historic site  
21 or property where its treatment has been agreed upon in  
22 a memorandum of agreement by invited and mandatory  
23 signatories, including the Advisory Council on Historic  
24 Preservation, if participating, in accordance with Section  
25 106 of the National Historic Preservation Act (16 U.S.C.  
26 470f).”.

1 **SEC. 3009. FUNDING THRESHOLD.**

2 Section 139(b) is amended by adding at the end the  
3 following:

4 “(3) **FUNDING THRESHOLD.**—The Secretary’s  
5 approval of a project receiving funds under this title  
6 or under chapter 53 of title 49 shall not be consid-  
7 ered a Federal action for the purposes of the Na-  
8 tional Environmental Policy Act of 1969 if such  
9 funds—

10 “(A) constitute 15 percent or less of the  
11 total estimated project costs; or

12 “(B) are less than \$10,000,000.”.

13 **SEC. 3010. EFFICIENT ENVIRONMENTAL REVIEWS FOR**  
14 **PROJECT DECISIONMAKING.**

15 (a) **FLEXIBILITY.**—Section 139(b) is further amend-  
16 ed—

17 (1) in paragraph (2) by inserting “, and any re-  
18 quirements established in this section may be satis-  
19 fied,” after “exercised”; and

20 (2) by adding after paragraph (3), as added by  
21 section 3009 of this Act, the following:

22 “(4) **PROGRAMMATIC COMPLIANCE.**—At the re-  
23 quest of a State, the Secretary may modify the pro-  
24 cedures developed under this section to encourage  
25 programmatic approaches and strategies with re-

1       spect to environmental programs and permits (in  
2       lieu of project-by-project reviews).”.

3       (b) FEDERAL LEAD AGENCY.—Section 139(c) is  
4 amended—

5           (1) in paragraph (1) by adding at the end the  
6       following: “If the project requires approval from  
7       more than one modal administration within the De-  
8       partment, the Secretary shall designate a single  
9       modal administration to serve as the Federal lead  
10      agency for the Department in the environmental re-  
11      view process for the project.”;

12          (2) in paragraph (3) by inserting “or other ap-  
13      provals by the Secretary” after “chapter 53 of title  
14      49”; and

15          (3) by striking paragraph (5) and inserting the  
16      following:

17           “(5) ADOPTION AND USE OF DOCUMENTS.—  
18      Any environmental document prepared in accordance  
19      with this subsection shall be adopted and used by  
20      any Federal agency in making any approval of a  
21      project subject to this section as the document re-  
22      quired to be completed under the National Environ-  
23      mental Policy Act of 1969.”.

24      (c) PARTICIPATING AGENCIES.—

1           (1) EFFECT OF DESIGNATION.—Section  
2 139(d)(4) is amended to read as follows:

3           “(4) EFFECT OF DESIGNATION.—

4                   “(A) REQUIREMENT.—A participating  
5 agency shall comply with the requirements of  
6 this section and any schedule established under  
7 this section.

8                   “(B) IMPLICATION.—Designation as a par-  
9 ticipating agency under this subsection shall not  
10 imply that the participating agency—

11                           “(i) supports a proposed project; or

12                           “(ii) has any jurisdiction over, or spe-  
13 cial expertise with respect to evaluation of,  
14 the project.”.

15           (2) CONCURRENT REVIEWS.—Section 139(d)(7)  
16 is amended to read as follows:

17           “(7) CONCURRENT REVIEWS.—Each partici-  
18 pating agency and cooperating agency shall—

19                   “(A) carry out obligations of that agency  
20 under other applicable law concurrently, and in  
21 conjunction, with the review required under the  
22 National Environmental Policy Act of 1969 (42  
23 U.S.C. 4321 et seq.); and

24                   “(B) formulate and implement administra-  
25 tive, policy, and procedural mechanisms to en-

1           able the agency to ensure completion of the en-  
2           vironmental review process in a timely, coordi-  
3           nated, and environmentally responsible man-  
4           ner.”.

5           (d) PROJECT INITIATION.—Section 139(e) is amend-  
6   ed by adding at the end the following: “The project spon-  
7   sor may satisfy this requirement by submitting to the Sec-  
8   retary a draft notice for publication in the Federal Reg-  
9   ister announcing the preparation of an environmental im-  
10   pact statement for the project.”.

11          (e) ALTERNATIVES ANALYSIS.—Section 139(f) is  
12   amended—

13           (1) in paragraph (4)—

14                (A) by amending subparagraph (B) to read  
15           as follows

16                “(B) RANGE OF ALTERNATIVES.—

17                    “(i) IN GENERAL.—Following partici-  
18                    pation under paragraph (1), the lead agen-  
19                    cy shall determine the range of alternatives  
20                    for consideration in any document which  
21                    the lead agency is responsible for pre-  
22                    paring for the project.

23                    “(ii) LIMITATION.—The range of al-  
24                    ternatives shall be limited to alternatives  
25                    that are—

1           “(I) consistent with the transpor-  
2           tation mode and general design of the  
3           project described in the long-range  
4           transportation plan or transportation  
5           improvement program prepared pur-  
6           suant to sections 5203 or 5204 of title  
7           49; and

8           “(II) consistent with the funding  
9           identified for the project under the  
10          fiscal constraint requirements of sec-  
11          tions 5203 or 5204 of title 49.

12          “(iii) RESTRICTION.—A Federal agen-  
13          cy may not require the evaluation of any  
14          alternative that was evaluated, but not  
15          adopted—

16               “(I) in any prior State or Fed-  
17               eral environmental document with re-  
18               gard to the applicable long-range  
19               transportation plan or transportation  
20               improvement program; or

21               “(II) after the preparation of a  
22               programmatic or tiered environmental  
23               document that evaluated alternatives  
24               to the project.

1           “(iv) LEGAL SUFFICIENCY.—The eval-  
2           uation of the range of alternatives shall be  
3           deemed legally sufficient if the environ-  
4           mental document complies with the re-  
5           quirements of this paragraph.”;

6           (B) in subparagraph (C)—

7           (i) by striking “(C) METHODOLO-  
8           GIES.—The lead agency” and inserting the  
9           following:

10          “(C) METHODOLOGIES.—

11           “(i) IN GENERAL.—The lead agency”;

12           (ii) by striking “in collaboration with  
13           participating agencies at appropriate times  
14           during the study process” and inserting  
15           “after consultation with participating  
16           agencies as part of the scoping process”;  
17           and

18           (iii) by adding at the end the fol-  
19           lowing:

20           “(ii) COMMENTS.—Each participating  
21           agency shall limit comments on such meth-  
22           odologies to those issues that are within  
23           the authority and expertise of such partici-  
24           pating agency.

1           “(iii) STUDIES.—The lead agency may  
2           not conduct studies proposed by any par-  
3           ticipating agency that are not within the  
4           authority or expertise of such participating  
5           agency.”; and

6           (C) by adding at the end the following:

7           “(E) LIMITATIONS ON THE EVALUATION  
8           OF IMPACTS EVALUATED IN PRIOR ENVIRON-  
9           MENTAL DOCUMENTS.—

10           “(i) IN GENERAL.—The lead agency  
11           may not reevaluate, and a Federal agency  
12           may not require the reevaluation of, cumu-  
13           lative impacts or growth-inducing impacts  
14           where such impacts were previously evalu-  
15           ated in—

16           “(I) a long-range transportation  
17           plan or transportation improvement  
18           program developed pursuant to sec-  
19           tion 5203 or 5204 of title 49;

20           “(II) a prior environmental docu-  
21           ment approved by the Secretary; or

22           “(III) a prior State environ-  
23           mental document approved pursuant  
24           to a State law that is substantially  
25           equivalent to section 102(2)(C) of the

1 National Environmental Policy Act of  
2 1969 (42 U.S.C. 4332(2)(C)).

3 “(ii) LEGAL SUFFICIENCY.—The eval-  
4 uation of cumulative impacts and growth  
5 inducing impacts shall be deemed legally  
6 sufficient if the environmental document  
7 complies with the requirements of this  
8 paragraph.”; and

9 (2) by adding at the end the following:

10 “(5) EFFECTIVE DECISIONMAKING.—

11 “(A) CONCURRENCE.—At the discretion of  
12 the lead agency, a participating agency shall be  
13 presumed to concur in the determinations made  
14 by the lead agency under this subsection unless  
15 the participating agency submits an objection to  
16 the lead agency in writing within 30 days after  
17 receiving notice of the lead agency’s determina-  
18 tion and specifies the statutory basis for the ob-  
19 jection.

20 “(B) ADOPTION OF DETERMINATION.—If  
21 the participating agency concurs or does not ob-  
22 ject within the 30-day period, the participating  
23 agency shall adopt the lead agency’s determina-  
24 tion for purposes of any reviews, approvals, or  
25 other actions taken by the participating agency

1 as part of the environmental review process for  
2 the project.”.

3 (f) COORDINATION PLAN.—Section 139(g) is amend-  
4 ed—

5 (1) in paragraph (1)(A) by striking “project or  
6 category of projects” and inserting “project, cat-  
7 egory of projects, or program of projects”;

8 (2) by amending paragraph (3) to read as fol-  
9 lows:

10 “(3) DEADLINES FOR DECISIONS UNDER  
11 OTHER LAWS.—

12 “(A) PRIOR APPROVAL DEADLINE.—If a  
13 participating agency is required to make a de-  
14 termination regarding or otherwise approve or  
15 disapprove the project prior to the record of de-  
16 cision or finding of no significant impact of the  
17 lead agency, such participating agency shall  
18 make such determination or approval not later  
19 than 30 days after the lead agency publishes  
20 notice of the availability of a final environ-  
21 mental impact statement or other final environ-  
22 mental document, or not later than such other  
23 date that is otherwise required by law, which-  
24 ever occurs first.

1           “(B) OTHER DEADLINES.—With regard to  
2 any determination or approval of a partici-  
3 pating agency that is not subject to subpara-  
4 graph (A), each participating agency shall make  
5 any required determination regarding or other-  
6 wise approve or disapprove the project not later  
7 than 90 days after the date that the lead agen-  
8 cy approves the record of decision or finding of  
9 no significant impact for the project, or not  
10 later than such other date that is otherwise re-  
11 quired by law, whichever occurs first.

12           “(C) DEEMED APPROVED.—In the event  
13 that any participating agency fails to make a  
14 determination or approve or disapprove the  
15 project within the applicable deadline described  
16 in subparagraphs (A) and (B), the project shall  
17 be deemed approved by such participating agen-  
18 cy, and such approval shall be deemed to com-  
19 ply with the applicable requirements of Federal  
20 law.

21           “(D) JUDICIAL REVIEW.—

22           “(i) IN GENERAL.—An approval of a  
23 project under subparagraph (C) shall not  
24 be subject to judicial review.

1                   “(ii) WRITTEN FINDING.—The Sec-  
2                   retary may issue a written finding  
3                   verifying the approval made in accordance  
4                   with this paragraph.”; and

5                   (3) by striking paragraph (4).

6                   (g) ISSUE IDENTIFICATION AND RESOLUTION.—Sec-  
7                   tion 139(h)(4) is amended by adding at the end the fol-  
8                   lowing:

9                   “(C) RESOLUTION FINAL.—

10                   “(i) IN GENERAL.—The lead agency  
11                   and participating agencies may not recon-  
12                   sider the resolution of any issue agreed to  
13                   by the relevant agencies in a meeting  
14                   under subparagraph (A).

15                   “(ii) COMPLIANCE WITH APPLICABLE  
16                   LAW.—Any such resolution shall be  
17                   deemed to comply with applicable law not-  
18                   withstanding that the agencies agreed to  
19                   such resolution prior to the approval of the  
20                   environmental document.”.

21                   (h) STREAMLINED DOCUMENTATION AND DECISION-  
22                   MAKING.—Section 139 (as amended by title I of this Act)  
23                   is further amended—

24                   (1) by redesignating subsections (i) through (l)  
25                   as subsections (k) through (n), respectively; and

1           (2) by inserting after subsection (h) the fol-  
2           lowing:

3           “(i) STREAMLINED DOCUMENTATION AND DECISION-  
4           MAKING.—

5           “(1) IN GENERAL.—The lead agency in the en-  
6           vironmental review process for a project, in order to  
7           reduce paperwork and expedite decisionmaking, shall  
8           prepare a condensed final environmental impact  
9           statement.

10           “(2) CONDENSED FORMAT.—A condensed final  
11           environmental impact statement for a project in the  
12           environmental review process shall consist only of—

13                   “(A) an incorporation by reference of the  
14                   draft environmental impact statement;

15                   “(B) any updates to specific pages or sec-  
16                   tions of the draft environmental impact state-  
17                   ment as appropriate; and

18                   “(C) responses to comments on the draft  
19                   environmental impact statement and copies of  
20                   the comments.

21           “(3) TIMING OF DECISION.—Notwithstanding  
22           any other provision of law, in conducting the envi-  
23           ronmental review process for a project, the lead  
24           agency shall combine a final environmental impact

1 statement and a record of decision for the project  
2 into a single document if—

3 “(A) the alternative approved in the record  
4 of decision is either a preferred alternative that  
5 was identified in the draft environmental im-  
6 pact statement or is a modification of such pre-  
7 ferred alternative that was developed in re-  
8 sponse to comments on the draft environmental  
9 impact statement;

10 “(B) the Secretary has received a certifi-  
11 cation from a State under section 128, if such  
12 a certification is required for the project; and

13 “(C) the Secretary determines that the  
14 lead agency, participating agency, or the project  
15 sponsor has committed to implement the meas-  
16 ures applicable to the approved alternative that  
17 are identified in the final environmental impact  
18 statement.

19 “(j) SUPPLEMENTAL ENVIRONMENTAL REVIEW AND  
20 RE-EVALUATION.—

21 “(1) SUPPLEMENTAL ENVIRONMENTAL RE-  
22 VIEW.—After the approval of a record of decision or  
23 finding of no significant impact with regard to a  
24 project, an agency may not require the preparation

1 of a subsequent environmental document for such  
2 project unless the lead agency determines that—

3 “(A) changes to the project will result in  
4 new significant impacts that were not evaluated  
5 in the environmental document; or

6 “(B) new information has become available  
7 or changes in circumstances have occurred after  
8 the lead agency approval of the project that will  
9 result in new significant impacts that were not  
10 evaluated in the environmental document.

11 “(2) RE-EVALUATIONS.—The Secretary may  
12 only require the re-evaluation of a document pre-  
13 pared under the National Environmental Policy Act  
14 of 1969 (42 U.S.C. 4321 et seq.) if—

15 “(A) the Secretary determines that the  
16 events in paragraph (1)(A) or (1)(B) apply; and

17 “(B) more than 5 years has elapsed since  
18 the Secretary’s prior approval of the project or  
19 authorization of project funding.

20 “(3) CHANGE TO RECORD OF DECISION.—After  
21 the approval of a record of decision, the Secretary  
22 may not require the record of decision to be changed  
23 solely because of a change in the fiscal cir-  
24 cumstances surrounding the project.”.

1 (i) REGULATIONS.—Section 139(m) (as redesignated  
2 by subsection (h)(1) of this section) is further amended  
3 to read as follows:

4 “(m) REGULATIONS.—

5 “(1) IN GENERAL.—Not later than 1 year after  
6 the date of enactment of the American Energy and  
7 Infrastructure Jobs Act of 2012, the Secretary, by  
8 regulation, shall—

9 “(A) implement this section; and

10 “(B) establish methodologies and proce-  
11 dures for evaluating the environmental impacts,  
12 including cumulative impacts and growth-induc-  
13 ing impacts, of transportation projects subject  
14 to this section.

15 “(2) COMPLIANCE WITH APPLICABLE LAW.—

16 Any environmental document that utilizes the meth-  
17 odologies and procedures established under this sub-  
18 section shall be deemed to comply with the applica-  
19 ble requirements of—

20 “(A) the National Environmental Policy  
21 Act of 1969 (42 U.S.C. 4321 et seq.) or its im-  
22 plementing regulations; or

23 “(B) any other Federal environmental  
24 statute applicable to transportation projects.”.

1 (j) LIMITATIONS ON CLAIMS.—Section 139(n) (as re-  
2 designated by subsection (h)(1) of this section) is further  
3 amended—

4 (1) in paragraph (1) by striking “180 days”  
5 and inserting “90 days”; and

6 (2) by striking paragraph (2) and inserting the  
7 following:

8 “(2) NEW INFORMATION.—The preparation of  
9 a supplemental environmental impact statement or  
10 other environmental document when required by this  
11 section shall be considered a separate final agency  
12 action and the deadline for filing a claim for judicial  
13 review of such action shall be 90 days after the date  
14 of publication of a notice in the Federal Register an-  
15 nouncing such action.”.

16 (k) LIMITATIONS ON JUDICIAL RELIEF.—Section  
17 139 is further amended by adding at the end the following:

18 “(o) LIMITATIONS ON JUDICIAL RELIEF.—Notwith-  
19 standing any other provision of law, the following limita-  
20 tions shall apply to actions brought before a court in con-  
21 nection with a project under this section:

22 “(1) Venue for any action shall be where the  
23 project is located.

1           “(2) A specific property interest impacted by  
2 the transportation project in question must exist in  
3 order to have standing to bring an action.

4           “(3) No action may be commenced by any per-  
5 son alleging a violation of—

6                   “(A) the National Environmental Policy  
7 Act of 1969 (42 U.S.C. 4321 et seq.), chapters  
8 5 and 7 of title 5, United States Code, or any  
9 other Federal law applicable to the evaluation,  
10 avoidance, or mitigation of environmental im-  
11 pacts of the project if such Federal law is iden-  
12 tified in the draft environmental impact state-  
13 ment, unless such person provided written no-  
14 tice to the lead agency of the alleged violation  
15 of law, and the facts supporting such claim,  
16 during the public comment period on the draft  
17 environmental impact statement; or

18                   “(B) any other law with regard to the  
19 project unless such person provided written no-  
20 tice to the applicable approving agency of the  
21 alleged violation of law, and the facts sup-  
22 porting such claim, during the public comment  
23 period on such agency approval.

24           “(4) Elected or appointed officials working for  
25 the Government or a State government may not be

1 named in their individual capacities in an action if  
2 they are acting within the scope of their official du-  
3 ties.”.

4 **SEC. 3011. DISPOSAL OF HISTORIC PROPERTIES.**

5 (a) DISPOSAL OF HISTORIC PROPERTIES.—Section  
6 156 is amended—

7 (1) by striking the section heading and insert-  
8 ing “**Sale or lease of real property**”; and

9 (2) by adding at the end the following:

10 “(d) ASSESSMENT OF ADVERSE EFFECTS.—Notwith-  
11 standing part 800 of title 36, Code of Federal Regula-  
12 tions, the sale or lease by a State of any historic property  
13 that is not listed in the National Register of Historic  
14 Places shall not be considered an adverse effect to the  
15 property within any consultation process carried out under  
16 section 106 of the National Historic Preservation Act (16  
17 U.S.C. 470f).”.

18 (b) CLERICAL AMENDMENT.—The analysis for chap-  
19 ter 1 is amended by striking the item relating to section  
20 156 and inserting the following:

“156. Sale or lease of real property.’”.

21 **SEC. 3012. INTEGRATION OF PLANNING AND ENVIRON-**  
22 **MENTAL REVIEW.**

23 (a) IN GENERAL.—Chapter 1 is amended by adding  
24 at the end the following:

1 **“§ 167. Integration of planning and environmental re-**  
2 **view**

3 “(a) DEFINITIONS.—In this section, the following  
4 definitions apply:

5 “(1) ENVIRONMENTAL REVIEW PROCESS.—

6 “(A) IN GENERAL.—The term ‘environ-  
7 mental review process’ means the process for  
8 preparing for a project an environmental impact  
9 statement, environmental assessment, categor-  
10 ical exclusion, or other document prepared  
11 under the National Environmental Policy Act of  
12 1969 (42 U.S.C. 4321 et seq.).

13 “(B) INCLUSIONS.—The term ‘environ-  
14 mental review process’ includes the process for  
15 and completion of any environmental permit,  
16 approval, review, or study required for a project  
17 under any Federal law other than the National  
18 Environmental Policy Act of 1969 (42 U.S.C.  
19 4321 et seq.).

20 “(2) PLANNING PRODUCT.—The term ‘planning  
21 product’ means any decision, analysis, study, or  
22 other documented result of an evaluation or deci-  
23 sionmaking process carried out during transpor-  
24 tation planning.

25 “(3) PROJECT.—The term ‘project’ means any  
26 highway project or program of projects, public trans-

1 portation capital project or program of projects, or  
2 multimodal project or program of projects that re-  
3 quires the approval of the Secretary.

4 “(4) PROJECT SPONSOR.—The term ‘project  
5 sponsor’ means the agency or other entity, including  
6 any private or public-private entity, that seeks ap-  
7 proval of the Secretary for a project.

8 “(b) PURPOSE AND FINDINGS.—

9 “(1) PURPOSE.—The purpose of this section is  
10 to establish the authority and provide procedures for  
11 achieving integrated planning and environmental re-  
12 view processes to—

13 “(A) enable statewide and metropolitan  
14 planning processes to more effectively serve as  
15 the foundation for project decisions;

16 “(B) foster better decisionmaking;

17 “(C) reduce duplication in work;

18 “(D) avoid delays in transportation im-  
19 provements; and

20 “(E) better transportation and environ-  
21 mental results for communities and the United  
22 States.

23 “(2) FINDINGS.—Congress finds the following:

24 “(A) This section is consistent with and is  
25 adopted in furtherance of sections 101 and 102

1 of the National Environmental Policy Act of  
2 1969 (42 U.S.C. 4331 and 4332) and section  
3 109 of this title.

4 “(B) This section should be broadly con-  
5 strued and may be applied to any project, class  
6 of projects, or program of projects carried out  
7 under this title or chapter 53 of title 49.

8 “(c) ADOPTION OF PLANNING PRODUCTS FOR USE  
9 IN NEPA PROCEEDINGS.—

10 “(1) IN GENERAL.—Notwithstanding any other  
11 provision of law and subject to the conditions set  
12 forth in subsection (e), the Federal lead agency for  
13 a project, at the request of the project sponsors, may  
14 adopt and use a planning product in proceedings re-  
15 lating to any class of action in the environmental re-  
16 view process of the project.

17 “(2) PARTIAL ADOPTION OF PLANNING PROD-  
18 UCTS.—The Federal lead agency may adopt a plan-  
19 ning product under paragraph (1) in its entirety or  
20 may select portions for adoption.

21 “(3) TIMING.—A determination under para-  
22 graph (1) with respect to the adoption of a planning  
23 product shall be made at the time the lead agencies  
24 decide the appropriate scope of environmental review  
25 for the project.

1 “(d) APPLICABILITY.—

2 “(1) PLANNING DECISIONS.—Planning deci-  
3 sions that may be adopted pursuant to this section  
4 include—

5 “(A) a purpose and need or goals and ob-  
6 jectives statement for the project, including  
7 with respect to whether tolling, private financial  
8 assistance, or other special financial measures  
9 are necessary to implement the project;

10 “(B) a decision with respect to travel cor-  
11 ridor location, including project termini;

12 “(C) a decision with respect to modal  
13 choice, including a decision to implement cor-  
14 ridor or subarea study recommendations to ad-  
15 vance different modal solutions as separate  
16 projects with independent utility;

17 “(D) a decision with respect to the elimi-  
18 nation of unreasonable alternatives and the se-  
19 lection of the range of reasonable alternatives  
20 for detailed study during the environmental re-  
21 view process;

22 “(E) a basic description of the environ-  
23 mental setting;

24 “(F) a decision with respect to methodolo-  
25 gies for analysis; and

1           “(G) identifications of programmatic level  
2 mitigation for potential impacts that the Fed-  
3 eral lead agency, in consultation with Federal,  
4 State, local, and tribal resource agencies, deter-  
5 mines are most effectively addressed at a re-  
6 gional or national program level, including—

7                   “(i) system-level measures to avoid,  
8 minimize, or mitigate impacts of proposed  
9 transportation investments on environ-  
10 mental resources, including regional eco-  
11 system and water resources; and

12                   “(ii) potential mitigation activities, lo-  
13 cations, and investments.

14           “(2) PLANNING ANALYSES.—Planning analyses  
15 that may be adopted pursuant to this section include  
16 studies with respect to—

17                   “(A) travel demands;

18                   “(B) regional development and growth;

19                   “(C) local land use, growth management,  
20 and development;

21                   “(D) population and employment;

22                   “(E) natural and built environmental con-  
23 ditions;

24                   “(F) environmental resources and environ-  
25 mentally sensitive areas;

1           “(G) potential environmental effects, in-  
2           cluding the identification of resources of con-  
3           cern and potential cumulative effects on those  
4           resources, identified as a result of a statewide  
5           or regional cumulative effects assessment; and

6           “(H) mitigation needs for a proposed ac-  
7           tion, or for programmatic level mitigation, for  
8           potential effects that the Federal lead agency  
9           determines are most effectively addressed at a  
10          regional or national program level.

11          “(e) CONDITIONS.—Adoption and use of a planning  
12          product under this section is subject to a determination  
13          by the Federal lead agency, in consultation with joint lead  
14          agencies and project sponsors as appropriate, that the fol-  
15          lowing conditions have been met:

16                 “(1) The planning product was developed  
17                 through a planning process conducted pursuant to  
18                 applicable Federal law.

19                 “(2) The planning process included broad mul-  
20                 tidisciplinary consideration of systems-level or cor-  
21                 ridor-wide transportation needs and potential effects.

22                 “(3) During the planning process, notice was  
23                 provided through publication or other means to Fed-  
24                 eral, State, and local government agencies and tribal  
25                 governments that might have an interest in the pro-

1 posed project, and to members of the general public,  
2 of the planning products that the planning process  
3 might produce and that might be relied on during  
4 the environmental review process, and such entities  
5 have been provided an appropriate opportunity to  
6 participate in the planning process leading to such  
7 planning product.

8 “(4) Prior to determining the scope of environ-  
9 mental review for the project, the joint lead agencies  
10 have made documentation relating to the planning  
11 product available to Federal, State, and local gov-  
12 ernmental agencies and tribal governments that may  
13 have an interest in the proposed action, and to mem-  
14 bers of the general public.

15 “(5) There is no significant new information or  
16 new circumstance that has a reasonable likelihood of  
17 affecting the continued validity or appropriateness of  
18 the planning product.

19 “(6) The planning product is based on reliable  
20 and reasonably current data and reasonable and sci-  
21 entifically acceptable methodologies.

22 “(7) The planning product is documented in  
23 sufficient detail to support the decision or the re-  
24 sults of the analysis and to meet requirements for

1 use of the information in the environmental review  
2 process.

3 “(8) The planning product is appropriate for  
4 adoption and use in the environmental review pro-  
5 cess for the project.

6 “(f) EFFECT OF ADOPTION.—Notwithstanding any  
7 other provision of law, any planning product adopted by  
8 the Federal lead agency in accordance with this section  
9 shall not be reconsidered or made the subject of additional  
10 interagency consultation during the environmental review  
11 process of the project unless the Federal lead agency, in  
12 consultation with joint lead agencies and project sponsors  
13 as appropriate, determines that there is significant new  
14 information or new circumstances that affect the contin-  
15 ued validity or appropriateness of the adopted planning  
16 product. Any planning product adopted by the Federal  
17 lead agency in accordance with this section may be relied  
18 upon and used by other Federal agencies in carrying out  
19 reviews of the project.

20 “(g) RULE OF CONSTRUCTION.—This section may  
21 not be construed to make the National Environmental Pol-  
22 icy Act of 1969 (42 U.S.C. 4321 et seq.) process applica-  
23 ble to the transportation planning process conducted  
24 under chapter 52 of title 49. Initiation of the National  
25 Environmental Policy Act of 1969 process as a part of,

1 or concurrently with, transportation planning activities  
2 does not subject transportation plans and programs to the  
3 National Environmental Policy Act of 1969 process. This  
4 section may not be construed to affect the use of planning  
5 products in the National Environmental Policy Act of  
6 1969 process pursuant to other authorities under law or  
7 to restrict the initiation of the National Environmental  
8 Policy Act of 1969 process during planning.”.

9 (b) CLERICAL AMENDMENT.—The analysis for such  
10 chapter is amended by adding at end the following:

“167. Integration of planning and environmental review.”.

11 **SEC. 3013. DEVELOPMENT OF PROGRAMMATIC MITIGATION**

12 **PLANS.**

13 (a) IN GENERAL.—Chapter 1 (as amended by this  
14 title) is further amended by adding at the end the fol-  
15 lowing:

16 **“§ 168. Development of programmatic mitigation**  
17 **plans**

18 “(a) IN GENERAL.—As part of the statewide or met-  
19 ropolitan transportation planning process, a State or met-  
20 ropolitan planning organization may develop one or more  
21 programmatic mitigation plans to address the potential  
22 environmental impacts of future transportation projects.

23 “(b) SCOPE.—

1           “(1) SCALE.—A programmatic mitigation plan  
2           may be developed on a regional, ecosystem, water-  
3           shed, or statewide scale.

4           “(2) RESOURCES.—The plan may encompass  
5           multiple environmental resources within a defined  
6           geographic area or may focus on a specific resource,  
7           such as aquatic resources, parklands, or wildlife  
8           habitat.

9           “(3) PROJECT IMPACTS.—The plan may ad-  
10          dress impacts from all projects in a defined geo-  
11          graphic area or may focus on a specific type of  
12          project, such as bridge replacements.

13          “(4) CONSULTATION.—The scope of the plan  
14          shall be determined by the State or metropolitan  
15          planning organization, as appropriate, in consulta-  
16          tion with the agency or agencies with jurisdiction  
17          over the resources being addressed in the mitigation  
18          plan.

19          “(c) CONTENTS.—A programmatic mitigation plan  
20          may include—

21                 “(1) an assessment of the condition of environ-  
22                 mental resources in the geographic area covered by  
23                 the plan, including an assessment of recent trends  
24                 and any potential threats to those resources;

1           “(2) an assessment of potential opportunities to  
2 improve the overall quality of environmental re-  
3 sources in the geographic area covered by the plan,  
4 through strategic mitigation for impacts of transpor-  
5 tation projects;

6           “(3) standard measures for mitigating certain  
7 types of impacts;

8           “(4) parameters for determining appropriate  
9 mitigation for certain types of impacts, such as miti-  
10 gation ratios or criteria for determining appropriate  
11 mitigation sites;

12           “(5) adaptive management procedures, such as  
13 protocols that involve monitoring predicted impacts  
14 over time and adjusting mitigation measures in re-  
15 sponse to information gathered through the moni-  
16 toring; and

17           “(6) acknowledgment of specific statutory or  
18 regulatory requirements that must be satisfied when  
19 determining appropriate mitigation for certain types  
20 of resources.

21           “(d) PROCESS.—Before adopting a programmatic  
22 mitigation plan, a State or metropolitan planning organi-  
23 zation shall—

1           “(1) consult with the agency or agencies with  
2 jurisdiction over the environmental resources consid-  
3 ered in the programmatic mitigation plan;

4           “(2) make a draft of the plan available for re-  
5 view and comment by applicable environmental re-  
6 source agencies and the public;

7           “(3) consider any comments received from such  
8 agencies and the public on the draft plan; and

9           “(4) address such comments in the final plan.

10          “(e) INTEGRATION WITH OTHER PLANS.—A pro-  
11 grammatic mitigation plan may be integrated with other  
12 plans, including watershed plans, ecosystem plans, species  
13 recovery plans, growth management plans, and land use  
14 plans.

15          “(f) CONSIDERATION IN PROJECT DEVELOPMENT  
16 AND PERMITTING.—If a programmatic mitigation plan  
17 has been developed pursuant to this section, any Federal  
18 agency responsible for environmental reviews, permits, or  
19 approvals for a transportation project shall give substan-  
20 tial weight to the recommendations in a programmatic  
21 mitigation plan when carrying out their responsibilities  
22 under applicable laws.

23          “(g) PRESERVATION OF EXISTING AUTHORITIES.—  
24 Nothing in this section limits the use of programmatic ap-

1 proaches to reviews under the National Environmental  
2 Policy Act of 1969 (42 U.S.C. 4321 et seq.).”.

3 (b) CLERICAL AMENDMENT.—The analysis for such  
4 chapter (as amended by this title) is further amended by  
5 adding at the end the following:

“168. Development of programmatic mitigation plans.”.

6 **SEC. 3014. STATE ASSUMPTION OF RESPONSIBILITY FOR**  
7 **CATEGORICAL EXCLUSIONS.**

8 Section 326(a) is amended—

9 (1) in paragraph (2) by striking “and only for  
10 types of activities specifically designated by the Sec-  
11 retary” and inserting “and for any type of activity  
12 for which a categorical exclusion classification is ap-  
13 propriate”; and

14 (2) by adding at the end the following:

15 “(4) PRESERVATION OF FLEXIBILITY.—The  
16 Secretary shall not require a State, as a condition of  
17 assuming responsibility under this section, to forego  
18 project delivery methods that are otherwise permis-  
19 sible for highway projects.”.

20 **SEC. 3015. SURFACE TRANSPORTATION PROJECT DELIV-**  
21 **ERY PROGRAM.**

22 (a) PROGRAM NAME.—Section 327 is amended—

23 (1) in the section heading by striking “**pilot**”;  
24 and

25 (2) in subsection (a)(1) by striking “pilot”.

1 (b) ASSUMPTION OF RESPONSIBILITY.—Section  
2 327(a)(2) is amended—

3 (1) in subparagraph (A) by striking “highway”;

4 (2) in subparagraph (B) by striking clause (ii)  
5 and inserting the following:

6 “(ii) the Secretary may not assign any  
7 responsibility imposed on the Secretary by  
8 section 5203 or 5204 of title 49.”; and

9 (3) by adding at the end the following:

10 “(F) PRESERVATION OF FLEXIBILITY.—  
11 The Secretary may not require a State, as a  
12 condition of participation in the program, to  
13 forego project delivery methods that are other-  
14 wise permissible for projects.”.

15 (c) STATE PARTICIPATION.—Section 327(b) is  
16 amended—

17 (1) by amending paragraph (1) to read as fol-  
18 lows:

19 “(1) PARTICIPATING STATES.—All States are  
20 eligible to participate in the program.”; and

21 (2) in paragraph (2) by striking “this section,  
22 the Secretary shall promulgate” and inserting  
23 “amendments to this section by the American En-  
24 ergy and Infrastructure Jobs Act of 2012, the Sec-  
25 retary shall amend, as appropriate,”.

1 (d) WRITTEN AGREEMENT.—Section 327(e) is  
2 amended—

3 (1) in paragraph (3)(D) by striking the period  
4 at the end and inserting a semicolon; and

5 (2) by adding at the end the following:

6 “(4) have a term of not more than 5 years; and

7 “(5) be renewable.”.

8 (e) CONFORMING AMENDMENT.—Section 327(e) is  
9 amended by striking “subsection (i)” and inserting “sub-  
10 section (j)”.

11 (f) AUDITS.—Section 327(g)(1)(B) is amended by  
12 striking “subsequent year” and inserting “of the third and  
13 fourth years”.

14 (g) MONITORING.—Section 327 is further amended—

15 (1) by redesignating subsections (h) and (i) as  
16 subsections (i) and (j), respectively; and

17 (2) by inserting after subsection (g) the fol-  
18 lowing:

19 “(h) MONITORING.—After the fourth year of the par-  
20 ticipation of a State in the program, the Secretary shall  
21 monitor compliance by the State with the written agree-  
22 ment, including the provision by the State of financial re-  
23 sources to carry out the written agreement.”.

1 (h) TERMINATION.—Section 327(j) (as redesignated  
2 by subsection (g)(1) of this section) is amended to read  
3 as follows:

4 “(j) TERMINATION.—The Secretary may terminate  
5 the participation of any State in the program if—

6 “(1) the Secretary determines that the State is  
7 not adequately carrying out the responsibilities as-  
8 signed to the State;

9 “(2) the Secretary provides to the State—

10 “(A) notification of the determination of  
11 noncompliance; and

12 “(B) a period of at least 30 days during  
13 which to take such corrective action as the Sec-  
14 retary determines is necessary to comply with  
15 the applicable agreement; and

16 “(3) the State, after the notification and period  
17 provided under paragraph (2), fails to take satisfac-  
18 tory corrective action, as determined by the Sec-  
19 retary.”.

20 (i) DEFINITIONS.—Section 327 is amended by adding  
21 at the end the following:

22 “(k) DEFINITIONS.—In this section, the following  
23 definitions apply:

24 “(1) MULTIMODAL PROJECT.—The term  
25 ‘multimodal project’ means a project funded, in

1 whole or in part, under this title or chapter 53 of  
2 title 49 and involving the participation of more than  
3 one Department of Transportation administration or  
4 agency.

5 “(2) PROJECT.—The term ‘project’ means any  
6 highway project, public transportation capital  
7 project, or multimodal project that requires the ap-  
8 proval of the Secretary.”

9 (j) CLERICAL AMENDMENT.—The analysis for chap-  
10 ter 3 is amended by striking the item relating to section  
11 327 and inserting the following:

“327. Surface transportation project delivery program.”

12 **SEC. 3016. PROGRAM FOR ELIMINATING DUPLICATION OF**  
13 **ENVIRONMENTAL REVIEWS.**

14 (a) IN GENERAL.—Chapter 3 (as amended by title  
15 I of this Act) is further amended by adding at the end  
16 the following:

17 **“§ 331. Program for eliminating duplication of envi-**  
18 **ronmental reviews**

19 “(a) ESTABLISHMENT.—

20 “(1) IN GENERAL.—The Secretary shall estab-  
21 lish a program to eliminate duplicative environ-  
22 mental reviews and approvals under State and Fed-  
23 eral law of projects. Under this program, a State  
24 may use State laws and procedures to conduct re-  
25 views and make approvals in lieu of Federal environ-

1       mental laws and regulations, consistent with the pro-  
2       visions of this section.

3               “(2) PARTICIPATING STATES.—All States are  
4       eligible to participate in the program.

5               “(3) SCOPE OF ALTERNATIVE REVIEW AND AP-  
6       PROVAL PROCEDURES.—For purposes of this sec-  
7       tion, alternative environmental review and approval  
8       procedures may include one or more of the following:

9                       “(A) Substitution of one or more State en-  
10       vironmental laws for one or more Federal envi-  
11       ronmental laws, if the Secretary determines in  
12       accordance with this section that the State envi-  
13       ronmental laws provide environmental protec-  
14       tion and opportunities for public involvement  
15       that are substantially equivalent to the applica-  
16       ble Federal environmental laws.

17                      “(B) Substitution of one or more State  
18       regulations for Federal regulations imple-  
19       menting one or more Federal environmental  
20       laws, if the Secretary determines in accordance  
21       with this section that the State regulations pro-  
22       vide environmental protection and opportunities  
23       for public involvement that are substantially  
24       equivalent to the Federal regulations.

1       “(b) APPLICATION.—To participate in the program,  
2 a State shall submit to the Secretary an application con-  
3 taining such information as the Secretary may require, in-  
4 cluding—

5               “(1) a full and complete description of the pro-  
6 posed alternative environmental review and approval  
7 procedures of the State;

8               “(2) for each State law or regulation included  
9 in the proposed alternative environmental review and  
10 approval procedures of the State, an explanation of  
11 the basis for concluding that the law or regulation  
12 meets the requirements under subsection (a)(3); and

13               “(3) evidence of having sought, received, and  
14 addressed comments on the proposed application  
15 from the public and appropriate Federal environ-  
16 mental resource agencies.

17       “(c) REVIEW OF APPLICATION.—The Secretary  
18 shall—

19               “(1) review an application submitted under sub-  
20 section (b);

21               “(2) approve or disapprove the application in  
22 accordance with subsection (d) not later than 90  
23 days after the date of the receipt of the application;  
24 and

1           “(3) transmit to the State notice of the ap-  
2           proval or disapproval, together with a statement of  
3           the reasons for the approval or disapproval.

4           “(d) APPROVAL OF STATE PROGRAMS.—

5           “(1) IN GENERAL.—The Secretary shall ap-  
6           prove each such application if the Secretary finds  
7           that the proposed alternative environmental review  
8           and approval procedures of the State are substan-  
9           tially equivalent to the applicable Federal environ-  
10          mental laws and Federal regulations.

11          “(2) EXCLUSION.—The National Environ-  
12          mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)  
13          and the Endangered Species Act of 1973 (16 U.S.C.  
14          1531 et seq.) shall not apply to any decision by the  
15          Secretary to approve or disapprove any application  
16          submitted pursuant to this section.

17          “(e) COMPLIANCE WITH PERMITS.—Compliance with  
18          a permit or other approval of a project issued pursuant  
19          to a program approved by the Secretary under this section  
20          shall be deemed compliance with the Federal laws and reg-  
21          ulations identified in the program approved by the Sec-  
22          retary pursuant to this section.

23          “(f) REVIEW AND TERMINATION.—

24          “(1) REVIEW.—All State alternative environ-  
25          mental review and approval procedures approved

1 under this section shall be reviewed by the Secretary  
2 not less than once every 5 years.

3 “(2) PUBLIC NOTICE AND COMMENT.—In con-  
4 ducting the review process under paragraph (1), the  
5 Secretary shall provide notice and an opportunity for  
6 public comment.

7 “(3) EXTENSIONS AND TERMINATIONS.—At the  
8 conclusion of the review process, the Secretary may  
9 extend the State alternative environmental review  
10 and approval procedures for an additional 5-year pe-  
11 riod or terminate the State program.

12 “(g) REPORT TO CONGRESS.—Not later than 2 years  
13 after the date of enactment of this section and annually  
14 thereafter, the Secretary shall submit to Congress a report  
15 that describes the administration of the program.

16 “(h) DEFINITIONS.—For purposes of this section:

17 “(1) ENVIRONMENTAL LAW.—The term ‘envi-  
18 ronmental law’ includes any law that provides proce-  
19 dural or substantive protection, as applicable, for the  
20 natural or built environment with regard to the con-  
21 struction and operation of projects.

22 “(2) FEDERAL ENVIRONMENTAL LAWS.—The  
23 term ‘Federal environmental laws’ means laws gov-  
24 erning the review of environmental impacts of, and  
25 issuance of permits and other approvals for, the con-

1 construction and operation of projects, including section  
2 102(2)(C) of the National Environmental Policy Act  
3 of 1969 (42 U.S.C. 4332(2)(C)), section 404 of the  
4 Federal Water Pollution Control Act (33 U.S.C.  
5 1344), section 106 of the National Historic Preser-  
6 vation Act (16 U.S.C. 470f), and sections 7(a)(2),  
7 9(a)(1)(B), and 10(a)(1)(B) of the Endangered Spe-  
8 cies Act of 1973 (16 U.S.C. 1536(a)(2),  
9 1538(a)(1)(B), 1539(a)(1)(B)).

10 “(3) MULTIMODAL PROJECT.—The term  
11 ‘multimodal project’ means a project funded, in  
12 whole or in part, under this title or chapter 53 of  
13 title 49 and involving the participation of more than  
14 one Department of Transportation administration or  
15 agency.

16 “(4) PROJECT.—The term ‘project’ means any  
17 highway project, public transportation capital  
18 project, or multimodal project that requires the ap-  
19 proval of the Secretary.”.

20 (b) CLERICAL AMENDMENT.—The analysis for such  
21 chapter (as amended by title I of this Act) is further  
22 amended by adding at the end the following:

“331. Program for eliminating duplication of environmental reviews.”.

1 **SEC. 3017. STATE PERFORMANCE OF LEGAL SUFFICIENCY**

2 **REVIEWS.**

3 (a) IN GENERAL.—Chapter 3 (as amended by this  
4 title) is further amended by adding at the end the fol-  
5 lowing:

6 **“SEC. 332. STATE PERFORMANCE OF LEGAL SUFFICIENCY**

7 **REVIEWS.**

8 “(a) IN GENERAL.—At the request of any State  
9 transportation department, the Federal Highway Adminis-  
10 tration shall enter into an agreement with the State trans-  
11 portation department to authorize the State to carry out  
12 the legal sufficiency reviews for environmental impact  
13 statements and environmental assessments under the Na-  
14 tional Environmental Policy Act of 1969 (42 U.S.C. 4321  
15 et seq.) in accordance with this section.

16 “(b) TERMS OF AGREEMENT.—An agreement au-  
17 thORIZING a State to carry out legal sufficiency reviews for  
18 Federal-aid highway projects shall contain the following  
19 provisions:

20 “(1) A finding by the Federal Highway Admin-  
21 istration that the State has the capacity to carry out  
22 legal sufficiency reviews that are equivalent in qual-  
23 ity and consistency to the reviews that would other-  
24 wise be conducted by attorneys employed by such  
25 Administration.

1           “(2) An oversight process, including periodic re-  
2 views conducted by attorneys employed by such Ad-  
3 ministration, to evaluate the quality of the legal suf-  
4 ficiency reviews carried out by the State transpor-  
5 tation department under the agreement.

6           “(3) A requirement for the State transportation  
7 department to submit a written finding of legal suf-  
8 ficiency to the Federal Highway Administration con-  
9 currently with the request by the State for Federal  
10 approval of the National Environmental Policy Act  
11 of 1969 (42 U.S.C. 4321 et seq.) document.

12           “(4) An opportunity for the Federal Highway  
13 Administration to conduct an additional legal suffi-  
14 ciency review for any project, for not more than 30  
15 days, if considered necessary by the Federal High-  
16 way Administration.

17           “(5) Procedures allowing either party to the  
18 agreement to terminate the agreement for any rea-  
19 son with 30 days notice to the other party.

20           “(c) EFFECT OF AGREEMENT.—A legal sufficiency  
21 review carried out by a State transportation department  
22 under this section shall be deemed by the Federal High-  
23 way Administration to satisfy the requirement for a legal  
24 sufficiency review in sections 771.125(b) and 774.7(d) of  
25 title 23, Code of Federal Regulations, or other applicable

1 regulations issued by the Federal Highway Administra-  
2 tion.”.

3 (b) CLERICAL AMENDMENT.—The analysis for such  
4 chapter (as amended by this title) is further amended by  
5 adding at the end the following:

“332. State performance of legal sufficiency reviews.”.

6 **SEC. 3018. CATEGORICAL EXCLUSIONS.**

7 (a) IN GENERAL.—The Secretary shall treat an activ-  
8 ity carried out under title 23, United States Code, or  
9 project within a right-of-way as a class of action categori-  
10 cally excluded from the requirements relating to environ-  
11 mental assessments or environmental impact statements  
12 under section 771.117(c) of title 23, Code of Federal Reg-  
13 ulations.

14 (b) DEFINITIONS.—In this section, the following defi-  
15 nitions apply:

16 (1) MULTIMODAL PROJECT.—The term  
17 “multimodal project” means a project funded, in  
18 whole or in part, under title 23, United States Code,  
19 or chapter 53 of title 49 of such Code and involving  
20 the participation of more than one Department of  
21 Transportation administration or agency.

22 (2) PROJECT.—The term “project” means any  
23 highway project, public transportation capital  
24 project, or multimodal project that requires the ap-  
25 proval of the Secretary.

1 **SEC. 3019. ENVIRONMENTAL REVIEW PROCESS DEADLINE.**

2 (a) IN GENERAL.—

3 (1) DEADLINE.—Notwithstanding any other  
4 provision of law, the environmental review process  
5 for a project shall be completed not later than 270  
6 days after the date on which the notice of project  
7 initiation under section 139(e) of title 23, United  
8 States Code, is published in the Federal Register.

9 (2) CONSEQUENCES OF MISSED DEADLINE.—If  
10 the environmental review process for a project is not  
11 completed in accordance with paragraph (1)—

12 (A) the project shall be considered to have  
13 no significant impact to the human environment  
14 for purposes of the National Environmental  
15 Policy Act of 1969 (42 U.S.C. 4321 et seq.);  
16 and

17 (B) that classification shall be considered  
18 to be a final agency action.

19 (b) APPEAL.—In this section, the following rules  
20 shall apply:

21 (1) There shall be a single administrative ap-  
22 peal for the environmental review process carried out  
23 pursuant to this section.

24 (2) Upon resolution of the administrative ap-  
25 peal, judicial review of the final agency decision after  
26 exhaustion of administrative remedies shall lie with

1 the United States Court of Appeals for the District  
2 of Columbia Circuit.

3 (3) An appeal to the court specified in para-  
4 graph (2) shall be based only on the administrative  
5 record.

6 (4) After an agency has made a final decision  
7 with respect to the environmental review process car-  
8 ried out under this section, that decision shall be ef-  
9 fective during the course of any subsequent appeal  
10 to a court specified in paragraph (2).

11 (5) All civil actions arising under this section  
12 shall be considered to arise under the laws of the  
13 United States.

14 (c) DEFINITIONS.—In this section, the following defi-  
15 nitions apply:

16 (1) ENVIRONMENTAL REVIEW PROCESS.—

17 (A) IN GENERAL.—The term “environ-  
18 mental review process” means the process for  
19 preparing for a project an environmental impact  
20 statement, environmental assessment, categor-  
21 ical exclusion, or other document prepared  
22 under the National Environmental Policy Act of  
23 1969 (42 U.S.C. 4321 et seq.).

24 (B) INCLUSIONS.—The term “environ-  
25 mental review process” includes the process for

1 and completion of any environmental permit,  
2 approval, review, or study required for a project  
3 under any Federal law other than the National  
4 Environmental Policy Act of 1969 (42 U.S.C.  
5 4321 et seq.).

6 (2) LEAD AGENCY.—The term “lead agency”  
7 means the Department of Transportation and, if ap-  
8 plicable, any State or local governmental entity serv-  
9 ing as a joint lead agency pursuant to this section.

10 (3) MULTIMODAL PROJECT.—The term  
11 “multimodal project” means a project funded, in  
12 whole or in part, under title 23, United States Code,  
13 or chapter 53 of title 49 of such Code and involving  
14 the participation of more than one Department of  
15 Transportation administration or agency.

16 (4) PROJECT.—The term “project” means any  
17 highway project, public transportation capital  
18 project, or multimodal project that requires the ap-  
19 proval of the Secretary.

20 **SEC. 3020. RELOCATION ASSISTANCE.**

21 (a) ALTERNATIVE RELOCATION PAYMENT PROC-  
22 ESS.—

23 (1) ESTABLISHMENT.—For the purpose of  
24 identifying improvements in the timeliness of pro-  
25 viding relocation assistance to persons displaced as

1 a result of Federal or federally-assisted programs  
2 and projects, the Secretary shall establish an alter-  
3 native relocation payment process under which pay-  
4 ments to displaced persons eligible for relocation as-  
5 sistance pursuant to the Uniform Relocation Assist-  
6 ance and Real Property Acquisition Policies Act of  
7 1970 (42 U.S.C. 4601 et seq.), are calculated based  
8 on reasonable estimates and paid in advance of the  
9 physical displacement of the displaced person.

10 (2) PAYMENTS.—

11 (A) TIMING OF PAYMENTS.—Relocation as-  
12 sistance payments may be provided to the dis-  
13 placed person at the same time as payments of  
14 just compensation for real property acquired for  
15 a program or project of the State.

16 (B) COMBINED PAYMENT.—Payments for  
17 relocation and just compensation may be com-  
18 bined into a single unallocated amount.

19 (3) CONDITIONS FOR STATE USE OF ALTER-  
20 NATIVE PROCESS.—

21 (A) IN GENERAL.—After public notice and  
22 an opportunity to comment, the Secretary shall  
23 adopt criteria for States to use the alternative  
24 relocation payment process established by the  
25 Secretary.

1 (B) MEMORANDUM OF AGREEMENT.—In  
2 order to use the alternative relocation payment  
3 process, a State shall enter into a memorandum  
4 of agreement with the Secretary that includes  
5 provisions relating to—

6 (i) the selection of projects or pro-  
7 grams within the State to which the alter-  
8 native relocation payment process will be  
9 applied;

10 (ii) program and project-level moni-  
11 toring;

12 (iii) performance measurement;

13 (iv) reporting requirements; and

14 (v) the circumstances under which the  
15 Secretary may terminate or suspend the  
16 authority of the State to use the alter-  
17 native relocation payment process.

18 (C) REQUIRED INFORMATION.—A State  
19 may use the alternative relocation payment  
20 process only after the displaced persons affected  
21 by a program or project—

22 (i) are informed in writing—

23 (I) that the relocation payments  
24 the displaced persons receive under  
25 the alternative relocation payment

1 process may be higher or lower than  
2 the amount that the displaced persons  
3 would have received under the stand-  
4 ard relocation assistance process; and

5 (II) of their right not to partici-  
6 pate in the alternative relocation pay-  
7 ment process; and

8 (ii) agree in writing to the alternative  
9 relocation payment process.

10 (D) ELECTION NOT TO PARTICIPATE.—

11 The displacing agency shall provide any dis-  
12 placed person who elects not to participate in  
13 the alternative relocation payment process with  
14 relocation assistance in accordance with the  
15 Uniform Relocation Assistance and Real Prop-  
16 erty Acquisition Policies Act of 1970 (42  
17 U.S.C. 4601 et seq.).

18 (4) PROTECTIONS AGAINST INCONSISTENT  
19 TREATMENT.—If other Federal agencies plan dis-  
20 placements in or adjacent to an area of a project  
21 using the alternative relocation payment process  
22 within the same time period as a project acquisition  
23 and relocation action of the project, the Secretary  
24 shall adopt measures to protect against inconsistent  
25 treatment of displaced persons. Such measures may

1 include a determination that the alternative reloca-  
2 tion payment process authority may not be used on  
3 a specific project.

4 (5) REPORT.—

5 (A) IN GENERAL.—The Secretary shall  
6 submit to Congress an annual report on the im-  
7 plementation of the alternative relocation pay-  
8 ment process.

9 (B) CONTENTS.—The report shall include  
10 an evaluation of the merits of the alternative  
11 relocation payment process, including the ef-  
12 fects of the alternative relocation payment proc-  
13 ess on—

14 (i) displaced persons and the protec-  
15 tions afforded to such persons by the Uni-  
16 form Relocation Assistance and Real Prop-  
17 erty Acquisition Policies Act of 1970 (42  
18 U.S.C. 4601 et seq.);

19 (ii) the efficiency of the delivery of  
20 Federal-aid highway projects and overall  
21 effects on the Federal-aid highway pro-  
22 gram; and

23 (iii) the achievement of the purposes  
24 of the Uniform Relocation Assistance and

1           Real Property Acquisition Policies Act of  
2           1970 (42 U.S.C. 4601 et seq.).

3           (6) LIMITATION.—The alternative relocation  
4           payment process under this section may be used only  
5           on projects funded under title 23, United States  
6           Code, in cases in which the funds are administered  
7           by the Federal Highway Administration.

8           (7) NEPA APPLICABILITY.—Notwithstanding  
9           any other provision of law, the use of the alternative  
10          relocation payment process established under this  
11          section on a project funded under title 23, United  
12          States Code, and administered by the Federal High-  
13          way Administration is not a major Federal action re-  
14          quiring analysis or approval under the National En-  
15          vironmental Policy Act of 1969 (42 U.S.C. 4321 et  
16          seq.).

17          (b) UNIFORM RELOCATION ASSISTANCE ACT  
18          AMENDMENTS.—

19               (1) MOVING AND RELATED EXPENSES.—Sec-  
20               tion 202 of the Uniform Relocation Assistance and  
21               Real Property Acquisition Policies Act of 1970 (42  
22               U.S.C. 4622) is amended—

23                       (A) in subsection (a)(4) by striking  
24                       “\$10,000” and inserting “\$25,000, as adjusted

1 by regulation, in accordance with section  
2 213(d)”; and

3 (B) in the second sentence of subsection  
4 (c) by striking “\$20,000” and inserting  
5 “\$40,000, as adjusted by regulation, in accord-  
6 ance with section 213(d)”.

7 (2) REPLACEMENT HOUSING FOR HOME-  
8 OWNERS.—The first sentence of section 203(a)(1) of  
9 the Uniform Relocation Assistance and Real Prop-  
10 erty Acquisition Policies Act of 1970 (42 U.S.C.  
11 4623(a)(1)) is amended by—

12 (A) striking “\$22,500” and inserting  
13 “\$31,000, as adjusted by regulation, in accord-  
14 ance with 213(d),”; and

15 (B) striking “one hundred and eighty days  
16 prior to” and inserting “90 days before”.

17 (3) REPLACEMENT HOUSING FOR TENANTS  
18 AND CERTAIN OTHERS.—Section 204 of the Uniform  
19 Relocation Assistance and Real Property Acquisition  
20 Policies Act of 1970 (42 U.S.C. 4624) is amended—

21 (A) in the second sentence of subsection  
22 (a) by striking “\$5,250” and inserting “\$7,200,  
23 as adjusted by regulation, in accordance with  
24 section 213(d)”; and

1 (B) in the second sentence of subsection  
2 (b) by striking “, except” and all that follows  
3 through the end of the subsection and inserting  
4 a period.

5 (4) DUTIES OF LEAD AGENCY.—Section 213 of  
6 the Uniform Relocation Assistance and Real Prop-  
7 erty Acquisition Policies Act of 1970 (42 U.S.C.  
8 4633) is amended—

9 (A) in subsection (b)—

10 (i) in paragraph (2) by striking  
11 “and”;

12 (ii) in paragraph (3) by striking the  
13 period and inserting “; and”; and

14 (iii) by adding at the end the fol-  
15 lowing:

16 “(4) that each Federal agency that has pro-  
17 grams or projects requiring the acquisition of real  
18 property or causing a displacement from real prop-  
19 erty subject to the provisions of this Act shall pro-  
20 vide to the lead agency an annual summary report  
21 that describes the activities conducted by the Fed-  
22 eral agency.”; and

23 (B) by adding at the end the following:

24 “(d) ADJUSTMENT OF PAYMENTS.—The head of the  
25 lead agency may adjust, by regulation, the amounts of re-

1 location payments provided under sections 202(a)(4),  
2 202(c), 203(a), and 204(a) if the head of the lead agency  
3 determines that cost of living, inflation, or other factors  
4 indicate that the payments should be adjusted to meet the  
5 policy objectives of this Act.”.

6 (5) AGENCY COORDINATION.—Title II of the  
7 Uniform Relocation Assistance and Real Property  
8 Acquisition Policies Act of 1970 (42 U.S.C. 4601 et  
9 seq.) is amended by inserting after section 213 (42  
10 U.S.C. 4633) the following:

11 **“§ 214. Agency coordination**

12 “(a) AGENCY CAPACITY.—Each Federal agency re-  
13 sponsible for funding or carrying out relocation and acqui-  
14 sition activities shall have adequately trained personnel  
15 and such other resources as are necessary to manage and  
16 oversee the relocation and acquisition program of the Fed-  
17 eral agency in accordance with this Act.

18 “(b) INTERAGENCY AGREEMENTS.—Not later than 1  
19 year after the date of the enactment of this section, each  
20 Federal agency responsible for funding relocation and ac-  
21 quisition activities (other than the agency serving as the  
22 lead agency) shall enter into a memorandum of under-  
23 standing with the lead agency that—

24 “(1) provides for periodic training of the per-  
25 sonnel of the Federal agency, which in the case of

1 a Federal agency that provides Federal financial as-  
2 sistance, may include personnel of any displacing  
3 agency that receives Federal financial assistance;

4 “(2) addresses ways in which the lead agency  
5 may provide assistance and coordination to the Fed-  
6 eral agency relating to compliance with this Act on  
7 a program or project basis; and

8 “(3) addresses the funding of the training, as-  
9 sistance, and coordination activities provided by the  
10 lead agency, in accordance with subsection (c).

11 “(c) INTERAGENCY PAYMENTS.—

12 “(1) IN GENERAL.—For the fiscal year that be-  
13 gins 1 year after the date of the enactment of this  
14 section, and each fiscal year thereafter, each Federal  
15 agency responsible for funding relocation and acqui-  
16 sition activities (other than the agency serving as the  
17 lead agency) shall transfer to the lead agency for the  
18 fiscal year, such funds as are necessary, but not less  
19 than \$35,000, to support the training, assistance,  
20 and coordination activities of the lead agency de-  
21 scribed in subsection (b).

22 “(2) INCLUDED COSTS.—The cost to a Federal  
23 agency of providing the funds described in para-  
24 graph (1) shall be included as part of the cost of 1  
25 or more programs or projects undertaken by the

1 Federal agency or with Federal financial assistance  
2 that result in the displacement of persons or the ac-  
3 quisition of real property.”.

4 (c) COOPERATION WITH FEDERAL AGENCIES.—Sec-  
5 tion 308(a) is amended to read as follows:

6 “(a) AUTHORIZED ACTIVITIES.—

7 “(1) IN GENERAL.—The Secretary may per-  
8 form, by contract or otherwise, authorized engineer-  
9 ing or other services in connection with the survey,  
10 construction, maintenance, or improvement of high-  
11 ways for other Federal agencies, cooperating foreign  
12 countries, and State cooperating agencies.

13 “(2) INCLUSIONS.—Services authorized under  
14 paragraph (1) may include activities authorized  
15 under section 214 of the Uniform Relocation Assist-  
16 ance and Real Property Acquisition Policies Act of  
17 1970 (42 U.S.C. 4601 et seq.).

18 “(3) REIMBURSEMENT.—Reimbursement for  
19 services carried out under this subsection, including  
20 depreciation on engineering and road-building equip-  
21 ment, shall be credited to the applicable appropria-  
22 tion.”.

1       **TITLE IV—TRANSPORTATION**  
2                                   **PLANNING**

3       **SEC. 4001. TRANSPORTATION PLANNING.**

4           (a) IN GENERAL.—Subtitle III of title 49, United  
5 States Code, is amended by inserting after chapter 51 the  
6 following:

7                                   **“CHAPTER 52—TRANSPORTATION**  
8   **PLANNING**

“Sec.

“5201. Policy.

“5202. Definitions.

“5203. Metropolitan transportation planning.

“5204. Statewide transportation planning.

“5205. National strategic transportation plan.

“5206. National performance management system.

9       **“§ 5201. Policy**

10           “(a) IN GENERAL.—It is in the national interest to—

11                   “(1) encourage and promote the safe and effi-  
12                   cient management, operation, and development of  
13                   surface transportation systems that will serve the  
14                   mobility needs of people and freight and foster eco-  
15                   nomic growth and development within and between  
16                   States and urbanized areas, while minimizing trans-  
17                   portation-related fuel consumption and air pollution  
18                   through metropolitan and statewide transportation  
19                   planning processes identified in this chapter; and

20                   “(2) encourage the continued improvement and  
21                   evolution of the metropolitan and statewide trans-  
22                   portation planning processes by metropolitan plan-

1       ning organizations, State departments of transpor-  
2       tation, and public transportation operators as guided  
3       by the planning factors identified in sections 5203(f)  
4       and 5204(d).

5       “(b) COMMON TRANSPORTATION PLANNING PRO-  
6       GRAM.—This chapter provides a common transportation  
7       planning program to be administered by the Federal High-  
8       way Administration and the Federal Transit Administra-  
9       tion.

10    **“§ 5202. Definitions**

11       “In this chapter, the following definitions apply:

12           “(1) METROPOLITAN PLANNING AREA.—The  
13       term ‘metropolitan planning area’ means the geo-  
14       graphic area determined by agreement between the  
15       metropolitan planning organization for the area and  
16       the Governor under section 5203(c).

17           “(2) METROPOLITAN LONG-RANGE TRANSPOR-  
18       TATION PLAN.—The term ‘metropolitan long-range  
19       transportation plan’ means a long-range transpor-  
20       tation plan developed by an MPO under section  
21       5203 for a metropolitan planning area.

22           “(3) METROPOLITAN PLANNING ORGANIZATION;  
23       MPO.—The term ‘metropolitan planning organiza-  
24       tion’ or ‘MPO’ means the policy board of an organi-

1 zation created as a result of the designation process  
2 in section 5203(b).

3 “(4) METROPOLITAN TRANSPORTATION IM-  
4 PROVEMENT PROGRAM; METROPOLITAN TIP.—The  
5 term ‘metropolitan transportation improvement pro-  
6 gram’ or ‘metropolitan TIP’ means a transportation  
7 improvement program developed by an MPO under  
8 section 5203 for a metropolitan planning area.

9 “(5) NONMETROPOLITAN AREA.—The term  
10 ‘nonmetropolitan area’ means a geographic area out-  
11 side designated metropolitan planning areas.

12 “(6) NONMETROPOLITAN LOCAL OFFICIAL.—  
13 The term ‘nonmetropolitan local official’ means  
14 elected and appointed officials of general purpose  
15 local government in a nonmetropolitan area with re-  
16 sponsibility for transportation.

17 “(7) REGIONAL TRANSPORTATION PLANNING  
18 ORGANIZATION.—The term ‘regional transportation  
19 planning organization’ means a policy board of an  
20 organization created as the result of a designation  
21 under section 5204(k).

22 “(8) SECRETARY.—The term ‘Secretary’ means  
23 the Secretary of Transportation.

1           “(9) STATE.—The term ‘State’ means any of  
2           the 50 States, the District of Columbia, or Puerto  
3           Rico.

4           “(10) STATEWIDE STRATEGIC LONG-RANGE  
5           TRANSPORTATION PLAN.—The term ‘statewide stra-  
6           tegic long-range transportation plan’ means a stra-  
7           tegic long-range transportation plan developed by a  
8           State under section 5204 for all areas of the State.

9           “(11) STATEWIDE TRANSPORTATION IMPROVE-  
10          MENT PROGRAM; STATEWIDE TIP.—The term ‘state-  
11          wide transportation improvement program’ or ‘state-  
12          wide TIP’ means a transportation improvement pro-  
13          gram developed by a State under section 5204 for  
14          all areas of the State.

15          “(12) URBANIZED AREA.—The term ‘urbanized  
16          area’ means a geographic area with a population of  
17          50,000 or more, as designated by the Bureau of the  
18          Census.

19       **“§ 5203. Metropolitan transportation planning**

20          “(a) GENERAL REQUIREMENTS.—

21               “(1) DEVELOPMENT OF METROPOLITAN LONG-  
22               RANGE PLANS AND TIPS.—To accomplish the objec-  
23               tives set forth in section 5201, metropolitan plan-  
24               ning organizations designated under subsection (b),  
25               in cooperation with the State and public transpor-

1       tation operators, shall develop metropolitan long-  
2       range transportation plans and transportation im-  
3       provement programs for metropolitan planning areas  
4       of the State.

5           “(2) CONTENTS.—Metropolitan long-range  
6       transportation plans and TIPs shall provide for the  
7       development and integrated management and oper-  
8       ation of transportation systems and facilities (includ-  
9       ing accessible pedestrian walkways, bicycle transpor-  
10      tation facilities, and intermodal facilities that sup-  
11      port intercity transportation, including intercity  
12      buses and intercity bus facilities) that will function  
13      as an intermodal transportation system for the met-  
14      ropolitan planning area and as an integral part of  
15      an intermodal transportation system for the State  
16      and the United States.

17           “(3) PROCESS OF DEVELOPMENT.—The process  
18      for developing metropolitan long-range transpor-  
19      tation plans and TIPs shall provide for consideration  
20      of all modes of transportation and shall be con-  
21      tinuing, cooperative, and comprehensive to the de-  
22      gree appropriate, based on the complexity of the  
23      transportation problems to be addressed.

24           “(b) DESIGNATION OF MPOs.—

1           “(1) IN GENERAL.—To carry out the transpor-  
2           tation planning process required by this section, an  
3           MPO shall be designated for an urbanized area with  
4           a population of more than 100,000 individuals—

5                   “(A) by agreement between the Governor  
6                   and units of general purpose local government  
7                   that together represent at least 75 percent of  
8                   the affected population (including the largest  
9                   incorporated city (based on population) as  
10                  named by the Bureau of the Census); or

11                  “(B) in accordance with procedures estab-  
12                  lished by applicable State or local law.

13           “(2) STRUCTURE.—An MPO that serves an  
14           area designated as a transportation management  
15           area, when designated or redesignated under this  
16           subsection, shall consist of—

17                   “(A) local elected officials;

18                   “(B) officials of public agencies that ad-  
19                   minister or operate major modes of transpor-  
20                   tation in the metropolitan area; and

21                   “(C) appropriate State officials.

22           “(3) LIMITATION ON STATUTORY CONSTRUC-  
23           TION.—Nothing in this subsection may be construed  
24           to interfere with the authority, under any State law

1 in effect on December 18, 1991, of a public agency  
2 with multimodal transportation responsibilities to—

3 “(A) develop metropolitan long-range  
4 transportation plans or TIPs for adoption by an  
5 MPO; and

6 “(B) develop long-range capital plans, co-  
7 ordinate public transportation services or  
8 projects, or carry out other activities pursuant  
9 to State law.

10 “(4) CONTINUING DESIGNATION.—A designa-  
11 tion of an MPO under this subsection or any other  
12 provision of law shall remain in effect until the MPO  
13 is redesignated under paragraph (5) or revoked by  
14 agreement among the Governor and units of general  
15 purpose local government that together represent at  
16 least 75 percent of the affected population or as oth-  
17 erwise provided under State or local procedures.

18 “(5) REDESIGNATION PROCEDURES.—An MPO  
19 may be redesignated by agreement between the Gov-  
20 ernor and units of general purpose local government  
21 that together represent at least 75 percent of the ex-  
22 isting planning area population (including the larg-  
23 est incorporated city (based on population) as named  
24 by the Bureau of the Census) as appropriate to  
25 carry out this section.

1           “(6) DESIGNATION OF MULTIPLE MPOS.—More  
2           than 1 MPO may be designated within an existing  
3           metropolitan planning area only if the Governor and  
4           the existing MPO determine that the size and com-  
5           plexity of the existing metropolitan planning area  
6           make designation of more than 1 MPO for the area  
7           appropriate.

8           “(c) METROPOLITAN PLANNING AREA BOUND-  
9           ARIES.—

10           “(1) IN GENERAL.—For the purposes of this  
11           section, the boundaries of a metropolitan planning  
12           area shall be determined by agreement between the  
13           MPO and the Governor.

14           “(2) INCLUDED AREA.—A metropolitan plan-  
15           ning area—

16           “(A) shall encompass at least the existing  
17           urbanized area and the contiguous area ex-  
18           pected to become urbanized within a 20-year  
19           forecast period for the metropolitan long-range  
20           transportation plan; and

21           “(B) may encompass the entire metropoli-  
22           tan statistical area or consolidated metropolitan  
23           statistical area, as defined by the Bureau of the  
24           Census.

1           “(3) IDENTIFICATION OF NEW URBANIZED  
2 AREAS WITHIN EXISTING PLANNING AREA BOUND-  
3 ARIES.—The designation by the Bureau of the Cen-  
4 sus of new urbanized areas within an existing metro-  
5 politan planning area shall not require the redesign-  
6 nation of the existing MPO.

7           “(4) EXISTING METROPOLITAN PLANNING  
8 AREAS IN NONATTAINMENT.—Notwithstanding para-  
9 graph (2), in the case of an urbanized area des-  
10 igned as a nonattainment area for ozone or carbon  
11 monoxide under the Clean Air Act (42 U.S.C. 7401  
12 et seq.) as of August 10, 2005, the boundaries of  
13 the metropolitan planning area in existence as of  
14 such date shall be retained, except that the bound-  
15 aries may be adjusted by agreement of the Governor  
16 and affected MPOs in the manner described in sub-  
17 section (b)(5).

18           “(5) NEW METROPOLITAN PLANNING AREAS IN  
19 NONATTAINMENT.—In the case of an urbanized area  
20 designated after August 10, 2005, as a nonattain-  
21 ment area for ozone or carbon monoxide, the bound-  
22 aries of the metropolitan planning area—

23                   “(A) shall be established in the manner de-  
24 scribed in subsection (b)(1);

1           “(B) shall encompass the areas described  
2           in subsection (c)(2)(A);

3           “(C) may encompass the areas described in  
4           subsection (c)(2)(B); and

5           “(D) may address any nonattainment area  
6           identified under the Clean Air Act for ozone or  
7           carbon monoxide.

8           “(d) COORDINATION IN MULTISTATE AREAS.—

9           “(1) IN GENERAL.—The Secretary shall encour-  
10          age a Governor with responsibility for a portion of  
11          a multistate metropolitan area and the appropriate  
12          MPOs to provide coordinated transportation plan-  
13          ning for the entire metropolitan area.

14          “(2) INTERSTATE COMPACTS.—The consent of  
15          Congress is granted to any 2 or more States—

16                 “(A) to enter into agreements or compacts,  
17                 not in conflict with any law of the United  
18                 States, for cooperative efforts and mutual as-  
19                 sistance in support of activities authorized  
20                 under this section as the activities pertain to  
21                 interstate areas and localities within the States;  
22                 and

23                 “(B) to establish such agencies, joint or  
24                 otherwise, as the States may determine desir-

1           able for making the agreements and compacts  
2           effective.

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

6           “(e) MPO CONSULTATION IN PLAN AND TIP Co-  
7           ORDINATION.—

8           “(1) NONATTAINMENT AREAS.—If more than 1  
9           MPO has authority within a metropolitan area or an  
10          area that is designated as a nonattainment area for  
11          ozone or carbon monoxide under the Clean Air Act,  
12          each MPO shall consult with the other MPOs des-  
13          ignated for such area and the State in the coordina-  
14          tion of metropolitan long-range transportation plans  
15          and TIPs.

16          “(2) TRANSPORTATION IMPROVEMENTS LO-  
17          CATED IN AREAS REPRESENTED BY MULTIPLE  
18          MPOS.—If a transportation improvement, funded  
19          from the Highway Trust Fund or authorized under  
20          chapter 53 of this title, is located within the bound-  
21          aries of more than 1 metropolitan planning area, the  
22          MPOs shall coordinate metropolitan long-range  
23          transportation plans and TIPs regarding the trans-  
24          portation improvement.

1           “(3) RELATIONSHIP WITH OTHER PLANNING  
2 OFFICIALS.—The Secretary shall encourage an MPO  
3 to consult with officials responsible for other types  
4 of planning activities that are affected by transpor-  
5 tation in the area (including State and local planned  
6 growth, economic development, environmental pro-  
7 tection, airport operations, and freight movements)  
8 or to coordinate its planning process, to the max-  
9 imum extent practicable, with such planning activi-  
10 ties. Under the metropolitan planning process, met-  
11 ropolitan long-range transportation plans and TIPs  
12 shall be developed with due consideration of other  
13 related planning activities within the metropolitan  
14 area, and the process shall provide for the design  
15 and delivery of transportation services within the  
16 metropolitan area that are provided by—

17                   “(A) recipients of assistance under chapter  
18           53;

19                   “(B) governmental agencies and nonprofit  
20 organizations (including representatives of the  
21 agencies and organizations) that receive Federal  
22 assistance from a source other than the Depart-  
23 ment of Transportation to provide non-  
24 emergency transportation services; and

1           “(C) recipients of assistance under sections  
2           202 and 203 of title 23.

3           “(f) SCOPE OF PLANNING PROCESS.—

4           “(1) IN GENERAL.—The metropolitan planning  
5           process for a metropolitan planning area under this  
6           section shall provide for consideration of projects  
7           and strategies that will—

8           “(A) support the economic vitality of the  
9           metropolitan area, especially by enabling global  
10          competitiveness, productivity, and efficiency;

11          “(B) increase the safety of the transpor-  
12          tation system for motorized and nonmotorized  
13          users;

14          “(C) increase the security of the transpor-  
15          tation system for motorized and nonmotorized  
16          users;

17          “(D) increase the accessibility and mobility  
18          of people and for freight;

19          “(E) protect and enhance the environment,  
20          promote energy conservation, improve the qual-  
21          ity of life, and promote consistency between  
22          transportation improvements and State and  
23          local planned growth and economic development  
24          patterns;

1           “(F) enhance the integration and  
2           connectivity of the transportation system,  
3           across and between modes, for people and  
4           freight;

5           “(G) promote efficient system management  
6           and operation, including through the use of in-  
7           telligent transportation systems;

8           “(H) emphasize the preservation of the ex-  
9           isting transportation system; and

10           “(I) support intermodal facilities or facili-  
11           tate regional growth.

12           “(2) FAILURE TO CONSIDER FACTORS.—The  
13           failure to consider any factor specified in paragraph  
14           (1) shall not be reviewable by any court under title  
15           23, chapter 53 of this title, subchapter II of chapter  
16           5 of title 5, or chapter 7 of title 5 in any matter af-  
17           fecting a metropolitan long-range transportation  
18           plan or TIP, a project or strategy, or the certifi-  
19           cation of a planning process.

20           “(g) DEVELOPMENT OF LONG-RANGE TRANSPOR-  
21           TATION PLAN.—

22           “(1) IN GENERAL.—

23           “(A) EXISTING AND FORMER NONATTAIN-  
24           MENT AREAS.—An MPO shall prepare and up-  
25           date a metropolitan long-range transportation

1 plan for its metropolitan planning area in ac-  
2 cordance with the requirements of this sub-  
3 section. The MPO shall prepare and update the  
4 plan every 4 years (or more frequently, if the  
5 MPO elects to update more frequently) in the  
6 case of each of the following:

7 “(i) Any area designated as non-  
8 attainment, as defined in section 107(d) of  
9 the Clean Air Act (42 U.S.C. 7407(d)).

10 “(ii) Any area that was nonattain-  
11 ment and subsequently designated to at-  
12 tainment in accordance with section  
13 107(d)(3) of that Act (42 U.S.C.  
14 7407(d)(3)) and that is subject to a main-  
15 tenance plan under section 175A of that  
16 Act (42 U.S.C. 7505a).

17 “(B) OTHER AREAS.—In the case of any  
18 other area required to have a metropolitan long-  
19 range transportation plan, the MPO shall pre-  
20 pare and update the plan every 5 years unless  
21 the MPO elects to update more frequently.

22 “(2) LONG-RANGE TRANSPORTATION PLAN.—A  
23 metropolitan long-range transportation plan shall be  
24 in a form that the Secretary determines to be appro-

1        appropriate and shall contain, at a minimum, the fol-  
2        lowing:

3                “(A) IDENTIFICATION OF TRANSPOR-  
4                TATION FACILITIES.—An identification of trans-  
5                portation facilities (including major roadways,  
6                public transportation facilities, intercity bus fa-  
7                cilities, multimodal and intermodal facilities,  
8                and intermodal connectors) that should function  
9                as an integrated metropolitan transportation  
10              system, giving emphasis to those facilities that  
11              serve important national and regional transpor-  
12              tation functions. In formulating the plan, the  
13              MPO shall consider factors described in sub-  
14              section (f) and other relevant data and factors  
15              disseminated by the Secretary pursuant to sec-  
16              tion 5205(b) as such factors relate to a 20-year  
17              forecast period.

18              “(B) MITIGATION ACTIVITIES.—

19                      “(i) IN GENERAL.—A metropolitan  
20                      long-range transportation plan shall in-  
21                      clude a discussion of types of potential en-  
22                      vironmental mitigation activities and po-  
23                      tential areas to carry out these activities,  
24                      including activities that may have the  
25                      greatest potential to restore and maintain

1 the environmental functions affected by the  
2 plan.

3 “(ii) CONSULTATION.—The discussion  
4 shall be developed in consultation with  
5 Federal, State, and tribal wildlife, land  
6 management, and regulatory agencies.

7 “(C) FINANCIAL PLAN.—

8 “(i) IN GENERAL.—A financial plan  
9 that—

10 “(I) demonstrates how the adopt-  
11 ed metropolitan long-range transpor-  
12 tation plan can be implemented;

13 “(II) indicates resources from  
14 public and private sources that are  
15 reasonably expected to be made avail-  
16 able to carry out the metropolitan  
17 long-range transportation plan;

18 “(III) recommends any additional  
19 financing strategies for needed  
20 projects and programs; and

21 “(IV) may include, for illustrative  
22 purposes, additional projects that  
23 would be included in the adopted met-  
24 ropolitan long-range transportation  
25 plan if reasonable additional resources

1                   beyond those identified in the finan-  
2                   cial plan were available.

3                   “(ii) ESTIMATES OF FUNDS.—For the  
4                   purpose of developing the metropolitan  
5                   long-range transportation plan, the MPO,  
6                   public transportation operator, and State  
7                   shall cooperatively develop estimates of  
8                   funds that will be available to support plan  
9                   implementation.

10                  “(D) OPERATIONAL AND MANAGEMENT  
11                  STRATEGIES.—Operational and management  
12                  strategies to improve the performance of exist-  
13                  ing transportation facilities to relieve vehicular  
14                  congestion and maximize the safety and mobil-  
15                  ity of people and goods.

16                  “(E) CAPITAL INVESTMENT AND OTHER  
17                  STRATEGIES.—Capital investment and other  
18                  strategies to preserve the existing and projected  
19                  future metropolitan transportation infrastruc-  
20                  ture and provide for multimodal capacity in-  
21                  creases based on regional priorities and needs.

22                  “(3) INTERCITY BUS.—A metropolitan long-  
23                  range transportation plan shall consider the role  
24                  intercity buses may play in reducing congestion, pol-  
25                  lution, and energy consumption in a cost-effective

1 manner and strategies and investments that preserve  
2 and enhance intercity bus systems, including sys-  
3 tems that are privately owned and operated.

4 “(4) COORDINATION WITH CLEAN AIR ACT  
5 AGENCIES.—In metropolitan areas that are in non-  
6 attainment for ozone or carbon monoxide under the  
7 Clean Air Act, the MPO shall coordinate the devel-  
8 opment of a metropolitan long-range transportation  
9 plan with the process for development of the trans-  
10 portation control measures of the State implementa-  
11 tion plan required by that Act.

12 “(5) CONSULTATION; COMPARISONS.—

13 “(A) CONSULTATION.—A metropolitan  
14 long-range transportation plan shall be devel-  
15 oped, as appropriate, in consultation with State  
16 and local agencies responsible for land use man-  
17 agement, natural resources, environmental pro-  
18 tection, conservation, and historic preservation.

19 “(B) COMPARISONS.—Consultation under  
20 subparagraph (A) shall involve, as appropriate,  
21 a comparison of the metropolitan long-range  
22 transportation plan—

23 “(i) to State conservation plans and  
24 maps, if available; and

1                   “(ii) to inventories of natural and his-  
2                   toric resources, if available.

3                   “(6) PARTICIPATION BY INTERESTED PAR-  
4                   TIES.—

5                   “(A) IN GENERAL.—An MPO shall provide  
6                   citizens, affected public agencies, representa-  
7                   tives of public transportation employees, freight  
8                   shippers, providers of freight transportation  
9                   services, private providers of transportation, in-  
10                  cluding intercity bus services, representatives of  
11                  users of public transportation, representatives  
12                  of users of pedestrian walkways and bicycle  
13                  transportation facilities, representatives of the  
14                  disabled, and other interested parties with a  
15                  reasonable opportunity to comment on its met-  
16                  ropolitan long-range transportation plan.

17                  “(B) CONTENTS OF PARTICIPATION  
18                  PLAN.—A participation plan shall—

19                         “(i) be developed in consultation with  
20                         all interested parties; and

21                         “(ii) provide that all interested parties  
22                         have reasonable opportunities to comment  
23                         on the contents of the metropolitan long-  
24                         range transportation plan.

1           “(C) METHODS.—In carrying out subpara-  
2 graph (A), the MPO shall, to the maximum ex-  
3 tent practicable—

4                   “(i) hold any public meetings at con-  
5 venient and accessible locations and times;

6                   “(ii) employ visualization techniques  
7 to describe plans; and

8                   “(iii) make public information avail-  
9 able in electronically accessible format and  
10 means, such as the Internet, as appro-  
11 priate to afford a reasonable opportunity  
12 for consideration of public information  
13 under subparagraph (A).

14           “(7) PUBLICATION.—A metropolitan long-range  
15 transportation plan involving Federal participation  
16 shall be published or otherwise made readily avail-  
17 able by the MPO for public review (including to the  
18 maximum extent practicable in electronically acces-  
19 sible formats and means, such as the Internet) ap-  
20 proved by the MPO, and submitted for information  
21 purposes to the Governor, at such times and in such  
22 manner as the Secretary shall establish.

23           “(8) SELECTION OF PROJECTS FROM ILLUS-  
24 TRATIVE LIST.—Notwithstanding paragraph (2)(C),  
25 a State or MPO shall not be required to select any

1 project from the illustrative list of additional  
2 projects included in the financial plan under such  
3 paragraph.

4 “(h) METROPOLITAN TIP.—

5 “(1) DEVELOPMENT.—

6 “(A) IN GENERAL.—In cooperation with  
7 the State and any affected public transportation  
8 operator, the MPO designated for a metropoli-  
9 tan area shall develop a metropolitan TIP for  
10 the area for which the organization is des-  
11 ignated.

12 “(B) OPPORTUNITY FOR COMMENT.—In  
13 developing the metropolitan TIP, the MPO, in  
14 cooperation with the State and any affected  
15 public transportation operator, shall provide an  
16 opportunity for participation by interested par-  
17 ties in the development of the program, in ac-  
18 cordance with subsection (g)(6).

19 “(C) FUNDING ESTIMATES.—For the pur-  
20 pose of developing the metropolitan TIP, the  
21 MPO, public transportation agency, and State  
22 shall cooperatively develop estimates of funds  
23 that are reasonably expected to be available to  
24 support program implementation.

1           “(D) UPDATING AND APPROVAL.—The  
2 metropolitan TIP shall be updated at least once  
3 every 4 years and shall be approved by the  
4 MPO and the Governor.

5           “(2) CONTENTS.—

6           “(A) PRIORITY LIST.—The metropolitan  
7 TIP shall include a priority list of proposed fed-  
8 erally supported projects and strategies to be  
9 carried out within each 4-year period after the  
10 initial adoption of the metropolitan TIP.

11           “(B) FINANCIAL PLAN.—The metropolitan  
12 TIP shall include a financial plan that—

13                   “(i) demonstrates how the metropoli-  
14 tan TIP can be implemented;

15                   “(ii) indicates resources from public  
16 and private sources that are reasonably ex-  
17 pected to be available to carry out the met-  
18 ropolitan TIP;

19                   “(iii) identifies innovative financing  
20 techniques to finance projects, programs,  
21 and strategies; and

22                   “(iv) may include, for illustrative pur-  
23 poses, additional projects that would be in-  
24 cluded in the approved metropolitan TIP if  
25 reasonable additional resources beyond

1           those identified in the financial plan were  
2           available.

3           “(C) DESCRIPTIONS.—A project in the  
4           metropolitan TIP shall include sufficient de-  
5           scriptive material (such as type of work, ter-  
6           mini, length, and other similar factors) to iden-  
7           tify the project or phase of the project.

8           “(3) INCLUDED PROJECTS.—

9           “(A) PROJECTS UNDER TITLE 23 AND  
10          CHAPTER 53 OF THIS TITLE.—A metropolitan  
11          TIP for an area shall include the projects with-  
12          in the area that are proposed for funding under  
13          chapter 1 of title 23 and chapter 53 of this  
14          title.

15          “(B) PROJECTS UNDER CHAPTER 2 OF  
16          TITLE 23.—

17                 “(i) REGIONALLY SIGNIFICANT  
18                 PROJECTS.—Regionally significant projects  
19                 proposed for funding under chapter 2 of  
20                 title 23 shall be identified individually in  
21                 the metropolitan TIP.

22                 “(ii) OTHER PROJECTS.—Projects  
23                 proposed for funding under such chapter  
24                 that are not determined to be regionally  
25                 significant shall be grouped in one line

1           item or identified individually in the metro-  
2           politan TIP.

3           “(C) CONSISTENCY WITH LONG-RANGE  
4           TRANSPORTATION PLAN.—A project shall be  
5           consistent with the metropolitan long-range  
6           transportation plan for the area.

7           “(D) REQUIREMENT OF ANTICIPATED  
8           FULL FUNDING.—The program shall include a  
9           project, or the identified phase of a project,  
10          only if full funding can reasonably be antici-  
11          pated to be available for the project or the iden-  
12          tified phase within the time period con-  
13          templated for completion of the project or the  
14          identified phase.

15          “(E) TIP MODIFICATIONS BY GOV-  
16          ERNOR.—

17                 “(i) IN GENERAL.—Notwithstanding  
18                 any other provisions of this section or sec-  
19                 tion 5204, if a State and an MPO fail to  
20                 agree on programming a project of state-  
21                 wide significance on the Interstate System  
22                 (as defined in section 101(a) of title 23)  
23                 into a metropolitan TIP, the Governor may  
24                 modify the metropolitan TIP to add the

1 project without approval or endorsement  
2 by the MPO.

3 “(ii) CONFORMING AMENDMENTS TO  
4 METROPOLITAN LONG-RANGE TRANSPOR-  
5 TATION PLAN.—If the Governor modifies a  
6 metropolitan TIP under clause (i), the  
7 MPO shall amend its metropolitan long-  
8 range transportation plan to be consistent  
9 with the modified metropolitan TIP.

10 “(4) NOTICE AND COMMENT.—Before approv-  
11 ing a metropolitan TIP, an MPO, in cooperation  
12 with the State and any affected public transpor-  
13 tation operator, shall provide an opportunity for par-  
14 ticipation by interested parties in the development of  
15 the program, in accordance with subsection (g)(5).

16 “(5) SELECTION OF PROJECTS.—

17 “(A) IN GENERAL.—Except as otherwise  
18 provided in subsection (i)(4) and in addition to  
19 the metropolitan TIP development required  
20 under paragraph (1), the selection of federally  
21 funded projects in metropolitan areas shall be  
22 carried out from the approved metropolitan  
23 TIP—

24 “(i) by—

1                   “(I) in the case of projects under  
2                   title 23, the State; and

3                   “(II) in the case of projects  
4                   under chapter 53, the designated re-  
5                   cipients of public transportation fund-  
6                   ing; and

7                   “(ii) in cooperation with the MPO.

8                   “(B) MODIFICATIONS TO PROJECT PRI-  
9                   ORITY.—Notwithstanding any other provision of  
10                  law, action by the Secretary shall not be re-  
11                  quired to advance a project included in the ap-  
12                  proved metropolitan TIP in place of another  
13                  project in the program.

14                  “(6) SELECTION OF PROJECTS FROM ILLUS-  
15                  TRATIVE LIST.—

16                  “(A) NO REQUIRED SELECTION.—Notwith-  
17                  standing paragraph (2)(B)(iv), a State or MPO  
18                  shall not be required to select any project from  
19                  the illustrative list of additional projects in-  
20                  cluded in the financial plan under paragraph  
21                  (2)(B)(iv).

22                  “(B) REQUIRED ACTION BY THE SEC-  
23                  RETARY.—Action by the Secretary shall be re-  
24                  quired for a State or MPO to select any project  
25                  from the illustrative list of additional projects

1 included in the financial plan under paragraph  
2 (2)(B)(iv) for inclusion in an approved metro-  
3 politan TIP.

4 “(7) PUBLICATION.—

5 “(A) PUBLICATION OF TIPS.—A metropoli-  
6 tan TIP involving Federal participation shall be  
7 published or otherwise made readily available,  
8 including on the Internet, by the MPO for pub-  
9 lic review.

10 “(B) PUBLICATION OF ANNUAL LISTINGS  
11 OF PROJECTS.—An annual listing of projects  
12 (including investments in pedestrian walkways,  
13 bicycle transportation facilities, and intermodal  
14 facilities that support intercity transportation)  
15 for which Federal funds have been obligated in  
16 the preceding year shall be published or other-  
17 wise made available, including on the Internet,  
18 by the cooperative effort of the State, public  
19 transportation operator, and MPO for public  
20 review. The listing shall be consistent with the  
21 categories identified in the metropolitan TIP.

22 “(i) TRANSPORTATION MANAGEMENT AREAS.—

23 “(1) IDENTIFICATION AND DESIGNATION.—

24 “(A) REQUIRED IDENTIFICATION.—The  
25 Secretary shall identify as a transportation

1 management area each urbanized area (as de-  
2 fined by the Bureau of the Census) with a pop-  
3 ulation of over 200,000 individuals.

4 “(B) DESIGNATIONS ON REQUEST.—The  
5 Secretary shall designate any additional area as  
6 a transportation management area on the re-  
7 quest of the Governor and the MPO designated  
8 for the area.

9 “(2) LONG-RANGE TRANSPORTATION PLANS.—  
10 In a transportation management area, metropolitan  
11 long-range transportation plans shall be based on a  
12 continuing and comprehensive transportation plan-  
13 ning process carried out by the MPO in cooperation  
14 with the State and public transportation operators.

15 “(3) CONGESTION MANAGEMENT PROCESS.—  
16 Within a metropolitan planning area serving a trans-  
17 portation management area, the transportation plan-  
18 ning process under this section shall address conges-  
19 tion management through a process that provides  
20 for effective management and operation, based on a  
21 cooperatively developed and implemented metropoli-  
22 tan-wide strategy, of new and existing transportation  
23 facilities eligible for funding under title 23 and chap-  
24 ter 53 of this title through the use of travel demand  
25 reduction and operational management strategies.

1 The Secretary shall establish an appropriate phase-  
2 in schedule for compliance with the requirements of  
3 this section but not sooner than 1 year after the  
4 identification of a transportation management area.

5 “(4) SELECTION OF PROJECTS.—

6 “(A) IN GENERAL.—All federally funded  
7 projects carried out within the boundaries of a  
8 metropolitan planning area serving a transpor-  
9 tation management area under title 23 (exclud-  
10 ing projects carried out on the National High-  
11 way System under such title) or under chapter  
12 53 of this title shall be selected for implementa-  
13 tion from the approved metropolitan TIP by the  
14 MPO designated for the area in consultation  
15 with the State and any affected public transpor-  
16 tation operator.

17 “(B) NATIONAL HIGHWAY SYSTEM  
18 PROJECTS.—Projects carried out within the  
19 boundaries of a metropolitan planning area  
20 serving a transportation management area on  
21 the National Highway System under title 23  
22 shall be selected for implementation from the  
23 approved metropolitan TIP by the State in co-  
24 operation with the MPO designated for the  
25 area.

1           “(5) CERTIFICATION.—

2           “(A) IN GENERAL.—The Secretary shall—

3           “(i) ensure that the metropolitan  
4           planning process of an MPO serving a  
5           transportation management area is being  
6           carried out in accordance with applicable  
7           provisions of Federal law; and

8           “(ii) subject to subparagraph (B), cer-  
9           tify, not less often than once every 4 years,  
10          that the requirements of this paragraph  
11          are met with respect to the metropolitan  
12          planning process.

13          “(B) REQUIREMENTS FOR CERTIFI-  
14          CATION.—The Secretary may make the certifi-  
15          cation under subparagraph (A) if—

16          “(i) the transportation planning proc-  
17          ess complies with the requirements of this  
18          section and other applicable requirements  
19          of Federal law; and

20          “(ii) there is a metropolitan TIP for  
21          the metropolitan planning area that has  
22          been approved by the MPO and the Gov-  
23          ernor.

24          “(C) EFFECT OF FAILURE TO CERTIFY.—

1           “(i) WITHHOLDING OF PROJECT  
2 FUNDS.—If the metropolitan planning  
3 process of an MPO serving a transpor-  
4 tation management area is not certified,  
5 the Secretary may withhold up to 20 per-  
6 cent of the funds attributable to the metro-  
7 politan planning area of the MPO for  
8 projects funded under title 23 and chapter  
9 53 of this title.

10           “(ii) RESTORATION OF WITHHELD  
11 FUNDS.—The withheld funds shall be re-  
12 stored to the metropolitan planning area at  
13 such time as the metropolitan planning  
14 process is certified by the Secretary.

15           “(D) REVIEW OF CERTIFICATION.—In  
16 making certification determinations under this  
17 paragraph, the Secretary shall provide for pub-  
18 lic involvement appropriate to the metropolitan  
19 area under review.

20           “(j) ABBREVIATED PLANS FOR CERTAIN AREAS.—

21           “(1) IN GENERAL.—Subject to paragraph (2),  
22 in the case of a metropolitan area not designated as  
23 a transportation management area under this sec-  
24 tion, the Secretary may provide for the development  
25 of an abbreviated metropolitan long-range transpor-

1 tation plan and TIP for the metropolitan planning  
2 area that the Secretary determines is appropriate to  
3 achieve the purposes of this section, taking into ac-  
4 count the complexity of transportation problems in  
5 the area.

6 “(2) NONATTAINMENT AREAS.—The Secretary  
7 may not permit abbreviated plans or TIPs for a  
8 metropolitan area that is in nonattainment for ozone  
9 or carbon monoxide under the Clean Air Act.

10 “(k) ADDITIONAL REQUIREMENTS FOR CERTAIN  
11 NONATTAINMENT AREAS.—

12 “(1) IN GENERAL.—Notwithstanding any other  
13 provision of title 23, this chapter, or chapter 53 of  
14 this title, for transportation management areas clas-  
15 sified as nonattainment for ozone or carbon mon-  
16 oxide pursuant to the Clean Air Act, Federal funds  
17 may not be advanced in such area for any highway  
18 project that will result in a significant increase in  
19 the carrying capacity for single-occupant vehicles un-  
20 less the project is addressed through a congestion  
21 management process.

22 “(2) APPLICABILITY.—This subsection applies  
23 to a nonattainment area within the metropolitan  
24 planning area boundaries determined under sub-  
25 section (c).

1       “(l) LIMITATION ON STATUTORY CONSTRUCTION.—  
2 Nothing in this section may be construed to confer on an  
3 MPO the authority to impose legal requirements on any  
4 transportation facility, provider, or project not eligible  
5 under title 23 or chapter 53 of this title.

6       “(m) FUNDING.—Funds set aside under section  
7 104(f) of title 23 or section 5305(g) of this title shall be  
8 available to carry out this section.

9       “(n) CONTINUATION OF CURRENT REVIEW PRAC-  
10 TICE.—Since metropolitan long-range transportation  
11 plans and TIPs are subject to a reasonable opportunity  
12 for public comment, since individual projects included in  
13 such plans and TIPs are subject to review under the Na-  
14 tional Environmental Policy Act of 1969 (42 U.S.C. 4321  
15 et seq.), and since decisions by the Secretary concerning  
16 such plans and TIPs have not been reviewed under that  
17 Act as of January 1, 1997, any decision by the Secretary  
18 concerning such plans and TIPs shall not be considered  
19 to be a Federal action subject to review under that Act.

20 **“§ 5204. Statewide transportation planning**

21       “(a) GENERAL REQUIREMENTS.—

22               “(1) DEVELOPMENT OF PLANS AND PRO-  
23 GRAMS.—To accomplish the objectives stated in sec-  
24 tion 5201, a State shall develop a statewide strategic  
25 long-range transportation plan and a statewide

1 transportation improvement program for all areas of  
2 the State, subject to section 5203.

3 “(2) CONTENTS.—Statewide strategic long-  
4 range transportation plans and TIPs shall provide  
5 for the development and integrated management and  
6 operation of transportation systems and facilities  
7 (including accessible pedestrian walkways, bicycle  
8 transportation facilities, and intermodal facilities  
9 that support intercity transportation, including  
10 intercity buses and intercity bus facilities) that will  
11 function as an intermodal transportation system for  
12 the State and an integral part of an intermodal  
13 transportation system for the United States.

14 “(3) PROCESS OF DEVELOPMENT.—The process  
15 for developing statewide strategic long-range trans-  
16 portation plans and TIPs shall provide for consider-  
17 ation of all modes of transportation and the policies  
18 stated in section 5201, and shall be continuing, co-  
19 operative, and comprehensive to the degree appro-  
20 priate, based on the complexity of the transportation  
21 problems to be addressed.

22 “(b) COORDINATION WITH METROPOLITAN PLAN-  
23 NING; STATE IMPLEMENTATION PLAN.—A State shall—

24 “(1) coordinate planning carried out under this  
25 section with the transportation planning activities

1 carried out under section 5203 for metropolitan  
2 areas of the State and with statewide trade and eco-  
3 nomic development planning activities and related  
4 multistate planning efforts; and

5 “(2) develop the transportation portion of the  
6 State implementation plan as required by the Clean  
7 Air Act (42 U.S.C. 7401 et seq.).

8 “(c) INTERSTATE AGREEMENTS.—

9 “(1) IN GENERAL.—The consent of Congress is  
10 granted to 2 or more States entering into agree-  
11 ments or compacts, not in conflict with any law of  
12 the United States, for cooperative efforts and mu-  
13 tual assistance in support of activities authorized  
14 under this section related to interstate areas and lo-  
15 calities in the States and establishing authorities the  
16 States consider desirable for making the agreements  
17 and compacts effective.

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

21 “(d) SCOPE OF PLANNING PROCESS.—

22 “(1) IN GENERAL.—A State shall carry out a  
23 statewide transportation planning process that pro-  
24 vides for consideration and implementation of  
25 projects, strategies, and services that will—

1           “(A) support the economic vitality of the  
2 United States, the States, nonmetropolitan  
3 areas, and metropolitan areas, especially by en-  
4 abling global competitiveness, productivity, and  
5 efficiency;

6           “(B) increase the safety of the transpor-  
7 tation system for motorized and nonmotorized  
8 users;

9           “(C) increase the security of the transpor-  
10 tation system for motorized and nonmotorized  
11 users;

12           “(D) increase the accessibility and mobility  
13 of people and freight;

14           “(E) protect and enhance the environment,  
15 promote energy conservation, improve the qual-  
16 ity of life, and promote consistency between  
17 transportation improvements and State and  
18 local planned growth and economic development  
19 patterns;

20           “(F) enhance the integration and  
21 connectivity of the transportation system,  
22 across and between modes throughout the  
23 State, for people and freight;

24           “(G) promote efficient system management  
25 and operation; and

1           “(H) emphasize the preservation of the ex-  
2           isting transportation system.

3           “(2) FAILURE TO CONSIDER FACTORS.—The  
4           failure to consider any factor specified in paragraph  
5           (1) shall not be reviewable by any court under title  
6           23, chapter 53 of this title, subchapter II of chapter  
7           5 of title 5, or chapter 7 of title 5 in any matter af-  
8           fecting a statewide strategic long-range transpor-  
9           tation plan or TIP, a project or strategy, or the cer-  
10          tification of a planning process.

11          “(e) ADDITIONAL REQUIREMENTS.—In carrying out  
12          planning under this section, a State shall, at a minimum—

13           “(1) with respect to nonmetropolitan areas, co-  
14           operate with affected nonmetropolitan local officials  
15           or, if applicable, through regional transportation  
16           planning organizations described in subsection (k);

17           “(2) consider the concerns of Indian tribal gov-  
18           ernments and Federal land management agencies  
19           that have jurisdiction over land within the bound-  
20           aries of the State; and

21           “(3) coordinate statewide long-range transpor-  
22           tation plans and TIPs and planning activities with  
23           related planning activities being carried out outside  
24           of metropolitan planning areas and between States.

1       “(f) STATEWIDE STRATEGIC LONG-RANGE TRANS-  
2 PORTATION PLAN.—

3               “(1) DEVELOPMENT.—

4                       “(A) IN GENERAL.—A State shall develop  
5 a statewide strategic long-range transportation  
6 plan, with a minimum 20-year forecast period  
7 for all areas of the State, that provides for the  
8 development and implementation of the inter-  
9 modal interconnected transportation system of  
10 the State.

11                       “(B) STATEWIDE STRATEGIC LONG-RANGE  
12 TRANSPORTATION PLAN REQUIREMENTS.—

13                               “(i) NATIONAL TRANSPORTATION STA-  
14 TISTICS.—In developing a statewide stra-  
15 tegic long-range transportation plan, the  
16 State shall consider the data and factors  
17 disseminated by the Secretary pursuant to  
18 section 5205(b) for that particular State.

19                               “(ii) TRANSPORTATION PROJECTS  
20 THAT ARE OF STATEWIDE, REGIONAL, AND  
21 NATIONAL IMPORTANCE.—The State shall  
22 identify transportation projects across all  
23 modes of transportation in the State that  
24 have statewide, regional, and national sig-  
25 nificance. In identifying these projects, the

1 State shall consider the factors described  
2 in section 5205(b).

3 “(iii) STATES WITH CONGESTED AIR-  
4 PORTS.—If a State has an airport in its  
5 jurisdiction that had at least 1 percent of  
6 all delayed aircraft operations in the  
7 United States, as identified by the Federal  
8 Aviation Administration’s Airport Capacity  
9 Benchmark Report, the statewide strategic  
10 long-range transportation plan shall in-  
11 clude measures to alleviate congestion at  
12 that airport either through expansion or  
13 the development of additional facilities.

14 “(iv) STATES WITH CONGESTED  
15 FREIGHT RAIL CORRIDORS.—If data from  
16 the Department of Transportation and the  
17 freight railroad industry project that a  
18 State has freight railroad corridors that  
19 operate at levels of service that are at or  
20 exceed capacity, the statewide strategic  
21 long-range transportation plan shall in-  
22 clude measures by which the State depart-  
23 ment of transportation and the freight rail-  
24 roads provide relief for the congested cor-  
25 ridors.

1           “(v) STATES WITH DEEP DRAFT  
2 PORTS.—If a State has a deep draft port,  
3 the statewide strategic long-range trans-  
4 portation plan shall take into account any  
5 plan for expansion at that port and any  
6 projected increase in shipping traffic at  
7 that port.

8           “(vi) STATES WITH NAVIGABLE IN-  
9 LAND WATERWAYS.—A State that has nav-  
10 igrable inland waterways shall include in its  
11 statewide strategic long-range transpor-  
12 tation plan any plans to use those water-  
13 ways to facilitate the efficient and reliable  
14 transportation of freight and people.

15           “(vii) PROJECT  
16 INTERCONNECTIVITY.—In developing a  
17 statewide strategic long-range transpor-  
18 tation plan, the State shall ensure  
19 interconnectivity for freight and passengers  
20 between different facilities and between  
21 different modes of transportation.

22           “(viii) COST ESTIMATES FOR  
23 PROJECTS THAT ARE OF STATEWIDE, RE-  
24 GIONAL, AND NATIONAL IMPORTANCE.—In  
25 developing the statewide strategic long-

1 range transportation plan, the State shall  
2 include estimates of the costs of each of  
3 the projects identified in clause (ii).

4 “(2) CONSULTATION WITH GOVERNMENTS.—

5 “(A) METROPOLITAN AREAS.—The state-  
6 wide strategic long-range transportation plan  
7 shall be developed for each metropolitan area in  
8 the State in cooperation with the metropolitan  
9 planning organization designated for the metro-  
10 politan area under section 5203.

11 “(B) NONMETROPOLITAN AREAS.—With  
12 respect to nonmetropolitan areas, the statewide  
13 strategic long-range transportation plan shall be  
14 developed in cooperation with affected non-  
15 metropolitan local officials or, if applicable,  
16 through regional transportation planning orga-  
17 nizations described in subsection (k).

18 “(C) INDIAN TRIBAL AREAS.—With respect  
19 to an area of the State under the jurisdiction  
20 of an Indian tribal government, the statewide  
21 strategic long-range transportation plan shall be  
22 developed in consultation with the tribal govern-  
23 ment and the Secretary of the Interior.

24 “(D) CONSULTATION; COMPARISONS.—

1           “(i) CONSULTATION.—A statewide  
2           strategic long-range transportation plan  
3           shall be developed, as appropriate, in con-  
4           sultation with State, tribal, regional, and  
5           local agencies responsible for land use  
6           management, natural resources, environ-  
7           mental protection, conservation, and his-  
8           toric preservation.

9           “(ii) COMPARISONS.—Consultation  
10          under clause (i) shall involve, as appro-  
11          priate, comparison of statewide strategic  
12          long-range transportation plans—

13                   “(I) to State and tribal conserva-  
14                   tion plans and maps, if available; and

15                   “(II) to inventories of natural  
16                   and historic resources, if available.

17          “(3) PARTICIPATION BY INTERESTED PAR-  
18          TIES.—

19                   “(A) IN GENERAL.—The State shall pro-  
20          vide citizens, affected public agencies, rep-  
21          resentatives of public transportation employees,  
22          freight shippers, providers of freight transpor-  
23          tation services, private providers of transpor-  
24          tation, including intercity bus services, rep-  
25          resentatives of users of public transportation,

1 representatives of users of pedestrian walkways  
2 and bicycle transportation facilities, representa-  
3 tives of the disabled, and other interested par-  
4 ties with a reasonable opportunity to comment  
5 on the statewide strategic long-range transpor-  
6 tation plan.

7 “(B) METHODS.—In carrying out subpara-  
8 graph (A), the State shall, to the maximum ex-  
9 tent practicable—

10 “(i) hold any public meetings at con-  
11 venient and accessible locations and times;

12 “(ii) employ visualization techniques  
13 to describe plans; and

14 “(iii) make public information avail-  
15 able in electronically accessible format and  
16 means, such as the Internet, as appro-  
17 priate to afford a reasonable opportunity  
18 for consideration of public information  
19 under subparagraph (A).

20 “(4) MITIGATION ACTIVITIES.—

21 “(A) IN GENERAL.—A statewide strategic  
22 long-range transportation plan shall include a  
23 discussion of potential environmental mitigation  
24 activities and potential areas to carry out these  
25 activities, including activities that may have the

1           greatest potential to restore and maintain the  
2           environmental functions affected by the plan.

3           “(B) CONSULTATION.—The discussion  
4           shall be developed in consultation with Federal,  
5           State, and tribal wildlife, land management,  
6           and regulatory agencies.

7           “(5) FINANCIAL PLAN.—The statewide stra-  
8           tegic long-range transportation plan may include a  
9           financial plan that—

10           “(A) demonstrates how the adopted state-  
11           wide strategic long-range transportation plan  
12           can be implemented;

13           “(B) indicates resources from public and  
14           private sources that are reasonably expected to  
15           be made available to carry out the statewide  
16           strategic long-range transportation plan;

17           “(C) recommends any additional financing  
18           strategies for needed projects and programs;  
19           and

20           “(D) may include, for illustrative purposes,  
21           additional projects that would be included in  
22           the adopted statewide strategic long-range  
23           transportation plan if reasonable additional re-  
24           sources beyond those identified in the financial  
25           plan were available.

1           “(6) SELECTION OF PROJECTS FROM ILLUS-  
2           TRATIVE LIST.—A State shall not be required to se-  
3           lect any project from the illustrative list of addi-  
4           tional projects included in the financial plan de-  
5           scribed in paragraph (5).

6           “(7) EXISTING SYSTEM.—A statewide strategic  
7           long-range transportation plan should include cap-  
8           ital, operations, and management strategies, invest-  
9           ments, procedures, and other measures to ensure the  
10          preservation and most efficient use of the existing  
11          transportation system.

12          “(8) INTERCITY BUS.—A statewide strategic  
13          long-range transportation plan shall consider the  
14          role intercity buses may play in reducing congestion,  
15          pollution, and energy consumption in a cost-effective  
16          manner and strategies and investments that preserve  
17          and enhance intercity bus systems, including sys-  
18          tems that are privately owned and operated.

19          “(9) PUBLICATION OF STATEWIDE STRATEGIC  
20          LONG-RANGE TRANSPORTATION PLANS.—A state-  
21          wide strategic long-range transportation plan pre-  
22          pared by a State shall be published or otherwise  
23          made available, including to the maximum extent  
24          practicable in electronically accessible formats and  
25          means, such as the Internet.

1 “(g) STATEWIDE TIP.—

2 “(1) DEVELOPMENT.—A State shall develop a  
3 statewide TIP for all areas of the State. Such pro-  
4 gram shall cover a period of 4 years and be updated  
5 every 4 years or more frequently if the Governor  
6 elects to update more frequently.

7 “(2) CONSULTATION WITH GOVERNMENTS.—

8 “(A) METROPOLITAN AREAS.—With re-  
9 spect to a metropolitan area in the State, the  
10 program shall be developed in cooperation with  
11 the MPO designated for the metropolitan area  
12 under section 5203.

13 “(B) NONMETROPOLITAN AREAS.—With  
14 respect to a nonmetropolitan area in the State,  
15 the program shall be developed in cooperation  
16 with affected nonmetropolitan local officials or,  
17 if applicable, through regional transportation  
18 planning organizations described in subsection  
19 (k).

20 “(C) INDIAN TRIBAL AREAS.—With respect  
21 to an area of the State under the jurisdiction  
22 of an Indian tribal government, the program  
23 shall be developed in consultation with the trib-  
24 al government and the Secretary of the Interior.

1           “(3) PARTICIPATION BY INTERESTED PAR-  
2           TIES.—In developing the program, the State shall  
3           provide citizens, affected public agencies, representa-  
4           tives of public transportation employees, freight  
5           shippers, private providers of transportation, pro-  
6           viders of freight transportation services, representa-  
7           tives of users of public transportation, representa-  
8           tives of users of pedestrian walkways and bicycle  
9           transportation facilities, representatives of the dis-  
10          abled, and other interested parties with a reasonable  
11          opportunity to comment on the proposed program.

12           “(4) INCLUDED PROJECTS.—

13           “(A) IN GENERAL.—A statewide TIP de-  
14           veloped for a State shall include federally sup-  
15           ported surface transportation expenditures  
16           within the boundaries of the State.

17           “(B) LISTING OF PROJECTS.—An annual  
18           listing of projects for which funds have been ob-  
19           ligated in the preceding year in each metropoli-  
20           tan planning area shall be published or other-  
21           wise made available by the cooperative effort of  
22           the State, public transportation operator, and  
23           the MPO for public review. The listing shall be  
24           consistent with the funding categories identified  
25           in each metropolitan TIP.

1                   “(C) PROJECTS UNDER CHAPTER 2 OF  
2 TITLE 23.—

3                   “(i) REGIONALLY SIGNIFICANT  
4 PROJECTS.—Regionally significant projects  
5 proposed for funding under chapter 2 of  
6 title 23 shall be identified individually in  
7 the statewide TIP.

8                   “(ii) OTHER PROJECTS.—Projects  
9 proposed for funding under such chapter  
10 that are not determined to be regionally  
11 significant shall be grouped in one line  
12 item or identified individually in the state-  
13 wide TIP.

14                   “(D) CONSISTENCY WITH STATEWIDE  
15 STRATEGIC LONG-RANGE TRANSPORTATION  
16 PLAN.—A project shall be—

17                   “(i) consistent with the statewide  
18 strategic long-range transportation plan  
19 developed under this section for the State;

20                   “(ii) identical to the project or phase  
21 of the project as described in an approved  
22 metropolitan long-range transportation  
23 plan;

1           “(iii) identical to the project or phase  
2           of the project as described in a metropoli-  
3           tan TIP approved by the Governor; and

4           “(iv) in conformance with the applica-  
5           ble State air quality implementation plan  
6           developed under the Clean Air Act, if the  
7           project is carried out in an area designated  
8           as nonattainment for ozone, particulate  
9           matter, or carbon monoxide under that  
10          Act.

11          “(E) REQUIREMENT OF ANTICIPATED  
12          FULL FUNDING.—The statewide TIP shall in-  
13          clude a project, or the identified phase of a  
14          project, only if full funding can reasonably be  
15          anticipated to be available for the project or the  
16          identified phase within the time period con-  
17          templated for completion of the project or the  
18          identified phase.

19          “(F) FINANCIAL PLAN.—The statewide  
20          TIP may include a financial plan that—

21               “(i) demonstrates how the approved  
22               statewide TIP can be implemented;

23               “(ii) indicates resources from public  
24               and private sources that are reasonably ex-

1           pected to be made available to carry out  
2           the statewide TIP;

3           “(iii) recommends any additional fi-  
4           nancing strategies for needed projects and  
5           programs; and

6           “(iv) may include, for illustrative pur-  
7           poses, additional projects that would be in-  
8           cluded in the adopted statewide TIP if rea-  
9           sonable additional resources beyond those  
10          identified in the financial plan were avail-  
11          able.

12          “(G) SELECTION OF PROJECTS FROM IL-  
13          LUSTRATIVE LIST.—

14               “(i) NO REQUIRED SELECTION.—Not-  
15               withstanding subparagraph (F), a State  
16               shall not be required to select any project  
17               from the illustrative list of additional  
18               projects included in the financial plan  
19               under subparagraph (F).

20               “(ii) REQUIRED ACTION BY THE SEC-  
21               RETARY.—An action by the Secretary shall  
22               be required for a State to select any  
23               project from the illustrative list of addi-  
24               tional projects included in the financial

1 plan under subparagraph (F) for inclusion  
2 in an approved statewide TIP.

3 “(H) PRIORITIES.—The statewide TIP  
4 shall reflect the priorities for programming and  
5 expenditures of funds required by title 23, this  
6 chapter, and chapter 53 of this title.

7 “(5) PROJECT SELECTION FOR AREAS WITHOUT  
8 MPOS.—

9 “(A) IN GENERAL.—Except as provided by  
10 subparagraph (B), projects carried out in areas  
11 without a designated MPO shall be selected  
12 from the approved statewide TIP by the State  
13 in cooperation with affected nonmetropolitan  
14 local officials or, if applicable, through regional  
15 transportation planning organizations described  
16 in subsection (k).

17 “(B) NHS PROJECTS.—Projects carried  
18 out on the National Highway System under  
19 title 23 or under sections 5311 and 5317 of  
20 this title in areas without a designated MPO  
21 shall be selected from the approved statewide  
22 TIP by the State in consultation with affected  
23 nonmetropolitan local officials.

1           “(6) TIP APPROVAL.—Every 4 years, a state-  
2           wide TIP shall be reviewed and approved by the Sec-  
3           retary if based on a current planning finding.

4           “(7) PLANNING FINDING.—A finding shall be  
5           made by the Secretary at least once every 4 years  
6           that the transportation planning process through  
7           which statewide strategic long-range transportation  
8           plans and TIPs are developed is consistent with this  
9           section and section 5203.

10           “(8) MODIFICATIONS TO PROJECT PRIORITY.—  
11           Notwithstanding any other provision of law, action  
12           by the Secretary shall not be required to advance a  
13           project included in the approved statewide TIP in  
14           place of another project in the program.

15           “(h) FUNDING.—Funds set aside pursuant to sec-  
16           tions 104(f) and 505 of title 23 and section 5305(g) of  
17           this title shall be available to carry out this section.

18           “(i) TREATMENT OF CERTAIN STATE LAWS AS CON-  
19           GESTION MANAGEMENT PROCESSES.—For purposes of  
20           this section and section 5203, State laws, rules, or regula-  
21           tions pertaining to congestion management systems or  
22           programs may constitute the congestion management  
23           process under this section and section 5203 if the Sec-  
24           retary finds that the State laws, rules, or regulations are

1 consistent with, and fulfill the intent of, the purposes of  
2 this section and section 5203, as appropriate.

3       “(j) CONTINUATION OF CURRENT REVIEW PRAC-  
4 TICE.—Since statewide strategic long-range transpor-  
5 tation plans and TIPs are subject to a reasonable oppor-  
6 tunity for public comment, individual projects included in  
7 such plans and TIPs are subject to review under the Na-  
8 tional Environmental Policy Act of 1969 (42 U.S.C. 4321  
9 et seq.), and decisions by the Secretary concerning such  
10 plans and TIPs have not been reviewed under that Act  
11 as of January 1, 1997, any decision by the Secretary con-  
12 cerning such plans and TIPS shall not be considered to  
13 be a Federal action subject to review under that Act.

14       “(k) DESIGNATION OF REGIONAL TRANSPORTATION  
15 PLANNING ORGANIZATIONS.—

16             “(1) IN GENERAL.—To carry out the transpor-  
17 tation planning process required by this section, a  
18 State may establish and designate regional transpor-  
19 tation planning organizations to enhance the plan-  
20 ning, coordination, and implementation of statewide  
21 strategic long-range transportation plans and TIPs,  
22 with an emphasis on addressing the needs of non-  
23 metropolitan areas of the State.

24             “(2) STRUCTURE.—A regional transportation  
25 planning organization shall be established as a

1 multi-jurisdictional organization of volunteers from  
2 nonmetropolitan local officials or their designees and  
3 representatives of local transportation systems.

4 “(3) REQUIREMENTS.—A regional transpor-  
5 tation planning organization shall establish, at a  
6 minimum—

7 “(A) a policy committee, the majority of  
8 which shall consist of nonmetropolitan local of-  
9 ficials, or their designees, and which shall also  
10 include, as appropriate, additional representa-  
11 tives from the State, private business, transpor-  
12 tation service providers, economic development  
13 practitioners, and the public in the region; and

14 “(B) a fiscal and administrative agent,  
15 such as an existing regional planning and devel-  
16 opment organization, to provide professional  
17 planning, management, and administrative sup-  
18 port.

19 “(4) DUTIES.—The duties of a regional trans-  
20 portation planning organization shall include—

21 “(A) developing and maintaining, in co-  
22 operation with the State, regional long-range  
23 multimodal transportation plans;

1           “(B) developing a regional transportation  
2 improvement program for consideration by the  
3 State;

4           “(C) fostering the coordination of local  
5 planning, land use, and economic development  
6 plans with State, regional, and local transpor-  
7 tation plans and programs;

8           “(D) providing technical assistance to local  
9 officials;

10          “(E) participating in national, multistate,  
11 and State policy and planning development  
12 processes to ensure the regional and local input  
13 of nonmetropolitan areas;

14          “(F) providing a forum for public partici-  
15 pation in the statewide and regional transpor-  
16 tation planning processes;

17          “(G) considering and sharing plans and  
18 programs with neighboring regional transpor-  
19 tation planning organizations, MPOs, and,  
20 where appropriate, tribal organizations; and

21          “(H) conducting other duties, as nec-  
22 essary, to support and enhance the statewide  
23 planning process under subsection (d).

24          “(5) STATES WITHOUT REGIONAL TRANSPOR-  
25 TATION PLANNING ORGANIZATIONS.—If a State

1 chooses not to establish or designate a regional  
2 transportation planning organization, the State shall  
3 consult with affected nonmetropolitan local officials  
4 to determine projects that may be of regional signifi-  
5 cance.

6 **“§ 5205. National strategic transportation plan**

7 “(a) DEVELOPMENT OF NATIONAL STRATEGIC  
8 TRANSPORTATION PLAN.—

9 “(1) DEVELOPMENT OF PLAN.—

10 “(A) IN GENERAL.—The Secretary, in con-  
11 sultation with State departments of transpor-  
12 tation, shall develop a national strategic trans-  
13 portation plan (in this section referred to as the  
14 ‘national plan’) in accordance with the require-  
15 ments of this section.

16 “(B) SOLICITATION.—Not later than 30  
17 days after the date of enactment of this section,  
18 the Secretary shall publish in the Federal Reg-  
19 ister a solicitation requesting each State depart-  
20 ment of transportation to submit to the Sec-  
21 retary, not later than 90 days after such date  
22 of enactment, a list of projects that the State  
23 recommends for inclusion in the national plan.

24 “(C) STATE SELECTION OF PROJECTS.—In  
25 selecting projects under subparagraph (B), a

1 State department of transportation shall con-  
2 sider the elements of the national plan de-  
3 scribed in paragraph (2).

4 “(D) FAILURE TO SUBMIT RECOMMENDA-  
5 TIONS.—If a State does not submit a list of rec-  
6 ommended projects in accordance with this  
7 paragraph, the Secretary shall select projects in  
8 the State that will be considered for inclusion in  
9 the national plan.

10 “(E) SELECTION OF PROJECTS.—Not later  
11 than 60 days after the date on which the Sec-  
12 retary receives a list of recommended projects  
13 from a State department of transportation  
14 under this paragraph, the Secretary shall review  
15 the list and select projects from the list for in-  
16 clusion in the national plan.

17 “(F) BASIS FOR SELECTION.—In selecting  
18 projects for inclusion in the national plan, the  
19 Secretary shall consider, at a minimum—

20 “(i) the projects recommended by  
21 State departments of transportation under  
22 this paragraph;

23 “(ii) the ability of projects to improve  
24 mobility by increasing transportation op-  
25 tions for passengers and freight;

1           “(iii) the degree to which projects cre-  
2           ate intermodal links between different  
3           modes of transportation, including pas-  
4           senger and freight rail, public transpor-  
5           tation, intercity bus, airports, seaports,  
6           and navigable inland waterways; and

7           “(iv) the ability of projects to gen-  
8           erate national economic benefits, includ-  
9           ing—

10                   “(I) improvements to economic  
11                   productivity through congestion relief;  
12                   and

13                   “(II) improvements to passenger  
14                   and freight movement.

15           “(2) ELEMENTS OF NATIONAL PLAN.—

16                   “(A) ROLE OF STATEWIDE STRATEGIC  
17                   LONG-RANGE TRANSPORTATION PLANS.—The  
18                   national plan shall be modeled after the state-  
19                   wide strategic long-range transportation plans  
20                   developed under section 5204(f).

21                   “(B) NATIONAL AND REGIONAL TRANS-  
22                   PORTATION PROJECTS.—Giving emphasis to the  
23                   facilities that serve important national and re-  
24                   gional transportation functions, the national  
25                   plan shall include an identification of transpor-

1           tation projects (including major roadways, pub-  
2           lic transportation facilities, intercity bus facili-  
3           ties, multimodal and intermodal facilities, and  
4           intermodal connectors) that facilitate the devel-  
5           opment of—

6                     “(i) a national transportation system;

7                     and

8                     “(ii) an integrated regional transpor-  
9                     tation system.

10           “(C)    INTERCONNECTIVITY    BETWEEN  
11           STATES AND REGIONS.—The national plan shall  
12           ensure a level of interconnectivity among trans-  
13           portation facilities and strategies at State and  
14           regional borders.

15           “(D)    IDENTIFICATION    OF    POTENTIAL  
16           HIGH-SPEED INTERCITY RAIL CORRIDORS AND  
17           SHIPPING ROUTES.—In developing the national  
18           plan, the Secretary, in consultation with State  
19           departments of transportation, shall identify po-  
20           tential high-speed passenger rail projects and  
21           potential short seas shipping routes.

22           “(E)    INTERCITY BUS NETWORK.—The na-  
23           tional plan shall identify projects to preserve  
24           and expand the Nation’s intercity bus network

1 and provide interconnectivity to other forms of  
2 intercity and local transportation.

3 “(F) COST ESTIMATES FOR PROJECTS.—In  
4 developing the national plan, the Secretary shall  
5 include estimates of the costs of each of the  
6 projects and strategies identified in the national  
7 plan and a total cost of all of the projects and  
8 strategies identified in the national plan.

9 “(3) ISSUANCE AND UPDATING OF NATIONAL  
10 PLAN.—

11 “(A) ISSUANCE.—Not later than April 30,  
12 2014, the Secretary shall submit to the Com-  
13 mittee on Transportation and Infrastructure of  
14 the House of Representatives and the Com-  
15 mittee on Environment and Public Works, the  
16 Committee on Banking, Housing, and Urban  
17 Affairs, and the Committee on Commerce,  
18 Science, and Transportation of the Senate the  
19 national plan developed under this section.

20 “(B) UPDATES.—At least once every 2  
21 years after the date of submission of the na-  
22 tional plan under subparagraph (A), the Sec-  
23 retary—

1           “(i) in consultation with State depart-  
2           ments of transportation, shall update the  
3           national plan; and

4           “(ii) shall submit the updated national  
5           plan to the committees referred to in sub-  
6           paragraph (A).

7           “(b) DISSEMINATION OF TRANSPORTATION DATA  
8           AND STATISTICS FOR DEVELOPMENT OF STRATEGIC  
9           LONG-RANGE TRANSPORTATION PLANS.—

10           “(1) IN GENERAL.—The Secretary shall de-  
11           velop, and disseminate to the States, relevant long-  
12           range transportation data and statistics that a State  
13           or the Secretary, as the case may be, shall use in the  
14           development of statewide, regional, and national  
15           strategic long-range transportation plans.

16           “(2) TYPES OF TRANSPORTATION DATA AND  
17           STATISTICS TO BE DEVELOPED.—The data and sta-  
18           tistics referred to in paragraph (1) shall include, at  
19           a minimum, 20-year projections—

20           “(A) of population growth in each State;

21           “(B) from the Department of Transpor-  
22           tation’s Freight Analysis Framework (referred  
23           to in this paragraph as ‘FAF’), including pro-  
24           jections for annual average daily truck flow on  
25           specific highway routes;

1           “(C) from the Department of Transpor-  
2           tation’s Highway Performance Monitoring Sys-  
3           tem (referred to in this paragraph as ‘HPMS’)  
4           of estimated peak period congestion on major  
5           highway routes or segments of routes and in  
6           metropolitan areas;

7           “(D) from HPMS and FAF of estimated  
8           traffic volumes on segments of highway that are  
9           projected to be classified as moderately or high-  
10          ly congested;

11          “(E) from HPMS and FAF for highway  
12          bottlenecks;

13          “(F) of public transportation use in urban-  
14          ized areas, including for each urbanized area a  
15          comparison of estimated ridership growth and  
16          estimated public transportation revenue vehicle  
17          miles to available system capacity and current  
18          service levels;

19          “(G) of aviation passenger enplanements  
20          and cargo ton miles flown;

21          “(H) of increases in unmanned aerial sys-  
22          tem and general aviation active aircraft and  
23          hours flown;

24          “(I) of capacity-constrained airports and  
25          congested air traffic routes;

1           “(J) of passenger demand for suborbital  
2 space tourism;

3           “(K) of demand on major freight rail lines;

4           “(L) of shipping traffic at United States  
5 ports; and

6           “(M) of intercity bus and passenger rail  
7 ridership demand.

8 **“§ 5206. National performance management system**

9           “(a) ESTABLISHMENT OF NATIONAL PERFORMANCE  
10 MANAGEMENT SYSTEM.—

11           “(1) ESTABLISHMENT.—The Secretary shall es-  
12 tablish a national performance management system  
13 to track the Nation’s progress toward broad national  
14 performance goals for the Nation’s highway and  
15 public transportation systems.

16           “(2) COMPONENTS.—The National Perform-  
17 ance Management System shall include the following  
18 components:

19           “(A) A national performance management  
20 goal.

21           “(B) Core performance measures.

22           “(C) Technical guidance.

23           “(D) A State performance management  
24 process, including—

25           “(i) performance targets;

1 “(ii) strategies; and

2 “(iii) reporting requirements.

3 “(b) NATIONAL PERFORMANCE MANAGEMENT

4 GOAL.—

5 “(1) ESTABLISHMENT.—The Secretary shall es-  
6 tablish, in broad qualitative terms, a national per-  
7 formance management goal for the Nation’s highway  
8 and public transportation systems to ensure eco-  
9 nomic growth, safety improvement, and increased  
10 mobility.

11 “(2) CONSISTENCY WITH NATIONAL STRATEGIC  
12 TRANSPORTATION PLAN.—The national strategic  
13 transportation plan, to the greatest extent prac-  
14 ticable, shall be consistent with the national per-  
15 formance management goal.

16 “(c) CORE PERFORMANCE MEASURES.—

17 “(1) ESTABLISHMENT.—Not later than 2 years  
18 after the date of enactment of this section, the Sec-  
19 retary, in collaboration with the States, metropolitan  
20 planning organizations, and public transportation  
21 agencies through the process described in paragraph  
22 (4) shall establish core performance measures.

23 “(2) IMPLEMENTATION.—A State shall be re-  
24 quired to implement the core performance measures

1 as part of the State’s performance management  
2 process established in subsection (e).

3 “(3) CATEGORIES.—The core performance  
4 measures shall include not more than 2 measures  
5 from each of the following categories:

6 “(A) Pavement condition on the National  
7 Highway System.

8 “(B) Bridge condition on the National  
9 Highway System.

10 “(C) Highway and motor carrier safety.

11 “(D) Highway safety infrastructure asset  
12 management.

13 “(E) Bike and pedestrian safety.

14 “(F) Highway congestion.

15 “(G) Air emissions and energy consump-  
16 tion.

17 “(H) Freight mobility.

18 “(I) Public transportation state of good re-  
19 pair.

20 “(J) Public transportation service avail-  
21 ability.

22 “(K) Rural connectivity.

23 “(4) PROCESS.—The core performance meas-  
24 ures shall be established under the following process:

1           “(A) At any time after the date of enact-  
2           ment of this section, the State departments of  
3           transportation (in consultation with metropoli-  
4           tan planning organizations and public transpor-  
5           tation agencies), acting through their national  
6           organization, may jointly submit to the Sec-  
7           retary a complete set of recommended core per-  
8           formance measures for use in statewide trans-  
9           portation planning.

10           “(B) The Secretary shall give substantial  
11           weight to the recommendations submitted by  
12           the State departments of transportation, if such  
13           recommendations are submitted not later than  
14           18 months after enactment of this section.

15           “(C) After consultation with the State de-  
16           partments of transportation regarding the rec-  
17           ommendations, the Secretary shall issue a no-  
18           tice in the Federal Register announcing the  
19           Secretary’s proposed set of core performance  
20           measures and providing an opportunity for  
21           comment.

22           “(D) After considering any comments, the  
23           Secretary shall publish a notice in the Federal  
24           Register not later than 2 years after the date

1 of enactment of this section announcing the  
2 final set of core performance measures.

3 “(d) TECHNICAL GUIDANCE.—

4 “(1) IN GENERAL.—Not later than 6 months  
5 after the Secretary publishes the final set of core  
6 performance measures in the Federal Register under  
7 subsection (c)(4)(D), the Secretary shall issue tech-  
8 nical guidance, including a uniform methodology for  
9 collecting data, for use by the States in applying the  
10 core performance measures.

11 “(2) DEVELOPMENT.—The Secretary shall—

12 “(A) develop the technical guidance in col-  
13 laboration with the State departments of trans-  
14 portation;

15 “(B) give substantial weight to any rec-  
16 ommendations submitted by the State depart-  
17 ments of transportation through their national  
18 organization, if such recommendations are sub-  
19 mitted not later than 3 months after the Sec-  
20 retary publishes the final set of core perform-  
21 ance measures in the Federal Register under  
22 subsection (c)(4)(D); and

23 “(C) provide a reasonable opportunity for  
24 State departments of transportation to com-

1           ment on the technical guidance before it is  
2           issued.

3           “(e) STATE PERFORMANCE MANAGEMENT PROC-  
4    ESS.—

5           “(1) ESTABLISHMENT OF PERFORMANCE TAR-  
6    GETS.—

7           “(A) INITIAL TARGETS.—Not later than 1  
8           year after the Secretary publishes the final set  
9           of core performance measures in the Federal  
10          Register under subsection (c)(4)(D), a State  
11          shall amend its statewide strategic long-range  
12          transportation plan to include a target level of  
13          performance for each of the core performance  
14          measures.

15          “(B) REVISIONS TO TARGETS.—A State  
16          may revise its performance targets for the core  
17          performance measures at any time by amending  
18          its statewide strategic long-range transportation  
19          plan and resubmitting the plan to the Sec-  
20          retary.

21          “(2) REPORTING REQUIREMENTS.—

22          “(A) IN GENERAL.—In order to improve  
23          the outcomes of the transportation planning  
24          process, the States shall implement a national

1 performance reporting process in accordance  
2 with subparagraphs (B) and (C).

3 “(B) BASELINE REPORT.—Not later than  
4 6 months after adopting its initial performance  
5 targets for the core performance measures pur-  
6 suant to paragraph (1)(A), a State shall publish  
7 a baseline report including data from the most  
8 recent year for which data is available for the  
9 full set of core performance measures.

10 “(C) ANNUAL PROGRESS REPORTS.—Not  
11 later than 18 months after publication of the  
12 baseline report, and annually thereafter, a State  
13 shall publish a report documenting the progress  
14 that the State has made in meeting its perform-  
15 ance targets for the core performance meas-  
16 ures.”.

17 (b) CONFORMING AMENDMENTS.—

18 (1) SUBTITLE ANALYSIS.—The analysis for  
19 subtitle III of title 49, United States Code, is  
20 amended by inserting after the item relating to  
21 chapter 51 the following:

“52. **Transportation Planning** ..... **5201.**”.

22 (2) METROPOLITAN TRANSPORTATION PLAN-  
23 NING.—

1 (A) TITLE 23.—Section 134 of title 23,  
2 United States Code, is amended to read as fol-  
3 lows:

4 **“§ 134. Metropolitan transportation planning**

5 “Metropolitan transportation planning programs  
6 funded under section 104(f) shall be carried out in accord-  
7 ance with the metropolitan planning provisions of section  
8 5203 of title 49, United States Code.”.

9 (B) CHAPTER 53 OF TITLE 49.—Section  
10 5303 of title 49, United States Code, is amend-  
11 ed to read as follows:

12 **“§ 5303. Metropolitan transportation planning**

13 “Metropolitan transportation planning programs  
14 funded under section 5305 shall be carried out in accord-  
15 ance with the metropolitan planning provisions of section  
16 5203.”.

17 (3) STATEWIDE TRANSPORTATION PLANNING.—

18 (A) TITLE 23.—Section 135 of title 23,  
19 United States Code, is amended to read as fol-  
20 lows:

21 **“§ 135. Statewide transportation planning**

22 “Statewide transportation planning programs funded  
23 under sections 104(f) and 505 shall be carried out in ac-  
24 cordance with the metropolitan planning provisions of sec-  
25 tion 5204 of title 49, United States Code.”.

1 (B) CHAPTER 53 OF TITLE 49.—Section  
2 5304 of title 49, United States Code, is amend-  
3 ed to read as follows:

4 **“§ 5304. Statewide transportation planning**

5 “Statewide transportation planning programs funded  
6 under section 5305 shall be carried out in accordance with  
7 the metropolitan planning provisions of section 5204.”.

8 **SEC. 4002. SPECIAL RULES FOR SMALL METROPOLITAN**  
9 **PLANNING ORGANIZATIONS.**

10 (a) CONTINUATION OF APPLICABILITY OF SECTION  
11 134.—A metropolitan planning organization that serves  
12 an urbanized area with a population of more than 50,000  
13 and less than 100,000 and that is subject to the provisions  
14 of section 134 of title 23, United States Code, and section  
15 5303 of title 49, United States Code (as in effect on the  
16 day before the date of enactment of this Act), shall con-  
17 tinue to be designated as a metropolitan planning organi-  
18 zation subject to section 5203 of title 49, United States  
19 Code (as added by this title), unless the Governor and  
20 units of general purpose local government that together  
21 represent at least 75 percent of the affected population,  
22 including the largest incorporated city (based on popu-  
23 lation) as determined by the Bureau of the Census, agree  
24 to terminate the designation.

1 (b) TREATMENT.—A metropolitan planning organiza-  
2 tion described in paragraph (1) shall be treated, for pur-  
3 poses of title 23, United States Code, and chapters 52 and  
4 53 of title 49, United States Code, the Transportation Eq-  
5 uity Act for the 21st Century (Public Law 105–178), and  
6 SAFETEA–LU (Public Law 109–59) as a metropolitan  
7 planning organization that is subject to the provisions of  
8 section 5203 of title 49, United States Code (as added  
9 by this title).

10 **SEC. 4003. FINANCIAL PLANS.**

11 Not later than 90 days after the date of enactment  
12 of this Act, the Secretary shall issue revised regulations  
13 under sections 5203 and 5204 of title 49, United States  
14 Code (as added by this title), to clarify that—

15 (1) a financial plan for a long-range transpor-  
16 tation plan or transportation improvement program  
17 is required to be updated not more than once every  
18 4 years;

19 (2) an amendment to a long-range transpor-  
20 tation plan or transportation improvement program  
21 does not require a review of the entire financial plan,  
22 but rather requires only a plan for covering any in-  
23 cremental costs associated with the amendment;

24 (3) project costs and revenue estimates used in  
25 developing a financial plan for a long-range plan

1 should be based on long-term trends, and need not  
2 be adjusted to reflect short-term fluctuations;

3 (4) the Department shall defer to the judgment  
4 of State and local governments regarding the mag-  
5 nitude of potential State and local revenue streams,  
6 including the likelihood that State or local govern-  
7 ments will approve tax increases, tolling, bonding, or  
8 other measures to increase revenues; and

9 (5) the requirement for a financial plan does  
10 not give the Secretary the authority or responsibility  
11 to determine the adequacy of a State or metropoli-  
12 tan area's funding levels for operation and mainte-  
13 nance of the transportation system.

14 **SEC. 4004. PLAN UPDATE.**

15 Not later than September 30, 2012, a State shall up-  
16 date its statewide strategic long-range transportation plan  
17 to comply with the requirements of section 5205 of title  
18 49, United States Code.

19 **SEC. 4005. STATE PLANNING AND RESEARCH FUNDING FOR**  
20 **TITLE 23.**

21 Section 505 of title 23, United States Code, is  
22 amended—

23 (1) in subsection (a)(5) by inserting “intercity  
24 bus,” after “public transportation,”; and

1           (2) in subsection (b)(1) by inserting “intercity  
2           bus,” after “public transportation,”.

3 **SEC. 4006. NATIONAL ACADEMY OF SCIENCES STUDY.**

4           (a) **STUDY.**—The Secretary shall enter into appro-  
5           priate arrangements with the National Academy of  
6           Sciences to conduct a study on the implementation of sec-  
7           tion 5206 of title 49, United States Code (as added by  
8           this title).

9           (b) **CONTENTS.**—The study shall—

10           (1) report on the timeliness of implementation,  
11           the quality and consistency of performance measure-  
12           ment practices, the costs of compliance, and impact  
13           on the transportation planning process;

14           (2) include recommendations for changes to im-  
15           prove implementation; and

16           (3) include recommendations for future addi-  
17           tions or changes to the performance categories as  
18           described in this section.

19           (c) **CONSULTATION.**—The National Academy of  
20           Sciences shall conduct the study required under this sec-  
21           tion in consultation with the Federal Highway Adminis-  
22           tration, Federal Transit Administration, American Asso-  
23           ciation of State Highway and Transportation Officials,  
24           American Public Transit Association, and Association of  
25           Metropolitan Planning Organizations.

1 (d) COMPLETION IN PHASES.—

2 (1) IN GENERAL.—The National Academy of  
3 Sciences shall complete the study in 2 phases, cor-  
4 responding to the major stages of implementation of  
5 section 5206 of title 49, United States Code.

6 (2) PHASE I.—Phase 1 of the study shall—

7 (A) address implementation of perform-  
8 ance measures; and

9 (B) be completed not later than 3 years  
10 after the date of enactment of this Act.

11 (3) PHASE II.—Phase 2 of the study shall—

12 (A) address implementation of perform-  
13 ance targets, as well as performance measures;  
14 and

15 (B) be completed not later than 5 years  
16 after the date of enactment of this Act.

17 **SEC. 4007. CONGESTION RELIEF.**

18 The Secretary shall—

19 (1) encourage States and metropolitan planning  
20 organizations to prioritize congestion relief projects  
21 in transportation improvement programs in order to  
22 improve the flow of commerce and the productivity  
23 of the Federal-aid system; and

24 (2) provide technical assistance and educational  
25 materials to States to quantify the economic, envi-

1       ronmental, and quality-of-life damage caused by  
2       traffic congestion as well as identify multiple options  
3       for solutions, including new roads and lanes, bottle-  
4       neck removal, and low-cost congestion relief projects.

## 5       **TITLE V—HIGHWAY SAFETY**

### 6       **SEC. 5001. AMENDMENTS TO TITLE 23, UNITED STATES**

#### 7                       **CODE.**

8       Except as otherwise expressly provided, whenever in  
9       this title an amendment or repeal is expressed in terms  
10      of an amendment to, or a repeal of, a section or other  
11      provision, the reference shall be considered to be made to  
12      a section or other provision of title 23, United States  
13      Code.

### 14      **SEC. 5002. AUTHORIZATION OF APPROPRIATIONS.**

15      (a) IN GENERAL.—The following sums are author-  
16      ized to be appropriated out of the Highway Trust Fund  
17      (other than the Alternative Transportation Account):

18              (1) HIGHWAY SAFETY PROGRAMS.—For car-  
19      rying out section 402 of title 23, United States  
20      Code, \$493,312,000 for each of fiscal years 2013  
21      through 2016.

22              (2) NATIONAL DRIVER REGISTER.—For the Na-  
23      tional Highway Traffic Safety Administration to  
24      carry out chapter 303 of title 49, United States

1 Code, \$4,116,000 for each of fiscal years 2013  
2 through 2016.

3 (3) ADMINISTRATIVE EXPENSES.—For adminis-  
4 trative and related operating expenses of the Na-  
5 tional Highway Traffic Safety Administration in car-  
6 rying out chapter 4 of title 23, United States Code,  
7 and this title (including the amendments made by  
8 this title) \$162,572,000 for each of fiscal years 2013  
9 through 2016.

10 (b) PROHIBITION ON OTHER USES.—Except as oth-  
11 erwise provided in chapter 4 of title 23, United States  
12 Code, and this title (including the amendments made by  
13 this title), the amounts made available from the Highway  
14 Trust Fund (other than the Alternative Transportation  
15 Account) for a program under that chapter shall be used  
16 only to carry out such program and may not be used by  
17 States or local governments for construction purposes.

18 (c) APPLICABILITY OF CHAPTER 1.—Except as oth-  
19 erwise provided in chapter 4 of title 23, United States  
20 Code, and this title (including the amendments made by  
21 this title), the amounts made available under subsection  
22 (a) for each of fiscal years 2013 through 2016 shall be  
23 available for obligation in the same manner as if such  
24 funds were apportioned under chapter 1 of title 23, United  
25 States Code.

1 **SEC. 5003. HIGHWAY SAFETY PROGRAMS.**

2 (a) IN GENERAL.—Section 402(a) is amended to  
3 read as follows:

4 “(a) STATE HIGHWAY SAFETY PROGRAMS.—

5 “(1) IN GENERAL.—Each State shall have a  
6 highway safety program that is subject to approval  
7 by the Secretary and is designed to reduce traffic  
8 crashes and the fatalities, injuries, and property  
9 damage resulting therefrom.

10 “(2) UNIFORM GUIDELINES.—A State’s high-  
11 way safety program under paragraph (1) shall be es-  
12 tablished and carried out in accordance with uniform  
13 guidelines promulgated by the Secretary, which shall  
14 be expressed in terms of performance criteria and  
15 shall include programs—

16 “(A) to reduce injuries and fatalities re-  
17 sulting from motor vehicles being driven in ex-  
18 cess of posted speed limits;

19 “(B) to encourage the proper use of occu-  
20 pant protection devices (including the use of  
21 seat belts and child restraints) by occupants of  
22 motor vehicles;

23 “(C) to reduce fatalities and injuries re-  
24 sulting from persons driving motor vehicles  
25 while impaired by alcohol or a controlled sub-  
26 stance;

1           “(D) to prevent crashes and reduce fatali-  
2 ties and injuries resulting from crashes involv-  
3 ing motor vehicles and motorcycles;

4           “(E) to reduce crashes resulting from un-  
5 safe driving behavior (including aggressive or  
6 fatigued driving and distracted driving arising  
7 from the use of electronic devices in vehicles);

8           “(F) to improve law enforcement activities  
9 relating to motor vehicle crash prevention, traf-  
10 fic supervision, and postcrash procedures;

11           “(G) to improve the timeliness, accuracy,  
12 completeness, uniformity, and accessibility of  
13 the safety data of States that is needed—

14           “(i) for activities relating to perform-  
15 ance targets established under subsection  
16 (m);

17           “(ii) to identify priorities for national,  
18 State, and local highway and traffic safety  
19 programs; and

20           “(iii) to improve the compatibility and  
21 interoperability of the data systems of each  
22 State with national data systems and the  
23 data systems of other States;

24           “(H) to improve driver performance, in-  
25 cluding through driver education, driver testing

1 to determine proficiency to operate motor vehi-  
2 cles, driver examinations (both physical and  
3 mental), and driver licensing; and

4 “(I) to improve pedestrian and bicycle  
5 safety.

6 “(3) RECORD SYSTEM.—The uniform guidelines  
7 promulgated under paragraph (2) shall include pro-  
8 visions for an effective record system of—

9 “(A) traffic crashes, including injuries and  
10 fatalities resulting therefrom;

11 “(B) crash investigation activities carried  
12 out to determine the probable causes of crashes,  
13 injuries, and fatalities;

14 “(C) vehicle registration, operation, and in-  
15 spection activities;

16 “(D) highway design and maintenance ac-  
17 tivities, including lighting, markings, and sur-  
18 face treatment activities;

19 “(E) traffic surveillance activities relating  
20 to the detection and correction of locations with  
21 a significant potential for crashes; and

22 “(F) emergency services.

23 “(4) APPLICABILITY OF GUIDELINES.—The  
24 uniform guidelines applicable to State highway safe-  
25 ty programs shall, to the extent determined appro-

1        appropriate by the Secretary, be applicable to federally ad-  
2        ministered areas where a Federal department or  
3        agency controls the highways or supervises traffic  
4        operations.”.

5        (b) ADMINISTRATION OF STATE PROGRAMS.—Sec-  
6        tion 402(b) is amended—

7                (1) in paragraph (1)—

8                        (A) in subparagraph (D) by striking “and”  
9                        at the end;

10                      (B) in subparagraph (E)—

11                              (i) in clause (i) by striking “national  
12                              law enforcement mobilizations” and insert-  
13                              ing “any national traffic safety law en-  
14                              forcement mobilizations coordinated by the  
15                              Secretary”; and

16                              (ii) by striking the period at the end  
17                              and inserting a semicolon; and

18                      (C) by adding at the end the following:

19                              “(F) demonstrate that the State has estab-  
20                              lished a highway safety data and traffic records  
21                              coordinating committee with a multidisciplinary  
22                              membership that includes, among others, man-  
23                              agers, collectors, and users of traffic records  
24                              and public health and injury control data sys-  
25                              tems;

1           “(G) demonstrate that the State has devel-  
2           oped a multiyear highway safety data and traf-  
3           fic records system strategic plan that—

4                   “(i) addresses existing deficiencies in  
5                   the State’s highway safety data and traffic  
6                   records system;

7                   “(ii) is approved by the State’s high-  
8                   way safety data and traffic records coordi-  
9                   nating committee;

10                  “(iii) specifies how existing defi-  
11                  ciencies in the State’s highway safety data  
12                  and traffic records system were identified;

13                  “(iv) prioritizes, on the basis of the  
14                  identified highway safety data and traffic  
15                  records system deficiencies of the State,  
16                  the highway safety data and traffic records  
17                  system needs and goals of the State;

18                  “(v) identifies performance-based  
19                  measures by which progress toward those  
20                  goals will be determined; and

21                  “(vi) specifies how funds apportioned  
22                  to the State under subsection (c) and any  
23                  other funds of the State are to be used to  
24                  address needs and goals identified in the  
25                  multiyear plan; and

1           “(H) demonstrate that an assessment or  
2           audit of the State’s highway safety data and  
3           traffic records system was conducted or up-  
4           dated during the 5-year period ending on the  
5           date on which such State highway safety pro-  
6           gram is submitted to the Secretary for ap-  
7           proval.”; and

8           (2) by striking paragraph (3).

9           (c) APPORTIONMENT OF FUNDS.—Section 402(c) is  
10          amended to read as follows:

11          “(c) APPORTIONMENT OF FUNDS.—

12                 “(1) IN GENERAL.—Funds made available to  
13                 carry out this section shall be used to aid States in  
14                 conducting the highway safety programs approved  
15                 under subsection (a).

16                 “(2) APPORTIONMENT FORMULA.—Funds de-  
17                 scribed in paragraph (1) shall be apportioned among  
18                 the States each fiscal year in the following manner:

19                         “(A) 62.5 percent in the ratio that the  
20                         population of each State bears to the total pop-  
21                         ulation of all States, as shown by the latest  
22                         available Federal census.

23                         “(B) 20 percent in the ratio that the pub-  
24                         lic road mileage in each State bears to the total  
25                         public road mileage in all States.

1           “(C) 10 percent only to States that have  
2           enacted and are enforcing a primary safety belt  
3           use law, in the ratio that the population of each  
4           such State bears to the total population of all  
5           such States, as shown by the latest available  
6           Federal census.

7           “(D) 5 percent only to States that have  
8           enacted and are enforcing an ignition interlock  
9           law, in the ratio that the population of each  
10          such State bears to the total population of all  
11          such States, as shown by the latest available  
12          Federal census.

13          “(E) 2.5 percent only to States that have  
14          enacted and are enforcing a graduated drivers  
15          licensing law, in the ratio that the population of  
16          each such State bears to the total population of  
17          all such States, as shown by the latest available  
18          Federal census.

19          “(3) MINIMUM APPORTIONMENT.—The annual  
20          apportionment under paragraph (2) to each State  
21          shall not be less than three-quarters of 1 percent of  
22          the total apportionment under that paragraph in the  
23          applicable fiscal year, except that the apportionment  
24          to the Secretary of the Interior shall not be less than  
25          1.5 percent of the total apportionment and the ap-

1       portionments to the Virgin Islands, Guam, American  
2       Samoa, and the Commonwealth of the Northern  
3       Mariana Islands shall not be less than one-quarter  
4       of 1 percent of the total apportionment.

5               “(4) IMPLEMENTATION OF APPROVED HIGHWAY  
6       SAFETY PROGRAMS.—

7               “(A) REQUIREMENT FOR RECEIVING AP-  
8       PORTIONMENTS.—The Secretary shall not ap-  
9       portion any funds under this section to any  
10      State that is not implementing a highway safety  
11      program approved by the Secretary under this  
12      section.

13              “(B) LIMITATIONS ON REQUIREMENTS RE-  
14      LATING TO MOTORCYCLE SAFETY HELMETS.—A  
15      highway safety program approved by the Sec-  
16      retary shall not include any requirement that a  
17      State implement such program by adopting or  
18      enforcing any law, rule, or regulation based on  
19      a guideline promulgated by the Secretary under  
20      this section that requires any motorcycle oper-  
21      ator 18 years of age or older or passenger 18  
22      years of age or older to wear a safety helmet  
23      when operating or riding a motorcycle on the  
24      streets and highways of that State.

1           “(C) COMPLIANCE WITH IMPLEMENTATION  
2 REQUIREMENTS.—Implementation of a highway  
3 safety program under this section shall not be  
4 construed to require the Secretary to require  
5 compliance with every uniform guideline pro-  
6 mulgated under this section, or with every ele-  
7 ment of every uniform guideline, in every State.

8           “(D) MINIMUM REQUIREMENTS FOR IM-  
9 PAIRED DRIVING HIGH RANGE STATES.—An im-  
10 paired driving high range State shall expend in  
11 a fiscal year, on projects and activities address-  
12 ing impaired driving, at least 30 percent of the  
13 funds apportioned to that State under para-  
14 graph (2) for that fiscal year.

15           “(E) AUTOMATED TRAFFIC ENFORCEMENT  
16 SYSTEMS.—

17           “(i) PROHIBITION.—A State may not  
18 expend funds apportioned to that State  
19 under paragraph (2) to carry out any pro-  
20 gram to purchase, operate, or maintain an  
21 automated traffic enforcement system.

22           “(ii) AUTOMATED TRAFFIC ENFORCE-  
23 MENT SYSTEM DEFINED.—In this subpara-  
24 graph, the term ‘automated traffic enforce-  
25 ment system’ means automated technology

1                   that monitors compliance with traffic  
2                   laws.”.

3           (d) MISCELLANEOUS.—Section 402 is amended—

4                   (1) in subsection (d) by striking “(d) All provi-  
5                   sions” and inserting “(d) APPLICABILITY OF CER-  
6                   TAIN PROVISIONS.—All provisions”;

7                   (2) in subsection (e) by striking “(e) Uniform  
8                   guidelines” and inserting “(e) COOPERATION.—Uni-  
9                   form guidelines”;

10                  (3) in subsection (f) by striking “(f) The Sec-  
11                  retary” and inserting “(f) DEPARTMENT AND AGEN-  
12                  CY PARTICIPATION.—The Secretary”;

13                  (4) in subsection (g)—

14                          (A) by striking “(g) Nothing in” and in-  
15                          serting “(g) LIMITATION ON FUNDS.—Nothing  
16                          in”;

17                          (B) by striking “for (1) highway construc-  
18                          tion” and inserting “for highway construction”;  
19                          and

20                          (C) by striking “guidelines) or” and all  
21                          that follows before the period at the end and in-  
22                          serting “guidelines) or for any purpose for  
23                          which funds are authorized under section  
24                          403(a)”;

25                  (5) by striking subsection (k); and

1           (6) by redesignating subsections (l) and (m) as  
2           subsections (k) and (l), respectively.

3           (e) HIGHWAY SAFETY PERFORMANCE MANAGE-  
4           MENT.—Section 402 (as amended by this Act) is further  
5           amended by adding at the end the following:

6           “(m) ESTABLISHMENT OF PERFORMANCE TAR-  
7           GETS.—

8           “(1) IN GENERAL.—The Governor of each State  
9           shall establish quantifiable performance targets for  
10          their State—

11           “(A) to be incorporated into the highway  
12          safety plan of the State under subsection (n)  
13          each year; and

14           “(B) with respect to, at a minimum—

15           “(i) the average number of fatalities  
16          in the State resulting from traffic crashes  
17          per 100,000,000 vehicle miles traveled;

18           “(ii) the average number of serious in-  
19          juries in the State resulting from traffic  
20          crashes per 100,000,000 vehicle miles trav-  
21          eled;

22           “(iii) the average number of traffic fa-  
23          talities in the State involving drivers or  
24          motorecycle operators with a blood alcohol

1 content of .08 or above per 100,000,000  
2 vehicle miles traveled;

3 “(iv) the average number of traffic  
4 crashes in the State involving drivers or  
5 motorcycle operators with a blood alcohol  
6 content of .08 or above per 100,000,000  
7 vehicle miles traveled;

8 “(v) the average number of unre-  
9 strained motor vehicle occupant fatalities,  
10 for all seat positions, in the State resulting  
11 from traffic crashes per 100,000,000 vehi-  
12 cle miles traveled; and

13 “(vi) the average number of motorcy-  
14clist fatalities in the State resulting from  
15 traffic crashes per 100,000,000 vehicle  
16 miles traveled.

17 “(2) CONSIDERATIONS IN ESTABLISHING PER-  
18 FORMANCE TARGETS.—In establishing performance  
19 targets for a State under this subsection, a Governor  
20 shall consider, at a minimum—

21 “(A) the number of fatalities in the State  
22 resulting from traffic crashes during the pre-  
23 ceding 3 years;

1           “(B) the number of serious injuries in the  
2           State resulting from traffic crashes during the  
3           preceding 3 years;

4           “(C) the extent to which vehicle miles trav-  
5           eled in the State may impact the number of fa-  
6           talities and serious injuries in the State result-  
7           ing from traffic crashes; and

8           “(D) data available from the Fatality  
9           Analysis Reporting System of the National  
10          Highway Traffic Safety Administration.

11          “(n) HIGHWAY SAFETY PLAN AND REPORTING RE-  
12          QUIREMENTS.—

13           “(1) IN GENERAL.—With respect to fiscal year  
14          2014, and each fiscal year thereafter, the Secretary  
15          shall require the Governor of each State, as a condi-  
16          tion of the approval of the State’s highway safety  
17          program for that fiscal year, to develop and submit  
18          to the Secretary for approval a highway safety plan  
19          applicable to that fiscal year in accordance with this  
20          subsection. The plan required under this paragraph  
21          may be incorporated into any other document re-  
22          quired to be submitted under this section.

23           “(2) TIMING.—Each Governor shall submit to  
24          the Secretary the highway safety plan of their State

1 not later than September 1 of the fiscal year pre-  
2 ceding the fiscal year to which the plan applies.

3 “(3) CONTENTS.—A State’s highway safety  
4 plan shall include, at a minimum—

5 “(A) current data with respect to each per-  
6 formance target established for the State under  
7 subsection (m);

8 “(B) for the fiscal year preceding the fiscal  
9 year to which the plan applies, a description of  
10 the State’s performance regarding each per-  
11 formance target category described in sub-  
12 section (m)(1)(B);

13 “(C) for the fiscal year preceding the fiscal  
14 year to which the plan applies, a description of  
15 the projects and activities for which the State  
16 obligated funding apportioned to the State  
17 under this section;

18 “(D) for the fiscal year to which the plan  
19 applies, the State’s strategy for using funds ap-  
20 portioned to the State under this section for  
21 projects and activities that will allow the State  
22 to meet the performance targets established for  
23 the State under subsection (m);

1           “(E) data and data analysis supporting the  
2 effectiveness of projects and activities proposed  
3 in the strategy under subparagraph (D);

4           “(F) a description of any Federal, State,  
5 local, or private funds that the State plans to  
6 use, in addition to funds apportioned to the  
7 State under this section, to carry out the  
8 State’s strategy under subparagraph (D); and

9           “(G) a certification that the State will  
10 maintain its aggregate expenditures for high-  
11 way safety activities, from sources other than  
12 funds apportioned to the State under this sec-  
13 tion, at or above the average level of such ex-  
14 penditures in the 2 fiscal years preceding the  
15 date of enactment of this subsection.

16           “(4) REVIEW OF HIGHWAY SAFETY PLANS.—

17           “(A) IN GENERAL.—Not later than 60  
18 days after the date on which the Secretary re-  
19 ceives a State’s highway safety plan, the Sec-  
20 retary shall approve or disapprove the plan.

21           “(B) APPROVALS AND DISAPPROVALS.—  
22 The Secretary shall approve or disapprove a  
23 State’s highway safety plan based on a review  
24 of the plan, including an evaluation of whether,  
25 in the Secretary’s judgment, the plan is evi-

1            dence-based, is supported by data and analysis,  
2            and, if implemented, will allow the State to  
3            meet the performance targets established for  
4            the State under subsection (m). The Secretary  
5            shall disapprove a State’s highway safety plan  
6            if the plan does not, in the Secretary’s judg-  
7            ment, provide for the evidenced-based use of  
8            funding in a manner sufficient to allow the  
9            State to meet performance targets.

10            “(C) ACTIONS UPON DISAPPROVAL.—If the  
11            Secretary disapproves a State’s highway safety  
12            plan, the Secretary shall inform the Governor of  
13            the State of the reasons for the disapproval and  
14            require the Governor to resubmit the plan with  
15            such modifications as the Secretary determines  
16            necessary.

17            “(D) REVIEW OF RESUBMITTED PLANS.—  
18            If the Secretary requires a Governor to resub-  
19            mit a highway safety plan with modifications,  
20            the Secretary shall approve or disapprove the  
21            modified plan not later than 30 days after the  
22            date on which the modified plan is submitted to  
23            the Secretary.

24            “(E) FUNDING ALLOCATIONS.—If a State  
25            failed to accomplish, as determined by the Sec-

1           retary, a performance target established for  
2           that State under subsection (m) in the fiscal  
3           year preceding the fiscal year to which a State  
4           highway safety plan under review applies, the  
5           Secretary shall require the following to be in-  
6           cluded in the highway safety plan under review:

7                   “(i) If the State failed to accomplish  
8                   a performance target established under  
9                   subsection (m)(1)(B)(iii) or (m)(1)(B)(iv),  
10                  a certification that the State will expend  
11                  funds apportioned to the State under this  
12                  section, during the fiscal year to which the  
13                  plan applies, for projects and activities ad-  
14                  dressing impaired driving in an amount  
15                  that is at least 5 percent more than the  
16                  amount expended on such projects and ac-  
17                  tivities in the preceding fiscal year using  
18                  such funds.

19                  “(ii) If the State failed to accomplish  
20                  a performance target established under  
21                  subsection (m)(1)(B)(v), a certification  
22                  that the State will expend funds appor-  
23                  tioned to the State under this section, dur-  
24                  ing the fiscal year to which the plan ap-  
25                  plies, for projects and activities addressing

1 occupant protection in an amount that is  
2 at least 5 percent more than the amount  
3 expended on such projects and activities in  
4 the preceding fiscal year using such funds.

5 “(iii) If the State failed to accomplish  
6 a performance target established under  
7 subsection (m)(1)(B)(vi), a certification  
8 that the State will expend funds appor-  
9 tioned to the State under this section, dur-  
10 ing the fiscal year to which the plan ap-  
11 plies, for projects and activities addressing  
12 motorcycle safety in an amount that is at  
13 least 5 percent more than the amount ex-  
14 pended on such projects and activities in  
15 the preceding fiscal year using such funds.

16 “(F) DATA.—

17 “(i) FATALITIES DATA.—A State’s  
18 compliance with performance targets relat-  
19 ing to fatalities shall be determined using  
20 the most recent data from the Fatality  
21 Analysis Reporting System of the National  
22 Highway Traffic Safety Administration.

23 “(ii) CRASH DATA.—A State’s compli-  
24 ance with performance targets relating to

1                   serious injuries shall be determined using  
2                   State crash data files.

3                   “(G) PUBLIC NOTICE.—A State shall make  
4                   each highway safety plan of the State available  
5                   to the public.

6                   “(o) ANNUAL REPORT TO CONGRESS.—Not later  
7 than October 1, 2015, and annually thereafter, the Sec-  
8 retary shall submit to the Committee on Transportation  
9 and Infrastructure of the House of Representatives and  
10 the Committee on Commerce, Science, and Transportation  
11 of the Senate a report containing—

12                   “(1) an evaluation of each State’s performance  
13 with respect to the State’s highway safety plan  
14 under subsection (n) and performance targets under  
15 subsection (m); and

16                   “(2) such recommendations as the Secretary  
17 may have for improvements to activities carried out  
18 under subsections (m) and (n).

19                   “(p) DEFINITIONS.—In this section, the following  
20 definitions apply:

21                   “(1) CHILD RESTRAINT.—The term ‘child re-  
22 straint’ means any product designed to provide re-  
23 straint to a child in a motor vehicle (including boost-  
24 er seats and other products used with a lap and  
25 shoulder belt assembly) that meets applicable Fed-

1 eral motor vehicle safety standards prescribed by the  
2 National Highway Traffic Safety Administration.

3 “(2) CONTROLLED SUBSTANCE.—The term  
4 ‘controlled substance’ has the meaning given that  
5 term in section 102 of the Controlled Substances  
6 Act (21 U.S.C. 802).

7 “(3) DRIVING WHILE INTOXICATED; DRIVING  
8 UNDER THE INFLUENCE.—The terms ‘driving while  
9 intoxicated’ and ‘driving under the influence’ have  
10 the meaning given those terms in section 164.

11 “(4) GRADUATED DRIVERS LICENSING LAW.—  
12 The term ‘graduated drivers licensing law’ means a  
13 law enacted by a State that requires, before the  
14 granting of an unrestricted driver’s license to indi-  
15 viduals under the age of 21 years, a 2-stage licens-  
16 ing process that includes the following:

17 “(A) A learner’s permit stage that—

18 “(i) allows for the acquisition of a  
19 learner’s permit by an individual not ear-  
20 lier than the date on which that individual  
21 attains 15 years and 6 months of age;

22 “(ii) is at least 6 months in duration;

23 “(iii) requires an individual with a  
24 learner’s permit to complete at least 30

1 hours of driving supervised by a licensed  
2 driver who is 21 years of age or older;

3 “(iv) requires an individual with a  
4 learner’s permit to be accompanied and su-  
5 pervised by a licensed driver who is 21  
6 years of age or older at all times when op-  
7 erating a motor vehicle; and

8 “(v) is in effect until the commence-  
9 ment of the intermediate stage or until the  
10 date on which the applicable individual at-  
11 tains 18 years of age.

12 “(B) An intermediate stage that—

13 “(i) applies to an individual imme-  
14 diately after the expiration of the learner’s  
15 permit stage for that individual;

16 “(ii) is at least 6 months in duration;

17 “(iii) prohibits the operation of a  
18 motor vehicle by an individual to whom the  
19 stage applies, if that individual is trans-  
20 porting more than one nonfamilial pas-  
21 senger under the age of 18 years and there  
22 is no licensed driver 21 years of age or  
23 older present in the motor vehicle; and

24 “(iv) prohibits an individual to whom  
25 the stage applies from operating a motor

1           vehicle between the hours of midnight and  
2           4 a.m., unless such individual is accom-  
3           panied and supervised by a licensed driver  
4           who is 21 years of age or older.

5           “(5) IMPAIRED DRIVING HIGH RANGE STATE.—  
6           The term ‘impaired driving high range State’ means  
7           a State that averaged more than .50 alcohol im-  
8           paired driving fatalities per 100,000,000 vehicle  
9           miles traveled, as determined using data from the  
10          Fatality Analysis Reporting System of the National  
11          Highway Traffic Safety Administration, for the most  
12          recent 3 years for which data are available.

13          “(6) IGNITION INTERLOCK DEVICE.—The term  
14          ‘ignition interlock device’ means an in-vehicle device  
15          that requires a driver to provide a breath sample  
16          prior to a motor vehicle starting and that prevents  
17          a motor vehicle from starting if the blood alcohol  
18          content of the driver is above the legal limit.

19          “(7) IGNITION INTERLOCK LAW.—The term ‘ig-  
20          nition interlock law’ means a law enacted by a State  
21          that requires throughout the State the installation of  
22          an ignition interlock device, for a minimum of 6  
23          months, on each motor vehicle operated by an indi-  
24          vidual who is convicted of driving while intoxicated  
25          or driving under the influence.

1           “(8) MOTOR VEHICLE.—The term ‘motor vehi-  
2           cle’ has the meaning given that term in section 157.

3           “(9) MOTORCYCLIST SAFETY TRAINING.—The  
4           term ‘motorcyclist safety training’ means a formal  
5           program of instruction that is approved for use in  
6           a State by the designated State authority having ju-  
7           risdiction over motorcyclist safety issues, which may  
8           include a State motorcycle safety administrator or a  
9           motorcycle advisory council appointed by the Gov-  
10          ernor of the State.

11          “(10) PRIMARY SAFETY BELT USE LAW.—The  
12          term ‘primary safety belt use law’ means a law en-  
13          acted by a State that—

14                 “(A) requires all occupants in the front  
15                 seat of a motor vehicle to utilize a seat belt  
16                 when the motor vehicle is being driven; and

17                 “(B) allows for a law enforcement officer  
18                 to stop a vehicle solely for the purpose of  
19                 issuing a citation for a violation of the require-  
20                 ment in subparagraph (A) in the absence of evi-  
21                 dence of another offense.

22          “(11) PROJECTS AND ACTIVITIES ADDRESSING  
23          IMPAIRED DRIVING.—The term ‘projects and activi-  
24          ties addressing impaired driving’ means projects and  
25          activities—

1           “(A) to develop and implement law en-  
2           forcement measures and tools designed to re-  
3           duce impaired driving, including training, edu-  
4           cation, equipment, and other methods of sup-  
5           port for law enforcement and criminal justice  
6           professionals;

7           “(B) to improve impaired driving prosecu-  
8           tion and adjudication, including the establish-  
9           ment of courts that specialize in impaired driv-  
10          ing cases;

11          “(C) to carry out safety campaigns relat-  
12          ing to impaired driving using paid media;

13          “(D) to provide inpatient and outpatient  
14          alcohol rehabilitation based on mandatory as-  
15          sessment and appropriate treatment;

16          “(E) to establish and improve information  
17          systems containing data on impaired driving; or

18          “(F) to establish and implement an igni-  
19          tion interlock system for individuals convicted  
20          of driving while intoxicated or driving under the  
21          influence.

22          “(12) PROJECTS AND ACTIVITIES ADDRESSING  
23          MOTORCYCLE SAFETY.—The term ‘projects and ac-  
24          tivities addressing motorcycle safety’ means projects  
25          and activities—

1           “(A) to improve the content and delivery of  
2 motorcyclist safety training curricula;

3           “(B) to support licensing, training, and  
4 safety education for motorcyclists, including  
5 new entrants;

6           “(C) to enhance motorcycle safety through  
7 public service announcements, including safety  
8 messages on road sharing, outreach, and public  
9 awareness activities; or

10           “(D) to provide for the safety of motorcy-  
11 clists through the promotion of appropriate pro-  
12 tective equipment.

13           “(13) PROJECTS AND ACTIVITIES ADDRESSING  
14 OCCUPANT PROTECTION.—The term ‘projects and  
15 activities addressing occupant protection’ means  
16 projects and activities—

17           “(A) to provide for occupant protection  
18 training, education, equipment, and other meth-  
19 ods of support for law enforcement and criminal  
20 justice professionals;

21           “(B) to carry out safety campaigns relat-  
22 ing to occupant protection using paid media;

23           “(C) to establish and improve information  
24 systems containing data on occupant protection;

1           “(D) to provide for training of firefighters,  
2 law enforcement officers, emergency medical  
3 services professionals, and others on the provi-  
4 sion of community child passenger safety serv-  
5 ices; or

6           “(E) to purchase child restraints for low-  
7 income families.

8           “(14) PUBLIC ROAD.—The term ‘public road’  
9 means any road under the jurisdiction of and main-  
10 tained by a public authority and open to public trav-  
11 el.

12           “(15) PUBLIC ROAD MILEAGE.—The term ‘pub-  
13 lic road mileage’ means the number of public road  
14 miles in a State as—

15           “(A) determined at the end of the calendar  
16 year preceding the year in which applicable  
17 funds are apportioned; and

18           “(B) certified by the Governor of the  
19 State, subject to approval by the Secretary.

20           “(16) SEAT BELT.—The term ‘seat belt’ has  
21 the meaning given that term in section 157.”.

22 **SEC. 5004. USE OF CERTAIN FUNDS MADE AVAILABLE FOR**  
23 **ADMINISTRATIVE EXPENSES.**

24           (a) IN GENERAL.—Section 403 is amended to read  
25 as follows:

1 **“§ 403. Use of certain funds made available for ad-**  
2 **ministrative expenses**

3 “(a) HIGHWAY SAFETY RESEARCH AND DEVELOP-  
4 MENT.—The Secretary is authorized to carry out, using  
5 funds made available out of the Highway Trust Fund  
6 (other than the Alternative Transportation Account)  
7 under section 5002(a)(3) of the American Energy and In-  
8 frastructure Jobs Act of 2012—

9 “(1) ongoing research into driver behavior and  
10 its effect on traffic safety;

11 “(2) research on, initiatives to counter, and  
12 demonstration projects on fatigued driving by driv-  
13 ers of motor vehicles and distracted driving in such  
14 vehicles, including the effect that the use of elec-  
15 tronic devices and other factors determined relevant  
16 by the Secretary have on driving;

17 “(3) training or education programs in coopera-  
18 tion with other Federal departments and agencies,  
19 States, private sector persons, highway safety per-  
20 sonnel, and law enforcement personnel;

21 “(4) research on and evaluations of the effec-  
22 tiveness of traffic safety countermeasures, including  
23 seat belts and impaired driving initiatives;

24 “(5) research on, evaluations of, and identifica-  
25 tion of best practices related to driver education pro-  
26 grams (including driver education curricula, instruc-

1       tor training and certification, program administra-  
2       tion, and delivery mechanisms) and make rec-  
3       ommendations for harmonizing driver education and  
4       multistage graduated licensing systems;

5               “(6) research, training, and education programs  
6       related to older drivers;

7               “(7) highway safety demonstration projects re-  
8       lated to driver behavior; and

9               “(8) research, training, and programs relating  
10      to motorcycle safety, including impaired driving.

11      “(b) HIGH VISIBILITY ENFORCEMENT PROGRAM.—

12              “(1) IN GENERAL.—The Administrator of the  
13      National Highway Traffic Safety Administration  
14      shall establish and administer, using funds made  
15      available out of the Highway Trust Fund (other  
16      than the Alternative Transportation Account) under  
17      section 5002(a)(3) of the American Energy and In-  
18      frastructure Jobs Act of 2012, a program under  
19      which at least 2 high-visibility traffic safety law en-  
20      forcement campaigns will be carried out for the pur-  
21      pose specified in paragraph (2) in each of fiscal  
22      years 2013 through 2016.

23              “(2) PURPOSE.—The purpose of each law en-  
24      forcement campaign under this subsection shall be  
25      to achieve one or more of the following objectives:

1           “(A) Reduce alcohol-impaired or drug-im-  
2           paired operation of motor vehicles.

3           “(B) Increase the use of seat belts by oc-  
4           cupants of motor vehicles.

5           “(C) Reduce distracted driving of motor  
6           vehicles.

7           “(3) ADVERTISING.—The Administrator may  
8           use, or authorize the use of, funds made available to  
9           carry out this subsection to pay for the development,  
10          production, and use of broadcast and print media  
11          advertising in carrying out law enforcement cam-  
12          paigns under this subsection. Consideration shall be  
13          given to advertising directed at non-English speak-  
14          ing populations, including those who listen to, read,  
15          or watch nontraditional media.

16          “(4) COORDINATION WITH STATES.—The Ad-  
17          ministrator shall coordinate with States in carrying  
18          out law enforcement campaigns under this sub-  
19          section, including advertising funded under para-  
20          graph (3), with a view toward—

21                 “(A) relying on States to provide the law  
22                 enforcement resources for the campaigns out of  
23                 funding available under this subsection and sec-  
24                 tion 402; and

1           “(B) providing out of National Highway  
2           Traffic Safety Administration resources most of  
3           the means necessary for national advertising  
4           and education efforts associated with the law  
5           enforcement campaigns.

6           “(5) ANNUAL EVALUATION.—The Secretary  
7           shall conduct an annual evaluation of the effective-  
8           ness of campaigns carried out under this subsection.

9           “(6) STATE DEFINED.—In this subsection, the  
10          term ‘State’ has the meaning given that term in sec-  
11          tion 401.

12          “(c) AVAILABILITY OF FUNDS.—The Secretary shall  
13          ensure that at least \$137,244,000 of the funds made avail-  
14          able out of the Highway Trust Fund (other than the Alter-  
15          native Transportation Account) under section 5002(a)(3)  
16          of the American Energy and Infrastructure Jobs Act of  
17          2012 each fiscal year are used for programs and activities  
18          authorized under this section.”.

19          (b) CLERICAL AMENDMENT.—The analysis for chap-  
20          ter 4 is amended by striking the item relating to section  
21          403 and inserting the following:

          “403. Use of certain funds made available for administrative expenses.”.

22          **SEC. 5005. REPEAL OF PROGRAMS.**

23          (a) GENERAL PROVISION.—A repeal made by this  
24          section shall not affect funds apportioned or allocated be-  
25          fore the effective date of the repeal.

1 (b) OCCUPANT PROTECTION INCENTIVE GRANTS.—  
2 Section 405, and the item relating to that section in the  
3 analysis for chapter 4, are repealed.

4 (c) SAFETY BELT PERFORMANCE GRANTS.—Section  
5 406, and the item relating to that section in the analysis  
6 for chapter 4, are repealed.

7 (d) INNOVATIVE PROJECT GRANTS.—Section 407,  
8 and the item relating to that section in the analysis for  
9 chapter 4, are repealed.

10 (e) STATE TRAFFIC SAFETY INFORMATION SYSTEM  
11 IMPROVEMENTS.—Section 408, and the item relating to  
12 that section in the analysis for chapter 4, are repealed.

13 (f) ALCOHOL-IMPAIRED DRIVING COUNTER-  
14 MEASURES.—Section 410, and the item relating to that  
15 section in the analysis for chapter 4, are repealed.

16 (g) STATE HIGHWAY SAFETY DATA IMPROVE-  
17 MENTS.—Section 411, and the item relating to that sec-  
18 tion in the analysis for chapter 4, are repealed.

19 (h) HIGH VISIBILITY ENFORCEMENT PROGRAM.—  
20 Section 2009 of SAFETEA-LU (23 U.S.C. 402 note; 119  
21 Stat. 1535), and the item relating to that section in the  
22 table of contents contained in section 1(b) of that Act,  
23 are repealed.

24 (i) MOTORCYCLIST SAFETY.—Section 2010 of  
25 SAFETEA-LU (23 U.S.C. 402 note; 119 Stat. 1535),

1 and the item relating to that section in the table of con-  
2 tents contained in section 1(b) of that Act, are repealed.

3 (j) CHILD SAFETY AND CHILD BOOSTER SEAT IN-  
4 CENTIVE GRANTS.—Section 2011 of SAFETEA–LU (23  
5 U.S.C. 405 note; 119 Stat. 1538), and the item relating  
6 to that section in the table of contents contained in section  
7 1(b) of that Act, are repealed.

8 (k) DRUG-IMPAIRED DRIVING ENFORCEMENT.—Sec-  
9 tion 2013 of SAFETEA–LU (23 U.S.C. 403 note; 119  
10 Stat. 1539), and the item relating to that section in the  
11 table of contents contained in section 1(b) of that Act,  
12 are repealed.

13 (l) FIRST RESPONDER VEHICLE SAFETY PRO-  
14 GRAM.—Section 2014 of SAFETEA–LU (23 U.S.C. 402  
15 note; 119 Stat. 1540), and the item relating to that sec-  
16 tion in the table of contents contained in section 1(b) of  
17 that Act, are repealed.

18 (m) RURAL STATE EMERGENCY MEDICAL SERVICES  
19 OPTIMIZATION PILOT PROGRAM.—Section 2016 of  
20 SAFETEA–LU (119 Stat. 1541), and the item relating  
21 to that section in the table of contents contained in section  
22 1(b) of that Act, are repealed.

23 (n) OLDER DRIVER SAFETY; LAW ENFORCEMENT  
24 TRAINING.—Section 2017 of SAFETEA–LU (119 Stat.  
25 1541), and the item relating to that section in the table

1 of contents contained in section 1(b) of that Act, are re-  
2 pealed.

3 **SEC. 5006. DISCOVERY AND ADMISSION AS EVIDENCE OF**  
4 **CERTAIN REPORTS AND SURVEYS.**

5 Section 409 is amended by striking “and 148” and  
6 inserting “148, and 402”.

7 **SEC. 5007. PROHIBITION ON FUNDS TO CHECK HELMET**  
8 **USAGE OR CREATE CHECKPOINTS FOR A MO-**  
9 **TORCYCLE DRIVER OR PASSENGER.**

10 The Secretary may not provide a grant or otherwise  
11 make available funding to a State, Indian tribe, county,  
12 municipality, or other local government to be used for any  
13 program to check helmet usage or create checkpoints for  
14 a motorcycle driver or passenger.

15 **SEC. 5008. NATIONAL DRIVER REGISTER.**

16 (a) ACCURACY OF INFORMATION.—Not later than  
17 October 1, 2013, to ensure the accuracy of information  
18 contained in the National Driver Register established  
19 under section 30302 of title 49, United States Code, the  
20 Secretary, in cooperation with the States, shall—

21 (1) establish and implement procedures to—

22 (A) ensure that participating States sub-  
23 mit reports required under section 30304(a) of  
24 such title with respect to a conviction not later  
25 than 31 days after receiving notice of the con-

1           viction, as required under section 30304(e)(2)  
2           of such title; and

3                   (B) verify and improve the accuracy of re-  
4           ports submitted for inclusion in the Register  
5           under section 30304 of such title; and

6           (2) establish and implement a process for—

7                   (A) the removal or modification of an in-  
8           valid or duplicative driver record contained in  
9           the Register; and

10                   (B) the verification of a request for the re-  
11           moval or modification of an invalid or duplica-  
12           tive driver record contained in the Register.

13           (b) REPORT TO CONGRESS.—Not later than Feb-  
14   ruary 1, 2013, and every February 1 thereafter, the Sec-  
15   retary shall submit to the Committee on Transportation  
16   and Infrastructure of the House of Representatives and  
17   the Committee on Commerce, Science, and Transportation  
18   of the Senate a report describing—

19                   (1) the timeliness and completeness of State  
20           submissions under section 30304 of title 49, United  
21           States Code;

22                   (2) the Department's efforts to monitor and en-  
23           sure compliance with the reporting requirements  
24           under such section; and



1       “(a) IN GENERAL.—Subject to subsection (f), there  
2 is authorized to be appropriated from the Highway Trust  
3 Fund (other than the Alternative Transportation Account)  
4 to carry out section 31102 \$247,000,000 for each of fiscal  
5 years 2013 through 2016.”.

6       (b) ADMINISTRATIVE TAKEDOWN.—

7           (1) IN GENERAL.—Section 31104(e) is amend-  
8 ed to read as follows:

9       “(e) DEDUCTION FOR ADMINISTRATIVE EX-  
10 PENSES.—

11           “(1) IN GENERAL.—On October 1 of each fiscal  
12 year (or as soon after that date as practicable), the  
13 Secretary may deduct, from amounts made available  
14 under subsection (a) for that fiscal year, not more  
15 than 1.25 percent of those amounts for administra-  
16 tive expenses incurred in carrying out section 31102  
17 in that fiscal year.

18           “(2) TRAINING.—The Secretary shall use at  
19 least 75 percent of the amounts deducted under  
20 paragraph (1) to train non-Government employees  
21 and to develop related training materials in carrying  
22 out section 31102.”.

23           (2) REPORT TO CONGRESS.—At the end of each  
24 fiscal year, the Secretary shall submit to Congress a  
25 report detailing the use of amounts deducted under

1 section 31104(e) of title 49, United States Code, as  
2 amended by paragraph (1) of this subsection.

3 (c) ALLOCATION CRITERIA.—Section 31104(f) is  
4 amended to read as follows:

5 “(f) ALLOCATION CRITERIA.—

6 “(1) IN GENERAL.—On October 1 of each fiscal  
7 year (or as soon after that date as practicable) and  
8 after making the deduction under subsection (e), the  
9 Secretary shall allocate amounts made available to  
10 carry out section 31102 for such fiscal year among  
11 the States that are eligible for grant funds under  
12 section 31102(f)(2).

13 “(2) ALLOCATION FORMULA.—The amounts  
14 made available to carry out section 31102 shall be  
15 allocated among the States in the following manner:

16 “(A) 20 percent in the ratio that—

17 “(i) the total public road mileage in  
18 each State; bears to

19 “(ii) the total public road mileage in  
20 all States.

21 “(B) 20 percent in the ratio that—

22 “(i) the total vehicle miles traveled in  
23 each State; bears to

24 “(ii) the total vehicle miles traveled in  
25 all States.

1 “(C) 20 percent in the ratio that—

2 “(i) the total population of each State  
3 (as shown in the annual census estimates  
4 issued by the Bureau of the Census); bears  
5 to

6 “(ii) the total population of all States  
7 (as shown in the annual census estimates  
8 issued by the Bureau of the Census).

9 “(D) 20 percent in the ratio that—

10 “(i) the total special fuel consumption  
11 (net after reciprocity adjustment) in each  
12 State (as determined by the Secretary);  
13 bears to

14 “(ii) the total special fuel consumption  
15 (net after reciprocity adjustment) in all  
16 States (as determined by the Secretary).

17 “(E) 10 percent only to those States that  
18 share a land border with another country and  
19 conduct border commercial motor vehicle safety  
20 programs and related activities (in this sub-  
21 paragraph referred to as a ‘border State’),  
22 with—

23 “(i) 70 percent of such amount to be  
24 allocated among border States in the ratio  
25 that—

1           “(I) the total number of inter-  
2           national commercial motor vehicle in-  
3           spections conducted within the bound-  
4           aries of each border State (as deter-  
5           mined by the Secretary); bears to

6           “(II) the total number of inter-  
7           national commercial motor vehicle in-  
8           spections conducted within the bound-  
9           aries of all border States (as deter-  
10          mined by the Secretary); and

11          “(ii) 30 percent of such amount to be  
12          allocated among border States in the ratio  
13          that—

14                 “(I) the total number of land  
15                 border crossing locations with State-  
16                 maintained commercial motor vehicle  
17                 safety enforcement infrastructure  
18                 within the boundaries of each border  
19                 State (as determined by the Sec-  
20                 retary); bears to

21                 “(II) the total number of land  
22                 border crossing locations with State-  
23                 maintained commercial motor vehicle  
24                 safety enforcement infrastructure  
25                 within the boundaries of all border

1 States (as determined by the Sec-  
2 retary).

3 “(F) 10 percent only to those States that  
4 reduce the rate of large truck-involved fatal ac-  
5 cidents in the State for the most recent cal-  
6 endar year for which data are available when  
7 compared to the average rate of large truck-in-  
8 volved fatal accidents in the State for the 10-  
9 year period ending on the last day preceding  
10 that calendar year (in this subparagraph re-  
11 ferred to as an ‘eligible State’), with—

12 “(i) 25 percent of such amount to be  
13 allocated among eligible States in the ratio  
14 that—

15 “(I) the total public road mileage  
16 in each eligible State; bears to

17 “(II) the total public road mile-  
18 age in all eligible States;

19 “(ii) 25 percent of such amount to be  
20 allocated among eligible States in the ratio  
21 that—

22 “(I) the total vehicle miles trav-  
23 eled in each eligible State; bears to

24 “(II) the total vehicle miles trav-  
25 eled in all eligible States;

1           “(iii) 25 percent of such amount to be  
2 allocated among eligible States in the ratio  
3 that—

4                   “(I) the total population of each  
5 eligible State (as shown in the annual  
6 census estimates issued by the Bureau  
7 of the Census); bears to

8                   “(II) the total population of all  
9 eligible States (as shown in the an-  
10 nual census estimates issued by the  
11 Bureau of the Census); and

12           “(iv) 25 percent of such amount to be  
13 allocated among eligible States in the ratio  
14 that—

15                   “(I) the total special fuel con-  
16 sumption (net after reciprocity adjust-  
17 ment) in each eligible State (as deter-  
18 mined by the Secretary); bears to

19                   “(II) the total special fuel con-  
20 sumption (net after reciprocity adjust-  
21 ment) in all eligible States (as deter-  
22 mined by the Secretary).

23           “(3) MAXIMUM AND MINIMUM ALLOCATIONS.—

24                   “(A) MAXIMUM ALLOCATION.—The alloca-  
25 tion under subparagraphs (A) through (D) of

1 paragraph (2) for a fiscal year to each State  
2 (excluding the Virgin Islands, American Samoa,  
3 Guam, and the Northern Mariana Islands) shall  
4 be not greater than 4.944 percent of the total  
5 allocation under those subparagraphs in that  
6 fiscal year.

7 “(B) MINIMUM ALLOCATION.—The alloca-  
8 tion under paragraph (2) for a fiscal year to  
9 each State (excluding the Virgin Islands, Amer-  
10 ican Samoa, Guam, and the Northern Mariana  
11 Islands) shall be not less than 0.44 percent of  
12 the total allocation under that paragraph in  
13 that fiscal year.

14 “(C) ALLOCATION TO TERRITORIES.—The  
15 annual allocation to each of the Virgin Islands,  
16 American Samoa, Guam, and the Northern  
17 Mariana Islands shall be \$350,000.”.

18 (d) ADMINISTRATIVE EXPENSES.—Section 31104(i)  
19 is amended—

20 (1) by striking paragraph (1) and inserting the  
21 following:

22 “(1) AUTHORIZATION OF APPROPRIATIONS.—  
23 There is authorized to be appropriated from the  
24 Highway Trust Fund (other than the Alternative  
25 Transportation Account) for the Secretary of Trans-

1 portation to pay administrative expenses of the Fed-  
2 eral Motor Carrier Safety Administration  
3 \$244,144,000 for each of fiscal years 2013 through  
4 2016.”; and

5 (2) by adding at the end the following:

6 “(3) OUTREACH AND EDUCATION.—

7 “(A) IN GENERAL.—Using the funds au-  
8 thorized by this subsection, the Secretary shall  
9 conduct an outreach and education program to  
10 be administered by the Administrator of the  
11 Federal Motor Carrier Safety Administration in  
12 cooperation with the Administrator of the Na-  
13 tional Highway Traffic Safety Administration.

14 “(B) PROGRAM ELEMENTS.—The program  
15 shall include, at a minimum, the following:

16 “(i) A program to promote a more  
17 comprehensive and national effort to edu-  
18 cate commercial motor vehicle operators  
19 and passenger vehicle drivers about how  
20 such operators and drivers can more safely  
21 share the road with each other.

22 “(ii) A program to promote enhanced  
23 traffic enforcement efforts aimed at reduc-  
24 ing the incidence of the most common un-  
25 safe driving behaviors that cause or con-

1           tribute to crashes involving commercial  
2           motor vehicles and passenger vehicles.

3           “(iii) A program to establish a public-  
4           private partnership to provide resources  
5           and expertise for the development and dis-  
6           semination of information relating to shar-  
7           ing the road referred to in clauses (i) and  
8           (ii) to each partner’s constituents and to  
9           the general public through the use of bro-  
10          chures, videos, paid and public advertise-  
11          ments, the Internet, and other media.”.

12 **SEC. 6102. GRANT PROGRAMS.**

13       (a) **AUTHORIZATION OF APPROPRIATIONS.**—There  
14 are authorized to be appropriated from the Highway Trust  
15 Fund (other than the Alternative Transportation Account)  
16 the following sums for the following Federal Motor Carrier  
17 Safety Administration programs:

18           (1) **COMMERCIAL DRIVER’S LICENSE PROGRAM**  
19           **IMPLEMENTATION GRANTS.**—For commercial driv-  
20           er’s license program implementation grants under  
21           section 31313 of title 49, United States Code,  
22           \$30,000,000 for each of fiscal years 2013 through  
23           2016.

24           (2) **COMMERCIAL VEHICLE INFORMATION SYS-**  
25           **TEMS AND NETWORKS DEPLOYMENT.**—For carrying

1 out the commercial vehicle information systems and  
2 networks deployment program under section 4126 of  
3 SAFETEA-LU (119 Stat. 1738) \$30,000,000 for  
4 each of fiscal years 2013 through 2016.

5 (b) PERIOD OF AVAILABILITY.—The amounts made  
6 available under this section shall remain available until ex-  
7 pended.

8 (c) INITIAL DATE OF AVAILABILITY.—Amounts au-  
9 thorized to be appropriated from the Highway Trust Fund  
10 (other than the Alternative Transportation Account) by  
11 this section shall be available for obligation on the date  
12 of their apportionment or allocation or on October 1 of  
13 the fiscal year for which they are authorized, whichever  
14 occurs first.

15 (d) CONTRACT AUTHORITY.—Approval by the Sec-  
16 retary of a grant with funds made available under this  
17 section imposes upon the United States a contractual obli-  
18 gation for payment of the Government's share of costs in-  
19 curred in carrying out the objectives of the grant.

## 20 **Subtitle B—Registration**

### 21 **SEC. 6201. REGISTRATION REQUIREMENTS.**

22 (a) GENERAL REQUIREMENTS.—Section 13901 is  
23 amended to read as follows:

1 **“§ 13901. Requirement for registration**

2 “(a) IN GENERAL.—A person may provide the fol-  
3 lowing transportation or services only if the person is reg-  
4 istered under this chapter to provide the transportation  
5 or service:

6 “(1) Transportation as a motor carrier subject  
7 to jurisdiction under subchapter I of chapter 135.

8 “(2) Service as a freight forwarder subject to  
9 jurisdiction under subchapter III of chapter 135.

10 “(3) Service as a broker for transportation sub-  
11 ject to jurisdiction under subchapter I of chapter  
12 135.

13 “(b) REGISTRATION NUMBERS.—

14 “(1) IN GENERAL.—If the Secretary registers a  
15 person under this chapter to provide transportation  
16 or service, including as a motor carrier, freight for-  
17 warder, or broker, the Secretary shall issue a dis-  
18 tinctive registration number to the person for the  
19 transportation or service. In the case of a person  
20 registered by the Secretary to provide more than one  
21 type of transportation or service, the Secretary shall  
22 issue a separate registration number to the person  
23 for each authority to provide transportation or serv-  
24 ice.

25 “(2) TRANSPORTATION OR SERVICE TYPE INDI-  
26 CATOR.—A registration number issued under para-

1 graph (1) shall include an indicator of the type of  
2 transportation or service for which the registration  
3 number is issued, including whether the registration  
4 number is issued for registration of a motor carrier,  
5 freight forwarder, or broker.

6 “(c) SPECIFICATION OF AUTHORITY.—For each  
7 agreement to provide transportation or service for which  
8 registration is required under this chapter, the registrant  
9 shall specify, in writing, the authority under which the  
10 person is providing the transportation or service.”.

11 (b) AVAILABILITY OF INFORMATION.—

12 (1) IN GENERAL.—Chapter 139 is amended by  
13 adding at the end the following:

14 **“§ 13909. Availability of information**

15 “The Secretary shall make information relating to  
16 registration and financial security required by this chapter  
17 publicly available on the Internet, including—

18 “(1) the names and addresses of the principals  
19 of each entity holding such registration;

20 “(2) the status of such registration; and

21 “(3) the electronic address of the entity’s surety  
22 provider for the submission of claims.”.

23 (2) CONFORMING AMENDMENT.—The analysis  
24 for such chapter is amended by adding at the end  
25 the following:

“13909. Availability of information.”.

1 **SEC. 6202. MOTOR CARRIER REGISTRATION.**

2 (a) MOTOR CARRIER GENERALLY.—Section  
3 13902(a) is amended—

4 (1) by striking paragraph (1) and inserting the  
5 following:

6 “(1) IN GENERAL.—Except as provided in this  
7 section, the Secretary shall register a person to pro-  
8 vide transportation subject to jurisdiction under sub-  
9 chapter I of chapter 135 as a motor carrier using  
10 self-propelled vehicles the motor carrier owns, rents,  
11 or leases if the Secretary finds that the person—

12 “(A) is willing and able to comply with—

13 “(i) this part and the applicable regu-  
14 lations of the Secretary and the Board;

15 “(ii) any safety regulations imposed  
16 by the Secretary;

17 “(iii) the duties of employers and em-  
18 ployees established by the Secretary under  
19 section 31135;

20 “(iv) the safety fitness requirements  
21 established by the Secretary under section  
22 31144;

23 “(v) the accessibility requirements es-  
24 tablished by the Secretary under subpart  
25 H of part 37 of title 49, Code of Federal  
26 Regulations, or a successor regulation, for

1 transportation provided by an over-the-  
2 road bus; and

3 “(vi) the minimum financial responsi-  
4 bility requirements established by the Sec-  
5 retary pursuant to sections 13906 and  
6 31138;

7 “(B) has demonstrated, through successful  
8 completion of a proficiency examination, to be  
9 developed by the Secretary by regulation,  
10 knowledge of the requirements and regulations  
11 described in subparagraph (A);

12 “(C) has disclosed to the Secretary any re-  
13 lationship involving common stock, common  
14 ownership, common control, common manage-  
15 ment, or common familial relationship between  
16 that person and any other motor carrier in the  
17 3-year period preceding the date of the filing of  
18 the application for registration; and

19 “(D) has been issued a Department of  
20 Transportation number under section 31134.”;  
21 and

22 (2) by adding at the end the following:

23 “(6) SEPARATE REGISTRATION REQUIRED.—A  
24 motor carrier may not broker transportation services

1 unless the motor carrier has registered as a broker  
2 under this chapter.”.

3 (b) ENHANCED REGISTRATION PROCEDURES FOR  
4 HOUSEHOLD GOODS MOTOR CARRIERS.—

5 (1) IN GENERAL.—Section 13902(a)(2) is  
6 amended to read as follows:

7 “(2) REGISTRATION FOR HOUSEHOLD GOODS  
8 MOTOR CARRIERS.—

9 “(A) ADDITIONAL REQUIREMENTS.—In  
10 addition to meeting the requirements of para-  
11 graph (1), the Secretary may register a person  
12 to provide transportation of household goods as  
13 a household goods motor carrier only after the  
14 person—

15 “(i) provides evidence of participation  
16 in an arbitration program under section  
17 14708 and provides a copy of the notice of  
18 the arbitration program as required by sec-  
19 tion 14708(b)(2);

20 “(ii) identifies the motor carrier’s tar-  
21 iff and provides a copy of the notice of the  
22 availability of that tariff for inspection as  
23 required by section 13702(c);

24 “(iii) provides evidence that the per-  
25 son has access to, has read, is familiar

1 with, and will observe all applicable Fed-  
2 eral laws relating to consumer protection,  
3 estimating, consumers' rights and respon-  
4 sibilities, and options for limitations of li-  
5 ability for loss and damage;

6 “(iv) discloses any relationship involv-  
7 ing common stock, common ownership,  
8 common control, common management, or  
9 common familial relationships between the  
10 person and any other motor carrier, freight  
11 forwarder, or broker of household goods  
12 within 3 years of the proposed date of reg-  
13 istration;

14 “(v) demonstrates that the person is  
15 willing and able to comply with the house-  
16 hold goods consumer protection rules of  
17 the Secretary; and

18 “(vi) demonstrates, through successful  
19 completion of a proficiency examination, to  
20 be developed by the Secretary by regula-  
21 tion, knowledge of the requirements and  
22 regulations described in this subparagraph.

23 “(B) HOUSEHOLD GOODS AUDITS.—

24 “(i) IN GENERAL.—The Secretary  
25 shall require, by regulation, each registrant

1 described in subparagraph (A) to undergo  
2 a household goods audit during the 180-  
3 day period beginning 1 year after the date  
4 of issuance of a provisional registration to  
5 the registrant.

6 “(ii) REGULATIONS.—

7 “(I) DEADLINE.—The Secretary  
8 shall issue regulations under clause (i)  
9 not later than 2 years after the date  
10 of enactment of the Motor Carrier  
11 Safety, Efficiency, and Accountability  
12 Act of 2012.

13 “(II) ISSUANCE OF STAND-  
14 ARDS.—The regulations shall include  
15 standards for household goods audits.

16 “(iii) CONTENTS.—The Secretary  
17 shall ensure that the standards issued  
18 under clause (ii)(II) require evidence dem-  
19 onstrating that a registrant described in  
20 subparagraph (A)—

21 “(I) has consistently adhered to  
22 the household goods regulations of the  
23 Secretary;

24 “(II) has consistently adhered to  
25 the requirements of its tariff;

1                   “(III) has not wrongfully with-  
2 held the household goods of a cus-  
3 tomer;

4                   “(IV) has not had a pattern of  
5 substantiated customer service com-  
6 plaints filed against it; and

7                   “(V) has complied with all rel-  
8 evant arbitration requirements.

9                   “(C) CORRECTIVE ACTION PLAN.—

10                   “(i) IN GENERAL.—If a registrant de-  
11 scribed in subparagraph (A) fails a house-  
12 hold goods audit, the registrant may sub-  
13 mit to the Secretary for approval a correc-  
14 tive action plan to address deficiencies  
15 identified in the audit. The registrant shall  
16 submit the plan during the 60-day period  
17 beginning on the date the registrant is no-  
18 tified of the results of the audit.

19                   “(ii) DEADLINE FOR APPROVAL OR  
20 DISAPPROVAL.—The Secretary shall ap-  
21 prove or disapprove a corrective action  
22 plan submitted under clause (i) not later  
23 than 60 days after the date of submission  
24 of the plan.

1           “(iii) ASSESSMENT OF IMPLEMENTA-  
2           TION OF CORRECTIVE ACTION PLAN.—If  
3           the Secretary approves a corrective action  
4           plan submitted by a registrant under  
5           clause (i), the Secretary shall determine,  
6           during the 1-year period beginning on the  
7           date of such approval, whether the reg-  
8           istrant has carried out the plan satisfac-  
9           torily.

10          “(D) PROVISIONAL REGISTRATION.—

11                 “(i) IN GENERAL.—Any registration  
12                 issued under subparagraph (A) shall be  
13                 designated as a provisional registration  
14                 until the audit required by subparagraph  
15                 (B) is completed.

16                 “(ii) REQUIREMENT FOR ISSUANCE  
17                 OF PERMANENT REGISTRATION.—A provi-  
18                 sional registration issued to a registrant  
19                 under subparagraph (A) shall become per-  
20                 manent after the registrant—

21                         “(I) passes the household goods  
22                         audit required under subparagraph  
23                         (B); or

1                   “(II) implements to the satisfac-  
2                   tion of the Secretary a corrective ac-  
3                   tion plan under subparagraph (C).

4                   “(iii) REVOCATION OF PROVISIONAL  
5                   REGISTRATION.—If a registrant fails a  
6                   household goods audit required under sub-  
7                   paragraph (B) or does not implement to  
8                   the satisfaction of the Secretary a correc-  
9                   tive action plan under subparagraph (C),  
10                  the Secretary shall revoke the provisional  
11                  registration of the registrant.

12                  “(E) REAPPLYING FOR REGISTRATION.—

13                  “(i) IN GENERAL.—Nothing in this  
14                  paragraph permanently prohibits a person  
15                  from reapplying for registration to provide  
16                  transportation of household goods as a  
17                  household goods motor carrier.

18                  “(ii) LIMITATION.—If the Secretary  
19                  revokes the provisional registration of a  
20                  person under this paragraph, the person  
21                  shall be required to wait at least 1 year be-  
22                  fore reapplying for a registration to pro-  
23                  vide transportation of household goods as  
24                  a household goods motor carrier.”.

1           (2) RULEMAKING.—Not later than 2 years after  
2 the date of enactment of this Act, the Secretary  
3 shall issue a final rule establishing the proficiency  
4 examination referred to in section  
5 13902(a)(2)(A)(vi) of title 49, United States Code,  
6 as amended by paragraph (1).

7           (c) REGISTRATION AS FREIGHT FORWARDER OR  
8 BROKER REQUIRED.—Section 13902 is amended—

9           (1) by redesignating subsection (g) as sub-  
10 section (h); and

11           (2) by inserting after subsection (f) the fol-  
12 lowing:

13           “(g) REGISTRATION AS FREIGHT FORWARDER OR  
14 BROKER REQUIRED.—A motor carrier registered under  
15 this chapter—

16           “(1) may only provide transportation of prop-  
17 erty with—

18           “(A) self-propelled motor vehicles owned or  
19 leased by the motor carrier; or

20           “(B) interchanges, as permitted under reg-  
21 ulations issued by the Secretary and subject to  
22 requirements that the originating carrier phys-  
23 ically transports the cargo at some point and  
24 retains liability for the cargo and payment of  
25 interchanged carriers; and



1       “(c) EXPERIENCE OR TRAINING REQUIREMENT.—A  
2 freight forwarder shall employ, as an officer, an individual  
3 who—

4               “(1) has at least 3 years of relevant experience;  
5       or

6               “(2) provides the Secretary with satisfactory  
7 evidence of completion of relevant training.

8       “(d) REGISTRATION AS MOTOR CARRIER RE-  
9 QUIRED.—A freight forwarder may not provide transpor-  
10 tation as a motor carrier unless the freight forwarder has  
11 registered separately under this chapter to provide trans-  
12 portation as a motor carrier.”.

13       (b) REGISTRATION OF BROKERS.—Section 13904 is  
14 amended to read as follows:

15 **“§ 13904. Registration of brokers**

16       “(a) IN GENERAL.—The Secretary shall register a  
17 person to be a broker for transportation of property sub-  
18 ject to jurisdiction under subchapter I of chapter 135, if  
19 the Secretary finds that the person—

20               “(1) is qualified by experience to act as a  
21 broker for transportation; and

22               “(2) is fit, willing, and able to be a broker for  
23 transportation and to comply with this part and ap-  
24 plicable regulations of the Secretary.

1       “(b) FINANCIAL SECURITY REQUIREMENTS.—A reg-  
2 istration issued under subsection (a) shall remain in effect  
3 only as long as the broker for transportation is in compli-  
4 ance with section 13906(b).

5       “(c) EXPERIENCE OR TRAINING REQUIREMENT.—A  
6 broker shall employ, as an officer, an individual who—

7               “(1) has at least 3 years of relevant experience;

8               or

9               “(2) provides the Secretary with satisfactory  
10 evidence of completion of relevant training.

11       “(d) REGISTRATION AS MOTOR CARRIER RE-  
12 QUIRED.—

13               “(1) IN GENERAL.—A broker for transportation  
14 may not provide transportation as a motor carrier  
15 unless the broker has registered separately under  
16 this chapter to provide transportation as a motor  
17 carrier.

18               “(2) LIMITATION.—This subsection does not  
19 apply to a motor carrier registered under this chap-  
20 ter or to an employee or agent of the motor carrier  
21 to the extent the transportation is to be provided en-  
22 tirely by the motor carrier.

23       “(e) REGULATIONS TO PROTECT MOTOR CARRIERS  
24 AND SHIPPERS.—Regulations of the Secretary applicable  
25 to brokers registered under this section shall provide for

1 the protection of motor carriers and shippers by motor ve-  
2 hicle.

3 “(f) BOND AND INSURANCE.—The Secretary may im-  
4 pose on brokers for motor carriers of passengers such re-  
5 quirements for bonds or insurance (or both) as the Sec-  
6 retary determines are needed to protect passengers and  
7 carriers dealing with such brokers.”.

8 **SEC. 6204. EFFECTIVE PERIODS OF REGISTRATION.**

9 Section 13905(c) is amended to read as follows:

10 “(c) EFFECTIVE PERIOD.—

11 “(1) IN GENERAL.—Except as provided in this  
12 part, each registration issued under section 13902,  
13 13903, or 13904 shall be effective from the date  
14 specified by the Secretary and shall remain in effect  
15 for such period as the Secretary determines appro-  
16 priate by regulation.

17 “(2) REISSUANCE OF REGISTRATION.—Not  
18 later than 4 years after the date of enactment of the  
19 Motor Carrier Safety, Efficiency, and Accountability  
20 Act of 2012, the Secretary shall require a freight  
21 forwarder or broker to renew its registration issued  
22 under this chapter. Such registration shall expire not  
23 later than 5 years after the date of such renewal and  
24 may be further renewed as provided under this chap-  
25 ter.

1           “(3) REQUIREMENT FOR INFORMATION UP-  
2           DATE.—

3           “(A) IN GENERAL.—The Secretary shall  
4           require a motor carrier, freight forwarder, or  
5           broker to update its registration information  
6           under this chapter within 30 days of any  
7           change in address, other contact information,  
8           officers, process agent, or other essential infor-  
9           mation as determined by the Secretary and  
10          published in the Federal Register.

11          “(B) MOTOR CARRIERS OF PASSENGERS.—  
12          In addition to the requirements of subpara-  
13          graph (A), the Secretary shall require a motor  
14          carrier of passengers to update its registration  
15          information, including numbers of vehicles, an-  
16          nual mileage, and individuals responsible for  
17          compliance with Federal safety regulations  
18          quarterly for the first 2 years after being issued  
19          a registration under section 13902.”.

20   **SEC. 6205. REINCARNATED CARRIERS.**

21          (a) DENIALS, SUSPENSIONS, AMENDMENTS, AND  
22          REVOCATIONS.—Section 13905(d) is amended—

23                  (1) by redesignating paragraph (2) as para-  
24          graph (4);

1           (2) by striking paragraph (1) and inserting the  
2 following:

3           “(1) APPLICATIONS.—On application of the  
4 registrant, the Secretary may deny, suspend, amend,  
5 or revoke a registration.

6           “(2) COMPLAINTS AND ACTIONS ON SEC-  
7 RETARY’S OWN INITIATIVE.—On complaint or on the  
8 Secretary’s own initiative and after notice and an  
9 opportunity for a proceeding, the Secretary may—

10           “(A) deny, suspend, amend, or revoke any  
11 part of the registration of a motor carrier,  
12 broker, or freight forwarder for willful failure to  
13 comply with—

14                   “(i) this part;

15                   “(ii) an applicable regulation or order  
16 of the Secretary or the Board, including  
17 the accessibility requirements established  
18 by the Secretary under subpart H of part  
19 37 of title 49, Code of Federal Regula-  
20 tions, or a successor regulation, for trans-  
21 portation provided by an over-the-road bus;  
22 or

23                   “(iii) a condition of its registration;

1           “(B) deny, suspend, amend, or revoke any  
2 part of the registration of a motor carrier,  
3 broker, or freight forwarder for failure to—

4                   “(i) pay a civil penalty imposed under  
5 chapter 5, 51, 149, or 311 of this title; or

6                   “(ii) arrange and abide by an accept-  
7 able payment plan for such civil penalty,  
8 within 90 days of the time specified by  
9 order of the Secretary for the payment of  
10 such penalty; and

11           “(C) deny, suspend, amend, or revoke any  
12 part of a registration of a motor carrier fol-  
13 lowing a determination by the Secretary that  
14 the motor carrier failed to disclose in its appli-  
15 cation for registration a material fact relevant  
16 to its willingness and ability to comply with—

17                   “(i) this part;

18                   “(ii) an applicable regulation or order  
19 of the Secretary or the Board; or

20                   “(iii) a condition of its registration.

21           “(3) LIMITATION.—Paragraph (2)(B) shall not  
22 apply to any person who is unable to pay a civil pen-  
23 alty because such person is a debtor in a case under  
24 chapter 11 of title 11.”; and

1           (3) in paragraph (4) (as redesignated by sub-  
2           paragraph (A) of this paragraph) by striking “para-  
3           graph (1)(B)” and inserting “paragraph (2)(B)”.

4           (b) PROCEDURE.—Section 13905(e) is amended by  
5           inserting “or if the Secretary determines that the reg-  
6           istrant has failed to disclose a material fact in an applica-  
7           tion for registration in accordance with subsection  
8           (d)(2)(C)” before the first comma.

9           (c) DUTIES OF EMPLOYERS AND EMPLOYEES.—Sec-  
10          tion 31135 is amended—

11           (1) by redesignating subsection (d) as sub-  
12          section (e); and

13           (2) by inserting after subsection (c) the fol-  
14          lowing:

15          “(d) AVOIDING COMPLIANCE.—

16           “(1) IN GENERAL.—Two or more employers  
17          shall not use common ownership, common manage-  
18          ment, common control, or common familial relation-  
19          ship to enable any or all such employers to avoid  
20          compliance, or mask or otherwise conceal noncompli-  
21          ance, or a history of noncompliance, with commercial  
22          motor vehicle safety regulations issued under this  
23          subchapter or an order of the Secretary issued under  
24          this subchapter or such regulations.

1           “(2) PENALTY.—If the Secretary determines  
2           that actions described in the preceding sentence have  
3           occurred, the Secretary shall—

4                   “(A) deny, suspend, amend, or revoke all  
5                   or part of any such employer’s registration  
6                   under sections 13905 and 31134; and

7                   “(B) take into account such noncompliance  
8                   for purposes of determining civil penalty  
9                   amounts under section 521(b)(2)(D).”.

10          (d) INFORMATION SYSTEMS.—Section 31106(a)(3) is  
11          amended—

12               (1) in subparagraph (F) by striking “and” at  
13               the end;

14               (2) in subparagraph (G) by striking the period  
15               at the end and inserting “; and”; and

16               (3) by adding at the end the following:

17                   “(H) determine whether a motor carrier is  
18                   or has been related, through common stock,  
19                   common ownership, common control, common  
20                   management, or common familial relationship  
21                   to any other motor carrier.”.

1 **SEC. 6206. FINANCIAL SECURITY OF BROKERS AND**  
2 **FREIGHT FORWARDERS.**

3 (a) IN GENERAL.—Section 13906 is amended by  
4 striking subsections (b) and (c) and inserting the fol-  
5 lowing:

6 “(b) **BROKER FINANCIAL SECURITY REQUIRE-**  
7 **MENTS.—**

8 “(1) **REQUIREMENTS.—**

9 “(A) IN GENERAL.—The Secretary may  
10 register a person as a broker under section  
11 13904 only if the person files with the Sec-  
12 retary a surety bond, proof of trust fund, or  
13 other financial security, or a combination there-  
14 of, in a form and amount, and from a provider,  
15 determined by the Secretary to be adequate to  
16 ensure financial responsibility.

17 “(B) **USE OF A GROUP SURETY BOND,**  
18 **TRUST FUND, OR OTHER SURETY.—**In imple-  
19 menting the standards established by subpara-  
20 graph (A), the Secretary may authorize the use  
21 of a group surety bond, trust fund, or other fi-  
22 nancial security, or a combination thereof, that  
23 meets the requirements of this subsection.

24 “(C) **SURETY BONDS.—**A surety bond ob-  
25 tained under this section may only be obtained

1 from a bonding company that has been ap-  
2 proved by the Secretary of the Treasury.

3 “(D) PROOF OF TRUST OR OTHER FINAN-  
4 CIAL SECURITY.—For purposes of subpara-  
5 graph (A), a trust fund or other financial secu-  
6 rity may be acceptable to the Secretary only if  
7 the trust fund or other financial security con-  
8 sists of assets readily available to pay claims  
9 without resort to personal guarantees or collec-  
10 tion of pledged accounts receivable.

11 “(2) SCOPE OF FINANCIAL RESPONSIBILITY.—

12 “(A) PAYMENT OF CLAIMS.—A surety  
13 bond, trust fund, or other financial security ob-  
14 tained under paragraph (1) shall be available to  
15 pay any claim against a broker arising from its  
16 failure to pay freight charges under its con-  
17 tracts, agreements, or arrangements for trans-  
18 portation subject to jurisdiction under chapter  
19 135 if—

20 “(i) subject to the review by the sur-  
21 ety provider, the broker consents to the  
22 payment;

23 “(ii) in the case the broker does not  
24 respond to adequate notice to address the

1 validity of the claim, the surety provider  
2 determines the claim is valid; or

3 “(iii) the claim is not resolved within  
4 a reasonable period of time following a rea-  
5 sonable attempt by the claimant to resolve  
6 the claim under clauses (i) and (ii) and the  
7 claim is reduced to a judgment against the  
8 broker.

9 “(B) RESPONSE OF SURETY PROVIDERS  
10 TO CLAIMS.—If a surety provider receives notice  
11 of a claim described in subparagraph (A), the  
12 surety provider shall—

13 “(i) respond to the claim on or before  
14 the 30th day following receipt of the no-  
15 tice; and

16 “(ii) in the case of a denial, set forth  
17 in writing for the claimant the grounds for  
18 the denial.

19 “(C) COSTS AND ATTORNEYS FEES.—In  
20 any action against a surety provider to recover  
21 on a claim described in subparagraph (A), the  
22 prevailing party shall be entitled to recover its  
23 reasonable costs and attorneys fees.

24 “(3) MINIMUM FINANCIAL SECURITY.—A  
25 broker subject to the requirements of this section

1 shall provide financial security of \$100,000, regard-  
2 less of the number of branch offices or sales agents  
3 of the broker.

4 “(4) CANCELLATION NOTICE.—If a financial se-  
5 curity required under this subsection is canceled—

6 “(A) the holder of the financial security  
7 shall provide electronic notification to the Sec-  
8 retary of the cancellation not later than 30 days  
9 before the effective date of the cancellation; and

10 “(B) the Secretary shall immediately post  
11 such notification on the public Internet Web  
12 site of the Department of Transportation.

13 “(5) SUSPENSION.—The Secretary shall imme-  
14 diately suspend the registration of a broker issued  
15 under this chapter if the available financial security  
16 of the broker falls below the amount required under  
17 this subsection.

18 “(6) PAYMENT OF CLAIMS IN CASES OF FINAN-  
19 CIAL FAILURE OR INSOLVENCY.—If a broker reg-  
20 istered under this chapter experiences financial fail-  
21 ure or insolvency, the surety provider of the broker  
22 shall—

23 “(A) submit a notice to cancel the financial  
24 security to the Administrator in accordance  
25 with paragraph (4);

1           “(B) publicly advertise for claims for 60  
2 days beginning on the date of publication by the  
3 Secretary of the notice to cancel the financial  
4 security; and

5           “(C) pay, not later than 30 days after the  
6 expiration of the 60-day period for submission  
7 of claims—

8                 “(i) all uncontested claims received  
9 during such period; or

10                “(ii) a pro rata share of such claims  
11 if the total amount of such claims exceeds  
12 the financial security available.

13           “(7) PENALTIES.—

14                 “(A) CIVIL ACTIONS.—Either the Sec-  
15 retary or the Attorney General may bring a civil  
16 action in an appropriate district court of the  
17 United States to enforce the requirements of  
18 this subsection or a regulation prescribed or  
19 order issued under this subsection. The court  
20 may award appropriate relief, including injunc-  
21 tive relief.

22                 “(B) CIVIL PENALTIES.—If the Secretary  
23 determines, after notice and opportunity for a  
24 hearing, that a surety provider of a broker reg-  
25 istered under this chapter has violated the re-

1            requirements of this subsection or a regulation  
2            prescribed under this subsection, the surety  
3            provider shall be liable to the United States for  
4            a civil penalty in an amount not to exceed  
5            \$10,000.

6            “(C) ELIGIBILITY.—If the Secretary deter-  
7            mines, after notice and opportunity for a hear-  
8            ing, that a surety provider of a broker reg-  
9            istered under this chapter has violated the re-  
10          requirements of this subsection or a regulation  
11          prescribed under this subsection, the surety  
12          provider shall be ineligible to provide the finan-  
13          cial security of a broker for 5 years.

14          “(8) DEDUCTION OF COSTS PROHIBITED.—The  
15          amount of the financial security required under this  
16          subsection may not be reduced by deducting attor-  
17          ney’s fees or administrative costs.

18          “(9) FINANCIAL SECURITY AMOUNT ASSESS-  
19          MENT.—Every 5 years, the Secretary shall review,  
20          with public notice and comment, the amounts of the  
21          financial security required under this subsection to  
22          determine whether the amounts are sufficient to pro-  
23          vide adequate financial security, and shall be author-  
24          ized to increase the amounts, if necessary, based  
25          upon that determination.

1       “(c) FREIGHT FORWARDER FINANCIAL SECURITY  
2 REQUIREMENTS.—

3               “(1) REQUIREMENTS.—

4                       “(A) IN GENERAL.—The Secretary may  
5 register a person as a freight forwarder under  
6 section 13903 only if the person files with the  
7 Secretary a surety bond, proof of trust fund, or  
8 other financial security, or a combination there-  
9 of, in a form and amount, and from a provider,  
10 determined by the Secretary to be adequate to  
11 ensure financial responsibility.

12                      “(B) USE OF A GROUP SURETY BOND,  
13 TRUST FUND, OR OTHER FINANCIAL SECUR-  
14 ITY.—In implementing the standards estab-  
15 lished by subparagraph (A), the Secretary may  
16 authorize the use of a group surety bond, trust  
17 fund, or other financial security, or a combina-  
18 tion thereof, that meets the requirements of  
19 this subsection.

20                      “(C) SURETY BONDS.—A surety bond ob-  
21 tained under this section may only be obtained  
22 from a bonding company that has been ap-  
23 proved by the Secretary of the Treasury.

24                      “(D) PROOF OF TRUST OR OTHER FINAN-  
25 CIAL SECURITY.—For purposes of subpara-

1 graph (A), a trust fund or other financial secu-  
2 rity may be acceptable to the Secretary only if  
3 the trust fund or other financial security con-  
4 sists of assets readily available to pay claims  
5 without resort to personal guarantees or collec-  
6 tion of pledged accounts receivable.

7 “(2) SCOPE OF FINANCIAL RESPONSIBILITY.—

8 “(A) PAYMENT OF CLAIMS.—A surety  
9 bond, trust fund, or other financial security ob-  
10 tained under paragraph (1) shall be available to  
11 pay any claim against a freight forwarder aris-  
12 ing from its failure to pay freight charges under  
13 its contracts, agreements, or arrangements for  
14 transportation subject to jurisdiction under  
15 chapter 135 if—

16 “(i) subject to the review by the sur-  
17 ety provider, the freight forwarder con-  
18 sents to the payment;

19 “(ii) in the case the freight forwarder  
20 does not respond to adequate notice to ad-  
21 dress the validity of the claim, the surety  
22 provider determines the claim is valid; or

23 “(iii) the claim is not resolved within  
24 a reasonable period of time following a rea-  
25 sonable attempt by the claimant to resolve

1           the claim under clauses (i) and (ii) and the  
2           claim is reduced to a judgment against the  
3           freight forwarder.

4           “(B) RESPONSE OF SURETY PROVIDERS  
5           TO CLAIMS.—If a surety provider receives notice  
6           of a claim described in subparagraph (A), the  
7           surety provider shall—

8                   “(i) respond to the claim on or before  
9                   the 30th day following receipt of the no-  
10                  tice; and

11                   “(ii) in the case of a denial, set forth  
12                   in writing for the claimant the grounds for  
13                   the denial.

14           “(C) COSTS AND ATTORNEYS FEES.—In  
15           any action against a surety provider to recover  
16           on a claim described in subparagraph (A), the  
17           prevailing party shall be entitled to recover its  
18           reasonable costs and attorneys fees.

19           “(3) FREIGHT FORWARDER INSURANCE.—

20                   “(A) IN GENERAL.—The Secretary may  
21                   register a person as a freight forwarder under  
22                   section 13903 only if the person files with the  
23                   Secretary a surety bond, insurance policy, or  
24                   other type of financial security that meets  
25                   standards to be prescribed by the Secretary.

1           “(B) LIABILITY INSURANCE.—A financial  
2 security filed by a freight forwarder under sub-  
3 paragraph (A) shall be sufficient to pay an  
4 amount, not to exceed the amount of the finan-  
5 cial security, for each final judgment against  
6 the freight forwarder for—

7                   “(i) bodily injury to, or death of, an  
8 individual, or

9                   “(ii) loss of, or damage to, property  
10 (other than property referred to in sub-  
11 paragraph (C)),

12 resulting from the negligent operation, mainte-  
13 nance, or use of motor vehicles by, or under the  
14 direction and control of, the freight forwarder  
15 when providing transfer, collection, or delivery  
16 service under this part.

17           “(C) CARGO INSURANCE.—The Secretary  
18 may require a registered freight forwarder to  
19 file with the Secretary a surety bond, insurance  
20 policy, or other type of financial security ap-  
21 proved by the Secretary that will pay an  
22 amount, not to exceed the amount of the finan-  
23 cial security, for loss of, or damage to, property  
24 for which the freight forwarder provides service.

1           “(4) MINIMUM FINANCIAL SECURITY.—Each  
2 freight forwarder subject to the requirements of this  
3 section shall provide financial security of \$100,000,  
4 regardless of the number of branch offices or sales  
5 agents of the freight forwarder.

6           “(5) CANCELLATION NOTICE.—If a financial se-  
7 curity required under this subsection is canceled—

8           “(A) the holder of the financial security  
9 shall provide electronic notification to the Sec-  
10 retary of the cancellation not later than 30 days  
11 before the effective date of the cancellation; and

12           “(B) the Secretary shall immediately post  
13 such notification on the public Internet Web  
14 site of the Department of Transportation.

15           “(6) SUSPENSION.—The Secretary shall imme-  
16 diately suspend the registration of a freight for-  
17 warder issued under this chapter if the available fi-  
18 nancial security of the freight forwarder falls below  
19 the amount required under this subsection.

20           “(7) PAYMENT OF CLAIMS IN CASES OF FINAN-  
21 CIAL FAILURE OR INSOLVENCY.—If a freight for-  
22 warder registered under this chapter experiences fi-  
23 nancial failure or insolvency, the surety provider of  
24 the freight forwarder shall—

1           “(A) submit a notice to cancel the financial  
2 security to the Administrator in accordance  
3 with paragraph (5);

4           “(B) publicly advertise for claims for 60  
5 days beginning on the date of publication by the  
6 Secretary of the notice to cancel the financial  
7 security; and

8           “(C) pay, not later than 30 days after the  
9 expiration of the 60-day period for submission  
10 of claims—

11                   “(i) all uncontested claims received  
12 during such period; or

13                   “(ii) a pro rata share of such claims  
14 if the total amount of such claims exceeds  
15 the financial security available.

16           “(8) PENALTIES.—

17                   “(A) CIVIL ACTIONS.—Either the Sec-  
18 retary or the Attorney General may bring a civil  
19 action in an appropriate district court of the  
20 United States to enforce the requirements of  
21 this subsection or a regulation prescribed or  
22 order issued under this subsection. The court  
23 may award appropriate relief, including injunc-  
24 tive relief.

1           “(B) CIVIL PENALTIES.—If the Secretary  
2 determines, after notice and opportunity for a  
3 hearing, that a surety provider of a freight for-  
4 warder registered under this chapter has vio-  
5 lated the requirements of this subsection or a  
6 regulation prescribed under this subsection, the  
7 surety provider shall be liable to the United  
8 States for a civil penalty in an amount not to  
9 exceed \$10,000.

10           “(C) ELIGIBILITY.—If the Secretary deter-  
11 mines, after notice and opportunity for a hear-  
12 ing, that a surety provider of a freight for-  
13 warder registered under this chapter has vio-  
14 lated the requirements of this subsection or a  
15 regulation prescribed under this subsection, the  
16 surety provider shall be ineligible to provide the  
17 financial security of a freight forwarder for 5  
18 years.

19           “(9) DEDUCTION OF COSTS PROHIBITED.—The  
20 amount of the financial security required under this  
21 subsection may not be reduced by deducting attor-  
22 ney’s fees or administrative costs.

23           “(10) FINANCIAL SECURITY AND INSURANCE  
24 AMOUNT ASSESSMENT.—Every 5 years, the Sec-  
25 retary shall review, with public notice and comment,

1 the amounts of the financial security and insurance  
2 required under this subsection to determine whether  
3 the amounts are sufficient to provide adequate fi-  
4 nancial security, and shall be authorized to increase  
5 the amounts, if necessary, based upon that deter-  
6 mination.”.

7 (b) RULEMAKING.—Not later than 1 year after the  
8 date of enactment of this Act, the Secretary shall issue  
9 regulations to implement and enforce the requirements of  
10 subsections (b) and (c) of section 13906 of title 49, United  
11 States Code, as amended by subsection (a).

12 (c) EFFECTIVE DATE.—The amendments made by  
13 subsection (a) shall take effect on the date that is 1 year  
14 after the date of enactment of this Act.

15 (d) REVIEW OF SECURITY REQUIREMENTS.—Not  
16 later than 15 months after the date of enactment of this  
17 Act, the Inspector General of the Department of Trans-  
18 portation shall—

19 (1) review the regulations and enforcement  
20 practices of the Secretary under subsections (b) and  
21 (c) of section 13906 of title 49, United States Code,  
22 as amended by this Act; and

23 (2) make any recommendations to the Secretary  
24 that may be necessary to improve the enforcement of  
25 such regulations.

1 **SEC. 6207. REGISTRATION FEE SYSTEM.**

2 Section 13908(d)(1) is amended by striking “but  
3 shall not exceed \$300”.

4 **SEC. 6208. UNLAWFUL BROKERAGE ACTIVITIES.**

5 (a) IN GENERAL.—Chapter 149 is amended by add-  
6 ing at the end the following:

7 **“§ 14916. Unlawful brokerage activities**

8 “(a) PROHIBITED ACTIVITIES.—A person may pro-  
9 vide interstate brokerage services as a broker only if the  
10 person—

11 “(1) is registered under, and in compliance  
12 with, section 13904; and

13 “(2) has satisfied the financial security require-  
14 ments under section 13906.

15 “(b) Subsection (a) shall not apply to—

16 “(1) a non-vessel-operating common carrier (as  
17 defined in section 40102 of title 46);

18 “(2) an ocean freight forwarder (as defined in  
19 section 40102 of title 46);

20 “(3) a customs broker licensed in accordance  
21 with section 111.2 of title 19, Code of Federal Regu-  
22 lations; or

23 “(4) an indirect air carrier holding a Standard  
24 Security Program approved by the Transportation  
25 Security Administration,

1 when arranging for inland transportation as part of an  
2 international through movement involving ocean transpor-  
3 tation between the United States and a foreign port.

4 “(c) CIVIL PENALTIES AND PRIVATE CAUSE OF AC-  
5 TION.—Any person who knowingly authorizes, consents to,  
6 or permits, directly or indirectly, either alone or in con-  
7 junction with any other person, a violation of subsection  
8 (a) is liable—

9 “(1) to the United States Government for a  
10 civil penalty in an amount not to exceed \$10,000 for  
11 each violation; and

12 “(2) to the injured party for all valid claims in-  
13 curred without regard to amount.

14 “(d) LIABLE PARTIES.—The liability for civil pen-  
15 alties and for claims under this section for unauthorized  
16 brokering shall apply, jointly and severally—

17 “(1) to any corporate entity or partnership in-  
18 volved; and

19 “(2) to the individual officers, directors, and  
20 principals of such entities.”.

21 (b) CLERICAL AMENDMENT.—The analysis for such  
22 chapter is amended by adding at the end the following:

“14916. Unlawful brokerage activities.”.

1 **SEC. 6209. REQUIREMENT FOR REGISTRATION AND USDOT**  
2 **NUMBER.**

3 (a) IN GENERAL.—Subchapter III of chapter 311 is  
4 amended by inserting after section 31133 the following:

5 **“§ 31134. Requirement for registration and Depart-**  
6 **ment of Transportation number**

7 “(a) IN GENERAL.—An employer or an employee of  
8 the employer may operate a commercial motor vehicle in  
9 interstate commerce only if the Secretary of Transpor-  
10 tation registers the employer under this section and issues  
11 the employer a Department of Transportation number.

12 “(b) REGISTRATION.—Upon application for registra-  
13 tion and a Department of Transportation number under  
14 this section, the Secretary shall register the employer if  
15 the Secretary determines that—

16 “(1) the employer is willing and able to comply  
17 with the requirements of this subchapter and chap-  
18 ter 51 if applicable; and

19 “(2)(A) during the 3-year period before the  
20 date of the filing of the application, the employer  
21 was not related through common stock, common  
22 ownership, common control, common management,  
23 or common familial relationship to any other person  
24 subject to safety regulations under this subchapter  
25 who, during such 3-year period, was unwilling or un-

1 able to comply with the requirements of this sub-  
2 chapter or chapter 51 if applicable; or

3 “(B) the employer has disclosed to the Sec-  
4 retary any relationship involving common stock,  
5 common ownership, common control, common man-  
6 agement, or common familial relationship between  
7 that person and any other motor carrier.

8 “(c) REVOCATION OR SUSPENSION.—The Secretary  
9 shall revoke or suspend the registration of an employer  
10 issued under subsection (b) if the Secretary determines  
11 that—

12 “(1) the authority of the employer to operate as  
13 a motor carrier, freight forwarder, or broker pursu-  
14 ant to chapter 139 is revoked or suspended under  
15 section 13905(d)(1) or 13905(f); or

16 “(2) the employer has willfully failed to comply  
17 with the requirements for registration set forth in  
18 subsection (b).

19 “(d) COMMERCIAL REGISTRATION.—An employer  
20 registered under this section may not provide transpor-  
21 tation subject to jurisdiction under subchapter I of chapter  
22 135 unless the employer is also registered under section  
23 13902 to provide such transportation.

24 “(e) STATE AUTHORITY.—Nothing in this section  
25 shall be construed as affecting the authority of a State

1 to issue a Department of Transportation number under  
2 State law to a person operating in intrastate commerce.”.

3 (b) CLERICAL AMENDMENT.—The analysis for chap-  
4 ter 311 is amended by inserting after the item relating  
5 to section 31133 the following:

“31134. Requirement for registration and Department of Transportation num-  
ber.”.

6 **Subtitle C—Commercial Motor**  
7 **Vehicle Safety**

8 **SEC. 6301. MOTOR CARRIER SAFETY ASSISTANCE PRO-**  
9 **GRAM.**

10 (a) GENERAL AUTHORITY.—Section 31102 is amend-  
11 ed to read as follows:

12 **“§ 31102. Motor carrier safety assistance program**

13 “(a) GENERAL AUTHORITY.—The Secretary of  
14 Transportation shall administer a motor carrier safety as-  
15 sistance program to assist States with—

16 “(1) the development or implementation of pro-  
17 grams for improving motor carrier safety; and

18 “(2) the enforcement of Federal regulations,  
19 standards, and orders (and compatible State regula-  
20 tions, standards, and orders) on—

21 “(A) commercial motor vehicle safety; and

22 “(B) hazardous materials transportation  
23 safety.

24 “(b) STATE PLANS.—

1           “(1) PROCEDURES.—The Secretary shall pre-  
2       scribe procedures for a State to participate in the  
3       program, including procedures under which the  
4       State shall submit a plan, in writing, to the Sec-  
5       retary in which the State agrees—

6           “(A) to assume responsibility for improv-  
7       ing motor carrier safety in the State; and

8           “(B) to adopt and enforce Federal regula-  
9       tions, standards, and orders (and compatible  
10      State regulations, standards, and orders) on—

11           “(i) commercial motor vehicle safety;

12           and

13           “(ii) hazardous materials transpor-  
14      tation safety.

15           “(2) CONTENTS.—A plan submitted by a State  
16      under paragraph (1) shall—

17           “(A) provide for implementation of per-  
18      formance-based activities, including deployment  
19      of technology, to enhance the efficiency and ef-  
20      fectiveness of commercial motor vehicle safety  
21      programs;

22           “(B) provide for implementation of a bor-  
23      der commercial motor vehicle safety program  
24      and related enforcement activities if the State  
25      shares a land border with another country;

1           “(C) designate a State motor vehicle safety  
2 agency (in this paragraph referred to as the  
3 ‘designated State agency’) responsible for ad-  
4 ministering the plan throughout the State;

5           “(D) provide satisfactory assurances that  
6 the designated State agency has or will have the  
7 legal authority, resources, and qualified per-  
8 sonnel necessary to enforce the regulations,  
9 standards, and orders;

10          “(E) provide satisfactory assurances that  
11 the State will devote adequate amounts to the  
12 administration of the plan and enforcement of  
13 the regulations, standards, and orders;

14          “(F) provide a right of entry and inspec-  
15 tion to carry out the plan;

16          “(G) provide that all reports required  
17 under this section be submitted to the des-  
18 ignated State agency and that the designated  
19 State agency will make the reports available to  
20 the Secretary on request;

21          “(H) provide that the designated State  
22 agency will adopt the reporting requirements  
23 and use the forms for recordkeeping, inspec-  
24 tions, and investigations the Secretary pre-  
25 scribes;

1           “(I) require registrants of commercial  
2 motor vehicles to make a declaration of knowl-  
3 edge of applicable safety regulations, standards,  
4 and orders of the Government and the State;

5           “(J) provide that the State will grant max-  
6 imum reciprocity for inspections conducted  
7 under the North American Inspection Standard  
8 through the use of a nationally accepted system  
9 that allows ready identification of previously in-  
10 spected commercial motor vehicles;

11           “(K) ensure that activities described in  
12 subsection (f)(3)(B), if financed with grants  
13 under this section, will not diminish the effec-  
14 tiveness of the development and implementation  
15 of commercial motor vehicle safety programs  
16 described in subsection (a);

17           “(L) ensure that the designated State  
18 agency will coordinate the plan, data collection,  
19 and information systems with State highway  
20 safety programs under title 23;

21           “(M) ensure participation in appropriate  
22 Federal Motor Carrier Safety Administration  
23 information systems and other information sys-  
24 tems by all appropriate jurisdictions receiving  
25 funding under this section;

1           “(N) provide satisfactory assurances that  
2 the State is willing and able to exchange infor-  
3 mation with other States in a timely manner;

4           “(O) provide satisfactory assurances that  
5 the State will undertake efforts that will em-  
6 phasize and improve enforcement of State and  
7 local traffic safety laws and regulations related  
8 to commercial motor vehicle safety;

9           “(P) provide satisfactory assurances that  
10 the State will promote activities in support of  
11 national priorities, including—

12           “(i) activities aimed at removing im-  
13 paired commercial motor vehicle drivers  
14 from the highways of the United States—

15           “(I) through adequate enforce-  
16 ment of regulations on the use of alco-  
17 hol and controlled substances; and

18           “(II) by ensuring ready roadside  
19 access to alcohol detection and meas-  
20 uring equipment;

21           “(ii) activities aimed at providing an  
22 appropriate level of training to State motor  
23 carrier safety assistance program officers  
24 and employees on recognizing drivers im-

1 paired by alcohol or controlled substances;  
2 and

3 “(iii) interdiction activities affecting  
4 the transportation of controlled substances  
5 by commercial motor vehicle drivers and  
6 training on appropriate strategies for car-  
7 rying out those interdiction activities;

8 “(Q) provide satisfactory assurances that  
9 the State has established a program to ensure  
10 that—

11 “(i) accurate, complete, and timely  
12 motor carrier safety data is collected and  
13 reported to the Secretary; and

14 “(ii) the State will participate in a na-  
15 tional motor carrier safety data correction  
16 system prescribed by the Secretary;

17 “(R) ensure that the State will cooperate  
18 in the enforcement of financial responsibility re-  
19 quirements under sections 13906, 31138, and  
20 31139 and regulations issued thereunder;

21 “(S) ensure consistent, effective, and rea-  
22 sonable sanctions;

23 “(T) ensure that roadside inspections will  
24 be conducted at a location that is adequate to

1 protect the safety of drivers and enforcement  
2 personnel;

3 “(U) provide satisfactory assurances that  
4 the State will include, in the training manual  
5 for the licensing examination to drive a non-  
6 commercial motor vehicle and a commercial  
7 motor vehicle, information on best practices for  
8 driving safely in the vicinity of noncommercial  
9 and commercial motor vehicles;

10 “(V) provide satisfactory assurances that  
11 the State will enforce the registration require-  
12 ments of sections 13902 and 31134 by prohib-  
13 iting the operation of any vehicle discovered to  
14 be operated by a motor carrier—

15 “(i) without a registration issued  
16 under such sections; or

17 “(ii) beyond the scope of such reg-  
18 istration;

19 “(W) provide satisfactory assurances that  
20 the State will conduct comprehensive and highly  
21 visible traffic enforcement and commercial  
22 motor vehicle safety inspection programs in  
23 high-risk locations and corridors; and

24 “(X) provide for implementation of activi-  
25 ties to monitor the safety performance of motor

1 carriers of passengers, including inspections of  
2 commercial motor vehicles designed or used to  
3 transport passengers; except that roadside in-  
4 spections must be conducted at a station, ter-  
5 minal, border crossing, maintenance facility,  
6 destination, or other location where a motor  
7 carrier may make a planned stop, except in the  
8 case of an imminent or obvious safety hazard.

9 “(3) MAINTENANCE OF EFFORT.—

10 “(A) IN GENERAL.—A plan submitted by a  
11 State under this subsection shall provide that  
12 the total expenditure of amounts of the State  
13 and political subdivisions of the State (not in-  
14 cluding amounts of the United States) for com-  
15 mercial motor vehicle safety programs and for  
16 enforcement of commercial motor vehicle size  
17 and weight limitations, drug interdiction, and  
18 State traffic safety laws and regulations under  
19 subsection (f) will be maintained at a level at  
20 least equal to the average level of that expendi-  
21 ture for the 3 most recent fiscal years ending  
22 before the date of enactment of the Motor Car-  
23 rier Safety, Efficiency, and Accountability Act  
24 of 2012.

1           “(B) CALCULATING STATE EXPENDI-  
2           TURES.—In calculating the average level of  
3           State expenditure, the Secretary—

4                   “(i) may allow the State to exclude  
5                   State expenditures for Government-spon-  
6                   sored demonstration or pilot programs;  
7                   and

8                   “(ii) shall require the State to exclude  
9                   Government amounts.

10          “(c) GUIDANCE AND STANDARDS.—

11               “(1) IN GENERAL.—Not later than October 1,  
12               2013, the Secretary shall—

13                   “(A) develop guidance on the effectiveness  
14                   of specific enforcement and related activities in  
15                   generating reductions in fatalities and crashes  
16                   involving commercial motor vehicles; and

17                   “(B) publish standards for data timeliness,  
18                   accuracy, and completeness that will allow  
19                   States to meet the objectives of this section and  
20                   that are consistent with the standards issued  
21                   under section 31106(a)(4).

22               “(2) OPTIMIZATION OF ALLOCATIONS.—The  
23               Secretary shall develop a tool for States to optimize  
24               allocations of motor carrier safety resources to carry

1 out enforcement and related activities to meet the  
2 objectives of this section.

3 “(3) UPDATES OF GUIDANCE.—The Secretary  
4 shall update the guidance issued under paragraph  
5 (1)(A) periodically to reflect new information.

6 “(d) PERFORMANCE MEASURES.—

7 “(1) STATE TARGETS.—For fiscal year 2014,  
8 and each fiscal year thereafter, each State, in the  
9 plan submitted by that State under subsection (b),  
10 shall—

11 “(A) establish targets, in quantifiable  
12 metrics, for enforcement activities, data quality,  
13 and other benchmarks to reduce fatalities and  
14 crashes involving commercial motor vehicles;

15 “(B) select target activities in accordance  
16 with the Secretary’s latest guidance to ensure  
17 States pursue activities likely to generate max-  
18 imum fatality and crash reduction; and

19 “(C) meet the standards for data published  
20 by the Secretary under subsection (c)(1)(B).

21 “(2) ANNUAL UPDATES OF STATE PLANS.—A  
22 State shall—

23 “(A) update its plan under subsection (b)  
24 annually to establish targets for the following  
25 fiscal year; and

1           “(B) submit the updated plan to the Sec-  
2           retary.

3           “(3) REQUIREMENTS FOR TARGETS.—If a  
4           State receives an increase in grant funds under this  
5           section in a fiscal year as compared to the previous  
6           fiscal year, the targets established by the State  
7           under paragraph (1) for the fiscal year shall exceed  
8           the levels achieved by the State in the previous fiscal  
9           year.

10          “(4) STATE REPORTS.—

11                 “(A) INFORMATION ON FATALITIES AND  
12                 CRASHES INVOLVING COMMERCIAL MOTOR VE-  
13                 HICLES.—Under the motor carrier safety assist-  
14                 ance program, a State shall report to the Sec-  
15                 retary the number and rate of fatalities and  
16                 crashes involving commercial motor vehicles oc-  
17                 curring in the State in the previous fiscal year.

18                 “(B) OTHER INFORMATION.—A State shall  
19                 include in the report required under subpara-  
20                 graph (A) information on commercial motor ve-  
21                 hicles registered in the State and involved in  
22                 crashes in such fiscal year and any other infor-  
23                 mation requested by the Secretary.

1           “(5) ASSESSMENTS.—As part of the annual  
2 plan approval process under subsection (e), the Sec-  
3 retary shall assess whether—

4           “(A) a State met its targets in the pre-  
5 vious fiscal year; and

6           “(B) targeted activities are reducing fatali-  
7 ties and crashes involving commercial motor ve-  
8 hicles.

9           “(e) PLAN REVIEW.—

10           “(1) APPROVAL PROCESS.—Before distributing  
11 grant funds under subsection (f) in a fiscal year, the  
12 Secretary shall—

13           “(A) review each State plan submitted to  
14 the Secretary under subsection (b), as updated  
15 by the State under subsection (d); and

16           “(B)(i) approve the plan if the Secretary  
17 determines that the plan is adequate to promote  
18 the objectives of this section; or

19           “(ii) disapprove the plan.

20           “(2) RESUBMITTAL.—If the Secretary dis-  
21 approves a plan under this subsection, the Secretary  
22 shall—

23           “(A) give the State a written explanation;

24           and

1           “(B) allow the State to modify and resub-  
2           mit the plan for approval.

3           “(3) CONTINUOUS EVALUATION OF PLANS.—

4           “(A) IN GENERAL.—On the basis of re-  
5           ports submitted by the motor vehicle safety  
6           agency of a State with a plan approved under  
7           this subsection and the Secretary’s own inves-  
8           tigations, the Secretary shall make a continuing  
9           evaluation of the way the State is carrying out  
10          the plan.

11          “(B) WITHDRAWAL OF APPROVAL.—

12           “(i) IN GENERAL.—If the Secretary  
13           finds, after notice and opportunity for  
14           comment, a State plan previously approved  
15           under this subsection is not being followed  
16           or has become inadequate to ensure en-  
17           forcement of the regulations, standards, or  
18           orders, the Secretary shall withdraw ap-  
19           proval of the plan and notify the State.

20           “(ii) EFFECTIVE DATE.—The plan  
21           shall not be effective beginning on the date  
22           the notice is received.

23           “(iii) JUDICIAL REVIEW.—A State ad-  
24           versely affected by a withdrawal under this

1           subparagraph may seek judicial review  
2           under chapter 7 of title 5.

3           “(C) ADMINISTRATIVE AND JUDICIAL PRO-  
4           CEEDINGS.—Notwithstanding a withdrawal of  
5           approval of a State plan under this paragraph,  
6           the State may retain jurisdiction in administra-  
7           tive or judicial proceedings begun before the  
8           date of the withdrawal if the issues involved are  
9           not related directly to the reasons for the with-  
10          drawal.

11          “(f) GRANTS TO STATES.—

12           “(1) IN GENERAL.—Subject to the availability  
13          of funds, the Secretary shall make grants to States  
14          for the development or implementation of programs  
15          under this section in accordance with paragraph (3).

16           “(2) ELIGIBILITY.—

17           “(A) IN GENERAL.—A State shall be eligi-  
18          ble for a grant under this subsection in a fiscal  
19          year in an amount equal to the State’s allocated  
20          amount determined under section 31104(f) if  
21          the State has in effect a State plan under sub-  
22          section (b) that has been approved by the Sec-  
23          retary under subsection (e) for that fiscal year.

24           “(B) WITHHOLDING OF FUNDS.—In the  
25          case of a State that does not meet the require-

1           ments of subparagraph (A) in a fiscal year, the  
2           Secretary may withhold grant funds from a  
3           State’s allocated amount determined under sec-  
4           tion 31104(f) for that fiscal year as follows:

5                   “(i) The Secretary may withhold up to  
6                   25 percent of such funds if the State had  
7                   a plan approved under subsection (e) for  
8                   the fiscal year preceding the fiscal year of  
9                   the grant, but has not had a plan approved  
10                  under subsection (e) for the fiscal year of  
11                  the grant.

12                  “(ii) The Secretary may withhold up  
13                  to 50 percent of such funds if the State  
14                  had a plan approved under subsection (e)  
15                  for the second fiscal year preceding the fis-  
16                  cal year of the grant, but has not had a  
17                  plan approved under subsection (e) for the  
18                  fiscal year of the grant and the preceding  
19                  fiscal year.

20                  “(iii) The Secretary may withhold up  
21                  to 75 percent of such funds if the State  
22                  had a plan approved under subsection (e)  
23                  for the third fiscal year preceding the fiscal  
24                  year of the grant, but has not had a plan  
25                  approved under subsection (e) for the fiscal

1           year of the grant and the 2 preceding fis-  
2           cal years.

3           “(iv) The Secretary may withhold 100  
4           percent of such funds if the State has not  
5           had a plan approved under subsection (e)  
6           for the fiscal year of the grant and the 3  
7           preceding fiscal years.

8           “(C)   SUBSEQUENT   AVAILABILITY   OF  
9           WITHHELD FUNDS.—The Secretary shall make  
10          available to a State the grant funds withheld  
11          from the State for a fiscal year under subpara-  
12          graph (B) if the Secretary approves the State’s  
13          plan under subsection (e) on or before the last  
14          day of that fiscal year.

15          “(D)   REALLOCATION   OF   WITHHELD  
16          FUNDS.—If the Secretary withholds grant funds  
17          from a State for a fiscal year under subpara-  
18          graph (B), and the State does not have a plan  
19          approved under subsection (e) on or before the  
20          last day of that fiscal year, such funds shall be  
21          released to the Secretary for reallocation among  
22          the States under section 31104(f) in the fol-  
23          lowing fiscal year.

24          “(3) USE OF GRANT FUNDS.—

1           “(A) IN GENERAL.—A State receiving a  
2 grant under this subsection shall use the grant  
3 funds for activities to further the State’s plan  
4 under subsection (b).

5           “(B) USE OF GRANTS TO ENFORCE OTHER  
6 LAWS.—Subject to subparagraph (C), a State  
7 may use grant funds received under this sub-  
8 section—

9                   “(i) if carried out in conjunction with  
10 an appropriate inspection of a commercial  
11 motor vehicle to enforce Federal or State  
12 commercial motor vehicle safety regula-  
13 tions, for—

14                           “(I) enforcement of commercial  
15 motor vehicle size and weight limita-  
16 tions at locations other than fixed  
17 weight facilities, at specific locations  
18 such as steep grades or mountainous  
19 terrains where the weight of a com-  
20 mercial motor vehicle can significantly  
21 affect the safe operation of the vehi-  
22 cle, or at ports where intermodal ship-  
23 ping containers enter and leave the  
24 United States; and

1           “(II) detection of the unlawful  
2           presence of a controlled substance (as  
3           defined under section 102 of the Com-  
4           prehensive Drug Abuse Prevention  
5           and Control Act of 1970 (21 U.S.C.  
6           802)) in a commercial motor vehicle  
7           or on the person of any occupant (in-  
8           cluding the operator) of the vehicle;  
9           and

10           “(ii) for documented enforcement of  
11           State traffic laws and regulations designed  
12           to promote the safe operation of commer-  
13           cial motor vehicles, including documented  
14           enforcement of such laws and regulations  
15           relating to noncommercial motor vehicles  
16           when necessary to promote the safe oper-  
17           ation of commercial motor vehicles.

18           “(C) LIMITATIONS.—

19           “(i) EFFECT ON COMMERCIAL MOTOR  
20           VEHICLE SAFETY PROGRAMS.—A State  
21           may use grant funds received under this  
22           subsection for an activity described in sub-  
23           paragraph (B) only if the activity will not  
24           diminish the effectiveness of commercial

1 motor vehicle safety programs described in  
2 subsection (a).

3 “(ii) ENFORCEMENT ACTIVITIES RE-  
4 LATING TO NONCOMMERCIAL MOTOR VEHI-  
5 CLES.—A State may not use more than 5  
6 percent of the total amount of grants re-  
7 ceived by the State under this subsection  
8 in a fiscal year for enforcement activities  
9 relating to noncommercial motor vehicles  
10 described in subparagraph (B)(ii) unless  
11 the Secretary determines a higher percent-  
12 age will result in significant increases in  
13 commercial motor vehicle safety.

14 “(g) ANNUAL REPORT.—The Secretary shall submit  
15 to the Committee on Transportation and Infrastructure  
16 of the House of Representatives and the Committee on  
17 Commerce, Science, and Transportation of the Senate an  
18 annual report that—

19 “(1) analyzes commercial motor vehicle safety  
20 trends among the States and documents the most ef-  
21 fective commercial motor vehicle safety programs  
22 implemented with grants under this section;

23 “(2) describes the effect of activities carried out  
24 with grants made under this section on commercial  
25 motor vehicle safety; and



1           “(A) when licensing or registering the  
2           motor carrier or registrant; or

3           “(B) while the license or registration is in  
4           effect; and

5           “(2) deny, suspend, or revoke the commercial  
6           motor vehicle registration of a motor carrier or reg-  
7           istrant to whom the Secretary has issued an oper-  
8           ations out-of-service order.

9           “(c) PROGRAM PARTICIPATION.—Not later than Sep-  
10          tember 30, 2015, the Secretary shall require a State to  
11          participate in the program by—

12           “(1) complying with the uniform policies, proce-  
13           dures, and technical and operational standards pre-  
14           scribed by the Secretary under section 31106(a)(4);

15           “(2) having in effect a law providing the State  
16           with the authority to impose the sanctions described  
17           in paragraph (3)(A) on the basis of an out-of-service  
18           order issued by the Secretary; and

19           “(3) establishing and implementing a process,  
20           approved by the Secretary, to—

21           “(A) deny, suspend, or revoke the vehicle  
22           registration or seize the registration plates of a  
23           commercial motor vehicle registered to a motor  
24           carrier to whom the Secretary has issued an  
25           out-of-service order; and

1           “(B) reinstate the vehicle registration or  
2           return the registration plates of the commercial  
3           motor vehicle subject to sanctions under sub-  
4           paragraph (A) if the Secretary permits such  
5           carrier to resume operations after the date of  
6           issuance of such order.

7           “(d) FUNDING.—A State may use grant funds made  
8           available to the State under section 4126 of SAFETEA-  
9           LU (119 Stat. 1738) for each of fiscal years 2013 through  
10          2016 to meet the requirements of this section for partici-  
11          pation in the program under subsection (c).”.

12          (b) CONFORMING AMENDMENTS.—Section 31106(b)  
13          is amended—

14                 (1) by striking paragraphs (2) through (4);

15                 (2) by striking “(b) PERFORMANCE AND REG-  
16                 ISTRATION INFORMATION PROGRAM.—” and all that  
17                 follows through “(1) INFORMATION CLEARING-  
18                 HOUSE.—The Secretary” and inserting the fol-  
19                 lowing:

20                 “(b) INFORMATION CLEARINGHOUSE.—The Sec-  
21                 retary”; and

22                 (3) by aligning the remaining text accordingly.

23          (c) CLERICAL AMENDMENT.—The analysis for chap-  
24          ter 311 is amended by striking the item relating to section  
25          31109 and inserting the following:

“31109. Performance and registration information systems management program.”.

1 **SEC. 6303. COMMERCIAL VEHICLE INFORMATION SYSTEMS**  
2 **AND NETWORKS DEPLOYMENT GRANTS.**

3 (a) IN GENERAL.—Section 4126(a) of SAFETEA—  
4 LU (119 Stat. 1738) is amended—

5 (1) in paragraph (1) by striking “and” at the  
6 end;

7 (2) in paragraph (2) by striking “and Federal”  
8 and all that follows through the period at the end  
9 and inserting a semicolon; and

10 (3) by adding at the end the following:

11 “(3) facilitate compliance with Federal and  
12 State commercial motor vehicle regulatory require-  
13 ments; and

14 “(4) provide assistance for State participation  
15 in the performance and registration information sys-  
16 tems management program under section 31109.”.

17 (b) AMOUNT OF GRANTS.—

18 (1) CORE DEPLOYMENT GRANTS.—Section  
19 4126(c) of such Act (119 Stat. 1738) is amended—

20 (A) by striking paragraph (2); and

21 (B) by redesignating paragraph (3) as  
22 paragraph (2).

23 (2) EXPANDED DEPLOYMENT GRANTS.—Section  
24 4126(d) of such Act (119 Stat. 1739) is amended—

1 (A) by striking paragraph (3); and

2 (B) by redesignating paragraph (4) as  
3 paragraph (3).

4 (c) ELIGIBILITY.—Section 4126(e) of such Act (119  
5 Stat. 1739) is amended—

6 (1) in paragraph (2)(B)—

7 (A) by inserting “in interstate commerce”  
8 after “efficiency”; and

9 (B) by striking “and” at the end;

10 (2) in paragraph (3) by striking the period at  
11 the end and inserting “; and”; and

12 (3) by adding at the end the following:

13 “(4) shall be participating not later than Sep-  
14 tember 30, 2015, in the performance and registra-  
15 tion information systems management program  
16 under section 31109 of title 49, United States  
17 Code.”.

18 (d) FEDERAL SHARE.—Section 4126(f) of such Act  
19 (119 Stat. 1739) is amended—

20 (1) by striking “The Federal” and inserting the  
21 following:

22 “(1) IN GENERAL.—The Federal”; and

23 (2) by adding at the end the following:

24 “(2) PERFORMANCE AND REGISTRATION INFOR-  
25 MATION SYSTEMS MANAGEMENT PROGRAM.—Not-

1 withstanding any other provision of this subsection,  
2 the Federal share of the cost of a project relating to  
3 participation in the performance and registration in-  
4 formation systems management program under sec-  
5 tion 31109 of title 49, United States Code, shall be  
6 100 percent for fiscal years 2013 through 2016.”.

7 **SEC. 6304. COMMERCIAL MOTOR VEHICLE SAFETY INSPEC-**  
8 **TION PROGRAMS.**

9 (a) IN GENERAL.—Section 31142(b) is amended to  
10 read as follows:

11 “(b) INSPECTION OF VEHICLES AND RECORD RE-  
12 TENTION.—

13 “(1) REGULATIONS ON GOVERNMENT STAND-  
14 ARDS.—The Secretary of Transportation shall pre-  
15 scribe regulations on Government standards for in-  
16 spection of commercial motor vehicles and retention  
17 by employers of records of such inspections.

18 “(2) CONTENTS OF STANDARDS.—The stand-  
19 ards shall provide for—

20 “(A) annual or more frequent inspections  
21 of a commercial motor vehicle designed or used  
22 to transport property unless the Secretary finds  
23 that another inspection system is as effective as  
24 an annual or more frequent inspection system;  
25 and



1 shall consider Safety Recommendation H-99-6 of the Na-  
2 tional Transportation Safety Board, issued February 26,  
3 1999, closed.

4 **SEC. 6306. NEW ENTRANT CARRIERS.**

5 (a) SAFETY REVIEW.—Section 31144(g)(1) is  
6 amended to read as follows:

7 “(1) SAFETY REVIEW.—The Secretary shall re-  
8 quire, by regulation, each owner and operator issued  
9 a new registration under section 13902 or 31134 to  
10 undergo a safety review under this section—

11 “(A) except as provided by subparagraphs  
12 (B) and (C), within the first 18 months after  
13 the date on which the owner or operator begins  
14 operations under such registration;

15 “(B) in the case of an owner or operator  
16 with authority to transport hazardous mate-  
17 rials, within the first 9 months after the date  
18 on which the owner or operator begins oper-  
19 ations under such registration; and

20 “(C) in the case of an owner or operator  
21 with authority to transport passengers, within  
22 the first 90 days after the date on which the  
23 owner or operator begins operations under such  
24 registration.”.

1 (b) NEW ENTRANT REGISTRATION.—Section  
2 31144(g)(4) is amended to read as follows:

3 “(4) NEW ENTRANT REGISTRATION.—

4 “(A) IN GENERAL.—Notwithstanding any  
5 other provision of this title, any new registra-  
6 tion issued under section 13902 or 31134 shall  
7 each be designated as new entrant registration  
8 until the safety review required by paragraph  
9 (1) is completed.

10 “(B) REQUIREMENT FOR ISSUANCE OF  
11 PERMANENT OPERATING AUTHORITY.—A new  
12 registration issued to an owner or operator  
13 under section 13902 or 31134 shall become  
14 permanent after the owner or operator has  
15 passed the safety review required under para-  
16 graph (1).”.

17 (c) FUNDING.—Section 31144(g)(5) is amended to  
18 read as follows:

19 “(5) FUNDING.—

20 “(A) IN GENERAL.—A State shall carry  
21 out the requirements of this section with funds  
22 allocated to the State under section 31104(f).

23 “(B) DETERMINATION.—If the Secretary  
24 determines that a State or local government is  
25 not able to use government employees to con-

1           duct new entrant motor carrier safety reviews  
2           with funds allocated to the State under section  
3           31104(f), the Secretary may conduct for the  
4           State or local government the safety reviews  
5           that the State or local government is not able  
6           to conduct with such funds.”.

7           (d) FEDERAL SHARE.—Section 31103(b) is amended  
8 to read as follows:

9           “(b) NEW ENTRANT MOTOR CARRIER SAFETY RE-  
10 VIEWS.—

11           “(1) INCREASE IN SHARE OF COSTS.—Subject  
12 to paragraph (2), the Secretary may reimburse a  
13 State an amount that is up to 100 percent of the  
14 costs incurred by the State in a fiscal year for new  
15 entrant motor carrier safety reviews conducted  
16 under section 31144(g).

17           “(2) LIMITATION.—The increased Federal  
18 share provided under paragraph (1) shall apply with  
19 respect to reimbursements of costs described in  
20 paragraph (1) made using not more than 20 percent  
21 of the funds allocated to a State under section  
22 31104(f) for a fiscal year. Any such reimbursements  
23 made using an amount in excess of 20 percent of  
24 such funds shall be subject to the cost-sharing re-  
25 quirements of subsection (a).”.

1 (e) CONFORMING AMENDMENT.—Section 31144(g) is  
2 amended, in the subsection heading, by striking “SAFETY  
3 REVIEWS OF NEW OPERATORS” and inserting “NEW EN-  
4 TRANT MOTOR CARRIER SAFETY REVIEWS”.

5 **SEC. 6307. IMPROVED OVERSIGHT OF MOTOR CARRIERS OF**  
6 **PASSENGERS.**

7 Section 31144 is amended by adding at the end the  
8 following:

9 “(h) SAFETY REVIEWS OF OWNERS AND OPERATORS  
10 OF INTERSTATE FOR-HIRE COMMERCIAL MOTOR VEHI-  
11 CLES DESIGNED OR USED TO TRANSPORT PAS-  
12 SENGERS.—

13 “(1) IN GENERAL.—Not later than September  
14 30, 2015, the Secretary shall determine the safety  
15 fitness of each owner, and each operator, of a com-  
16 mercial motor vehicle designed or used to transport  
17 passengers who the Secretary registers, on or before  
18 September 30, 2014 (including before the date of  
19 enactment of this subsection), under section 13902  
20 or 31134.

21 “(2) SAFETY FITNESS RATING.—As part of the  
22 safety fitness determination required by paragraph  
23 (1), the Secretary shall assign a safety fitness rating  
24 to each owner and each operator described in para-  
25 graph (1).

1 “(3) PERIODIC MONITORING.—

2 “(A) PROCESS.—The Secretary shall es-  
3 tablish a process, by regulation, for monitoring  
4 on a regular basis the safety performance of an  
5 owner or operator of a commercial motor vehi-  
6 cle designed or used to transport passengers,  
7 following the assignment of a safety rating to  
8 such owner or operator.

9 “(B) ELEMENTS OF MONITORING AND  
10 SAFETY ENFORCEMENT.—Regulations issued  
11 under subparagraph (A) shall provide for the  
12 following:

13 “(i) Monitoring of the safety perform-  
14 ance, in critical safety areas (as defined by  
15 the Secretary, by regulation) of an owner  
16 or operator of a commercial motor vehicle  
17 designed or used to transport passengers  
18 (including by activities conducted onsite at  
19 the offices of the owner or operator or off-  
20 site).

21 “(ii) Increasingly more stringent  
22 interventions designed to correct unsafe  
23 practices of an owner or operator of a com-  
24 mercial motor vehicle designed or used to  
25 transport passengers.

1           “(iii) Periodic updates to the safety  
2           fitness rating of an owner or operator if  
3           the Secretary determines that such update  
4           will improve the safety performance of the  
5           owner or operator.

6           “(iv) Enforcement action, including  
7           determining that the owner or operator is  
8           not fit and may not operate a commercial  
9           motor vehicle under subsection (c)(2).”.

10 **SEC. 6308. DRIVER MEDICAL QUALIFICATIONS.**

11       (a) EXAMINATION REQUIREMENT FOR NATIONAL  
12 REGISTRY OF MEDICAL EXAMINERS.—Section  
13 31149(c)(1)(D) is amended to read as follows:

14           “(D) develop requirements applicable to a  
15           medical examiner in order for the medical ex-  
16           aminer to be listed in the national registry es-  
17           tablished under this section, including—

18                   “(i) specific courses and materials  
19                   that must be completed;

20                   “(ii) at a minimum, self-certification  
21                   requirements to verify that the medical ex-  
22                   aminer has completed specific training, in-  
23                   cluding refresher courses, that the Sec-  
24                   retary determines are necessary; and

1                   “(iii) an examination developed by the  
2                   Secretary for which a passing grade must  
3                   be achieved.”.

4           (b) ADDITIONAL OVERSIGHT OF LICENSING AU-  
5 THORITIES.—

6           (1) IN GENERAL.—Section 31149(c)(1) is  
7           amended—

8                   (A) in subparagraph (E) by striking “and”  
9                   at the end;

10                   (B) in subparagraph (F) by striking the  
11                   period at the end and inserting “; and”; and

12                   (C) by adding at the end the following:

13                   “(G) review each year the implementation  
14                   of commercial driver’s license requirements of a  
15                   minimum of 10 States to assess the accuracy,  
16                   validity, and timeliness of—

17                           “(i) submission of physical examina-  
18                           tion reports and medical certificates to  
19                           State licensing agencies; and

20                           “(ii) the processing of such submis-  
21                           sions by State licensing agencies.”.

22           (2) INTERNAL OVERSIGHT POLICY.—

23                   (A) IN GENERAL.—Not later than 2 years  
24                   after the date of enactment of this Act, the Sec-  
25                   retary shall establish an oversight policy and

1 process within the Department for the purposes  
2 of carrying out the requirement of section  
3 31149(c)(1)(G) of title 49, United States Code,  
4 as added by paragraph (1) of this subsection.

5 (B) EFFECTIVE DATE.—Section  
6 31149(c)(1)(G) of title 49, United States Code,  
7 as added by paragraph (1) of this subsection,  
8 shall take effect on the date that the oversight  
9 policy and process is established pursuant to  
10 subparagraph (A).

11 (c) DEADLINE FOR ESTABLISHMENT OF NATIONAL  
12 REGISTRY OF MEDICAL EXAMINERS.—Not later than 1  
13 year after the date of enactment of this Act, the Secretary  
14 shall establish a national registry of medical examiners as  
15 required by section 31149(d)(1) of title 49, United States  
16 Code.

17 **SEC. 6309. COMMERCIAL MOTOR VEHICLE SAFETY STAND-**  
18 **ARDS.**

19 (a) SAFETY STANDARDS FOR COMMERCIAL MOTOR  
20 VEHICLES OF PROPERTY.—

21 (1) RESEARCH.—The Secretary shall conduct  
22 research on the need for roof strength, pillar  
23 strength, frontal and back wall strength, and other  
24 potential occupant protection standards for commer-  
25 cial motor vehicles of property.

1           (2) COMMERCIAL MOTOR VEHICLE OF PROP-  
2           ERTY DEFINED.—In this subsection, the term “com-  
3           mercial motor vehicle of property” means a motor  
4           vehicle used in commerce to transport property that  
5           has a gross vehicle weight rating or gross vehicle  
6           weight of at least 26,001 pounds, whichever is great-  
7           er.

8           (b) SAFETY STANDARDS FOR MOTORCOACHES.—

9           (1) SAFETY STANDARDS FOR NEW  
10          MOTORCOACHES.—

11          (A) OCCUPANT PROTECTION SYSTEMS.—

12           (i) IN GENERAL.—Not later than 3  
13          years after the date of enactment of this  
14          Act, the Secretary shall issue standards for  
15          motorcoach occupant protection systems  
16          that account for frontal impact collisions,  
17          side impact collisions, rear impact colli-  
18          sions, and rollovers. Such standards shall  
19          not eliminate or lessen the occupant pro-  
20          tection standards in effect on the date of  
21          enactment of this Act and shall—

22                   (I) be based on sound scientific  
23                   research, extensive testing, and anal-  
24                   ysis by the National Highway Traffic  
25                   Safety Administration, consistent with

1 the recommendations of the National  
2 Transportation Safety Board regard-  
3 ing motorcoach occupant protection;  
4 and

5 (II) take into consideration the  
6 various types of motorcoaches and the  
7 various uses and configurations of the  
8 occupant compartment as well as  
9 local, State, and Federal size and  
10 weight limits and restrictions.

11 (ii) CONTENTS.—Such standards may  
12 include seatbelts or other occupant protec-  
13 tion systems, passive or otherwise, for pas-  
14 sengers, including those in child safety re-  
15 straint systems.

16 (iii) CONSULTATION.—Prior to issuing  
17 such standards, the Secretary shall consult  
18 with affected parties, as appropriate, on  
19 the proceedings leading to the issuance of  
20 the standards required by this subpara-  
21 graph. Any communications concerning  
22 such consultation shall be included in the  
23 public record of the proceedings leading to  
24 the issuance of such standards and shall be  
25 subject to public comment.

## 1 (B) ROOF STRENGTH.—

2 (i) RESEARCH AND TESTING.—The  
3 Secretary shall conduct research and test-  
4 ing on roof strength to determine the  
5 method or methods that provide adequate  
6 survival space for all seating positions.

7 (ii) STANDARDS.—Not later than 3  
8 years after the date of enactment of this  
9 Act, the Secretary shall issue roof strength  
10 standards for motorcoaches based on the  
11 results of such research and testing and  
12 taking into account all motorcoach window  
13 dimensions and highway size and weight  
14 restrictions.

## 15 (C) WINDOW GLAZING.—

16 (i) RESEARCH AND TESTING.—The  
17 Secretary shall conduct research and test-  
18 ing on advanced window glazing and se-  
19 curement to determine the best method or  
20 methods for window glazing to prevent mo-  
21 torcoach occupant ejection.

22 (ii) STANDARDS.—Not later than 3  
23 years after the date of enactment of this  
24 Act, the Secretary shall revise window  
25 glazing standards for motorcoaches based

1 on the results of such research and testing  
2 and taking into account all motorcoach  
3 window dimensions and highway height  
4 and weight restrictions.

5 (D) FIRE PREVENTION AND MITIGA-  
6 TION.—

7 (i) RESEARCH AND TESTING.—The  
8 Secretary shall conduct research and test-  
9 ing to determine the most prevalent causes  
10 of motorcoach fires and the best methods  
11 to prevent such fires and to mitigate the  
12 effect of such fires, both inside and outside  
13 the motorcoach.

14 (ii) STANDARDS.—Not later than 3  
15 years after the date of enactment of this  
16 Act, the Secretary shall issue fire preven-  
17 tion and mitigation standards for  
18 motorcoaches, based on the results of the  
19 Secretary's research and testing, taking  
20 into account motorcoach highway size and  
21 weight restrictions.

22 (E) EMERGENCY EVACUATION DESIGN.—

23 (i) RESEARCH AND TESTING.—The  
24 Secretary shall conduct research and test-  
25 ing to determine any necessary changes in

1 motorcoach design standards, including  
2 windows and doors, to improve motorcoach  
3 emergency evacuation.

4 (ii) STANDARDS.—Not later than 3  
5 years after the date of enactment of this  
6 Act, the Secretary shall issue motorcoach  
7 emergency evacuation design standards, in-  
8 cluding—

9 (I) window standards that en-  
10 hance the use of windows for emer-  
11 gency evacuation to the maximum ex-  
12 tent feasible, while not detracting  
13 from the window glazing standards to  
14 be issued under this paragraph; and

15 (II) door standards, including de-  
16 sign of the wheelchair lift door for  
17 emergency evacuation use.

18 (iii) MOTORCOACH HIGHWAY SIZE  
19 AND WEIGHT RESTRICTIONS.—Such stand-  
20 ards shall take into account motorcoach  
21 highway size and weight restrictions.

22 (F) GENERAL PROVISIONS.—

23 (i) EFFECT ON STATE AND LOCAL  
24 LAWS.—Notwithstanding any provision of  
25 chapter 301 of title 49, United States

1 Code, a State or a political subdivision of  
2 a State may not adopt or enforce a law or  
3 regulation related to a motorcoach crash  
4 avoidance and occupant protection system  
5 prior to the effective date of the regula-  
6 tions issued pursuant to this paragraph.

7 (ii) APPLICABILITY OF STANDARDS.—  
8 The standards issued under subparagraphs  
9 (A) through (E) shall require motorcoaches  
10 manufactured after the last day of 3-year  
11 period beginning on the date on which  
12 such standards are issued to be engineered  
13 and equipped to meet such standards.

14 (iii) LIMITATION ON STATUTORY CON-  
15 STRUCTION.—Nothing in this subsection or  
16 in the regulations issued pursuant to this  
17 subsection may be construed as indicating  
18 an intention by Congress to affect, change,  
19 or modify in any way the liability, if any,  
20 of a motorcoach manufacturer or motor-  
21 coach owner or operator under applicable  
22 law to buses or motorcoaches, manufac-  
23 tured and operated with or without pas-  
24 senger seat belts or other passenger re-  
25 straint systems, prior to the effective date

1           of the regulations issued under this sub-  
2           section.

3           (2) SAFETY STANDARDS FOR EXISTING  
4 MOTORCOACHES.—

5           (A) IN GENERAL.—Not later than 3 years  
6 after the date of enactment of this subsection,  
7 the Secretary shall issue standards for  
8 motorcoaches that are manufactured before the  
9 date that is 3 years after the date on which the  
10 standards required under paragraph (1) are  
11 issued, taking into account the limitations  
12 posed by the need to retrofit existing  
13 motorcoaches. Such standards shall have the  
14 same objectives as the standards required under  
15 subparagraphs (A) through (E) of paragraph  
16 (1), but may differ from such standards based  
17 on what is technically feasible for existing  
18 motorcoaches.

19           (B) STANDARDS FOR COMPONENT PARTS  
20 AND EQUIPMENT.—In lieu of issuing com-  
21 prehensive standards for motorcoaches under  
22 subparagraph (A), the Secretary may develop  
23 standards for various component parts and  
24 equipment of motorcoaches that would increase  
25 occupant protection.

1 (C) EFFECTIVE DATE.—The effective date  
2 for the standards issued under this subsection  
3 shall be the same as the effective date for the  
4 standards issued under paragraph (1).

5 (D) CERTIFICATION.—The Secretary shall  
6 establish, by regulation, a system whereby the  
7 motorcoaches to which the standards issued  
8 under subparagraph (A) apply shall be certified  
9 as in compliance with such standards. Such cer-  
10 tification shall be carried out by the Secretary  
11 or by private parties at the discretion and au-  
12 thorization of the Secretary.

13 (3) COMPLIANCE TIMETABLES.—

14 (A) EFFECTIVE DATE.—The effective date  
15 of the standards issued under paragraphs (1)  
16 and (2) shall be 3 years after the date on which  
17 such final standards are issued. All  
18 motorcoaches manufactured after such date  
19 shall comply with such standards.

20 (B) PHASED IN REQUIREMENTS.—

21 (i) FIRST PHASE.—Not later than 6  
22 years after the effective date of the stand-  
23 ards issued under paragraphs (1) and (2),  
24 a motorcoach owner or operator shall en-  
25 sure that at least 50 percent of the

1 motorcoaches used by the owner or oper-  
2 ator comply with either the standards  
3 issued under paragraph (1) or the stand-  
4 ards issued under paragraph (2), as appro-  
5 priate.

6 (ii) SECOND PHASE.—Not later than  
7 12 years after the effective date of the  
8 standards issued under paragraphs (1) and  
9 (2), a motorcoach owner or operator shall  
10 ensure that 100 percent of the  
11 motorcoaches used by the owner or oper-  
12 ator comply with either of such standards.

13 (C) STATE AND LOCAL LAWS.—

14 (i) LIABILITY OF MOTORCOACH MANU-  
15 FACTURERS AND OWNERS AND OPERA-  
16 TORS.—Nothing in this subsection may be  
17 construed to affect, change, or modify in  
18 any way the liability, if any, of a motor-  
19 coach manufacturer or motorcoach owner  
20 or operator under applicable law to buses  
21 or motorcoaches unless the manufacturer  
22 or owner or operator is shown not to be in  
23 compliance with the timetables set forth in  
24 subparagraphs (A) and (B).

1                   (ii) PREEMPTION.—Notwithstanding  
2                   any provision of chapter 301 of title 49,  
3                   United States Code, a State or a political  
4                   subdivision of a State may not adopt or  
5                   enforce a law or regulation related to any  
6                   of the standards required by paragraphs  
7                   (1) and (2) during the time periods set  
8                   forth in subparagraphs (A) and (B).

9                   (4) DEFINITION OF MOTORCOACH.—In this  
10                  subsection, the term “motorcoach” means an over-  
11                  the-road bus, characterized by an elevated passenger  
12                  deck located over a baggage compartment.

13 **SEC. 6310. CRASH AVOIDANCE TECHNOLOGY.**

14                  (a) STUDY.—The Secretary shall study the effective-  
15                  ness of crash avoidance technologies as countermeasures  
16                  to lessen the impact of distracted driving in commercial  
17                  motor vehicle crashes.

18                  (b) REPORT TO CONGRESS.—Not later than October  
19                  1, 2013, the Secretary shall submit to the Committee on  
20                  Transportation and Infrastructure of the House of Rep-  
21                  resentatives and the Committee on Commerce, Science,  
22                  and Transportation of the Senate a report detailing the  
23                  results of the study.

1 **SEC. 6311. EXPANSION OF COLLISION MITIGATION STUDY.**

2 (a) **STUDY.**—The Secretary shall expand the ongoing  
3 study of the Department on collision mitigation systems  
4 in commercial motor vehicles to include systems that can  
5 react to a stopped vehicle.

6 (b) **REPORT TO CONGRESS.**—Not later than October  
7 1, 2013, the Secretary shall submit to the Committee on  
8 Transportation and Infrastructure of the House of Rep-  
9 resentatives and the Committee on Commerce, Science,  
10 and Transportation of the Senate a report detailing the  
11 results of the study.

12 **Subtitle D—Commercial Motor**  
13 **Vehicle Operators**

14 **SEC. 6401. NATIONAL CLEARINGHOUSE FOR RECORDS RE-**  
15 **LATING TO ALCOHOL AND CONTROLLED SUB-**  
16 **STANCES TESTING OF COMMERCIAL MOTOR**  
17 **VEHICLE OPERATORS.**

18 (a) **IN GENERAL.**—Chapter 313 is amended by in-  
19 serting after section 31306 the following:

20 **“§ 31306a. National clearinghouse for records relating**  
21 **to alcohol and controlled substances test-**  
22 **ing**

23 **“(a) ESTABLISHMENT.**—

24 **“(1) IN GENERAL.**—Subject to the require-  
25 ments of this section, the Secretary of Transpor-  
26 tation shall establish and maintain an information

1 system that will serve as a national clearinghouse for  
2 records relating to the alcohol and controlled sub-  
3 stances testing program applicable to operators of  
4 commercial motor vehicles under section 31306.

5 “(2) PURPOSES.—The purposes of the clearing-  
6 house shall be—

7 “(A) to improve compliance with the re-  
8 quirements of the testing program; and

9 “(B) to help prevent accidents and injuries  
10 resulting from the misuse of alcohol or use of  
11 controlled substances by operators of commer-  
12 cial motor vehicles.

13 “(3) CONTENTS.—The clearinghouse shall be a  
14 repository of records relating to violations of the  
15 testing program by individuals submitted to the Sec-  
16 retary in accordance with this section.

17 “(4) ELECTRONIC EXCHANGE OF RECORDS.—  
18 The Secretary shall ensure the ability for records to  
19 be submitted to the clearinghouse, and requested  
20 from the clearinghouse, on an electronic basis.

21 “(5) DEADLINE.—The Secretary shall establish  
22 the clearinghouse not later than 1 year after the  
23 date of enactment of this section.

24 “(b) EMPLOYMENT PROHIBITIONS.—

1           “(1) IN GENERAL.—An employer may permit  
2           an individual to operate a commercial motor vehicle  
3           or perform any other safety sensitive function only  
4           if the employer makes a request for information  
5           from the clearinghouse at such times as the Sec-  
6           retary shall specify, by regulation, and the informa-  
7           tion in the clearinghouse at the time of the request  
8           indicates that the individual—

9                   “(A) has not violated the requirements of  
10           the testing program in the preceding 3-year pe-  
11           riod; or

12                   “(B) if the individual has violated the re-  
13           quirements of the testing program during that  
14           period, is eligible to return to safety sensitive  
15           duties pursuant to the return-to-duty process  
16           established under the testing program.

17           “(2) VIOLATIONS.—For purposes of paragraph  
18           (1), an individual shall be considered to have vio-  
19           lated the requirements of the testing program if the  
20           individual—

21                   “(A) has a confirmed or verified, as appli-  
22           cable, positive alcohol or controlled substances  
23           test result under the testing program;

1           “(B) has failed or refused to submit to an  
2           alcohol or controlled substances test under the  
3           testing program; or

4           “(C) has otherwise failed to comply with  
5           the requirements of the testing program.

6           “(3) APPLICABILITY.—Paragraph (1) shall  
7           apply to an individual who performs a safety sen-  
8           sitive function for an employer as a full-time regu-  
9           larly employed driver, casual, intermittent, or occa-  
10          sional driver, or leased driver, or independent owner-  
11          operator contractor of such employer or, as deter-  
12          mined by the Secretary, pursuant to another ar-  
13          rangement.

14          “(4) WRITTEN NOTICE THAT CLEARINGHOUSE  
15          IS OPERATIONAL.—The Secretary shall issue a writ-  
16          ten notice when the Secretary determines that the  
17          clearinghouse is operational and employers are able  
18          to use the clearinghouse to meet the requirements of  
19          section 382.413 of title 49, Code of Federal Regula-  
20          tions, as in effect on the date of enactment of this  
21          section.

22          “(5) EFFECTIVE DATE.—Paragraph (1) shall  
23          take effect on a date specified by the Secretary in  
24          the written notice issued under paragraph (4) that

1 is not later than 30 days after the date of issuance  
2 of the written notice.

3 “(6) CONTINUED APPLICATION OF EXISTING  
4 REQUIREMENTS.—Following the date on which para-  
5 graph (1) takes effect, an employer shall continue to  
6 be subject to the requirements of section 382.413 of  
7 title 49, Code of Federal Regulations, as in effect on  
8 the date of enactment of this section, for a period  
9 of 3 years or for such longer period as the Secretary  
10 determines appropriate.

11 “(7) NOTICE OF REQUIREMENTS APPLICABLE  
12 TO EMPLOYERS.—The Secretary shall provide notice  
13 of the requirements applicable to employers under  
14 this section through published notices in the Federal  
15 Register.

16 “(c) REPORTING OF RECORDS.—

17 “(1) IN GENERAL.—The Secretary shall require  
18 employers and appropriate service agents, including  
19 medical review officers, to submit to the Secretary  
20 for inclusion in the clearinghouse records of viola-  
21 tions of the testing program by individuals described  
22 in subsection (b)(3).

23 “(2) SPECIFIC REPORTING REQUIREMENTS.—In  
24 carrying out paragraph (1), the Secretary shall re-  
25 quire, at a minimum—

1           “(A) a medical review officer to report  
2 promptly, as determined by the Secretary, to  
3 the clearinghouse—

4                   “(i) a verified positive controlled sub-  
5 stances test result of an individual under  
6 the testing program; and

7                   “(ii) a failure or refusal of an indi-  
8 vidual to submit to a controlled substances  
9 test in accordance with the requirements of  
10 the testing program; and

11           “(B) an employer (or, in the case of an op-  
12 erator of a commercial motor vehicle who is  
13 self-employed, the service agent administering  
14 the operator’s testing program) to report  
15 promptly, as determined by the Secretary, to  
16 the clearinghouse—

17                   “(i) a confirmed positive alcohol test  
18 result of an individual under the testing  
19 program; and

20                   “(ii) a failure or refusal of an indi-  
21 vidual to provide a specimen for a con-  
22 trolled substances test in accordance with  
23 the requirements of the testing program.

24           “(3) UPDATING OF RECORDS.—The Secretary  
25 shall ensure that a record in the clearinghouse is up-

1       dated to include a return-to-duty test result of an in-  
2       dividual under the testing program.

3               “(4) INCLUSION OF RECORDS IN CLEARING-  
4       HOUSE.—The Secretary shall include all records of  
5       violations received pursuant to this subsection in the  
6       clearinghouse.

7               “(5) MODIFICATIONS AND DELETIONS.—If the  
8       Secretary determines that a record contained in the  
9       clearinghouse is not accurate, the Secretary shall  
10      modify or delete the record.

11              “(6) NOTIFICATION OF INDIVIDUALS.—The  
12      Secretary shall establish a process to provide notifi-  
13      cation to an individual of—

14                      “(A) a submission of a record to the clear-  
15                      inghouse relating to the individual; and

16                      “(B) any modification or deletion of a  
17                      record in the clearinghouse pertaining to the in-  
18                      dividual, including the reason for the modifica-  
19                      tion or deletion.

20              “(7) TIMELY AND ACCURATE REPORTING.—The  
21      Secretary may establish additional requirements, as  
22      appropriate, to ensure timely and accurate reporting  
23      of records to the clearinghouse.

24              “(8) DELETION OF RECORDS.—The Secretary  
25      shall delete a record of a violation submitted to the

1 clearinghouse after a period of 3 years beginning on  
2 the date the individual is eligible to return to safety  
3 sensitive duties pursuant to the return-to-duty proc-  
4 ess established under the testing program.

5 “(d) ACCESS TO CLEARINGHOUSE BY EMPLOYERS.—

6 “(1) IN GENERAL.—The Secretary shall estab-  
7 lish a process for an employer to request and receive  
8 records in the clearinghouse pertaining to an indi-  
9 vidual in accordance with subsection (b).

10 “(2) WRITTEN CONSENT OF INDIVIDUALS.—An  
11 employer shall obtain the written consent of an indi-  
12 vidual before requesting any records in the clearing-  
13 house pertaining to the individual.

14 “(3) ACCESS TO RECORDS.—Upon receipt of a  
15 request for records from an employer under para-  
16 graph (1), the Secretary shall provide the employer  
17 with access to the records as expeditiously as prac-  
18 ticable.

19 “(4) RECORDS OF REQUESTS.—The Secretary  
20 shall require an employer to maintain for a 3-year  
21 period—

22 “(A) a record of each request made by the  
23 employer for records from the clearinghouse;  
24 and

1           “(B) any information received pursuant to  
2 the request.

3           “(5) USE OF RECORDS.—

4           “(A) IN GENERAL.—An employer—

5           “(i) may obtain from the clearing-  
6 house a record pertaining to an individual  
7 only for the purpose of determining wheth-  
8 er a prohibition applies with respect to the  
9 individual to operate a commercial motor  
10 vehicle or perform any other safety sen-  
11 sitive function under subsection (b)(1); and

12           “(ii) may use the record only for such  
13 purpose.

14           “(B) PROTECTION OF PRIVACY OF INDI-  
15 VIDUALS.—An employer that receives a record  
16 from the clearinghouse pertaining to an indi-  
17 vidual shall protect the privacy of the individual  
18 and the confidentiality of the record, including  
19 taking reasonable precautions to ensure that in-  
20 formation contained in the record is not di-  
21 vulged to any person who is not directly in-  
22 volved in determining whether a prohibition ap-  
23 plies with respect to the individual to operate a  
24 commercial motor vehicle or perform any other

1 safety sensitive function under subsection  
2 (b)(1).

3 “(e) ACCESS TO CLEARINGHOUSE BY INDIVID-  
4 UALS.—

5 “(1) IN GENERAL.—The Secretary shall estab-  
6 lish a process for an individual to request and re-  
7 ceive information from the clearinghouse—

8 “(A) to learn whether a record pertaining  
9 to the individual is contained in the clearing-  
10 house;

11 “(B) to verify the accuracy of the record;

12 “(C) to verify updates to the individual’s  
13 record, including completion of a return-to-duty  
14 process under the testing program; and

15 “(D) to learn of requests for information  
16 from the clearinghouse regarding the individual.

17 “(2) DISPUTE PROCEDURE.—The Secretary  
18 shall establish a procedure, including an appeal  
19 process, for an individual to dispute and remedy an  
20 administrative error in a record pertaining to the in-  
21 dividual in the clearinghouse, except that the appeal  
22 process shall not be used to dispute or remedy the  
23 validity of a controlled substance or alcohol test re-  
24 sult.

1           “(3) ACCESS TO RECORDS.—Upon receipt of a  
2           request for records from an individual under para-  
3           graph (1), the Secretary shall provide the individual  
4           with access to the records as expeditiously as prac-  
5           ticable.

6           “(f) ACCESS TO CLEARINGHOUSE BY CHIEF COM-  
7           MERCIAL DRIVER LICENSING OFFICIALS.—

8           “(1) IN GENERAL.—The Secretary shall estab-  
9           lish a process for the chief commercial driver licens-  
10          ing official of a State to request and receive records  
11          pertaining to an individual from the clearinghouse.

12          “(2) USE OF INFORMATION.—The chief com-  
13          mercial driver licensing official of a State may not  
14          obtain from the clearinghouse a record pertaining to  
15          an individual for any purpose other than to take an  
16          action related to a commercial driver’s license for  
17          the individual under applicable State law or to com-  
18          ply with section 31311(a)(22).

19          “(g) USE OF CLEARINGHOUSE INFORMATION FOR  
20          ENFORCEMENT PURPOSES.—The Secretary may use the  
21          records in the clearinghouse for the purposes of enforce-  
22          ment activities under this chapter.

23          “(h) DESIGN OF CLEARINGHOUSE.—

1           “(1) IN GENERAL.—In establishing the clear-  
2           inghouse, the Secretary shall develop a secure proc-  
3           ess for—

4                   “(A) registration, authorization, and au-  
5                   thentication of a user of the clearinghouse;

6                   “(B) registration, authorization, and au-  
7                   thentication of individuals required to report to  
8                   the clearinghouse under subsection (c);

9                   “(C) preventing information from the  
10                  clearinghouse from being accessed by unauthor-  
11                  ized users;

12                  “(D) timely and accurate electronic sub-  
13                  missions of data to the clearinghouse under  
14                  subsection (c);

15                  “(E) timely and accurate access to records  
16                  from the clearinghouse under subsections (d),  
17                  (e), and (f); and

18                  “(F) updates to an individual’s record re-  
19                  lated to compliance with the return-to-duty  
20                  process under the testing program.

21           “(2) ARCHIVE CAPABILITY.—The clearinghouse  
22           shall be designed to allow for an archive of the re-  
23           ceipt, modification, and deletion of records for the  
24           purposes of auditing and evaluating the timeliness,

1 accuracy, and completeness of data in the clearing-  
2 house.

3 “(3) SECURITY STANDARDS.—The clearing-  
4 house shall be designed and administered in compli-  
5 ance with applicable Department of Transportation  
6 information technology security standards.

7 “(4) INTEROPERABILITY WITH OTHER SYS-  
8 TEMS.—In establishing the clearinghouse and devel-  
9 oping requirements for data to be included in the  
10 clearinghouse, the Secretary, to the maximum extent  
11 practicable, shall take into consideration—

12 “(A) existing information systems con-  
13 taining regulatory and safety data for motor ve-  
14 hicle operators;

15 “(B) the efficacy of using or combining  
16 clearinghouse data with 1 or more of such sys-  
17 tems; and

18 “(C) the potential interoperability of the  
19 clearinghouse with existing and future informa-  
20 tion systems containing regulatory and safety  
21 data for motor vehicle operators.

22 “(i) PRIVACY.—

23 “(1) AVAILABILITY OF CLEARINGHOUSE INFOR-  
24 MATION.—The Secretary shall establish a process to  
25 make information available from the clearinghouse

1 in a manner that is consistent with this section and  
2 applicable Federal information and privacy laws, in-  
3 cluding regulations.

4 “(2) UNAUTHORIZED INDIVIDUALS.—The Sec-  
5 retary may not provide information from the clear-  
6 ingshouse to an individual who is not authorized by  
7 this section to receive the information.

8 “(j) FEES.—

9 “(1) AUTHORITY TO COLLECT FEES.—

10 “(A) GENERAL AUTHORITY.—The Sec-  
11 retary may collect fees for requests for informa-  
12 tion from the clearinghouse.

13 “(B) AMOUNT TO BE COLLECTED.—Fees  
14 collected under this subsection in a fiscal year  
15 shall equal as nearly as possible the costs of op-  
16 erating the clearinghouse in that fiscal year, in-  
17 cluding personnel costs.

18 “(C) RECEIPTS TO BE CREDITED AS OFF-  
19 SETTING COLLECTIONS.—The amount of any  
20 fee collected under this subsection shall be—

21 “(i) credited as offsetting collections  
22 to the account that finances the activities  
23 and services for which the fee is imposed;  
24 and

1                   “(ii) available without further appro-  
2                   priation for such activities and services  
3                   until expended.

4                   “(2) LIMITATION.—The Secretary shall ensure  
5                   that an individual requesting information from the  
6                   clearinghouse in order to dispute or remedy an error  
7                   in a record pertaining to the individual pursuant to  
8                   subsection (e)(2) may obtain the information with-  
9                   out being subject to a fee authorized by paragraph  
10                  (1).

11                  “(k) ENFORCEMENT.—An employer, and any person  
12                  acting as a service agent, shall be subject to civil and  
13                  criminal penalties for a violation of this section in accord-  
14                  ance with section 521(b).

15                  “(l) DEFINITIONS.—In this section, the following  
16                  definitions apply:

17                  “(1) CHIEF COMMERCIAL DRIVER LICENSING  
18                  OFFICIAL.—The term ‘chief commercial driver li-  
19                  censing official’ means the official in a State who is  
20                  authorized—

21                         “(A) to maintain a record about a com-  
22                         mercial driver’s license issued by the State; and

23                         “(B) to take action on a commercial driv-  
24                         er’s license issued by the State.

1           “(2) CLEARINGHOUSE.—The term ‘clearing-  
2 house’ means the clearinghouse to be established  
3 under subsection (a).

4           “(3) EMPLOYER.—Notwithstanding section  
5 31301, the term ‘employer’ means a person or entity  
6 employing 1 or more employees (including an indi-  
7 vidual who is self-employed) that is subject to De-  
8 partment of Transportation requirements under the  
9 testing program. The term does not include a service  
10 agent.

11           “(4) MEDICAL REVIEW OFFICER.—The term  
12 ‘medical review officer’ means a person who is a li-  
13 censed physician and who is responsible for receiving  
14 and reviewing laboratory results generated under the  
15 testing program and evaluating medical explanations  
16 for certain controlled substances test results.

17           “(5) SAFETY SENSITIVE FUNCTION.—The term  
18 ‘safety sensitive function’ has the meaning such  
19 term has under part 382 of title 49, Code of Federal  
20 Regulations, or any successor regulation.

21           “(6) SERVICE AGENT.—The term ‘service  
22 agent’ means a person or entity, other than an em-  
23 ployee of an employer, who provides services covered  
24 by part 40 of title 49, Code of Federal Regulations,  
25 or any successor regulation, to employers or employ-

1       ees (or both) under the testing program, and the  
2       term includes a medical review officer.

3               “(7) TESTING PROGRAM.—The term ‘testing  
4       program’ means the alcohol and controlled sub-  
5       stances testing program established under section  
6       31306.”.

7       (b) CONFORMING AMENDMENT.—The analysis for  
8       such chapter is amended by inserting after the item relat-  
9       ing to section 31306 the following:

      “31306a. National clearinghouse for records relating to alcohol and controlled  
          substances testing.”.

10       (c) PENALTIES.—

11               (1) APPLICATION OF PENALTY.—Section  
12       31306(j) is amended by inserting “An employer, in-  
13       cluding an individual who is self-employed, shall be  
14       subject to civil and criminal penalties in accordance  
15       with section 521(b) for a violation of this section.”  
16       before “This section”.

17               (2) VIOLATIONS RELATING TO COMMERCIAL  
18       MOTOR VEHICLE SAFETY REGULATIONS AND OPERA-  
19       TORS.—Section 521(b) is amended—

20                       (A) in paragraph (1)(A) by inserting  
21               “31306, 31306a,” before “31310(g)(1)(A)”;

22                       (B) in paragraphs (2)(A), (2)(B), and  
23               (6)(A) by inserting “31306, 31306a, or” before  
24               “31502”; and

1 (C) in paragraph (5)(A) by inserting  
2 “31306, 31306a,” before “or 31502”.

3 (3) CONTROLLED SUBSTANCE OR ALCOHOL  
4 TESTING.—Any person acting as a service agent  
5 under the Secretary’s regulations in part 40 of title  
6 49, Code of Federal Regulations, as in effect on the  
7 date of enactment of this Act, who violates the re-  
8 quirements prescribed by the Secretary for con-  
9 ducting alcohol or controlled substances testing  
10 under such part or any related regulation of the De-  
11 partment shall be liable to the United States Gov-  
12 ernment for a civil penalty of not more than  
13 \$10,000 for each violation. Each day that a violation  
14 continues shall constitute a separate violation.

15 **SEC. 6402. COMMERCIAL MOTOR VEHICLE OPERATOR**  
16 **TRAINING.**

17 (a) IN GENERAL.—Not later than 2 years after the  
18 date of enactment of this Act, the Secretary shall issue  
19 final regulations establishing minimum training require-  
20 ments for commercial motor vehicle operators.

21 (b) REQUIREMENTS.—The regulations shall—

22 (1) require commercial motor vehicle operators,  
23 before obtaining a commercial driver’s license for the  
24 first time or upgrading from one class of commercial

1 driver's license to another, to receive training that  
2 meets the requirements established by the Secretary;

3 (2) address the knowledge and skills necessary  
4 for an operator of a commercial motor vehicle to  
5 safely operate a commercial motor vehicle;

6 (3) address the specific and additional training  
7 needs of commercial motor vehicle operators seeking  
8 passenger or hazardous materials endorsements;

9 (4) require instruction that is effective for ac-  
10 quiring the knowledge and skills referred to in para-  
11 graphs (2) and (3);

12 (5) require the issuance of a certification that  
13 a commercial motor vehicle operator has met the re-  
14 quirements established by the Secretary; and

15 (6) require a training provider (including public  
16 or private driving schools, motor carriers, or owners  
17 or operators of a commercial motor vehicle) offering  
18 training that results in the issuance of a certification  
19 to an operator under paragraph (5) to demonstrate  
20 that such training meets the requirements of the  
21 regulations, through a process established by the  
22 Secretary.

23 (c) COMMERCIAL DRIVER'S LICENSE UNIFORM  
24 STANDARDS.—Section 31308(1) is amended to read as  
25 follows:

1           “(1) an individual issued a commercial driver’s  
2 license—

3           “(A) pass written and driving tests for the  
4 operation of a commercial motor vehicle that  
5 comply with the minimum standards prescribed  
6 by the Secretary under section 31305(a); and

7           “(B) present certification of completion of  
8 driver training that meets the requirements es-  
9 tablished by the Secretary under section 4042  
10 of the Motor Carrier Safety, Efficiency, and Ac-  
11 countability Act of 2012;”.

12 **SEC. 6403. COMMERCIAL DRIVER’S LICENSE PROGRAM.**

13       (a) IN GENERAL.—Section 31309(e)(4)(A) is amend-  
14 ed by striking the period at the end and inserting “and  
15 must use the systems to receive and submit conviction and  
16 disqualification data.”.

17       (b) REQUIREMENTS FOR STATE PARTICIPATION.—

18           (1) IN GENERAL.—Section 31311(a) is amend-  
19 ed—

20           (A) in paragraph (5) by striking “At least”  
21 and all that follows through “regulation),” and  
22 inserting the following: “Within the time period  
23 the Secretary prescribes by regulation,”; and

24           (B) by adding at the end the following:

1           “(22) Before renewing or issuing a commercial  
2 driver’s license to an individual, the State shall re-  
3 quest information pertaining to the individual from  
4 the drug and alcohol clearinghouse maintained under  
5 section 31306a.

6           “(23) The State shall ensure that the State’s  
7 commercial driver’s license information system com-  
8 plies with applicable Federal information technology  
9 standards.”.

10           (2) STATE COMMERCIAL DRIVER’S LICENSE  
11 PROGRAM PLAN.—Section 31311 is amended by add-  
12 ing at the end the following:

13           “(d) STATE COMMERCIAL DRIVER’S LICENSE PRO-  
14 GRAM PLAN.—

15           “(1) IN GENERAL.—A State shall develop and  
16 submit to the Secretary for approval a plan for com-  
17 plying with the requirements of subsection (a) in the  
18 period beginning on the date that the plan is ap-  
19 proved and ending on September 30, 2017.

20           “(2) CONTENTS.—A plan submitted by a State  
21 under paragraph (1) shall identify—

22           “(A) the actions that the State must take  
23 to address any deficiencies in the State’s com-  
24 mercial driver’s license program, as identified

1 by the Secretary in the most recent audit of the  
2 program; and

3 “(B) other actions that the State must  
4 take to comply with the requirements of sub-  
5 section (a).

6 “(3) PRIORITY.—

7 “(A) IMPLEMENTATION SCHEDULE.—A  
8 plan submitted by a State under paragraph (1)  
9 shall include a schedule for the implementation  
10 of the actions identified under paragraph (2).

11 “(B) DEADLINE FOR COMPLIANCE WITH  
12 REQUIREMENTS.—A plan submitted by a State  
13 under paragraph (1) shall include assurances  
14 that the State will take the necessary actions to  
15 comply with the requirements of subsection (a)  
16 not later than September 30, 2017.

17 “(4) APPROVAL AND DISAPPROVAL.—The Sec-  
18 retary shall—

19 “(A) review a plan submitted by a State  
20 under paragraph (1); and

21 “(B)(i) approve the plan if the Secretary  
22 determines that the plan is adequate to promote  
23 the objectives of this section; or

24 “(ii) disapprove the plan.

1           “(5) MODIFICATION OF DISAPPROVED PLANS.—  
2           If the Secretary disapproves a plan under this sub-  
3           section, the Secretary shall—

4                   “(A) provide the State a written expla-  
5                   nation of the disapproval; and

6                   “(B) allow the State to modify and resub-  
7                   mit the plan for approval.

8           “(6) PLAN UPDATES.—The Secretary may re-  
9           quire States to review and update plans, as appro-  
10          priate.”.

11          (3) ANNUAL COMPARISON OF STATE LEVELS OF  
12          COMPLIANCE.—Section 31311 is further amended by  
13          adding at the end the following:

14          “(e) ANNUAL COMPARISON OF STATE LEVELS OF  
15          COMPLIANCE.—On an annual basis, the Secretary shall—

16                   “(1) conduct a comparison of the relative levels  
17                   of compliance by States with the requirements of  
18                   subsection (a); and

19                   “(2) make available to the public the results of  
20                   the comparison, using a mechanism that the Sec-  
21                   retary determines appropriate.”.

22          (c) GRANTS FOR COMMERCIAL DRIVER’S LICENSE  
23          PROGRAM IMPLEMENTATION.—

24                   (1) IN GENERAL.—Section 31313(a) is amend-  
25                   ed to read as follows:

1       “(a) GRANTS FOR COMMERCIAL DRIVER’S LICENSE  
2 PROGRAM IMPLEMENTATION.—

3               “(1) IN GENERAL.—The Secretary of Transpor-  
4 tation may make a grant to a State in a fiscal year  
5 to assist the State in complying with the require-  
6 ments of section 31311.

7               “(2) ELIGIBILITY.—A State shall be eligible for  
8 a grant under this subsection if the State has in ef-  
9 fect a commercial driver’s license program plan ap-  
10 proved by the Secretary under section 31311(d).

11               “(3) USES OF GRANT FUNDS.—A State may  
12 use grant funds under this subsection—

13                       “(A) to comply with section 31311; and

14                       “(B) in the case of a State that is making  
15 a good faith effort toward substantial compli-  
16 ance with the requirements of section 31311  
17 and this section, to improve its implementation  
18 of its commercial driver’s license program, in-  
19 cluding expenses—

20                               “(i) for computer hardware and soft-  
21 ware;

22                               “(ii) for publications, testing, per-  
23 sonnel, training, and quality control;

24                               “(iii) for commercial driver’s license  
25 program coordinators; and

1           “(iv) to establish and implement a  
2           system to notify an employer of an oper-  
3           ator of a commercial motor vehicle of a  
4           suspension or revocation of such operator’s  
5           driver’s license.

6           “(C) PROHIBITIONS.—A State may not  
7           use grant funds under this subsection to rent,  
8           lease, or buy land or buildings.

9           “(4) MAINTENANCE OF EXPENDITURES.—The  
10          Secretary may make a grant to a State under this  
11          subsection only if the State provides assurances sat-  
12          isfactory to the Secretary that the total expenditure  
13          of amounts of the State and political subdivisions of  
14          the State (not including amounts of the United  
15          States) for the State’s commercial driver’s license  
16          program will be maintained at a level that at least  
17          equals the average level of that expenditure by the  
18          State and political subdivisions of the State for the  
19          most recent 3 fiscal years ending before the date of  
20          enactment of the Motor Carrier Safety, Efficiency,  
21          and Accountability Act of 2012.”.

22          (2) APPORTIONMENT.—Section 31313 is  
23          amended—

24                 (A) by striking subsections (b) and (c);

1 (B) by redesignating subsection (d) as sub-  
2 section (b); and

3 (C) by striking subsection (b) (as so redес-  
4 igned) and inserting the following:

5 “(b) APPORTIONMENT.—

6 “(1) APPORTIONMENT FORMULA.—Subject to  
7 paragraph (2), the amounts made available to carry  
8 out this section for a fiscal year shall be apportioned  
9 among the States in the ratio that—

10 “(A) the number of commercial driver’s li-  
11 censes issued in each State; bears to

12 “(B) the total number of commercial driv-  
13 er’s licenses issued in all States.

14 “(2) MINIMUM APPORTIONMENT.—The appor-  
15 tionment to each State that has in effect a commer-  
16 cial driver’s license program plan approved by the  
17 Secretary under section 31311(d) shall be not less  
18 than one-half of 1 percent of the total funds avail-  
19 able to carry out this section.”.

20 (3) CONFORMING AMENDMENT.—The section  
21 heading for section 31313 is amended by striking  
22 “**improvements**” and inserting “**implementa-**  
23 **tion**”.

1           (4) CLERICAL AMENDMENT.—The analysis for  
2           chapter 313 is amended by striking the item relating  
3           to section 31313 and inserting the following:

“31313. Grants for commercial driver’s license program implementation.”.

4 **SEC. 6404. COMMERCIAL DRIVER’S LICENSE PASSENGER**  
5 **ENDORSEMENT REQUIREMENTS.**

6           (a) IN GENERAL.—Not later than 2 years after the  
7           date of enactment of this Act, the Secretary shall review  
8           and assess the current knowledge and skill testing require-  
9           ments for a commercial driver’s license passenger endorse-  
10          ment to determine what improvements to the knowledge  
11          test or examination of driving skills are necessary to en-  
12          sure the safe operation of commercial motor vehicles de-  
13          signed or used to transport passengers.

14          (b) REPORT.—Not later than 120 days after comple-  
15          tion of the review and assessment under subsection (a),  
16          the Secretary shall submit to the Committee on Transpor-  
17          tation and Infrastructure of the House of Representatives  
18          and the Committee on Commerce, Science, and Transpor-  
19          tation of the Senate—

20                 (1) a report on the review and assessment con-  
21                 ducted under subsection (a);

22                 (2) a plan to implement any changes to the  
23                 knowledge and skills tests; and

24                 (3) a timeframe by which the Secretary will im-  
25                 plement the changes.

1 **SEC. 6405. COMMERCIAL DRIVER'S LICENSE HAZARDOUS**  
2 **MATERIALS ENDORSEMENT EXEMPTION.**

3 (a) IN GENERAL.—The Secretary may not require an  
4 individual with a class A commercial driver's license to ob-  
5 tain a hazardous materials endorsement under part 383  
6 of title 49, Code of Federal Regulations (or any successor  
7 regulation), in order to operate a service vehicle carrying  
8 diesel fuel in quantities of 3,785 liters (1,000 gallons) or  
9 less if—

10 (1) the tank containing such fuel is clearly  
11 marked with a placard reading “Diesel Fuel”; and

12 (2) the individual is acting within the scope of  
13 the individual's employment as an employee of any  
14 of the following farm-related service industries:

15 (A) Agri-chemical business.

16 (B) Custom harvesters.

17 (C) Farm retail outlets and suppliers.

18 (D) Livestock feeders.

19 (b) IMPLEMENTATION.—The Secretary shall carry  
20 out subsection (a) in a manner consistent with the exemp-  
21 tion provided to restricted commercial driver's license  
22 holders under section 383.3(f) of title 49, Code of Federal  
23 Regulations, as in effect on the date of enactment of this  
24 Act.

1 **SEC. 6406. PROGRAM TO ASSIST VETERANS TO ACQUIRE**  
2 **COMMERCIAL DRIVER'S LICENSES.**

3 (a) **ESTABLISHMENT.**—Not later than 1 year after  
4 the date of enactment of this Act, the Secretary, in con-  
5 sultation with the Secretary of Defense and in cooperation  
6 with the States, shall establish accelerated licensing proce-  
7 dures to assist veterans to acquire commercial driver's li-  
8 censes.

9 (b) **ACCELERATED LICENSING PROCEDURES.**—The  
10 procedures established under subsection (a) shall be de-  
11 signed to be applicable to any veteran who—

12 (1) is attempting to acquire a commercial driv-  
13 er's license; and

14 (2) obtained, during military service, driving ex-  
15 perience that, in the determination of the Secretary,  
16 makes the use of accelerated licensing procedures  
17 appropriate.

18 (c) **DEFINITIONS.**—In this section, the following defi-  
19 nitions apply:

20 (1) **COMMERCIAL DRIVER'S LICENSE.**—The  
21 term “commercial driver's license” has the meaning  
22 given that term in section 31301 of title 49, United  
23 States Code.

24 (2) **STATE.**—The term “State” has the mean-  
25 ing given that term in section 31301 of title 49,  
26 United States Code.

1           (3) VETERAN.—The term “veteran” has the  
2           meaning given that term in section 101 of title 38,  
3           United States Code.

## 4       **Subtitle E—Motor Carrier Safety**

### 5       **SEC. 6501. MOTOR CARRIER TRANSPORTATION.**

6           Section 13506(a)(4) is amended by inserting “in  
7           interstate or intrastate commerce” after “a motor vehi-  
8           cle”.

### 9       **SEC. 6502. HOURS OF SERVICE STUDY.**

10          (a) HOURS OF SERVICE STUDY.—

11           (1) IN GENERAL.—Not later than March 31,  
12           2013, the Secretary shall complete a field study on  
13           the efficacy of the restart rule published on Decem-  
14           ber 27, 2011 (in this section referred to as the  
15           “2011 restart rule”), applicable to operators of com-  
16           mercial motor vehicles of property subject to max-  
17           imum driving time requirements of the Secretary.

18           (2) REQUIREMENT.—The study shall expand  
19           upon the results of the laboratory-based study relat-  
20           ing to commercial motor vehicle driver fatigue spon-  
21           sored by the Federal Motor Carrier Safety Adminis-  
22           tration presented in the report of December 2010 ti-  
23           tled “Investigation into Motor Carrier Practices to  
24           Achieve Optimal Commercial Motor Vehicle Driver  
25           Performance: Phase I”.

1           (3) CRITERIA.—In conducting the field study,  
2           the Secretary shall ensure that—

3                   (A) the methodology for the field study is  
4                   consistent, to the maximum extent possible,  
5                   with the laboratory-based study methodology;

6                   (B) the data collected is representative of  
7                   the drivers and motor carriers affected by the  
8                   maximum driving time requirements;

9                   (C) the analysis is statistically valid; and

10                  (D) the field study follows the plan for the  
11                  “Scheduling and Fatigue Recovery Project” de-  
12                  veloped by the Federal Motor Carrier Safety  
13                  Administration.

14           (b) REPORT TO CONGRESS.—Not later than April 30,  
15           2013, the Secretary shall submit to the Committee on  
16           Transportation and Infrastructure of the House of Rep-  
17           resentatives and the Committee on Commerce, Science,  
18           and Transportation of the Senate a report detailing the  
19           results of the study.

20           (c) RULE MODIFICATION AND IMPLEMENTATION.—

21                   (1) APPLICABLE RESTART RULE.—The restart  
22                   rule published on November 19, 2008, shall remain  
23                   in effect until the Secretary completes the field  
24                   study on the 2011 restart rule under subsection (a).

1           (2) IMPLEMENTATION ON SCHEDULE.—If the  
2 Secretary determines that the results of the field  
3 study support the 2011 restart rule, the rule shall  
4 be implemented beginning on the effective date es-  
5 tablished in the rule.

6           (3) MODIFICATION.—

7           (A) IN GENERAL.—If the Secretary deter-  
8 mines that the results of the field study do not  
9 support the 2011 restart rule, the Secretary  
10 shall—

11                   (i) stay the implementation of the  
12 rule; and

13                   (ii) conduct a rulemaking to modify  
14 the rule based on the results of the study.

15           (B) INTERIM RULE.—If the Secretary  
16 stays the implementation of the 2011 restart  
17 rule under subparagraph (A)(i), the restart rule  
18 published on November 19, 2008, shall remain  
19 in effect until the effective date of a final rule  
20 issued under subparagraph (A)(ii).

21 **SEC. 6503. ELECTRONIC LOGGING DEVICES.**

22           (a) IN GENERAL.—If the Secretary issues regulations  
23 regarding electronic logging devices to be used to monitor  
24 compliance with the Secretary’s requirements for hours of  
25 service of drivers under part 395 of title 49, Code of Fed-

1 eral Regulations, the regulations shall include performance  
2 standards.

3 (b) PERFORMANCE STANDARDS AND CERTIFICATION  
4 CRITERIA.—

5 (1) PERFORMANCE STANDARDS.—Any perform-  
6 ance standards issued under subsection (a) shall en-  
7 sure, at a minimum, that an electronic logging de-  
8 vice installed in a commercial motor vehicle—

9 (A) is synchronized to the operation of the  
10 vehicle engine or provides real-time tracking of  
11 vehicle location;

12 (B) is able to identify each individual who  
13 operates the vehicle and track the periods dur-  
14 ing which such individual operates the vehicle;

15 (C) enables law enforcement personnel to  
16 access information contained in the recorder  
17 quickly and easily during a roadside inspection;  
18 and

19 (D) is tamperproof.

20 (2) CERTIFICATION CRITERIA.—

21 (A) IN GENERAL.—If the Secretary issues  
22 regulations described in subsection (a), the Sec-  
23 retary, in issuing the regulations, shall establish  
24 the criteria and a process for the certification  
25 of electronic logging devices to ensure that such

1 devices meet the performance standards issued  
2 under subsection (a).

3 (B) EFFECT OF NONCERTIFICATION.—

4 Electronic logging devices that are not certified  
5 in accordance with the certification process es-  
6 tablished under subparagraph (A) shall not be  
7 acceptable evidence of hours of service and  
8 record of duty status requirements under part  
9 395 of title 49, Code of Federal Regulations.

10 (3) ADDITIONAL REQUIREMENTS.—If the Sec-  
11 retary issues regulations described in subsection (a),  
12 the Secretary, in issuing the regulations, shall—

13 (A) define a standardized user interface to  
14 aid vehicle operator compliance and law en-  
15 forcement reviews;

16 (B) establish a secure process for—

17 (i) standardized and unique vehicle  
18 operator identification;

19 (ii) data access;

20 (iii) data transfer for vehicle operators  
21 between motor vehicles;

22 (iv) data storage for motor carriers;

23 and

24 (v) data transfer and transportability  
25 for law enforcement; and

1 (C) establish a standard security level for  
2 electronic logging devices to be tamper resist-  
3 ant.

4 (c) ADDITIONAL CONSIDERATIONS.—If the Secretary  
5 issues regulations described in subsection (a), the Sec-  
6 retary, in issuing the regulations, shall—

7 (1) evaluate the ability of electronic logging de-  
8 vice technologies that meet the performance stand-  
9 ards described in subsection (b)—

10 (A) to record accurately the time an indi-  
11 vidual operating a commercial motor vehicle  
12 spends on duty but not driving, including time  
13 spent loading and unloading; and

14 (B) to ensure all time on duty is accounted  
15 for and cannot be altered or otherwise tampered  
16 with by the operator or motor carrier;

17 (2) reduce or eliminate requirements for drivers  
18 and motor carriers to retain supporting documenta-  
19 tion associated with paper-based records of duty sta-  
20 tus if—

21 (A) data contained in an electronic logging  
22 device supplants such documentation; and

23 (B) using such data without paper-based  
24 records does not diminish the Secretary's ability

1 to audit and review compliance with the Sec-  
2 retary's hours of service regulations; and

3 (3) include such measures as the Secretary de-  
4 termines are necessary to protect the privacy of indi-  
5 viduals whose personal information is contained in  
6 an electronic logging device.

7 (d) USE OF DATA.—

8 (1) IN GENERAL.—The Secretary may utilize  
9 information contained in an electronic logging device  
10 only to enforce the Secretary's motor carrier safety  
11 and related regulations, including record-of-duty sta-  
12 tus regulations.

13 (2) MEASURES TO PRESERVE CONFIDENTIALITY  
14 OF PERSONAL DATA.—The Secretary shall institute  
15 appropriate measures to preserve the confidentiality  
16 of any personal data contained in an electronic log-  
17 ging device and disclosed in the course of actions  
18 taken by the Secretary or law enforcement officials  
19 to enforce the regulations referred to in paragraph  
20 (1).

21 (e) DEFINITIONS.—In this section, the following defi-  
22 nitions apply:

23 (1) COMMERCIAL MOTOR VEHICLE.—The term  
24 “commercial motor vehicle” has the meaning given

1 that term in section 31132 of title 49, United States  
2 Code.

3 (2) ELECTRONIC LOGGING DEVICE.—The term  
4 “electronic logging device” means an electronic de-  
5 vice that acquires and stores data showing the  
6 record of duty status of the vehicle operator and  
7 performs the functions required in section 395.16(b)  
8 of title 49, Code of Federal Regulations, as in effect  
9 on April 5, 2010 (75 Fed. Reg. 17246).

10 **SEC. 6504. MOTOR CARRIER SAFETY ADVISORY COM-**  
11 **MITTEE.**

12 Section 4144(d) of SAFETEA-LU (49 U.S.C. 31100  
13 note; 119 Stat. 1748) is amended by striking “shall termi-  
14 nate” and all that follows through the period at the end  
15 and inserting “shall terminate on September 30, 2017.”.

16 **SEC. 6505. TRANSPORTATION OF AGRICULTURAL COMMOD-**  
17 **ITIES AND FARM SUPPLIES.**

18 Section 229(a)(1) of the Motor Carrier Safety Im-  
19 provement Act of 1999 (49 U.S.C. 31136 note) is amend-  
20 ed to read as follows:

21 “(1) TRANSPORTATION OF AGRICULTURAL COM-  
22 MODITIES AND FARM SUPPLIES.—Regulations issued  
23 by the Secretary under sections 31136 and 31502 of  
24 title 49, United States Code, regarding maximum  
25 driving and on-duty time for a driver used by a

1 motor carrier, shall not apply during a planting or  
2 harvest period of a State, as that period is deter-  
3 mined by the State, to—

4 “(A) drivers transporting agricultural com-  
5 modities in the State from the source of the ag-  
6 ricultural commodities to a location within a  
7 150 air-mile radius from the source;

8 “(B) drivers transporting farm supplies for  
9 agricultural purposes in the State from a whole-  
10 sale or retail distribution point of the farm sup-  
11 plies to a farm or other location where the farm  
12 supplies are intended to be used within a 150  
13 air-mile radius from the distribution point; or

14 “(C) drivers transporting farm supplies for  
15 agricultural purposes in the State from a whole-  
16 sale distribution point of the farm supplies to a  
17 retail distribution point of the farm supplies  
18 within a 150 air-mile radius from the wholesale  
19 distribution point.”.

20 **SEC. 6506. EXEMPTION RELATING TO TRANSPORTATION OF**  
21 **GRAPES DURING HARVEST PERIODS.**

22 Regulations issued by the Secretary of Transpor-  
23 tation under sections 31136 and 31502 of title 49, United  
24 States Code, regarding maximum driving and on-duty  
25 time for a driver used by a motor carrier, shall not apply,

1 beginning on the date of enactment of this Act, to a driver  
2 transporting grapes in a State if the transportation—

3 (1) is during a harvest period (as that period  
4 is determined by the State); and

5 (2) is limited to an area within a 175 air-mile  
6 radius from the location where the grapes are picked  
7 or distributed.

## 8 **Subtitle F—Miscellaneous**

### 9 **SEC. 6601. EXEMPTIONS FROM REQUIREMENTS FOR CER-** 10 **TAIN FARM VEHICLES.**

11 (a) **FEDERAL REQUIREMENTS.**—A covered farm ve-  
12 hicle, including the individual operating that vehicle, shall  
13 be exempt from the following:

14 (1) Any requirement relating to commercial  
15 driver’s licenses established under chapter 313 of  
16 title 49, United States Code.

17 (2) Any requirement relating to drug testing es-  
18 tablished under chapter 313 of title 49, United  
19 States Code.

20 (3) Any requirement relating to medical certifi-  
21 cates established under—

22 (A) subchapter III of chapter 311 of title  
23 49, United States Code; or

24 (B) chapter 313 of title 49, United States  
25 Code.

1           (4) Any requirement relating to hours of service  
2 established under—

3           (A) subchapter III of chapter 311 of title  
4 49, United States Code; or

5           (B) chapter 315 of title 49, United States  
6 Code.

7 (b) STATE REQUIREMENTS.—

8           (1) IN GENERAL.—Federal transportation fund-  
9 ing to a State may not be terminated, limited, or  
10 otherwise interfered with as a result of the State ex-  
11 emption a covered farm vehicle, including the indi-  
12 vidual operating that vehicle, from any State re-  
13 quirement relating to the operation of that vehicle.

14           (2) EXCEPTION.—Paragraph (1) does not apply  
15 with respect to a covered farm vehicle transporting  
16 hazardous materials that require a placard.

17 (c) COVERED FARM VEHICLE DEFINED.—

18           (1) IN GENERAL.—In this section, the term  
19 “covered farm vehicle” means a motor vehicle—

20           (A) that—

21           (i) is traveling in the State in which  
22 the vehicle is registered or another State;

23           (ii) is operated by—

24           (I) a farm owner or operator;

1 (II) a ranch owner or operator;

2 or

3 (III) an employee or family mem-  
4 ber of an individual specified in sub-  
5 clause (I) or (II);

6 (iii) is transporting to or from a farm  
7 or ranch—

8 (I) agricultural commodities;

9 (II) livestock; or

10 (III) machinery or supplies;

11 (iv) except as provided in paragraph  
12 (2), is not used in the operations of a for-  
13 hire motor carrier; and

14 (v) is equipped with a special license  
15 plate or other designation by the State in  
16 which the vehicle is registered to allow for  
17 identification of the vehicle as a farm vehi-  
18 cle by law enforcement personnel; and

19 (B) that has a gross vehicle weight rating  
20 or gross vehicle weight, whichever is greater,  
21 that is—

22 (i) 26,001 pounds or less; or

23 (ii) greater than 26,001 pounds and  
24 traveling within 150 air miles of the farm

1                   or ranch with respect to which the vehicle  
2                   is being operated.

3                   (2) INCLUSION.—In this section, the term “cov-  
4                   ered farm vehicle” includes a motor vehicle that  
5                   meets the requirements of paragraph (1) (other than  
6                   paragraph (1)(A)(iv)) and is—

7                   (A) operated pursuant to a crop share  
8                   farm lease agreement;

9                   (B) owned by a tenant with respect to that  
10                  agreement; and

11                  (C) transporting the landlord’s portion of  
12                  the crops under that agreement.

13 **SEC. 6602. TECHNICAL CORRECTION.**

14                  Section 306(c)(2)(B) of the SAFETEA–LU Tech-  
15                  nical Corrections Act of 2008 (29 U.S.C. 207 note; 122  
16                  Stat. 1621) is amended—

17                  (1) in clause (ii) by striking “or” at the end;

18                  (2) in clause (iii) by striking “and” at the end  
19                  and inserting “or”; and

20                  (3) by adding at the end the following:

21                                 “(iv) operating under contracts with  
22                                 rail carriers subject to part A of subtitle  
23                                 IV of title 49, United States Code, and  
24                                 used to transport employees of such rail  
25                                 carriers; and”.

1 **SEC. 6603. STUDY OF IMPACT OF REGULATIONS ON SMALL**  
2 **TRUCKING COMPANIES.**

3 (a) STUDY.—The Comptroller General of the United  
4 States shall conduct a study to assess trends in motor car-  
5 rier safety relating to small trucking companies and inde-  
6 pendent operators, including the extent to which Federal  
7 motor carrier safety regulation adversely impacts and eco-  
8 nomically and competitively disadvantages small trucking  
9 companies and independent operators and the extent to  
10 which there is a correlation between company size and  
11 crash rates and crash causation.

12 (b) CONTENTS.—The study shall contain the fol-  
13 lowing:

14 (1) Overall trends in highway crashes involving  
15 large trucks for the past 2 decades, including a sep-  
16 arate analysis of the annual number of incidents in-  
17 volving a large truck only, a truck and automobile,  
18 and more than one large truck.

19 (2) Crash causation factors typical in each type  
20 of incident described in paragraph (1), including the  
21 frequency of large truck crashes caused by or in  
22 which an automobile driver was predominately at  
23 fault, and the ratio of truck driver fatigue versus  
24 automobile driver fatigue.

25 (3) The correlation of—

1 (A) truck driver turnover and truck driver  
2 retention and longevity rates with a given  
3 trucking company to company crash rates,  
4 crash causation, the severity of injuries, number  
5 of fatalities, and fault; and

6 (B) truck driver experience and safety  
7 records proportional to company size.

8 (4) The role of truck driver experience level,  
9 longevity with a given trucking company, retention  
10 rate, high driver turnover rates, and truck driver in-  
11 experience in highway crashes involving trucks, and  
12 the degree to which each is a factor in a crash.

13 (5) The degree and frequency of such contrib-  
14 uting factors as weather conditions, traffic conges-  
15 tion, daytime or nighttime conditions, variety of road  
16 and vehicle types, and types of pick-up and delivery  
17 locations (such as urban, rural, and small metropoli-  
18 tan areas) in crashes involving a truck.

19 (6) Impacts and incentives perceived by truck  
20 drivers caused by current Federal motor carrier  
21 safety regulations and the inflexibility in the applica-  
22 tion and enforcement of regulations.

23 (7) An assessment of the data quality of the  
24 Compliance, Safety, and Accountability initiative of  
25 the Federal Motor Carrier Safety Administration,

1 including compliance with the Data Quality Act  
2 (Public Law 106–554; section 515 of H.R. 5658, as  
3 introduced on December 14, 2000), the number of  
4 carriers for which there is insufficient data, discrep-  
5 ancies in measurements and methodologies, com-  
6 plaints about data quality, and whether company  
7 size impacts data quality.

8 (c) REPORT.—Not later than 9 months after the date  
9 of enactment of this Act, the Comptroller General shall  
10 submit to the Committee on Transportation and Infra-  
11 structure of the House of Representatives and the Com-  
12 mittee on Commerce, Science, and Transportation of the  
13 Senate a report on the results of the study, including rec-  
14 ommendations for achieving a better balance of safety with  
15 competition and efficiency and recommendations to reduce  
16 adverse regulatory impacts on small trucking companies  
17 and independent operators.

18 (d) PROHIBITION.—No proposed regulations from  
19 the Federal Motor Carrier Safety Administration that re-  
20 late to the contents of the study may become final or take  
21 effect before the expiration of the 180-day period begin-  
22 ning on the date the Comptroller General submits to the  
23 Committees the report described in subsection (c).

1 **SEC. 6604. REPORT ON SMALL TRUCKING COMPANIES.**

2 (a) IN GENERAL.—Not later than 180 days after the  
3 date of enactment of this Act, and annually thereafter,  
4 the Secretary shall submit to the Committee on Transpor-  
5 tation and Infrastructure of the House of Representatives  
6 and the Committee on Commerce, Science, and Transpor-  
7 tation of the Senate a report on the efforts of the Depart-  
8 ment of Transportation to better balance truck competi-  
9 tion and efficiency with safety.

10 (b) CONTENTS.—The report shall contain the fol-  
11 lowing:

12 (1) A description of specific steps that modal  
13 administrations within the Department have taken  
14 and plan to take to reduce economic and competitive  
15 disadvantages imposed by specific regulations on  
16 small trucking companies, their truck drivers, and  
17 independent operators.

18 (2) A description of specific performance goals,  
19 plans for, and performance to date on regulatory  
20 flexibility measures, pursuant to the Regulatory  
21 Flexibility Act (Public Law 96–354), the Data Qual-  
22 ity Act (Public Law 106–554; section 515 of H.R.  
23 5658, as introduced on December 14, 2000), and  
24 the Paperwork Reduction Act of 1980 (Public Law  
25 96–511), that are affirmatively and precisely de-  
26 signed to achieve greater flexibility with respect to

1 regulatory compliance, in particular detailing con-  
2 crete steps to reasonably accommodate the needs  
3 unique to small trucking companies, independent op-  
4 erators, and special load haulers (such as of live-  
5 stock, frozen foodstuffs, and automobiles), relating  
6 to hours of service rules, log- and recordkeeping, and  
7 the accounting of driver time lost due to loading and  
8 unloading, traffic, or weather delays.

9 (3) A table showing the relation of truck driver  
10 experience and tenure with a trucking company or  
11 as an independent operator to incidence of being at  
12 fault in an accident.

13 **SEC. 6605. RULEMAKING ON ROAD VISIBILITY OF AGRICUL-**  
14 **TURAL EQUIPMENT.**

15 (a) RULEMAKING.—Not later than 2 years after the  
16 date of enactment of this Act, the Secretary, after con-  
17 sultation with the American Society of Agricultural and  
18 Biological Engineers, other appropriate Federal agencies,  
19 and other appropriate persons, shall issue a rule to im-  
20 prove the daytime and nighttime visibility of agricultural  
21 equipment that may be operated on a public road. Such  
22 rule shall establish minimum lighting and marking stand-  
23 ards for applicable agricultural equipment manufactured  
24 1 year or more subsequent to the effective date of the rule.  
25 Such rule shall provide for methods, materials, specifica-

1 tions, or equipment employed, equivalent to the standard  
2 set in ANSI/ASAE S279.14 published in July 2008 by  
3 the American Society of Agriculture and Biological Engi-  
4 neers and entitled “Lighting and Marking of Agricultural  
5 Equipment on Highways”, or any successor standard.

6 (b) REVIEW.—The Secretary shall periodically, and  
7 not less than once every 5 years, review the standards es-  
8 tablished under this section and shall revise the standards  
9 to reflect the provisions of the edition of ANSI/ASAE  
10 S279 that is in effect at the time of the review.

11 (c) RULES OF CONSTRUCTION.—

12 (1) COMPLIANCE WITH SUCCESSOR STAND-  
13 ARDS.—No provision of any rule issued pursuant to  
14 this section shall prohibit the operation on public  
15 roads of agricultural equipment that is equipped ac-  
16 cording to any adopted edition of ANSI/ASAE S279  
17 that is later than the edition of such standard that  
18 is referenced during the issuance of the rule.

19 (2) NO RETROFITTING REQUIRED.—No provi-  
20 sion of any rule issued pursuant to this section shall  
21 require the retrofitting of agricultural equipment  
22 that is manufactured prior to 1 year after the date  
23 on which a final rule is issued pursuant to sub-  
24 section (a).

1           (3) NO EFFECT ON ADDITIONAL MATERIALS  
2           AND EQUIPMENT.—No provision of any rule issued  
3           pursuant to this section shall prohibit the operation  
4           on public roads of agricultural equipment that is  
5           equipped with materials or equipment that are in  
6           addition to the minimum materials and equipment  
7           specified by the standards established under the  
8           rule.

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

11           (1) AGRICULTURAL EQUIPMENT.—The term  
12           “agricultural equipment” means “agricultural field  
13           equipment” as defined under the standard ANSI/  
14           ASABE S390.4 published by the American Society  
15           of Agriculture and Biological Engineers, or any suc-  
16           cessor standard.

17           (2) PUBLIC ROAD.—The term “public road”  
18           has the meaning given that term in section 101 of  
19           title 23, United States Code.

20          **SEC. 6606. TRANSPORTATION OF HORSES.**

21          Section 80502 of title 49, United States Code, is  
22          amended—

23           (1) in subsection (c) by striking “This section  
24           does not” and inserting “Subsections (a) and (b) do  
25           not”;

1           (2) by redesignating subsection (d) as sub-  
2           section (e);

3           (3) by inserting after subsection (c) the fol-  
4           lowing:

5           “(d) TRANSPORTATION OF HORSES.—

6           “(1) PROHIBITION.—No person may transport,  
7           or cause to be transported, a horse from a place in  
8           a State, the District of Columbia, or a territory or  
9           possession of the United States through or to a  
10          place in another State, the District of Columbia, or  
11          a territory or possession of the United States in a  
12          motor vehicle containing 2 or more levels stacked on  
13          top of each other.

14          “(2) MOTOR VEHICLE DEFINED.—In this sub-  
15          section, the term ‘motor vehicle’ has the meaning  
16          given that term in section 13102.”; and

17          (4) in subsection (e) (as redesignated by para-  
18          graph (2) of this subsection)—

19                 (A) by striking “A rail carrier” and insert-  
20                 ing the following:

21                 “(1) IN GENERAL.—A rail carrier”;

22                 (B) by striking “this section” and insert-  
23                 ing “subsection (a) or (b)”;

24                 (C) by striking “On learning of a viola-  
25                 tion” and inserting the following:

1           “(2) TRANSPORTATION OF HORSES IN MULTI-  
2           LEVEL TRAILER.—

3           “(A) CIVIL PENALTY.—A person that  
4           knowingly violates subsection (d) is liable to the  
5           United States Government for a civil penalty of  
6           at least \$100 but not more than \$500 for each  
7           violation. A separate violation occurs under sub-  
8           section (d) for each horse that is transported,  
9           or caused to be transported, in violation of sub-  
10          section (d).

11          “(B) RELATIONSHIP TO OTHER LAWS.—  
12          The penalty provided under subparagraph (A)  
13          shall be in addition to any penalty or remedy  
14          available under any other law or common law.

15          “(3) CIVIL ACTION.—On learning of a violation  
16          of a provision of this section”.

17 **SEC. 6607. REGULATORY REVIEW AND REVISION.**

18          Not later than 12 months after the date of enactment  
19          of this Act, the Secretary shall review and revise the Fed-  
20          eral motor carrier safety regulations contained in chapter  
21          III of subtitle B of title 49, Code of Federal Regulations,  
22          to—

23                 (1) simplify the regulations; and

24                 (2) eliminate those requirements that are out-  
25          moded or excessively burdensome.

1 **SEC. 6608. ISSUANCE OF SAFETY REGULATIONS.**

2       The Secretary shall take such actions as may be nec-  
3       essary in fiscal year 2012 to expedite the issuance of safe-  
4       ty regulations to carry out this title (and the amendments  
5       made by this title) following the effective date of this title.

6 **SEC. 6609. REPEALS.**

7       (a) **REPEAL OF HIGH-PRIORITY PROGRAM.**—Section  
8       31104(k) is repealed.

9       (b) **BORDER ENFORCEMENT GRANTS.**—Section  
10       31107, and the item relating to that section in the analysis  
11       for chapter 311, are repealed.

12       (c) **COMMERCIAL DRIVER'S LICENSE INFORMATION**  
13 **SYSTEM MODERNIZATION.**—Subsections (c), (d), and (e)  
14       of section 4123 of SAFETEA-LU (119 Stat. 1735–1736)  
15       are repealed.

16       (d) **OUTREACH AND EDUCATION.**—Section 4127 of  
17       SAFETEA-LU (119 Stat. 1741), and the item relating  
18       to that section in the table of contents contained in section  
19       1(b) of that Act, are repealed.

20       (e) **SAFETY DATA IMPROVEMENT PROGRAM.**—Sec-  
21       tion 4128 of SAFETEA-LU (119 Stat. 1742), and the  
22       item relating to that section in the table of contents con-  
23       tained in section 1(b) of that Act, are repealed.

24       (f) **GRANT PROGRAM FOR COMMERCIAL MOTOR VE-**  
25 **HICLE OPERATORS.**—Section 4134 of SAFETEA-LU  
26       (119 Stat. 1744), and the item relating to that section

1 in the table of contents contained in section 1(b) of that  
2 Act, are repealed.

3 (g) REPORT ON MOTOR CARRIER EMPLOYEE PRO-  
4 TECTIONS.—Section 4023 of the Transportation Equity  
5 Act for the 21st Century (49 U.S.C. 31105 note; 112 Stat.  
6 415), and the item relating to that section in the table  
7 of contents contained in section 1(b) of that Act, are re-  
8 pealed.

9 **TITLE VII—RESEARCH AND**  
10 **EDUCATION**

11 **SEC. 7001. AUTHORIZATION OF APPROPRIATIONS.**

12 (a) IN GENERAL.—The following sums are author-  
13 ized to be appropriated out of the Alternative Transpor-  
14 tation Account of the Highway Trust Fund:

15 (1) HIGHWAY RESEARCH AND DEVELOPMENT  
16 PROGRAM.—To carry out section 503 of title 23,  
17 United States Code, \$141,750,000 for each of fiscal  
18 years 2013 through 2016.

19 (2) TECHNOLOGY AND INNOVATION DEPLOY-  
20 MENT PROGRAM.—To carry out section 503a of title  
21 23, United States Code, \$60,750,000 for each of fis-  
22 cal years 2013 through 2016.

23 (3) TRAINING AND EDUCATION.—To carry out  
24 section 504 of title 23, United States Code,

1       \$25,500,000 for each of fiscal years 2013 through  
2       2016.

3           (4) INTELLIGENT TRANSPORTATION SYSTEMS  
4       RESEARCH.—To carry out sections 512, 514, 515,  
5       516, and 517 of title 23, United States Code,  
6       \$110,000,000 for each of fiscal years 2013 through  
7       2016.

8           (5) UNIVERSITY TRANSPORTATION RE-  
9       SEARCH.—To carry out section 5506 of title 49,  
10      United States Code, \$75,000,000 for each of fiscal  
11      years 2013 through 2016.

12          (6) BUREAU OF TRANSPORTATION STATIS-  
13      TICS.—To carry out section 111 of title 49, United  
14      States Code, \$27,000,000 for each of fiscal years  
15      2013 through 2016.

16      (b) APPLICABILITY OF CHAPTER 1 OF TITLE 23.—  
17      Funds authorized to be appropriated by subsection (a)  
18      shall be available for obligation in the same manner as  
19      if such funds were apportioned under chapter 1 of title  
20      23, United States Code, except that the Federal share of  
21      the cost of a project or activity carried out using such  
22      funds shall be 80 percent, unless otherwise expressly pro-  
23      vided by this Act (including the amendments made by this  
24      Act) or otherwise determined by the Secretary, and such

1 funds shall remain available until expended and shall not  
2 be transferable.

3 **SEC. 7002. OBLIGATION CEILING.**

4 Notwithstanding any other provision of law, the total  
5 of all obligations from amounts made available from the  
6 Alternative Transportation Account of the Highway Trust  
7 Fund by section 7001(a) shall be \$440,000,000 for each  
8 of fiscal years 2013 through 2016.

9 **SEC. 7003. DEFINITIONS.**

10 Section 501 of title 23, United States Code, is  
11 amended—

12 (1) by redesignating paragraph (2) as para-  
13 graph (7);

14 (2) by redesignating paragraph (1) as para-  
15 graph (2);

16 (3) by inserting before paragraph (2) (as so re-  
17 designated) the following:

18 “(1) CONNECTED VEHICLE TECHNOLOGY.—The  
19 term ‘connected vehicle technology’ means the utili-  
20 zation of wireless technology to enable multiple vehi-  
21 cles to communicate information to each other.”;  
22 and

23 (4) by inserting after paragraph (2) (as so re-  
24 designated) the following:

1           “(3) INCIDENT.—The term ‘incident’ means a  
2 crash, natural disaster, workzone activity, special  
3 event, or other emergency road user occurrence that  
4 adversely affects or impedes the normal flow of traf-  
5 fic.

6           “(4) INTELLIGENT TRANSPORTATION INFRA-  
7 STRUCTURE.—The term ‘intelligent transportation  
8 infrastructure’ means fully integrated public sector  
9 intelligent transportation system components, as de-  
10 fined by the Secretary.

11           “(5) INTELLIGENT TRANSPORTATION SYS-  
12 TEM.—The term ‘intelligent transportation system’  
13 means electronics, photonics, communications, or in-  
14 formation processing used singly or in combination  
15 to improve the efficiency or safety of a surface  
16 transportation system.

17           “(6) NATIONAL ARCHITECTURE.—The term  
18 ‘national architecture’ means the common frame-  
19 work for interoperability that defines—

20                   “(A) the functions associated with intel-  
21 ligent transportation system user services;

22                   “(B) the physical entities or subsystems  
23 within which the functions reside;

24                   “(C) the data interfaces and information  
25 flows between physical subsystems; and

1           “(D) the communications requirements as-  
2           sociated with the information flows.”.

3 **SEC. 7004. SURFACE TRANSPORTATION RESEARCH, DEVELOP-**  
4 **MENT, AND TECHNOLOGY.**

5           (a) IN GENERAL.—Section 502 of title 23, United  
6 States Code, is amended—

7           (1) in the section heading by striking “**re-**  
8 **search**” and inserting “**research, develop-**  
9 **ment, and technology**”;

10          (2) in subsection (a)—

11           (A) in paragraph (2)—

12           (i) by redesignating subparagraphs  
13           (B) through (D) as subparagraphs (C)  
14           through (E), respectively;

15           (ii) by inserting after subparagraph  
16           (A) the following:

17           “(B) addresses current or emerging  
18           needs;”;

19           (iii) in subparagraph (C) (as redesign-  
20           ated by clause (i) of this subparagraph)  
21           by striking “supports research in which  
22           there is” and inserting “delivers”;

23           (iv) in subparagraph (D) (as redesign-  
24           ated by clause (i) of this subparagraph)  
25           by striking “or” after the semicolon;

1 (v) in subparagraph (E) (as redesignig-  
2 nated by clause (i) of this subparagraph)  
3 by striking the period at the end and in-  
4 serting a semicolon; and

5 (vi) by adding at the end the fol-  
6 lowing:

7 “(F) presents the best means to align re-  
8 sources with multiyear plans and priorities; or

9 “(G) ensures the coordination of highway  
10 research and technology transfer activities, in-  
11 cluding those performed by the university trans-  
12 portation centers established under subchapter  
13 I of chapter 55 of title 49.”;

14 (B) in paragraph (3)—

15 (i) in subparagraph (B)—

16 (I) by striking “support and”  
17 and inserting “partner with State  
18 transportation departments and other  
19 stakeholders as appropriate to”; and

20 (II) by striking “by State high-  
21 way agencies”;

22 (ii) in subparagraph (C)—

23 (I) by striking “share” and in-  
24 serting “communicate”;

1 (II) by inserting “on-going and”  
2 before “completed”; and

3 (III) by striking “and” after the  
4 semicolon;

5 (iii) in subparagraph (D)—

6 (I) by striking “support and fa-  
7 cilitate technology” and inserting  
8 “lead efforts to coordinate areas of  
9 national emphasis for highway re-  
10 search, technology,”; and

11 (II) by striking the period at the  
12 end and inserting a semicolon; and

13 (iv) by adding at the end the fol-  
14 lowing:

15 “(E) leverage partnerships with industry,  
16 academia, and other entities; and

17 “(F) conduct, facilitate, and support train-  
18 ing and education of current and future trans-  
19 portation professionals.”;

20 (C) in paragraph (4)(C) by striking “policy  
21 and planning” and inserting “all highway objec-  
22 tives seeking to improve the performance of the  
23 transportation system”;

24 (D) in paragraph (5) by inserting “tribal  
25 governments,” after “local governments,”;

1 (E) by striking paragraph (7) and insert-  
2 ing the following:

3 “(7) PERFORMANCE REVIEW AND EVALUA-  
4 TION.—

5 “(A) IN GENERAL.—To the maximum ex-  
6 tent practicable, all surface transportation re-  
7 search and development projects shall include a  
8 component of performance measurement and  
9 evaluation.

10 “(B) PERFORMANCE MEASURES.—Per-  
11 formance measures shall be established during  
12 the proposal stage of a research and develop-  
13 ment project and shall, to the maximum extent  
14 practicable, be outcome-based.

15 “(C) PROGRAM PLAN.—To the maximum  
16 extent practicable, each program pursued under  
17 this chapter shall be part of a data-driven, out-  
18 come-oriented program plan.

19 “(D) AVAILABILITY OF EVALUATIONS.—All  
20 evaluations under this paragraph shall be made  
21 readily available to the public.”; and

22 (F) in paragraph (8) by striking “surface”;  
23 (3) in subsection (b)—

24 (A) by striking paragraph (4) and insert-  
25 ing the following:

1           “(4) TECHNOLOGICAL INNOVATION.—The Sec-  
2           retary shall ensure that the programs and activities  
3           carried out under this chapter are consistent with  
4           the transportation research and development stra-  
5           tegic plan developed under section 508.”;

6                   (B) in paragraph (5) by striking “section”  
7           each place it appears and inserting “chapter”;

8                   (C) in paragraph (6) by adding at the end  
9           the following:

10                   “(C) TRANSFER OF FUNDS AMONG STATES  
11           OR TO FEDERAL HIGHWAY ADMINISTRATION.—  
12           The Secretary, at the request of a State, may  
13           transfer funds apportioned or allocated under  
14           this chapter to the State to another State, or  
15           to the Federal Highway Administration, for the  
16           purpose of funding research, development, and  
17           technology transfer activities of mutual interest  
18           on a pooled funds basis.

19                   “(D) TRANSFER OF OBLIGATION AUTHOR-  
20           ITY.—Obligation authority for funds trans-  
21           ferred under this subsection shall be transferred  
22           in the same manner and amount as the funds  
23           for projects that are transferred under this sub-  
24           section.”; and

25                   (D) by adding at the end the following:

1           “(7) PRIZE COMPETITIONS.—

2                   “(A) IN GENERAL.—Consistent with sec-  
3           tion 24 of the Stevenson-Wydler Technology In-  
4           novation Act of 1980, the Secretary may carry  
5           out a program to award prizes competitively to  
6           stimulate innovation in the area of surface  
7           transportation that has the potential to advance  
8           the Federal Highway Administration’s research  
9           and technology objectives and activities under  
10          section 503.

11                   “(B) ANNUAL REPORT.—

12                           “(i) IN GENERAL.—Not later than  
13           March 1 of each year, the Secretary shall  
14           submit to the Committees on Transpor-  
15           tation and Infrastructure and Science,  
16           Space, and Technology of the House of  
17           Representatives and the Committees on  
18           Environment and Public Works and Com-  
19           merce, Science, and Transportation of the  
20           Senate a report on the activities carried  
21           out during the preceding fiscal year under  
22           the authority in subparagraph (A) if such  
23           authority under subparagraph (A) was uti-  
24           lized by the Secretary.

1           “(ii) INFORMATION INCLUDED.—A re-  
2           port under this subparagraph shall include,  
3           for each prize competition under subpara-  
4           graph (A), the following:

5                   “(I) A description of the pro-  
6                   posed goals of each prize competition.

7                   “(II) An analysis of why the uti-  
8                   lization of the authority in subpara-  
9                   graph (A) was the preferable method  
10                  of achieving the goals described in  
11                  subclause (I) as opposed to other au-  
12                  thorities available to the agency, such  
13                  as contracts, grants, and cooperative  
14                  agreements.

15                  “(III) The total amount of cash  
16                  prizes awarded for each prize competi-  
17                  tion, including a description of the  
18                  amount of private funds contributed  
19                  to the program, the sources of such  
20                  funds, and the manner in which the  
21                  amounts of cash prizes awarded and  
22                  claimed were allocated among the ac-  
23                  counts of the agency for recording as  
24                  obligations and expenditures.

1           “(IV) The methods used for the  
2           solicitation and evaluation of submis-  
3           sions under each prize competition,  
4           together with an assessment of the ef-  
5           fectiveness of such methods and les-  
6           sons learned for future prize competi-  
7           tions.

8           “(V) A description of the re-  
9           sources, including personnel and fund-  
10          ing, used in the execution of each  
11          prize competition together with a de-  
12          tailed description of the activities for  
13          which such resources were used and  
14          an accounting of how funding for exe-  
15          cution was allocated among the ac-  
16          counts of the agency for recording as  
17          obligations and expenditures.

18          “(VI) A description of how each  
19          prize competition advanced the mis-  
20          sion of the Department of Transpor-  
21          tation.”;

22               (4) in subsection (c)—

23                   (A) in paragraph (3)(A)—

1 (i) by striking “The” and inserting  
2 “Except as otherwise provided in this  
3 chapter, the”;

4 (ii) by striking “subsection” and in-  
5 serting “chapter”; and

6 (iii) by striking “50” and inserting  
7 “80”;

8 (B) in paragraph (4) by striking “sub-  
9 section” and inserting “chapter”; and  
10 (5) by striking subsections (d) through (j).

11 (b) CONFORMING AMENDMENT.—The analysis for  
12 chapter 5 of title 23, United States Code, is amended by  
13 striking the item relating to section 502 and inserting the  
14 following:

“502. Surface transportation research, development, and technology.”.

15 **SEC. 7005. RESEARCH AND DEVELOPMENT.**

16 Section 503 of title 23, United States Code, is  
17 amended to read as follows:

18 **“§ 503. Research and development**

19 “(a) IN GENERAL.—The Secretary shall establish a  
20 research and development program in accordance with this  
21 section and the strategic plan developed under section  
22 508.

23 “(b) RESPONSIBILITIES.—To address current and  
24 emerging highway transportation needs, the Secretary, in  
25 carrying out the program under this section, shall—

1           “(1) identify research topics;

2           “(2) conduct research, testing, and evaluation  
3 activities;

4           “(3) facilitate technology transfer;

5           “(4) provide technical assistance; and

6           “(5) ensure program activities are coordinated  
7 with the transportation research and development  
8 strategic plan developed under section 508.

9           “(c) IMPROVING HIGHWAY SAFETY.—

10           “(1) OBJECTIVES.—In carrying out the pro-  
11 gram under this section, the Secretary shall create  
12 systematic measures to improve highway safety for  
13 all road users, vehicles, and public roads to—

14           “(A) achieve greater long-term safety  
15 gains;

16           “(B) reduce the number of fatalities and  
17 serious injuries;

18           “(C) fill knowledge gaps that currently  
19 limit the effectiveness of research;

20           “(D) support the development and imple-  
21 mentation of State strategic highway safety  
22 plans under section 148;

23           “(E) advance improvements in and use of  
24 performance prediction analysis for decision-  
25 making;

1           “(F) expand technology transfer to part-  
2           ners and stakeholders;

3           “(G) achieve safety benefits through con-  
4           nected vehicle technology; and

5           “(H) enhance rural highway safety.

6           “(2) ACTIVITIES.—Research and development  
7           activities carried out under this subsection may in-  
8           clude activities relating to—

9           “(A) safety assessments and decision-  
10          making tools;

11          “(B) data collection and analysis;

12          “(C) crash reduction projections;

13          “(D) low-cost safety countermeasures;

14          “(E) innovative operational improvements  
15          and designs of roadway and roadside features;

16          “(F) evaluation of countermeasure costs  
17          and benefits;

18          “(G) development of tools for projecting  
19          impacts of safety countermeasures;

20          “(H) rural road safety;

21          “(I) safety policy studies;

22          “(J) human factors studies and methods;

23          “(K) safety technology deployment;

24          “(L) safety program and process improve-  
25          ments; and

1           “(M) tools and methods to enhance safety  
2           performance, including achievement of state-  
3           wide safety performance targets.

4           “(d) IMPROVING HIGHWAY INFRASTRUCTURE INTEG-  
5 RITY.—

6           “(1) OBJECTIVES.—In carrying out the pro-  
7           gram under this section, the Secretary shall improve  
8           the ability to maintain highway infrastructure integ-  
9           rity, meet user needs, and improve system perform-  
10          ance through targeted Federal transportation invest-  
11          ments to—

12                   “(A) reduce the number of fatalities attrib-  
13                   utable to highway infrastructure design charac-  
14                   teristics and work zones;

15                   “(B) improve the safety of highway infra-  
16                   structure;

17                   “(C) increase the reliability of life-cycle  
18                   performance predictions used in highway infra-  
19                   structure design, construction, and manage-  
20                   ment;

21                   “(D) improve the ability of transportation  
22                   agencies to deliver projects that meet expecta-  
23                   tions for timeliness, quality, and cost;

1           “(E) reduce user delay attributable to  
2 highway infrastructure system performance,  
3 maintenance, rehabilitation, and construction;

4           “(F) improve highway condition and per-  
5 formance through increased use of innovative  
6 pavements during highway design, construction,  
7 and maintenance;

8           “(G) improve highway condition and per-  
9 formance through increased use of innovative  
10 designs, materials, and construction methods in  
11 the construction, repair, and rehabilitation of  
12 bridges;

13           “(H) reduce the life-cycle environmental  
14 impacts of highway infrastructure, including de-  
15 sign, construction, operation, preservation, and  
16 maintenance; and

17           “(I) improve the resiliency of roadways to  
18 commercial heavy freight traffic.

19           “(2) ACTIVITIES.—Research and technology ac-  
20 tivities carried out under this subsection may include  
21 activities relating to—

22           “(A) long-term infrastructure performance  
23 programs addressing pavements, bridges, tun-  
24 nels, and other structures;

1           “(B) short-term and accelerated studies of  
2 highway infrastructure performance;

3           “(C) the development of more durable  
4 highway and bridge infrastructure materials  
5 and systems, including the use of carbon fiber  
6 composite materials in bridge replacement and  
7 rehabilitation;

8           “(D) advanced highway and bridge infra-  
9 structure design methods;

10          “(E) accelerated highway construction;

11          “(F) performance-based specifications;

12          “(G) construction and materials quality as-  
13 surance;

14          “(H) comprehensive and integrated high-  
15 way infrastructure asset management;

16          “(I) technology transfer and adoption of  
17 permeable, pervious, or porous paving mate-  
18 rials, practices, and systems that are designed  
19 to minimize environmental impacts, stormwater  
20 runoff, and flooding and to treat or remove pol-  
21 lutants by allowing stormwater to infiltrate  
22 through the pavement in a manner similar to  
23 predevelopment hydrologic conditions;

24          “(J) sustainable highway infrastructure  
25 design and construction;

1           “(K) highway and bridge infrastructure re-  
2           habilitation and preservation techniques, includ-  
3           ing those techniques to address historic infra-  
4           structure;

5           “(L) hydraulic, geotechnical, and aero-  
6           dynamic aspects of highway infrastructure;

7           “(M) improved highway construction tech-  
8           nologies and practices;

9           “(N) improved tools, technologies, and  
10          models for highway and bridge infrastructure  
11          management, including assessment and moni-  
12          toring of infrastructure condition;

13          “(O) improving flexibility and resiliency of  
14          highway and bridge infrastructure systems to  
15          withstand climate variability; and

16          “(P) highway infrastructure resilience and  
17          other adaptation measures.

18          “(e) REDUCING CONGESTION, IMPROVING HIGHWAY  
19          OPERATIONS, AND ENHANCING FREIGHT PRODUC-  
20          TIVITY.—

21                 “(1) OBJECTIVES.—In carrying out the pro-  
22                 gram under this section, the Secretary shall examine  
23                 approaches to reduce traffic congestion (including  
24                 freight-related congestion throughout the transpor-

1 tation network), reduce the costs of such congestion,  
2 and improve freight movement.

3 “(2) ACTIVITIES.—Research and technology ac-  
4 tivities carried out under this subsection may include  
5 examination of—

6 “(A) active traffic and demand manage-  
7 ment;

8 “(B) accelerating deployment of intelligent  
9 transportation systems;

10 “(C) arterial management and traffic sig-  
11 nal operation;

12 “(D) congestion pricing;

13 “(E) corridor management;

14 “(F) emergency operations;

15 “(G) freeway management;

16 “(H) impacts of vehicle size and weight;

17 “(I) freight operations and technology;

18 “(J) operations and freight performance  
19 measurement and management;

20 “(K) organizing and planning for oper-  
21 ations;

22 “(L) planned special events management;

23 “(M) real-time transportation information;

24 “(N) road weather management;

1           “(O) traffic and freight data and analysis  
2           tools;  
3           “(P) traffic control devices;  
4           “(Q) traffic incident management;  
5           “(R) workzone management;  
6           “(S) mechanisms that communicate travel,  
7           roadway, and emergency information to all road  
8           users (as defined in section 148); and  
9           “(T) enhanced mode choice and intermodal  
10          connectivity.

11          “(f) ASSESSING POLICY AND SYSTEM FINANCING  
12          ALTERNATIVES.—

13           “(1) OBJECTIVES.—In carrying out the pro-  
14           gram under this section, the Secretary shall conduct  
15           policy analysis on emerging issues in the transpor-  
16           tation community to provide information to policy-  
17           makers and decisionmakers.

18           “(2) ACTIVITIES.—Research and technology ac-  
19           tivities carried out under this subsection may include  
20           activities relating to—

21           “(A) highway needs and investment anal-  
22           ysis;

23           “(B) analysis of legislative development  
24           and implementation;

25           “(C) highway policy analysis;

1           “(D) the effect of highway congestion on  
2 the economy;

3           “(E) research in emerging policy areas;

4           “(F) advancing innovations in revenue gen-  
5 eration, financing, and procurement for project  
6 delivery;

7           “(G) improving project financial and cost  
8 analysis;

9           “(H) highway performance measurement;

10           “(I) travel demand performance measure-  
11 ment; and

12           “(J) highway finance performance meas-  
13 urement.

14           “(3) INFRASTRUCTURE INVESTMENT NEEDS  
15 REPORT.—

16           “(A) IN GENERAL.—Not later than July  
17 31, 2012, and July 31 of every second year  
18 thereafter, the Secretary shall transmit to the  
19 Committee on Transportation and Infrastruc-  
20 ture of the House of Representatives and the  
21 Committee on Environment and Public Works  
22 of the Senate a report that describes estimates  
23 of the future highway and bridge needs of the  
24 United States and the backlog of highway and  
25 bridge needs at the time of the report.

1           “(B) COMPARISON.—Each report under  
2           subparagraph (A) shall provide the means, in-  
3           cluding all necessary information, to relate and  
4           compare the conditions and service measures  
5           used in the previous biennial reports.

6           “(g) EXPLORATORY ADVANCED RESEARCH.—In car-  
7           rying out the program under this section, the Secretary  
8           shall conduct long-term, higher-risk research, consistent  
9           with the transportation research and development plan  
10          under section 508, with the potential for dramatic break-  
11          throughs in the field of highway transportation.

12          “(h) GRANTS, COOPERATIVE AGREEMENTS, AND  
13          CONTRACTS.—

14                 “(1) IN GENERAL.—In carrying out the pro-  
15                 gram under this section, the Secretary may make  
16                 grants to, and enter into cooperative agreements and  
17                 contracts with, States, other Federal agencies, insti-  
18                 tutions of higher education, private sector entities,  
19                 and nonprofit organizations to pay the Federal share  
20                 of the cost of research, development, and technology  
21                 transfer activities.

22                 “(2) APPLICATIONS.—To receive a grant under  
23                 this subsection, an entity described in paragraph (1)  
24                 shall submit an application to the Secretary. The ap-  
25                 plication shall be in such form and contain such in-

1       formation and assurances as the Secretary may re-  
2       quire.

3               “(3) TECHNOLOGY AND INFORMATION TRANS-  
4       FER.—The Secretary shall ensure that the informa-  
5       tion and technology resulting from research con-  
6       ducted under this subsection is made available to  
7       State and local transportation departments and  
8       other interested parties as specified by the Sec-  
9       retary.

10       “(i) TURNER-FAIRBANK HIGHWAY RESEARCH CEN-  
11       TER.—

12               “(1) IN GENERAL.—The Secretary shall operate  
13       in the Federal Highway Administration a Turner-  
14       Fairbank Highway Research Center.

15               “(2) USES OF THE CENTER.—The Center shall  
16       support—

17                       “(A) the conduct of highway research and  
18                       development related to new highway technology,  
19                       including connected vehicle technology;

20                       “(B) the development of understandings,  
21                       tools, and techniques that provide solutions to  
22                       complex technical problems through the devel-  
23                       opment of economical and environmentally sen-  
24                       sitive designs, efficient and quality-controlled  
25                       construction practices, and durable materials;

1           “(C) the development of innovative high-  
2           way products and practices; and

3           “(D) long-term high-risk research to im-  
4           prove the materials used in highway infrastruc-  
5           ture.

6           “(j) CENTERS FOR SURFACE TRANSPORTATION EX-  
7           CELLENCE.—

8           “(1) ESTABLISHMENT.—The Secretary may es-  
9           tablish not more than 4 centers for surface transpor-  
10          tation excellence.

11          “(2) GOALS.—The goals of the centers for sur-  
12          face transportation excellence are to promote and  
13          support strategic national surface transportation  
14          programs and activities relating to the work of State  
15          departments of transportation.

16          “(3) ROLE OF THE CENTERS.—To achieve the  
17          goals set forth in paragraph (2), the Secretary shall  
18          establish centers that provide technical assistance,  
19          information sharing of best practices, and training  
20          in the use of tools and decisionmaking processes that  
21          can assist States in effectively implementing surface  
22          transportation programs, projects, and policies.

23          “(4) PROGRAM ADMINISTRATION.—

24                 “(A) COMPETITION.—A party entering  
25                 into a contract, cooperative agreement, or other

1 transaction with the Secretary under this sub-  
2 section, or receiving a grant to perform re-  
3 search or provide technical assistance under  
4 this subsection, shall be selected on a competi-  
5 tive basis.

6 “(B) STRATEGIC PLAN.—The Secretary  
7 shall require each center to develop a multiyear  
8 strategic plan, and submit the plan to the Sec-  
9 retary at such time as the Secretary requires,  
10 that describes—

11 “(i) the activities to be undertaken by  
12 the center; and

13 “(ii) how the work of the center will  
14 be coordinated with the activities of the  
15 Federal Highway Administration and the  
16 various other research, development, and  
17 technology transfer activities authorized by  
18 this chapter.

19 “(5) FUNDING.—Of the amounts made avail-  
20 able by section 7001(a)(1) of the American Energy  
21 and Infrastructure Jobs Act of 2012, not more than  
22 \$3,000,000 for each of fiscal years 2013 through  
23 2016 shall be available to carry out this sub-  
24 section.”.

1 **SEC. 7006. TECHNOLOGY AND INNOVATION DEPLOYMENT**  
2 **PROGRAM.**

3 (a) IN GENERAL.—Chapter 5 of title 23, United  
4 States Code, is amended by inserting after section 503 the  
5 following:

6 **“§ 503a. Technology and innovation deployment pro-**  
7 **gram**

8 “(a) IN GENERAL.—The Secretary, in accordance  
9 with the strategic plan developed under section 508, shall  
10 carry out a technology and innovation deployment pro-  
11 gram on all aspects of highway transportation by pro-  
12 moting and facilitating the products, technologies, tools,  
13 methods, or other findings resulting from highway re-  
14 search conducted under this chapter.

15 “(b) OBJECTIVES.—The Secretary shall seek to ad-  
16 vance the following objectives:

17 “(1) Significantly accelerate the adoption of in-  
18 novative technologies by the surface transportation  
19 community.

20 “(2) Significantly accelerate the adoption of ad-  
21 vanced modeling technologies, as described in section  
22 106, by the surface transportation community.

23 “(3) Provide leadership and incentives to dem-  
24 onstrate and promote state-of-the-art technologies,  
25 elevated performance standards, and new business  
26 practices in highway construction processes that re-

1 sult in improved safety, faster construction, reduced  
2 congestion from construction, and improved quality  
3 and user satisfaction.

4 “(4) Advance longer-lasting highways using in-  
5 novative technologies and practices to accomplish  
6 more rapid construction of efficient and safe high-  
7 ways and bridges.

8 “(5) Improve highway efficiency, safety, mobil-  
9 ity, reliability, service life, and environmental protec-  
10 tion.

11 “(6) Develop and deploy new tools, techniques,  
12 and practices to accelerate the adoption of innova-  
13 tion in all aspects of highway transportation.

14 “(c) ACTIVITIES.—The program may include—

15 “(1) activities conducted under section 503;

16 “(2) other technologies and innovations requir-  
17 ing additional development and testing not per-  
18 formed under section 503 but necessary to bring  
19 about successful deployment and delivery; and

20 “(3) developing and improving innovative tech-  
21 nologies and practices and exploring new tech-  
22 nologies to accelerate innovation adoption.

23 “(d) GRANTS, COOPERATIVE AGREEMENTS, AND  
24 CONTRACTS.—

1           “(1) IN GENERAL.—Under the program, the  
2 Secretary may make grants to, and enter into coop-  
3 erative agreements and contracts with, States, other  
4 Federal agencies, institutions of higher education,  
5 private sector entities, Federal laboratories, and  
6 nonprofit organizations to pay the Federal share of  
7 the cost of research, development, and deployment  
8 activities.

9           “(2) APPLICATIONS.—To receive a grant under  
10 this subsection, an entity described in paragraph (1)  
11 shall submit an application to the Secretary. The ap-  
12 plication shall be in such form and contain such in-  
13 formation and assurances as the Secretary may re-  
14 quire.

15           “(3) TECHNOLOGY AND INFORMATION TRANS-  
16 FER.—The Secretary shall ensure that the informa-  
17 tion and technology resulting from research con-  
18 ducted under this subsection is made available to  
19 State and local transportation departments and  
20 other interested parties as specified by the Sec-  
21 retary.

22           “(e) DEPLOYMENT OF FUTURE STRATEGIC HIGH-  
23 WAY RESEARCH PROGRAM RESULTS AND PRODUCTS.—

24           “(1) IN GENERAL.—The Secretary, in consulta-  
25 tion with the American Association of State High-

1 way and Transportation Officials and the National  
2 Academy of Sciences, shall promote research results  
3 and products developed under the Strategic Highway  
4 Research Program 2 administered by the Transpor-  
5 tation Research Board of the National Academy of  
6 Sciences.

7 “(2) STRATEGY OF PROMOTION.—The Sec-  
8 retary, to the extent practicable, shall base the de-  
9 ployment of research results and products described  
10 in paragraph (1) on the recommendations included  
11 in the Transportation Research Board Special Re-  
12 port 296 entitled ‘Implementing the Results of the  
13 Second Strategic Highway Research Program: Sav-  
14 ing Lives, Reducing Congestion, Improving Quality  
15 of Life’.”.

16 (b) CONFORMING AMENDMENT.—The analysis for  
17 chapter 5 of title 23, United States Code, is amended by  
18 inserting after the item relating to section 503 the fol-  
19 lowing:

“503a. Technology and innovation deployment program.”.

20 **SEC. 7007. TRAINING AND EDUCATION.**

21 Section 504 of title 23, United States Code, is  
22 amended—

23 (1) in subsection (a)(2) by striking subpara-  
24 graph (A) and inserting the following:

1           “(A) Federal Highway Administration em-  
2           ployees, State and local transportation agency  
3           employees, and Federal agency partners;”;

4           (2) in subsection (b) by striking paragraph (3)  
5           and inserting the following:

6           “(3) FEDERAL SHARE.—

7           “(A) LOCAL TECHNICAL ASSISTANCE CEN-  
8           TERS.—Subject to clause (ii), the Federal share  
9           of the cost of any activity carried out by a local  
10          technical assistance center under paragraphs  
11          (1) and (2) shall be 50 percent, except that the  
12          remaining share may include funds provided to  
13          a recipient under subsection (e) or section 505.

14          “(B) TRIBAL TECHNICAL ASSISTANCE  
15          CENTERS.—The Federal share of the cost of ac-  
16          tivities carried out by the tribal technical assist-  
17          ance centers under paragraph (2)(D)(ii) shall  
18          be 100 percent.”;

19          (3) in subsection (e)(2) by adding at the end  
20          the following: “Funds provided to institutions of  
21          higher education to carry out this paragraph shall be  
22          used in direct support of student expenses associated  
23          with their transportation studies.”;

24          (4) by striking subsection (d);

1           (5) by redesignating subsections (e) through (g)  
2 as subsections (d) through (f), respectively;

3           (6) in subsection (d) (as so redesignated)—

4           (A) in paragraph (1)—

5           (i) by striking “sections 104(b)(1),  
6 104(b)(2), 104(b)(3), 104(b)(4), and  
7 144(e)” and inserting “paragraphs (1),  
8 (2), and (3) of section 104(b)”;

9           (ii) in subparagraph (D) by striking  
10 “and”;

11           (iii) in subparagraph (E) by striking  
12 the period at the end and inserting a semi-  
13 colon; and

14           (iv) by adding at the end the fol-  
15 lowing:

16           “(F) activities delivered by the National  
17 Highway Institute under subsection (a); and

18           “(G) the local technical assistance program  
19 under subsection (b).”; and

20           (B) in paragraph (2) by inserting before  
21 the period at the end the following: “, except  
22 for activities carried out under paragraph  
23 (1)(G), for which the Federal share shall be 50  
24 percent as described in subsection (b)(3)(A)”;  
25 and

1           (7) in the heading of subsection (e) (as redesignig-  
2           nated by paragraph (4) of this section) by striking  
3           “PILOT”.

4   **SEC. 7008. STATE PLANNING AND RESEARCH.**

5           Section 505(a) of title 23, United States Code, is  
6           amended in the first sentence by striking “104(h)) and  
7           under section 144” and inserting “104(i))”.

8   **SEC. 7009. INTERNATIONAL HIGHWAY TRANSPORTATION**  
9                           **OUTREACH PROGRAM.**

10          Section 506 of title 23, United States Code, and the  
11          item relating to such section in the analysis for chapter  
12          5 of such title, are repealed.

13   **SEC. 7010. SURFACE TRANSPORTATION-ENVIRONMENTAL**  
14                           **COOPERATIVE RESEARCH PROGRAM.**

15          Section 507 of title 23, United States Code, and the  
16          item relating to such section in the analysis for chapter  
17          5 of such title, are repealed.

18   **SEC. 7011. TRANSPORTATION RESEARCH AND DEVELOP-**  
19                           **MENT STRATEGIC PLANNING.**

20          Section 508(a) of title 23, United States Code, is  
21          amended—

22                 (1) in paragraph (1)—

23                         (A) by striking “SAFETEA-LU” and in-  
24                         serting “American Energy and Infrastructure  
25                         Jobs Act of 2012”; and

1 (B) by adding “, acting through the Ad-  
2 ministrator of the Research and Innovative  
3 Technology Administration,” after “Secretary”;  
4 and

5 (2) in paragraph (2)(A)(iii) by striking “pro-  
6 moting security” and inserting “improving goods  
7 movement”.

8 **SEC. 7012. NATIONAL COOPERATIVE FREIGHT TRANSPOR-**  
9 **TATION RESEARCH PROGRAM.**

10 Section 509 of title 23, United States Code, and the  
11 item relating to such section in the analysis for chapter  
12 5 of such title, are repealed.

13 **SEC. 7013. FUTURE STRATEGIC HIGHWAY RESEARCH PRO-**  
14 **GRAM.**

15 Section 510 of title 23, United States Code, and the  
16 item relating to such section in the analysis for chapter  
17 5 of such title, are repealed.

18 **SEC. 7014. NATIONAL INTELLIGENT TRANSPORTATION SYS-**  
19 **TEMS PROGRAM PLAN.**

20 (a) IN GENERAL.—Section 512 of title 23, United  
21 States Code, is amended—

22 (1) in the section heading by striking “**ITS**”  
23 and inserting “**intelligent transportation sys-**  
24 **tems**”; and

1           (2) in subsection (a)(1) by striking  
2           “SAFETEA-LU” and inserting “American Energy  
3           and Infrastructure Jobs Act of 2012”.

4           (b) CONFORMING AMENDMENT.—The analysis for  
5 chapter 5 of title 23, United States Code, is amended by  
6 striking the item relating to section 512 and inserting the  
7 following:

“512. National intelligent transportation systems program plan.”.

8   **SEC. 7015. USE OF FUNDS FOR INTELLIGENT TRANSPOR-**  
9                                   **TATION SYSTEMS ACTIVITIES.**

10          (a) IN GENERAL.—Section 513 of title 23, United  
11 States Code, is amended—

12               (1) in the section heading by striking “**ITS**”  
13               and inserting “**intelligent transportation sys-**  
14               **tems**”; and

15               (2) in subsection (a) by striking “subtitle C of  
16               title V of the SAFETEA-LU” and inserting “section  
17               7001(a)(4) of the American Energy and Infrastruc-  
18               ture Jobs Act of 2012”.

19          (b) CONFORMING AMENDMENT.—The analysis for  
20 chapter 5 of title 23, United States Code, is amended by  
21 striking the item relating to section 513 and inserting the  
22 following:

“513. Use of funds for intelligent transportation systems activities.”.

1 **SEC. 7016. INTELLIGENT TRANSPORTATION SYSTEMS PRO-**  
2 **GRAM GOALS AND PURPOSES.**

3 (a) IN GENERAL.—Chapter 5 of title 23, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing:

6 **“§ 514. Intelligent transportation systems program**  
7 **goals and purposes**

8 “(a) GOALS.—The goals of the intelligent transpor-  
9 tation system program include—

10 “(1) enhancement of surface transportation ef-  
11 ficiency and facilitation of intermodalism and inter-  
12 national trade to enable existing facilities to meet a  
13 significant portion of future transportation needs,  
14 including public access to employment, goods, and  
15 services, and to reduce regulatory, financial, and  
16 other transaction costs to public agencies and sys-  
17 tem users;

18 “(2) achievement of national transportation  
19 safety goals, including the enhancement of safe oper-  
20 ation of motor vehicles and nonmotorized vehicles  
21 and improved emergency response to a crash, with  
22 particular emphasis on decreasing the number and  
23 severity of collisions;

24 “(3) protection and enhancement of the natural  
25 environment and communities affected by surface  
26 transportation, with particular emphasis on assisting

1 State and local governments to achieve national en-  
2 vironmental goals;

3 “(4) accommodation of the needs of all users of  
4 surface transportation systems, including operators  
5 of commercial motor vehicles, passenger motor vehi-  
6 cles, motorcycles, and bicycles and pedestrians, in-  
7 cluding individuals with disabilities; and

8 “(5) improvement of the Nation’s ability to re-  
9 spond to emergencies and natural disasters.

10 “(b) PURPOSES.—The Secretary shall implement ac-  
11 tivities under the intelligent system transportation pro-  
12 gram to, at a minimum—

13 “(1) expedite, in both metropolitan and rural  
14 areas, deployment and integration of intelligent  
15 transportation systems for consumers of passenger  
16 and freight transportation;

17 “(2) ensure that Federal, State, and local  
18 transportation officials have adequate knowledge of  
19 intelligent transportation systems for consideration  
20 in the transportation planning process;

21 “(3) improve regional cooperation and oper-  
22 ations planning for effective intelligent transpor-  
23 tation system deployment;

24 “(4) promote the innovative use of private re-  
25 sources;

1           “(5) facilitate, in cooperation with the motor  
2           vehicle industry, the introduction of vehicle-based  
3           safety enhancing systems;

4           “(6) support the application of intelligent trans-  
5           portation systems that increase the safety and effi-  
6           ciency of commercial motor vehicle operations;

7           “(7) develop a workforce capable of developing,  
8           operating, and maintaining intelligent transportation  
9           systems; and

10           “(8) provide continuing support for operations  
11           and maintenance of intelligent transportation sys-  
12           tems.”.

13           (b) REPEAL.—Section 5303 of the Safe, Accountable,  
14           Flexible, Efficient Transportation Equity Act: A Legacy  
15           for Users is repealed.

16           (c) CONFORMING AMENDMENT.—The analysis for  
17           chapter 5 of title 23, United States Code, is amended by  
18           adding after the item relating to section 513 the following:

“514. Intelligent transportation systems program goals and purposes.”.

19           **SEC. 7017. INTELLIGENT TRANSPORTATION SYSTEMS PRO-**  
20                           **GRAM GENERAL AUTHORITIES AND RE-**  
21                           **QUIREMENTS.**

22           (a) IN GENERAL.—Chapter 5 of title 23, United  
23           States Code, is further amended by adding at the end the  
24           following:

1 **“§ 515. Intelligent transportation systems program**  
2 **general authority and requirements**

3 “(a) SCOPE.—Subject to the provisions of this chap-  
4 ter, the Secretary shall conduct an ongoing intelligent  
5 transportation system program to research, develop, and  
6 operationally test intelligent transportation systems and to  
7 provide technical assistance in the nationwide application  
8 of those systems as a component of the surface transpor-  
9 tation systems of the United States.

10 “(b) POLICY.—Intelligent transportation system re-  
11 search projects and operational tests funded pursuant to  
12 this chapter shall encourage and not displace public-pri-  
13 vate partnerships or private sector investment in such  
14 tests and projects.

15 “(c) COOPERATION WITH GOVERNMENTAL, PRI-  
16 VATE, AND EDUCATIONAL ENTITIES.—The Secretary  
17 shall carry out the intelligent transportation system pro-  
18 gram in cooperation with State and local governments and  
19 other public entities, private sector firms in the United  
20 States, Federal laboratories, and institutions of higher  
21 education, including historically Black colleges and univer-  
22 sities and other minority institutions of higher education.

23 “(d) CONSULTATION WITH FEDERAL OFFICIALS.—  
24 In carrying out the intelligent transportation system pro-  
25 gram, the Secretary shall consult with the heads of other  
26 Federal departments and agencies, as appropriate.

1       “(e) TECHNICAL ASSISTANCE, TRAINING, AND IN-  
2 FORMATION.—The Secretary may provide technical assist-  
3 ance, training, and information to State and local govern-  
4 ments seeking to implement, operate, maintain, or evalu-  
5 ate intelligent transportation system technologies and  
6 services.

7       “(f) TRANSPORTATION PLANNING.—The Secretary  
8 may provide funding to support adequate consideration of  
9 transportation systems management and operations, in-  
10 cluding intelligent transportation systems, within metro-  
11 politan and statewide transportation planning processes.

12       “(g) INFORMATION CLEARINGHOUSE.—

13               “(1) IN GENERAL.—The Secretary shall—

14                       “(A) maintain a repository for technical  
15                       and safety data collected as a result of federally  
16                       sponsored projects carried out under this chap-  
17                       ter; and

18                       “(B) make, on request, that information  
19                       (except for proprietary information and data)  
20                       readily available to all users of the repository at  
21                       an appropriate cost.

22       “(2) AGREEMENT.—

23               “(A) IN GENERAL.—The Secretary may  
24               enter into an agreement with a third party for

1 the maintenance of the repository for technical  
2 and safety data under paragraph (1)(A).

3 “(B) FEDERAL FINANCIAL ASSISTANCE.—

4 If the Secretary enters into an agreement with  
5 an entity for the maintenance of the repository,  
6 the entity shall be eligible for Federal financial  
7 assistance under this section.

8 “(3) AVAILABILITY OF INFORMATION.—Infor-  
9 mation in the repository shall not be subject to sec-  
10 tions 552 and 555 of title 5, United States Code.

11 “(h) INFRASTRUCTURE DEVELOPMENT.—Funds  
12 made available to carry out this chapter for operational  
13 tests—

14 “(1) shall be used primarily for the development  
15 of intelligent transportation system infrastructure;  
16 and

17 “(2) to the maximum extent practicable, shall  
18 not be used for the construction of physical highway  
19 and public transportation infrastructure unless the  
20 construction is incidental and critically necessary to  
21 the implementation of an intelligent transportation  
22 system project.”.

23 (b) REPEAL.—Sections 5304 and 5305 of the Safe,  
24 Accountable, Flexible, Efficient Transportation Equity  
25 Act: A Legacy for Users are repealed.

1 (c) CONFORMING AMENDMENT.—The analysis for  
2 chapter 5 of title 23, United States Code, is further  
3 amended by adding after the item relating to section 514  
4 the following:

“515. Intelligent transportation systems program general authority and require-  
ments.”.

5 **SEC. 7018. INTELLIGENT TRANSPORTATION SYSTEMS RE-**  
6 **SEARCH AND DEVELOPMENT.**

7 (a) IN GENERAL.—Chapter 5 of title 23, United  
8 States Code, is further amended by adding at the end the  
9 following:

10 **“§ 516. Intelligent transportation systems research**  
11 **and development**

12 “(a) IN GENERAL.—The Secretary shall carry out a  
13 comprehensive program of intelligent transportation sys-  
14 tem research, development, and operational tests of intel-  
15 ligent vehicles and intelligent infrastructure systems and  
16 other similar activities that are necessary to carry out this  
17 chapter.

18 “(b) PRIORITY AREAS.—Under the program, the Sec-  
19 retary shall give higher priority to funding projects that—

20 “(1) enhance mobility and productivity through  
21 improved traffic management, incident management,  
22 transit management, freight management, road  
23 weather management, toll collection, traveler infor-

1 mation, or highway operations systems and remote  
2 sensing products;

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

6 “(3) address traffic management, incident man-  
7 agement, transit management, toll collection traveler  
8 information, or highway operations systems;

9 “(4) incorporate research on the impact of envi-  
10 ronmental, weather, and natural conditions on intel-  
11 ligent transportation systems, including the effects  
12 of cold climates;

13 “(5) enhance intermodal use of intelligent  
14 transportation systems for diverse groups, including  
15 for emergency and health-related services;

16 “(6) enhance safety through improved crash  
17 avoidance and protection, crash and other emergency  
18 personnel notification, commercial motor vehicle op-  
19 erations, and infrastructure-based or cooperative  
20 safety systems; and

21 “(7) facilitate the integration of intelligent in-  
22 frastructure, vehicle, and control technologies.”.

23 (b) REPEAL.—Section 5306 of the Safe, Accountable,  
24 Flexible, Efficient Transportation Equity Act: A Legacy  
25 for Users is repealed.

1 (c) CONFORMING AMENDMENT.—The analysis for  
 2 chapter 5 of title 23, United States Code, is further  
 3 amended by adding after the item relating to section 515  
 4 the following:

“516. Intelligent transportation systems research and development.”.

5 **SEC. 7019. INTELLIGENT TRANSPORTATION SYSTEMS NA-**  
 6 **TIONAL ARCHITECTURE AND STANDARDS.**

7 (a) IN GENERAL.—Chapter 5 of title 23, United  
 8 States Code, is further amended by adding at the end the  
 9 following:

10 **“§ 517. Intelligent transportation systems national ar-**  
 11 **chitecture and standards**

12 “(a) IN GENERAL.—

13 “(1) DEVELOPMENT, IMPLEMENTATION, AND  
 14 MAINTENANCE.—Consistent with section 12(d) of  
 15 the National Technology Transfer and Advancement  
 16 Act of 1995 (15 U.S.C. 272 note; 110 Stat. 783),  
 17 the Secretary shall develop, implement, and maintain  
 18 a national architecture and supporting standards  
 19 and protocols to promote the widespread use and  
 20 evaluation of intelligent transportation system tech-  
 21 nology as a component of the surface transportation  
 22 systems of the United States.

23 “(2) INTEROPERABILITY AND EFFICIENCY.—To  
 24 the maximum extent practicable, the national archi-  
 25 tecture shall promote interoperability among, and ef-

1       ficiency of, intelligent transportation system tech-  
2       nologies implemented throughout the United States.

3           “(3) USE OF STANDARDS DEVELOPMENT ORGA-  
4       NIZATIONS.—In carrying out this section, the Sec-  
5       retary shall use the services of such standards devel-  
6       opment organizations as the Secretary determines to  
7       be appropriate.

8           “(b) PROVISIONAL STANDARDS.—

9           “(1) IN GENERAL.—If the Secretary finds that  
10       the development or balloting of an intelligent trans-  
11       portation system standard jeopardizes the timely  
12       achievement of the objectives identified in subsection  
13       (a), the Secretary may establish a provisional stand-  
14       ard, after consultation with affected parties, using,  
15       to the extent practicable, the work product of appro-  
16       priate standards development organizations.

17           “(2) PERIOD OF EFFECTIVENESS.—A provi-  
18       sional standard established under paragraph (1)  
19       shall be published in the Federal Register and re-  
20       main in effect until the appropriate standards devel-  
21       opment organization adopts and publishes a stand-  
22       ard.

23           “(c) CONFORMITY WITH NATIONAL ARCHITEC-  
24       TURE.—

1           “(1) IN GENERAL.—Except as provided in para-  
2           graphs (2) and (3), the Secretary shall ensure that  
3           intelligent transportation system projects carried out  
4           using funds made available from the Highway Trust  
5           Fund, including funds made available under this  
6           chapter, to deploy intelligent transportation system  
7           technologies conform to the national architecture,  
8           applicable standards or provisional standards, and  
9           protocols developed under subsection (a).

10           “(2) SECRETARY’S DISCRETION.—The Sec-  
11           retary may authorize exceptions to paragraph (1)  
12           for—

13                   “(A) projects designed to achieve specific  
14                   research objectives outlined in the national in-  
15                   telligent transportation system program plan or  
16                   the surface transportation research and devel-  
17                   opment strategic plan developed under section  
18                   508; or

19                   “(B) the upgrade or expansion of an intel-  
20                   ligent transportation system in existence on the  
21                   date of enactment of the SAFETEA-LU if the  
22                   Secretary determines that the upgrade or ex-  
23                   pansion—

24                           “(i) would not adversely affect the  
25                           goals or purposes of this chapter;

1                   “(ii) is carried out before the end of  
2                   the useful life of such system; and

3                   “(iii) is cost-effective as compared to  
4                   alternatives that would meet the con-  
5                   formity requirement of paragraph (1).

6                   “(3) EXCEPTIONS.—Paragraph (1) shall not  
7                   apply to funds used for operation or maintenance of  
8                   an intelligent transportation system in existence on  
9                   the date of enactment of the SAFETEA-LU.

10                  “(d) STANDARD DEFINED.—The term ‘standard’  
11 means a document that—

12                   “(1) contains technical specifications or other  
13                   precise criteria for intelligent transportation systems  
14                   that are to be used consistently as rules, guidelines,  
15                   or definitions of characteristics so as to ensure that  
16                   materials, products, processes, and services are fit  
17                   for their purposes; and

18                   “(2) may support the national architecture and  
19                   promote—

20                   “(A) the widespread use and adoption of  
21                   intelligent transportation system technology as  
22                   a component of the surface transportation sys-  
23                   tems of the United States; and

1           “(B) interoperability among intelligent  
2           transportation system technologies implemented  
3           throughout the States.”.

4           (b) REPEAL.—Section 5307 of the Safe, Accountable,  
5 Flexible, Efficient Transportation Equity Act: A Legacy  
6 for Users is repealed.

7           (c) CONFORMING AMENDMENT.—The analysis for  
8 chapter 5 of title 23, United States Code, is further  
9 amended by adding after the item relating to section 516  
10 the following:

“517. Intelligent transportation systems national architecture and standards.”.

11 **SEC. 7020. NATIONAL UNIVERSITY TRANSPORTATION CEN-**  
12 **TERS.**

13           Section 5505 of title 49, United States Code, and the  
14 item relating to such section in the analysis of chapter  
15 55 of such title, is repealed.

16 **SEC. 7021. UNIVERSITY TRANSPORTATION RESEARCH.**

17           Section 5506 of title 49, United States Code, is  
18 amended—

19           (1) in subsection (b)(1) by adding “that is con-  
20 sistent with section 503 of title 23” after “applied  
21 research”;

22           (2) in subsection (c)—

23           (A) in the heading by striking “REGIONAL,  
24 TIER I, AND TIER II CENTERS” and inserting  
25 “REGIONAL AND STANDARD CENTERS”;

1 (B) in paragraph (1)—

2 (i) in the heading by striking “RE-  
3 GIONAL AND TIER I CENTERS” and insert-  
4 ing “REGIONAL AND STANDARD CEN-  
5 TERS”;

6 (ii) in the matter preceding subpara-  
7 graph (A) by striking “2005 through  
8 2009” and inserting “2013 through  
9 2016”; and

10 (iii) in subparagraph (B) by striking  
11 “10 Tier I” and inserting “20 standard”;  
12 (C) by striking paragraph (2); and

13 (D) by redesignating paragraphs (3) and  
14 (4) as paragraphs (2) and (3), respectively;  
15 (3) in subsection (e)—

16 (A) in paragraph (1) by striking “March  
17 31, 2006, and not later than March 31st of  
18 every 4th year thereafter” and inserting “180  
19 days after the date of enactment of the Amer-  
20 ican Energy and Infrastructure Jobs Act of  
21 2012, and every 4 years thereafter”;

22 (B) in paragraph (5)—

23 (i) in subparagraph (B) by striking  
24 “and”;

1 (ii) in subparagraph (C) by striking  
2 the period and adding “; and”; and

3 (iii) by adding at the end the fol-  
4 lowing:

5 “(D) \$3,500,000 for each of fiscal years  
6 2013 through 2016.”; and

7 (C) by adding at the end the following:

8 “(6) RESEARCH REQUIREMENT.—

9 “(A) COMPREHENSIVE TRANSPORTATION  
10 SAFETY.—The Secretary shall make a grant to  
11 1 of the 10 regional university transportation  
12 centers established under subsection (c) for the  
13 purpose of furthering the objectives described in  
14 subsection (b) in the field of comprehensive  
15 transportation safety.

16 “(B) INTELLIGENT TRANSPORTATION SYS-  
17 TEMS.—The Secretary shall make a grant to 1  
18 of the 10 regional university transportation cen-  
19 ters established under subsection (c) (other  
20 than the center described in subparagraph (A))  
21 for the purpose of furthering the objectives de-  
22 scribed in subsection (b) in the field of intel-  
23 ligent transportation systems.”;

24 (4) in subsection (f)—

1 (A) by striking “TIER I” in the subsection  
2 heading and inserting “STANDARD”;

3 (B) in paragraph (1)—

4 (i) by striking “June 30, 2006, and  
5 not later than June 30 of every 4th year  
6 thereafter” and inserting “180 days after  
7 the date of enactment of the American En-  
8 ergy and Infrastructure Jobs Act of 2012,  
9 and every 4 years thereafter”; and

10 (ii) by striking “10 Tier I” and in-  
11 sserting “20 standard”;

12 (C) in paragraph (3) by striking “Tier I”  
13 and inserting “standard”; and

14 (D) in paragraph (5)—

15 (i) by striking “\$1,000,000” and in-  
16 sserting “\$2,000,000”;

17 (ii) by striking “2005 through 2009”  
18 and inserting “2013 through 2016”; and

19 (iii) by striking “Tier I” and inserting  
20 “standard”;

21 (5) by striking subsection (g) and redesignating  
22 subsections (h) through (m) as subsections (g)  
23 through (l), respectively;

24 (6) in subsection (h) (as redesignated by para-  
25 graph (5) of this section)—

1 (A) by striking “MAINTENANCE OF EF-  
2 FORT.—”and all that follows through “In order  
3 to be” and inserting “MAINTENANCE OF EF-  
4 FORT.—In order to be”; and

5 (B) by striking paragraph (2); and

6 (7) in subsection (i) (as redesignated by para-  
7 graph (5) of this section)—

8 (A) by striking “50” and inserting “65”;  
9 and

10 (B) by striking “503” and inserting  
11 “503A”.

12 **SEC. 7022. BUREAU OF TRANSPORTATION STATISTICS.**

13 Section 111 of title 49, United States Code, is  
14 amended—

15 (1) in subsection (c) by striking paragraph (5)  
16 and inserting the following:

17 “(5) TRANSPORTATION STATISTICS.—Col-  
18 lecting, compiling, analyzing, and publishing a com-  
19 prehensive set of transportation statistics on the per-  
20 formance and impacts of the national transportation  
21 system, including statistics on—

22 “(A) transportation safety across all modes  
23 and intermodally;

24 “(B) the state of good repair of United  
25 States transportation infrastructure;

1           “(C) the extent, connectivity, and condition  
2 of the transportation system, building on the  
3 national transportation atlas database devel-  
4 oped under subsection (g);

5           “(D) economic efficiency across the entire  
6 transportation sector;

7           “(E) the effects of the transportation sys-  
8 tem on global and domestic economic competi-  
9 tiveness;

10           “(F) demographic, economic, and other  
11 variables influencing travel behavior, including  
12 choice of transportation mode and goods move-  
13 ment;

14           “(G) transportation-related variables that  
15 influence the domestic economy and global  
16 competitiveness;

17           “(H) economic costs and impacts for pas-  
18 senger travel and freight movement;

19           “(I) intermodal and multimodal passenger  
20 movement; and

21           “(J) consequences of transportation for the  
22 environment.”;

23           (2) by striking subsection (d) and inserting the  
24 following:

1       “(d) ACCESS TO FEDERAL DATA.—In carrying out  
2 subsection (c), the Director shall be provided access to all  
3 transportation and transportation-related information and  
4 data, including safety-related data, held by an agency of  
5 the Department of Transportation and, upon written re-  
6 quest and subject to any statutory or regulatory restric-  
7 tions, to all such data held by any other Federal Govern-  
8 ment agency, that is germane to carrying out subsection  
9 (c).”;

10           (3) in subsection (n) by striking “Mass Tran-  
11 sit” and inserting “Alternative Transportation”; and

12           (4) in subsection (o)(2)—

13               (A) in subparagraph (A) by inserting  
14 “and” after the semicolon;

15               (B) by striking subparagraph (B); and

16               (C) by redesignating subparagraph (C) as  
17 subparagraph (B).

18 **SEC. 7023. ADMINISTRATIVE AUTHORITY.**

19       Section 112 of title 49, United States Code, is  
20 amended by adding at the end the following:

21       “(f) PROGRAM EVALUATION AND OVERSIGHT.—For  
22 each of fiscal years 2013 through 2016, the Administrator  
23 may expend not more than 1 ½ percent of the amounts  
24 authorized to be appropriated for the administration and  
25 operation of the Research and Innovative Technology Ad-

1 ministration to carry out the coordination, evaluation, and  
2 oversight of the programs administered by the Administra-  
3 tion.

4 “(g) COLLABORATIVE RESEARCH AND DEVELOP-  
5 MENT.—

6 “(1) IN GENERAL.—To encourage innovative  
7 solutions to multimodal transportation problems and  
8 stimulate the deployment of new technology, the Ad-  
9 ministrator may carry out, on a cost-shared basis,  
10 collaborative research and development with—

11 “(A) non-Federal entities, including State  
12 and local governments, foreign governments, in-  
13 stitutions of higher education, corporations, in-  
14 stitutions, partnerships, sole proprietorships,  
15 and trade associations that are incorporated or  
16 established under the laws of any State;

17 “(B) Federal laboratories; and

18 “(C) other Federal agencies.

19 “(2) COOPERATION, GRANTS, CONTRACTS, AND  
20 AGREEMENTS.—Notwithstanding any other provision  
21 of law, the Administrator may directly initiate con-  
22 tracts, grants, cooperative research and development  
23 agreements (as defined in section 12 of the Steven-  
24 son-Wydler Technology Innovation Act of 1980 (15  
25 U.S.C. 3710a)), and other agreements to fund, and

1 accept funds from, the Transportation Research  
2 Board of the National Research Council of the Na-  
3 tional Academy of Sciences, State departments of  
4 transportation, cities, counties, institutions of higher  
5 education, associations, and the agents of those enti-  
6 ties to carry out joint transportation research and  
7 technology efforts.

8 “(3) FEDERAL SHARE.—

9 “(A) IN GENERAL.—Subject to subpara-  
10 graph (B), the Federal share of the cost of an  
11 activity carried out under paragraph (2) shall  
12 not exceed 50 percent.

13 “(B) EXCEPTION.—If the Secretary deter-  
14 mines that the activity is of substantial public  
15 interest or benefit, the Secretary may approve  
16 a greater Federal share.

17 “(C) NON-FEDERAL SHARE.—All costs di-  
18 rectly incurred by the non-Federal partners, in-  
19 cluding personnel, travel, facility, and hardware  
20 development costs, shall be credited toward the  
21 non-Federal share of the cost of an activity de-  
22 scribed in subparagraph (A).

23 “(4) USE OF TECHNOLOGY.—The research, de-  
24 velopment, or use of a technology under a contract,  
25 grant, cooperative research and development agree-

1       ment, or other agreement entered into under this  
2       subsection, including the terms under which the  
3       technology may be licensed and the resulting roy-  
4       alties may be distributed, shall be subject to the Ste-  
5       venson-Wydler Technology Innovation Act of 1980  
6       (15 U.S.C. 3701 et seq.).”.

7       **SEC. 7024. TECHNICAL AND CONFORMING AMENDMENTS.**

8       (a) **ADDITIONAL REPEALS.**—Sections 5308, 5309,  
9       5310, 5501, 5506, 5507, 5511, and 5513 of the Safe, Ac-  
10      countable, Flexible, Efficient Transportation Equity Act:  
11      A Legacy for Users are repealed.

12      (b) **TABLE OF CONTENTS FOR SAFETEA-LU.**—The  
13      table of contents for the Safe, Accountable, Flexible, Effi-  
14      cient Transportation Equity Act: A Legacy for Users is  
15      amended by striking the items relating to sections 5303  
16      through 5310, 5501, 5506, 5507, 5511, and 5513.

17      (c) **CONFORMING AMENDMENT.**—Section 6010(c) of  
18      the Safe, Accountable, Flexible, Efficient Transportation  
19      Equity Act: A Legacy for Users (23 U.S.C. 512 note) is  
20      amended by striking “subtitle C of title V of this Act”  
21      and inserting “section 501 of title 23, United States  
22      Code”.

1           **TITLE VIII—RAILROADS**  
2   **Subtitle A—Repeals and Reforms of**  
3   **Intercity Passenger Rail Capital**  
4   **Grant Programs**

5   **SEC. 8001. CAPITAL GRANTS FOR CLASS II AND CLASS III**  
6           **RAILROADS.**

7           Chapter 223 of title 49, United States Code, and the  
8 item relating thereto in the table of chapters for subtitle  
9 V of such title, are repealed.

10 **SEC. 8002. CONGESTION GRANTS.**

11           Section 24105 of title 49, United States Code, and  
12 the item relating thereto in the table of sections for chap-  
13 ter 241 of such title, are repealed.

14 **SEC. 8003. INTERCITY PASSENGER RAIL CAPITAL GRANTS**  
15           **TO STATES.**

16           (a) **AMENDMENTS.**—Section 24402 of title 49,  
17 United States Code, is amended—

18           (1) in the section heading, by striking “**CAP-**  
19   **ITAL INVESTMENT GRANTS TO SUPPORT**  
20   **INTERCITY PASSENGER RAIL SERVICE**” and in-  
21   serting “**INTERCITY PASSENGER RAIL CAPITAL**  
22   **GRANTS TO STATES**”;

23           (2) by striking subsection (b);

24           (3) by redesignating subsections (c) through (l)  
25 as subsections (b) through (k), respectively;

1           (4) in subsection (b)(1)(D), as so redesignated  
2           by paragraph (3) of this subsection, by striking  
3           “that if an applicant has selected the proposed oper-  
4           ator of its service competitively, that the applicant  
5           provide” and inserting “that the applicant shall se-  
6           lect the proposed operator of its service competi-  
7           tively, and that the applicant shall provide”;

8           (5) in subsection (b)(2)(B), as so redesignated  
9           by paragraph (3) of this subsection—

10           (A) by inserting “and” at the end of clause  
11           (ii); and

12           (B) by inserting “and” at the end of clause  
13           (iii); and

14           (C) by striking clauses (iv) and (v);

15           (6) in subsection (c), as so redesignated by  
16           paragraph (3) of this subsection, by striking “sub-  
17           section (c)(1)(A)” and inserting “subsection  
18           (b)(1)(A)”;

19           (7) in subsection (d), as so redesignated by  
20           paragraph (3) of this subsection, by striking “sub-  
21           section (g)” and inserting “subsection (f)”;

22           (8) in subsection (e)(2), as so redesignated by  
23           paragraph (3) of this subsection, by striking “sub-  
24           section (c)” and inserting “subsection (b)”;

1           (9) in subsection (f), as so redesignated by  
2 paragraph (3) of this subsection, by striking para-  
3 graphs (3) and (4); and

4           (10) in subsection (g), as so redesignated by  
5 paragraph (3) of this subsection, by amending the  
6 second sentence to read as follows: “If any amount  
7 provided as a grant under this section is not obli-  
8 gated within 3 years after the date on which the  
9 State is awarded the grant, such amount shall be re-  
10 scinded and deposited to the general fund of the  
11 Treasury, where such amount shall be dedicated for  
12 the sole purpose of deficit reduction and prohibited  
13 from use as an offset for other spending increases  
14 or revenue reductions.”.

15       (b) CONFORMING AMENDMENT.—The item relating  
16 to section 24402 in the table of sections for chapter 244  
17 of title 49, United States Code, is amended to read as  
18 follows:

“Intercity passenger rail capital grants to States.”.

## 19           **Subtitle B—Amtrak Reforms**

### 20       **SEC. 8101. AUTHORIZATION FOR AMTRAK OPERATING EX-** 21           **PENSES.**

22       Section 101(a) of the Passenger Rail Investment and  
23 Improvement Act of 2008 (Division B of Public Law 110–  
24 432, 122 Stat. 4908) is amended—

1           (1) in paragraph (4), by striking  
2           “\$616,000,000” and inserting “\$466,000,000”; and

3           (2) in paragraph (5), by striking  
4           “\$631,000,000” and inserting “\$473,250,000”.

5 **SEC. 8102. LIMITATIONS ON AMTRAK AUTHORITY.**

6           Section 24305 of title 49, United States Code, is  
7 amended by adding at the end the following new sub-  
8 section:

9           “(g) LIMITATIONS ON USE OF FEDERAL FUNDS.—

10           “(1) LIMITATIONS.—Amtrak may not use any  
11 Federal funds for the following purposes:

12                   “(A) Hiring or contracting with any out-  
13 side legal professional for the purpose of filing,  
14 litigating, or otherwise pursuing any cause of  
15 action in a Federal or State court against a  
16 passenger rail service provider.

17                   “(B) Filing, litigating, or otherwise pur-  
18 suing in any Federal or State court any cause  
19 of action against a passenger rail service pro-  
20 vider arising from a competitive bid process in  
21 which Amtrak and the passenger rail service  
22 provider participated.

23           “(2) DEFINITIONS.—For the purposes of this  
24 subsection—

1           “(A) the term ‘outside legal professional’  
2           means any individual, corporation, partnership,  
3           limited liability corporation, limited liability  
4           partnership, or other private entity in the busi-  
5           ness of providing legal services that is not em-  
6           ployed on a full-time basis solely by Amtrak;  
7           and

8           “(B) the term ‘passenger rail service pro-  
9           vider’ means any company, partnership, or  
10          other public or private entity that operates pas-  
11          senger rail service or bids to operate passenger  
12          rail service in a competitive process.”.

13 **SEC. 8103. APPLICABILITY OF LAWS.**

14          (a) **TITLE 18 VIOLATIONS.**—For purposes of sections  
15 286, 287, 371, 641, 1001, and 1002 of title 18, United  
16 States Code, and, with respect to audits conducted by the  
17 Amtrak Office of the Inspector General, for purposes of  
18 section 1516 of such title, Amtrak and the Amtrak Office  
19 of the Inspector General shall be considered to be agencies  
20 of the United States Government.

21          (b) **FALSE CLAIMS.**—Claims made or presented to  
22 Amtrak shall be considered as claims under section  
23 3729(b)(2)(A)(ii) of title 31, United States Code, and  
24 statements made or presented to Amtrak shall be consid-

1 ered as statements under section 3729(a)(1)(B) and (G)  
2 of title 31, United States Code.

3 (c) LIMITATION.—Subsections (a) and (b) shall be ef-  
4 fective only with respect to a fiscal year for which Amtrak  
5 receives a Federal subsidy.

6 **SEC. 8104. INSPECTOR GENERAL OF AMTRAK.**

7 (a) IN GENERAL.—Chapter 243 is amended by in-  
8 serting after section 24316 the following:

9 **“§ 24317. Inspector General**

10 “(a) INVESTIGATION AUTHORITY.—The Inspector  
11 General of Amtrak shall have all authority available to  
12 other Inspectors General, as necessary in carrying out the  
13 duties specified in the Inspector General Act 1978 (5  
14 U.S.C. App. 3), to investigate any alleged violation of sec-  
15 tion 286, 287, 371, 641, 1001, or 1002 of title 18, and,  
16 with respect to audits conducted by the Amtrak Office of  
17 the Inspector General, any violation of section 1516 of  
18 such title.

19 “(b) SERVICES FROM GENERAL SERVICES ADMINIS-  
20 TRATION.—The Inspector General of Amtrak may obtain  
21 from the Administrator of General Services, and the Ad-  
22 ministrator shall provide to the Inspector General, services  
23 under sections 502(a) and 602 of title 40, including travel  
24 programs.

25 “(c) QUALIFIED IMMUNITY.—

1           “(1) IN GENERAL.—An employee of the Amtrak  
2           Office of Inspector General shall enjoy the same per-  
3           sonal qualified immunity from lawsuit or liability as  
4           the employees of other inspectors general that oper-  
5           ate under authority of the Inspector General Act of  
6           1978 with respect to the performance of investiga-  
7           tive, audit, or inspection functions authorized under  
8           that Act that are carried out for the Amtrak Office  
9           of Inspector General.

10           “(2) FEDERAL GOVERNMENT LIABILITY.—No  
11           liability of any kind shall attach to or rest upon the  
12           United States for any damages from or by any ac-  
13           tions of the Amtrak Office of Inspector General, its  
14           employees, agents, or representatives.”.

15           (b) CONFORMING AMENDMENT.—The table of sec-  
16           tions for chapter 243 is amended by inserting after the  
17           item relating to section 24316 the following:

          “24317. Inspector General.”.

18           **SEC. 8105. AMTRAK MANAGEMENT ACCOUNTABILITY.**

19           Section 24310 is amended to read as follows:

20           **“§ 24310. Management accountability**

21           “(a) IN GENERAL.—Promptly after the date of enact-  
22           ment of the American Energy and Infrastructure Jobs Act  
23           of 2012, and again not later than 5 years after the date  
24           of enactment of the Passenger Rail Investment and Im-  
25           provement Act of 2008, the Inspector General of the De-

1 partment of Transportation shall complete an overall as-  
2 sessment of the progress made by the Department of  
3 Transportation, and the Inspector General of Amtrak  
4 shall complete an overall assessment of the progress made  
5 by Amtrak management, in implementing the provisions  
6 of the Passenger Rail Investment and Improvement Act  
7 of 2008.

8 “(b) ASSESSMENT.—The management assessment  
9 undertaken by the Amtrak Inspector General may include  
10 a review of—

11 “(1) effectiveness in improving annual financial  
12 planning;

13 “(2) effectiveness in implementing improved fi-  
14 nancial accounting;

15 “(3) efforts to implement minimum train per-  
16 formance standards;

17 “(4) progress maximizing revenues, minimizing  
18 Federal subsidies, and improving financial results;  
19 and

20 “(5) any other aspect of Amtrak operations the  
21 Amtrak Inspector General finds appropriate to re-  
22 view.”.

23 **SEC. 8106. AMTRAK FOOD AND BEVERAGE SERVICE.**

24 (a) AUTHORITY.—Section 24305(c)(4) of title 49,  
25 United States Code, is amended by striking “only if reve-

1 nues from the services each year at least equal the cost  
2 of providing the services” and inserting “only as provided  
3 in subsection (h)”.

4 (b) PROCEDURES.—Section 24305 of title 49, United  
5 States Code, is further amended by adding at the end the  
6 following new subsection:

7 “(h) FOOD AND BEVERAGE SERVICE.—

8 “(1) IN GENERAL.—Except as provided in para-  
9 graph (6), food and beverage service may be pro-  
10 vided on Amtrak trains only by a bidder selected by  
11 the Federal Railroad Administration under para-  
12 graph (5). The Federal Railroad Administration may  
13 consult with and obtain assistance from the General  
14 Services Administration in carrying out this sub-  
15 section.

16 “(2) REQUESTS FOR PROPOSALS.—Not later  
17 than 60 days after the date of enactment of this  
18 subsection, the Federal Railroad Administration  
19 shall issue separate requests for proposals for provi-  
20 sion of food and beverage service on Amtrak trains  
21 on the national rail passenger transportation system  
22 for each of subparagraphs (A) through (D) of sec-  
23 tion 24102(5).

24 “(3) DEADLINES.—

1           “(A) SUBMITTAL OF BIDS.—Bids for the  
2           provision of food and beverage service on Am-  
3           trak trains pursuant to the requests for pro-  
4           posals issued under paragraph (2) shall be sub-  
5           mitted to the Federal Railroad Administration  
6           not later than 60 days after the issuance of the  
7           relevant request for proposals.

8           “(B) SELECTION OF WINNING BIDS.—The  
9           Federal Railroad Administration shall select  
10          winning bidders pursuant to paragraph (5) not  
11          later than 90 days after the issuance of the rel-  
12          evant request for proposals.

13          “(4) AMTRAK PARTICIPATION.—Amtrak may  
14          participate in the bidding pursuant to a request for  
15          proposals issued under paragraph (2).

16          “(5) SELECTION OF PROVIDERS.—The Federal  
17          Railroad Administration shall select for the provision  
18          of food and beverage service on Amtrak trains the  
19          qualified bidder responding to the request for pro-  
20          posals issued under paragraph (2) whose bid would  
21          result in the lowest cost, or the greatest source of  
22          revenue, to Amtrak.

23          “(6) EXEMPTION.—If no qualified bidder re-  
24          sponds to the request for proposals issued under  
25          paragraph (2), Amtrak, after transmitting to the

1 Federal Railroad Administration and the Congress  
 2 an explanation of the reasons for the need of an ex-  
 3 emption, may request from the Federal Railroad Ad-  
 4 ministration, and the Federal Railroad Administra-  
 5 tion may grant, an exemption from the limitations  
 6 under this subsection.

7 “(7) SUBSIDY FOR NET LOSS.—The Federal  
 8 Railroad Administration shall provide directly to the  
 9 entity providing food and beverage service on Am-  
 10 trak trains any portion of appropriations for Amtrak  
 11 necessary to cover a net loss resulting from the pro-  
 12 vision of such service, but only to the extent that  
 13 such net loss was anticipated in the bid selected.”.

14 **Subtitle C—Project Development**  
 15 **and Review**

16 **SEC. 8201. PROJECT DEVELOPMENT AND REVIEW.**

17 (a) AMENDMENT.—Part B of subtitle V of title 49,  
 18 United States Code, is amended by adding at the end the  
 19 following new chapter:

20 **“CHAPTER 229—PROJECT DEVELOPMENT**  
 21 **AND REVIEW**

“Sec.

“22901. Applicability.

“22902. Definitions.

“22903. Efficient environmental reviews for rail project decisionmaking.

“22904. Integration of planning and environmental review.

“22905. Program for eliminating duplication of environmental reviews.

“22906. Railroad corridor preservation.

“22907. Treatment of railroads for historic preservation.

“22908. Categorical exclusion.

“22909. State assumption of responsibility for categorical exclusions.

“22910. Rail project delivery program.

“22911. Exemption in emergencies.

1 **“§ 22901. Applicability**

2 “The provisions of this chapter—

3 “(1) shall be applicable to any freight or inter-  
4 city passenger rail capital project that is carried out  
5 or planned to be carried out with the use of Federal  
6 funds administered by the Federal Railroad Admin-  
7 istration through a grant, contract, loan, or other fi-  
8 nancing instrument;

9 “(2) shall be broadly construed; and

10 “(3) may be applied by the Secretary to any  
11 class or program of such projects.

12 **“§ 22902. Definitions**

13 “In this chapter, the following definitions apply:

14 “(1) AGENCY.—The term ‘agency’ means any  
15 agency, department, or other unit of Federal, State,  
16 local, or Indian tribal government.

17 “(2) ENVIRONMENTAL IMPACT STATEMENT.—  
18 The term ‘environmental impact statement’ means  
19 the detailed statement of environmental impacts re-  
20 quired to be prepared under the National Environ-  
21 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

22 “(3) ENVIRONMENTAL LAW.—The term ‘envi-  
23 ronmental law’ includes any law that provides proce-  
24 dural or substantive protection, as applicable, for the

1 natural or built environment with regard to the con-  
2 struction and operation of transportation projects.

3 “(4) ENVIRONMENTAL REVIEW PROCESS.—

4 “(A) IN GENERAL.—The term ‘environ-  
5 mental review process’ means the process for  
6 preparing for a rail project an environmental  
7 impact statement, environmental assessment,  
8 categorical exclusion, or other document pre-  
9 pared under the National Environmental Policy  
10 Act of 1969 (42 U.S.C. 4321 et seq.).

11 “(B) INCLUSIONS.—The term ‘environ-  
12 mental review process’ includes the process for  
13 and completion of any environmental permit,  
14 approval, review, or study required for a rail  
15 project under any Federal law other than the  
16 National Environmental Policy Act of 1969 (42  
17 U.S.C. 4321 et seq.).

18 “(5) FEDERAL ENVIRONMENTAL LAWS.—The  
19 term ‘Federal environmental laws’ means Federal  
20 laws governing the review, including through the  
21 issuance of permits and other approvals of environ-  
22 mental impacts of, the construction and operation of  
23 transportation projects. Such term includes section  
24 102(2)(C) of the National Environmental Policy Act  
25 of 1969 (42 U.S.C. 4332(2)(C)), section 404 of the

1 Federal Water Pollution Control Act (33 U.S.C.  
2 1344), section 106 of the National Historic Preser-  
3 vation Act (16 U.S.C. 470f), and sections 7(a)(2),  
4 9(a)(1)(B), and 10(a)(1)(B) of the Endangered Spe-  
5 cies Act of 1973 (16 U.S.C. 1536(a)(2),  
6 1538(a)(1)(B), 1539(a)(1)(B)).

7 “(6) FEDERAL LEAD AGENCY.—The term ‘Fed-  
8 eral lead agency’ means the Department of Trans-  
9 portation.

10 “(7) JOINT LEAD AGENCY.—The term ‘joint  
11 lead agency’ means an agency designated as a joint  
12 lead agency as described in paragraph (1) or (2) of  
13 section 22903(b).

14 “(8) LEAD AGENCY.—The term ‘lead agency’  
15 means the Department of Transportation and, if ap-  
16 plicable, any joint lead agency.

17 “(9) PLANNING PRODUCT.—The term ‘planning  
18 product’ means any decision, analysis, study, or  
19 other documented result of an evaluation or deci-  
20 sionmaking process carried out during rail and  
21 transportation planning.

22 “(10) PROJECT SPONSOR.—The term ‘project  
23 sponsor’ means the State agency or other entity, in-  
24 cluding any private or public-private entity, that  
25 seeks approval of the Secretary for a rail project.

1           “(11) RAIL PROJECT.—The term ‘rail project’  
2 means any freight or intercity passenger rail capital  
3 project that is carried out or is planned to be carried  
4 out with the use of Federal funds administered by  
5 the Federal Railroad Administration through a  
6 grant, contract, loan, or other financing instrument.

7           “(12) SECRETARY.—The term ‘Secretary’  
8 means the Secretary of Transportation.

9           “(13) STATE.—The term ‘State’ has the mean-  
10 ing given that term in section 22701(3).

11           “(14) STATE TRANSPORTATION DEPART-  
12 MENT.—The term ‘State transportation department’  
13 means any statewide agency of a State with respon-  
14 sibility for one or more modes of transportation.

15 **“§ 22903. Efficient environmental reviews for rail**  
16 **project decisionmaking**

17           “(a) APPLICABILITY.—

18           “(1) IN GENERAL.—The project development  
19 procedures in this section are applicable to all rail  
20 projects for which an environmental impact state-  
21 ment is prepared under the National Environmental  
22 Policy Act of 1969 and may be applied, to the extent  
23 determined appropriate by the Secretary, to other  
24 rail projects for which an environmental document is  
25 prepared as part of an environmental review process.

1           “(2) FLEXIBILITY.—Any authorities granted in  
2 this section may be exercised, and any requirements  
3 established in this section may be satisfied, for a rail  
4 project, class of projects, or program of rail projects.

5           “(3) FUNDING THRESHOLD.—The Secretary’s  
6 approval of a rail project involving Federal funds  
7 shall not be considered a Federal action for the pur-  
8 poses of the National Environmental Policy Act of  
9 1969 if the Federal funding share—

10                   “(A) constitutes 15 percent or less of the  
11 total estimated project costs; or

12                   “(B) is less than \$10,000,000.

13           “(4) PROGRAMMATIC COMPLIANCE.—At the re-  
14 quest of a State, the Secretary may modify the pro-  
15 cedures developed under this section to encourage  
16 programmatic approaches and strategies with re-  
17 spect to environmental programs and permits (in  
18 lieu of project-by-project reviews).

19           “(b) LEAD AGENCIES.—

20                   “(1) IN GENERAL.—If the rail project requires  
21 approval from more than one modal administration  
22 within the Department of Transportation, the Sec-  
23 retary shall designate a single modal administration  
24 to serve as the Federal lead agency for the Depart-

1       ment in the environmental review process for the  
2       project.

3               “(2) JOINT LEAD AGENCIES.—Nothing in this  
4       section precludes another agency from being a joint  
5       lead agency in accordance with regulations under the  
6       National Environmental Policy Act of 1969.

7               “(3) PROJECT SPONSOR AS JOINT LEAD AGEN-  
8       CY.—Any project sponsor that is a State or local  
9       governmental entity applying to receive or receiving  
10       Federal funds for the rail project shall serve as a  
11       joint lead agency with the Department of Transpor-  
12       tation for purposes of preparing any environmental  
13       document under the National Environmental Policy  
14       Act of 1969 and may prepare any such environ-  
15       mental document required in support of any action  
16       or approval by the Secretary if the Federal lead  
17       agency furnishes guidance in such preparation and  
18       independently evaluates such document and the doc-  
19       ument is approved and adopted by the Secretary  
20       prior to the Secretary taking any subsequent action  
21       or making any approval based on such document,  
22       whether or not the Secretary’s action or approval re-  
23       sults in Federal funding.

24               “(4) ENSURING COMPLIANCE.—The Secretary  
25       shall ensure that a project sponsor complies with all

1 design and mitigation commitments made jointly by  
2 the Secretary and the project sponsor in any envi-  
3 ronmental document prepared by the project sponsor  
4 in accordance with this subsection, and that such  
5 document is appropriately supplemented if rail  
6 project changes become necessary.

7 “(5) ADOPTION AND USE OF DOCUMENTS.—

8 Any environmental document prepared in accordance  
9 with this subsection shall be adopted and used by  
10 any Federal agency in making any approval of a rail  
11 project as the document required to be completed  
12 under the National Environmental Policy Act of  
13 1969.

14 “(6) ROLES AND RESPONSIBILITY OF LEAD

15 AGENCY.—With respect to the environmental review  
16 process for any rail project, the lead agency shall  
17 have authority and responsibility—

18 “(A) to take such actions as are necessary  
19 and proper, within the authority of the lead  
20 agency, to facilitate the expeditious resolution  
21 of the environmental review process for the rail  
22 project; and

23 “(B) to prepare or ensure that any re-  
24 quired environmental impact statement or other  
25 document required to be completed under the

1 National Environmental Policy Act of 1969 is  
2 completed in accordance with this section and  
3 other applicable Federal law.

4 “(c) PARTICIPATING AGENCIES.—

5 “(1) IN GENERAL.—The lead agency shall be  
6 responsible for inviting and designating participating  
7 agencies in accordance with this subsection.

8 “(2) INVITATION.—The lead agency shall iden-  
9 tify, as early as practicable in the environmental re-  
10 view process for a rail project, any other Federal  
11 and non-Federal agencies that may have an interest  
12 in the rail project, and shall invite such agencies to  
13 become participating agencies in the environmental  
14 review process for the rail project. The invitation  
15 shall set a deadline for responses to be submitted.  
16 The deadline may be extended by the lead agency for  
17 good cause.

18 “(3) FEDERAL PARTICIPATING AGENCIES.—Any  
19 Federal agency that is invited by the lead agency to  
20 participate in the environmental review process for a  
21 rail project shall be designated as a participating  
22 agency by the lead agency unless the invited agency  
23 informs the lead agency, in writing, by the deadline  
24 specified in the invitation that the invited agency—

1           “(A) has no jurisdiction or authority with  
2           respect to the rail project;

3           “(B) has no expertise or information rel-  
4           evant to the rail project; and

5           “(C) does not intend to submit comments  
6           on the rail project.

7           “(4) EFFECT OF DESIGNATION.—

8           “(A) REQUIREMENT.—A participating  
9           agency shall comply with the requirements of  
10          this section and any schedule established under  
11          this section.

12          “(B) IMPLICATION.—Designation as a par-  
13          ticipating agency under this subsection shall not  
14          imply that the participating agency—

15                 “(i) supports a proposed rail project;

16                 or

17                 “(ii) has any jurisdiction over, or spe-  
18                 cial expertise with respect to evaluation of,  
19                 the rail project.

20          “(5) COOPERATING AGENCY.—A participating  
21          agency may also be designated by a lead agency as  
22          a ‘cooperating agency’ under the regulations con-  
23          tained in part 1500 of title 40, Code of Federal Reg-  
24          ulations.

1           “(6) DESIGNATIONS FOR CATEGORIES OF RAIL  
2 PROJECTS.—The Secretary may exercise the authori-  
3 ties granted under this subsection for a rail project,  
4 class of rail projects, or program of rail projects.

5           “(7) CONCURRENT REVIEWS.—Each partici-  
6 pating agency and cooperating agency shall—

7           “(A) carry out obligations of that agency  
8 under other applicable law concurrently, and in  
9 conjunction, with the review required under the  
10 National Environmental Policy Act of 1969 (42  
11 U.S.C. 4321 et seq.); and

12           “(B) formulate and implement administra-  
13 tive, policy, and procedural mechanisms to en-  
14 able the agency to ensure completion of the en-  
15 vironmental review process in a timely, coordi-  
16 nated, and environmentally responsible manner.

17           “(d) RAIL PROJECT INITIATION.—The project spon-  
18 sor shall notify the Secretary of the type of work, length,  
19 and general location of the proposed rail project, together  
20 with a statement of any Federal approvals anticipated to  
21 be necessary for the proposed rail project, for the purpose  
22 of informing the Secretary that the environmental review  
23 process should be initiated. The project sponsor may sat-  
24 isfy this requirement by submitting to the Secretary a  
25 draft notice for publication in the Federal Register an-

1 nouncing the preparation of an environmental impact  
2 statement for the rail project.

3 “(e) PURPOSE AND NEED.—

4 “(1) PARTICIPATION.—As early as practicable  
5 during the environmental review process, the lead  
6 agency shall provide an opportunity for involvement  
7 by participating agencies and the public in defining  
8 the purpose and need for a rail project.

9 “(2) DEFINITION.—Following participation  
10 under paragraph (1), the lead agency shall define  
11 the rail project’s purpose and need for purposes of  
12 any document which the lead agency is responsible  
13 for preparing for the rail project.

14 “(3) OBJECTIVES.—The statement of purpose  
15 and need shall include a clear statement of the ob-  
16 jectives that the proposed action is intended to  
17 achieve, which may include—

18 “(A) achieving a transportation objective  
19 identified in an applicable rail or transportation  
20 plan;

21 “(B) supporting land use, economic devel-  
22 opment, or growth objectives established in ap-  
23 plicable Federal, State, local, or tribal plans;

1           “(C) serving national defense, national se-  
2           curity, or other national objectives, as estab-  
3           lished in Federal laws, plans, or policies; and

4           “(D) serving the purpose for which the ap-  
5           plicable grant, contract, loan, or other financing  
6           program was established.

7           “(4) ALTERNATIVES ANALYSIS.—

8           “(A) PARTICIPATION.—As early as prac-  
9           ticable during the environmental review process,  
10          the lead agency shall provide an opportunity for  
11          involvement by participating agencies and the  
12          public in determining the range of alternatives  
13          to be considered for a rail project.

14          “(B) RANGE OF ALTERNATIVES.—

15               “(i) IN GENERAL.—Following partici-  
16               pation under paragraph (1), the lead agen-  
17               cy shall determine the range of alternatives  
18               for consideration in any document which  
19               the lead agency is responsible for pre-  
20               paring for the rail project.

21               “(ii) RESTRICTION.—A Federal agen-  
22               cy may not require the evaluation of any  
23               alternative that was evaluated, but not  
24               adopted—

1           “(I) in any prior State or Fed-  
2           eral environmental document with re-  
3           gard to the applicable transportation  
4           or rail plan or program; or

5           “(II) after the preparation of a  
6           programmatic or tiered environmental  
7           document that evaluated alternatives  
8           to the rail project.

9           “(iii) **LEGAL SUFFICIENCY.**—The  
10          evaluation of the range of alternatives shall  
11          be deemed legally sufficient if the environ-  
12          mental document complies with the re-  
13          quirements of this paragraph.

14          “(C) **METHODOLOGIES.**—

15          “(i) **IN GENERAL.**—The lead agency  
16          also shall determine, after consultation  
17          with participating agencies as part of the  
18          scoping process, the methodologies to be  
19          used and the level of detail required in the  
20          analysis of each alternative for a rail  
21          project.

22          “(ii) **COMMENTS.**—Each participating  
23          agency shall limit comments on such meth-  
24          odologies to those issues that are within

1 the authority and expertise of such partici-  
2 pating agency.

3 “(iii) STUDIES.—The lead agency may  
4 not conduct studies proposed by any par-  
5 ticipating agency that are not within the  
6 authority or expertise of such participating  
7 agency.

8 “(D) PREFERRED ALTERNATIVE.—At the  
9 discretion of the lead agency, the preferred al-  
10 ternative for a rail project, after being identi-  
11 fied, may be developed to a higher level of detail  
12 than other alternatives in order to facilitate the  
13 development of mitigation measures or concur-  
14 rent compliance with other applicable laws if  
15 the lead agency determines that the develop-  
16 ment of such higher level of detail will not pre-  
17 vent the lead agency from making an impartial  
18 decision as to whether to accept another alter-  
19 native which is being considered in the environ-  
20 mental review process.

21 “(E) LIMITATIONS ON THE EVALUATION  
22 OF IMPACTS EVALUATED IN PRIOR ENVIRON-  
23 MENTAL DOCUMENTS.—

24 “(i) IN GENERAL.—The lead agency  
25 may not reevaluate, and a Federal agency

1           may not require the reevaluation of, cumu-  
2           lative impacts or growth-inducing impacts  
3           where such impacts were previously evalu-  
4           ated in—

5                   “(I) a rail transportation plan or  
6                   program;

7                   “(II) a prior environmental docu-  
8                   ment approved by the Secretary; or

9                   “(III) a prior State environ-  
10                  mental document approved pursuant  
11                  to a State law that is substantially  
12                  equivalent to section 102(2)(C) of the  
13                  National Environmental Policy Act of  
14                  1969 (42 U.S.C. 4332(2)(C)).

15                 “(ii) LEGAL SUFFICIENCY.—The eval-  
16                 uation of cumulative impacts and growth  
17                 inducing impacts shall be deemed legally  
18                 sufficient if the environmental document  
19                 complies with the requirements of this  
20                 paragraph.

21                 “(5) EFFECTIVE DECISIONMAKING.—

22                   “(A) CONCURRENCE.—At the discretion of  
23                   the lead agency, a participating agency shall be  
24                   presumed to concur in the determinations made  
25                   by the lead agency under this subsection unless

1 the participating agency submits an objection to  
2 the lead agency in writing within 30 days after  
3 receiving notice of the lead agency's determina-  
4 tion and specifies the statutory basis for the ob-  
5 jection.

6 “(B) ADOPTION OF DETERMINATION.—If  
7 the participating agency concurs or does not ob-  
8 ject within the 30-day period, the participating  
9 agency shall adopt the lead agency's determina-  
10 tion for purposes of any reviews, approvals, or  
11 other actions taken by the participating agency  
12 as part of the environmental review process for  
13 the rail project.

14 “(f) COORDINATION AND SCHEDULING.—

15 “(1) COORDINATION PLAN.—

16 “(A) IN GENERAL.—The lead agency shall  
17 establish a rail plan for coordinating public and  
18 agency participation in and comment on the en-  
19 vironmental review process for a rail project,  
20 category of rail projects, or program of rail  
21 projects. The coordination plan may be incor-  
22 porated into a memorandum of understanding.

23 “(B) SCHEDULE.—

24 “(i) IN GENERAL.—The lead agency  
25 may establish as part of the coordination

1 plan, after consultation with each partici-  
2 pating agency for the rail project and with  
3 each State in which the rail project is lo-  
4 cated (and, if the State is not the project  
5 sponsor, with the project sponsor), a  
6 schedule for completion of the environ-  
7 mental review process for the rail project.

8 “(ii) FACTORS FOR CONSIDER-  
9 ATION.—In establishing the schedule, the  
10 lead agency shall consider factors such  
11 as—

12 “(I) the responsibilities of par-  
13 ticipating agencies under applicable  
14 laws;

15 “(II) resources available to the  
16 cooperating agencies;

17 “(III) overall size and complexity  
18 of the rail project;

19 “(IV) the overall schedule for  
20 and cost of the rail project; and

21 “(V) the sensitivity of the natural  
22 and historic resources that could be  
23 affected by the rail project.

24 “(C) CONSISTENCY WITH OTHER TIME PE-  
25 RIODS.—A schedule under subparagraph (B)

1 shall be consistent with any other relevant time  
2 periods established under Federal law.

3 “(D) MODIFICATION.—The lead agency  
4 may—

5 “(i) lengthen a schedule established  
6 under subparagraph (B) for good cause;  
7 and

8 “(ii) shorten a schedule only with the  
9 concurrence of the affected cooperating  
10 agencies.

11 “(E) DISSEMINATION.—A copy of a sched-  
12 ule established under subparagraph (B), and of  
13 any modifications to the schedule, shall be—

14 “(i) provided to all participating agen-  
15 cies and to the State transportation de-  
16 partment of each State in which the rail  
17 project is located (and, if the State is not  
18 the project sponsor, to the project spon-  
19 sor); and

20 “(ii) made available to the public.

21 “(2) COMMENT DEADLINES.—The lead agency  
22 shall establish the following deadlines for comment  
23 during the environmental review process for a rail  
24 project:

1           “(A) For comments by agencies and the  
2 public on a draft environmental impact state-  
3 ment, a period of not more than 60 days after  
4 publication in the Federal Register of notice of  
5 the date of public availability of such document,  
6 unless—

7           “(i) a different deadline is established  
8 by agreement of the lead agency, the  
9 project sponsor, and all participating agen-  
10 cies; or

11           “(ii) the deadline is extended by the  
12 lead agency for good cause.

13           “(B) For all other comment periods estab-  
14 lished by the lead agency for agency or public  
15 comments in the environmental review process,  
16 a period of no more than 30 days from avail-  
17 ability of the materials on which comment is re-  
18 quested, unless—

19           “(i) a different deadline is established  
20 by agreement of the lead agency, the  
21 project sponsor, and all participating agen-  
22 cies; or

23           “(ii) the deadline is extended by the  
24 lead agency for good cause.

1           “(3) DEADLINES FOR DECISIONS UNDER  
2 OTHER LAWS.—

3           “(A) PRIOR APPROVAL DEADLINE.—If a  
4 participating agency is required to make a de-  
5 termination regarding or otherwise approve or  
6 disapprove the rail project prior to the record of  
7 decision or finding of no significant impact of  
8 the lead agency, such participating agency shall  
9 make such determination or approval no later  
10 than 30 days after the lead agency publishes  
11 notice of the availability of a final environ-  
12 mental impact statement or other final environ-  
13 mental document, or no later than such other  
14 date that is otherwise required by law, which-  
15 ever occurs first.

16           “(B) OTHER DEADLINES.—With regard to  
17 any determination or approval of a partici-  
18 pating agency that is not subject to subpara-  
19 graph (A), each participating agency shall make  
20 any required determination regarding or other-  
21 wise approve or disapprove the rail project no  
22 later than 90 days after the date that the lead  
23 agency approves the record of decision or find-  
24 ing of no significant impact for the rail project,

1 or not later than such other date that is other-  
2 wise required by law, whichever occurs first.

3 “(C) DEEMED APPROVED.—In the event  
4 that any participating agency fails to make a  
5 determination or approve or disapprove the rail  
6 project within the applicable deadline described  
7 in subparagraphs (A) and (B), the rail project  
8 shall be deemed approved by such participating  
9 agency and such approval shall be deemed to  
10 comply with the applicable requirements of Fed-  
11 eral law.

12 “(D) JUDICIAL REVIEW.—

13 “(i) IN GENERAL.—An approval of a  
14 rail project under subparagraph (C) shall  
15 not be subject to judicial review.

16 “(ii) WRITTEN FINDING.—The Sec-  
17 retary may issue a written finding  
18 verifying the approval made in accordance  
19 with this paragraph.

20 “(g) ISSUE IDENTIFICATION AND RESOLUTION.—

21 “(1) COOPERATION.—The lead agency and the  
22 participating agencies shall work cooperatively in ac-  
23 cordance with this section to identify and resolve  
24 issues that could delay completion of the environ-  
25 mental review process or could result in denial of

1 any approvals required for the rail project under ap-  
2 plicable laws.

3 “(2) LEAD AGENCY RESPONSIBILITIES.—The  
4 lead agency shall make information available to the  
5 participating agencies as early as practicable in the  
6 environmental review process regarding the environ-  
7 mental and socioeconomic resources located within  
8 the rail project area and the general locations of the  
9 alternatives under consideration. Such information  
10 may be based on existing data sources, including ge-  
11 ographic information systems mapping.

12 “(3) PARTICIPATING AGENCY RESPONSIBIL-  
13 ITIES.—Based on information received from the lead  
14 agency, participating agencies shall identify, as early  
15 as practicable, any issues of concern regarding the  
16 rail project’s potential environmental or socio-  
17 economic impacts. In this paragraph, issues of con-  
18 cern include any issues that could substantially delay  
19 or prevent an agency from granting a permit or  
20 other approval that is needed for the rail project.

21 “(4) ISSUE RESOLUTION.—

22 “(A) MEETING OF PARTICIPATING AGEN-  
23 CIES.—At any time upon request of a project  
24 sponsor or the Governor of a State in which the  
25 rail project is located, the lead agency shall

1 promptly convene a meeting with the relevant  
2 participating agencies, the project sponsor, and  
3 the Governor (if the meeting was requested by  
4 the Governor) to resolve issues that could delay  
5 completion of the environmental review process  
6 or could result in denial of any approvals re-  
7 quired for the rail project under applicable  
8 laws.

9 “(B) NOTICE THAT RESOLUTION CANNOT  
10 BE ACHIEVED.—If a resolution cannot be  
11 achieved within 30 days following such a meet-  
12 ing and a determination by the lead agency that  
13 all information necessary to resolve the issue  
14 has been obtained, the lead agency shall notify  
15 the heads of all participating agencies, the  
16 project sponsor, the Governor, the Committee  
17 on Environment and Public Works of the Sen-  
18 ate, the Committee on Transportation and In-  
19 frastructure of the House of Representatives,  
20 and the Council on Environmental Quality, and  
21 shall publish such notification in the Federal  
22 Register.

23 “(C) RESOLUTION FINAL.—

24 “(i) IN GENERAL.—The lead agency  
25 and participating agencies may not recon-

1           sider the resolution of any issue agreed to  
2           by the relevant agencies in a meeting  
3           under subparagraph (A).

4           “(ii) COMPLIANCE WITH APPLICABLE  
5           LAW.—Any such resolution shall be  
6           deemed to comply with applicable law not-  
7           withstanding that the agencies agreed to  
8           such resolution prior to the approval of the  
9           environmental document.

10          “(h) STREAMLINED DOCUMENTATION AND DECI-  
11          SIONMAKING.—

12           “(1) IN GENERAL.—The lead agency in the en-  
13          vironmental review process for a rail project, in  
14          order to reduce paperwork and expedite decision-  
15          making, shall prepare a condensed final environ-  
16          mental impact statement.

17           “(2) CONDENSED FORMAT.—A condensed final  
18          environmental impact statement for a rail project in  
19          the environmental review process shall consist only  
20          of—

21           “(A) an incorporation by reference of the  
22          draft environmental impact statement;

23           “(B) any updates to specific pages or sec-  
24          tions of the draft environmental impact state-  
25          ment as appropriate; and

1           “(C) responses to comments on the draft  
2           environmental impact statement and copies of  
3           the comments.

4           “(3) TIMING OF DECISION.—Notwithstanding  
5           any other provision of law, in conducting the envi-  
6           ronmental review process for a rail project, the lead  
7           agency shall combine a final environmental impact  
8           statement and a record of decision for the rail  
9           project into a single document if—

10           “(A) the alternative approved in the record  
11           of decision is either a preferred alternative that  
12           was identified in the draft environmental im-  
13           pact statement or is a modification of such pre-  
14           ferred alternative that was developed in re-  
15           sponse to comments on the draft environmental  
16           impact statement; and

17           “(B) the Secretary determines that the  
18           lead agency, participating agency, or the project  
19           sponsor has committed to implement the meas-  
20           ures applicable to the approved alternative that  
21           are identified in the final environmental impact  
22           statement.

23           “(i) SUPPLEMENTAL ENVIRONMENTAL REVIEW AND  
24           RE-EVALUATION.—

1           “(1) SUPPLEMENTAL ENVIRONMENTAL RE-  
2 VIEW.—After the approval of a record of decision or  
3 finding of no significant impact with regard to a rail  
4 project, an agency may not require the preparation  
5 of a subsequent environmental document for such  
6 rail project unless the lead agency determines that—

7           “(A) changes to the rail project will result  
8 in new significant impacts that were not evalu-  
9 ated in the environmental document; or

10           “(B) new information has become available  
11 or changes in circumstances have occurred after  
12 the lead agency approval of the rail project that  
13 will result in new significant impacts that were  
14 not evaluated in the environmental document.

15           “(2) RE-EVALUATIONS.—The Secretary may  
16 only require the re-evaluation of a document pre-  
17 pared under the National Environmental Policy Act  
18 of 1969 (42 U.S.C. 4321 et seq.) if—

19           “(A) the Secretary determines that the  
20 events in paragraph (1)(A) or (1)(B) apply; and

21           “(B) more than 5 years has elapsed since  
22 the Secretary’s prior approval of the rail project  
23 or authorization of rail project funding.

24           “(3) CHANGE TO RECORD OF DECISIONS.—  
25 After the approval of a record of decision, the Sec-

1       retary may not require the record of decision to be  
2       changed based solely because of a change in the fis-  
3       cal circumstances surrounding the rail project.

4       “(j) PERFORMANCE MEASUREMENT.—The Secretary  
5       shall establish a program to measure and report on  
6       progress toward improving and expediting the planning  
7       and environmental review processes.

8       “(k) ASSISTANCE TO AFFECTED STATE AND FED-  
9       ERAL AGENCIES.—

10       “(1) IN GENERAL.—For a rail project that is  
11       subject to the environmental review process estab-  
12       lished under this section and for which funds are  
13       made available to a State under funding programs  
14       administered by the Federal Railroad Administra-  
15       tion, the Secretary may approve a request by the  
16       State to provide such funds to affected Federal  
17       agencies (including the Department of Transpor-  
18       tation), State agencies, and Indian tribes partici-  
19       pating in the environmental review process for the  
20       rail projects in that State or participating in a State  
21       process that has been approved by the Secretary for  
22       that State. Such funds may be provided only to sup-  
23       port activities that directly and meaningfully con-  
24       tribute to expediting and improving transportation

1 or rail project planning and delivery for rail projects  
2 in that State.

3 “(2) ACTIVITIES ELIGIBLE FOR FUNDING.—Ac-  
4 tivities for which funds may be provided under para-  
5 graph (1) include transportation planning activities  
6 that precede the initiation of the environmental re-  
7 view process, dedicated staffing, training of agency  
8 personnel, information gathering and mapping, and  
9 development of programmatic agreements.

10 “(3) AMOUNTS.—Requests under paragraph (1)  
11 may be approved only for the additional amounts  
12 that the Secretary determines are necessary for the  
13 Federal agencies, State agencies, or Indian tribes  
14 participating in the environmental review process to  
15 meet the time limits for environmental review.

16 “(4) CONDITION.—A request under paragraph  
17 (1) to expedite time limits for environmental review  
18 may be approved only if such time limits are less  
19 than the customary time necessary for such review.

20 “(1) REGULATIONS.—

21 “(1) IN GENERAL.—Not later than 1 year after  
22 the date of enactment of the American Energy and  
23 Infrastructure Jobs Act of 2012, the Secretary, by  
24 regulation, shall—

25 “(A) implement this section; and

1           “(B) establish methodologies and proce-  
2           dures for evaluating the environmental impacts,  
3           including cumulative impacts and growth-induc-  
4           ing impacts, of rail projects subject to this sec-  
5           tion.

6           “(2) COMPLIANCE WITH APPLICABLE LAW.—  
7           Any environmental document that utilizes the meth-  
8           odologies and procedures established under this sub-  
9           section shall be deemed to comply with the applica-  
10          ble requirements of—

11           “(A) the National Environmental Policy  
12          Act of 1969 (42 U.S.C. 4321 et seq.) or its im-  
13          plementing regulations; or

14           “(B) any other Federal environmental  
15          statute applicable to rail projects.

16          “(m) LIMITATIONS ON CLAIMS.—

17           “(1) IN GENERAL.—Notwithstanding any other  
18          provision of law, a claim arising under Federal law  
19          seeking judicial review of a permit, license, or ap-  
20          proval issued by a Federal agency for a rail project  
21          shall be barred unless it is filed within 90 days after  
22          publication of a notice in the Federal Register an-  
23          nouncing that the permit, license, or approval is  
24          final pursuant to the law under which the agency ac-  
25          tion is taken, unless a shorter time is specified in

1 the Federal law pursuant to which judicial review is  
2 allowed. Nothing in this subsection shall create a  
3 right to judicial review or place any limit on filing  
4 a claim that a person has violated the terms of a  
5 permit, license, or approval.

6 “(2) NEW INFORMATION.—The preparation of  
7 a supplemental environmental impact statement or  
8 other environmental document when required by this  
9 section shall be considered a separate final agency  
10 action and the deadline for filing a claim for judicial  
11 review of such action shall be 90 days after the date  
12 of publication of a notice in the Federal Register an-  
13 nouncing such action.

14 “(n) LIMITATIONS ON JUDICIAL RELIEF.—Notwith-  
15 standing any other provision of law, the following limita-  
16 tions shall apply to actions brought before a court in con-  
17 nection with a rail project under this section:

18 “(1) Venue for any action shall be where the  
19 rail project is located.

20 “(2) A specific property interest impacted by  
21 the rail project in question must exist in order to  
22 have standing to bring an action.

23 “(3) No action may be commenced by any per-  
24 son alleging a violation of—

1           “(A) the National Environmental Policy  
2           Act of 1969 (42 U.S.C. 4321 et seq.), chapters  
3           5 and 7 of title 5, or any other Federal environ-  
4           mental law if such Federal law is identified in  
5           the draft environmental impact statement, un-  
6           less such person provided written notice to the  
7           lead agency of the alleged violation of law, and  
8           the facts supporting such claim, during the  
9           public comment period on the draft environ-  
10          mental impact statement; or

11           “(B) any other law with regard to the rail  
12          project unless such person provided written no-  
13          tice to the applicable approving agency of the  
14          alleged violation of law, and the facts sup-  
15          porting such claim, during the public comment  
16          period on such agency approval.

17           “(4) Elected or appointed officials working for  
18          the Federal Government or a State government may  
19          not be named in their individual capacities in an ac-  
20          tion if they are acting within the scope of their offi-  
21          cial duties.

22   **“§ 22904. Integration of planning and environmental**  
23                           **review**

24           “(a) ADOPTION OF PLANNING PRODUCTS FOR USE  
25   IN NEPA PROCEEDINGS.—

1           “(1) IN GENERAL.—Notwithstanding any other  
2 provision of law and subject to the conditions set  
3 forth in subsection (c), the Federal lead agency for  
4 a rail project, at the request of the project sponsors,  
5 may adopt and use a planning product in pro-  
6 ceedings relating to any class of action in the envi-  
7 ronmental review process of the rail project.

8           “(2) PARTIAL ADOPTION OF PLANNING PROD-  
9 UCTS.—The Federal lead agency may adopt a plan-  
10 ning product under paragraph (1) in its entirety or  
11 may select portions for adoption.

12           “(3) TIMING.—A determination under para-  
13 graph (1) with respect to the adoption of a planning  
14 product shall be made at the time the lead agencies  
15 decide the appropriate scope of environmental review  
16 for the rail project.

17           “(b) APPLICABILITY.—

18           “(1) PLANNING DECISIONS.—Planning deci-  
19 sions that may be adopted pursuant to this section  
20 include—

21           “(A) a purpose and need or goals and ob-  
22 jectives statement for the rail project, including  
23 with respect to whether private financial assist-  
24 ance or other special financial measures are  
25 necessary to implement the rail project;

1           “(B) a decision with respect to rail project  
2 location;

3           “(C) a decision with respect to the elimi-  
4 nation of unreasonable alternatives and the se-  
5 lection of the range of reasonable alternatives  
6 for detailed study during the environmental re-  
7 view process;

8           “(D) a basic description of the environ-  
9 mental setting;

10          “(E) a decision with respect to methodolo-  
11 gies for analysis; and

12          “(F) identifications of programmatic level  
13 mitigation for potential impacts that the Fed-  
14 eral lead agency, in consultation with Federal,  
15 State, local, and tribal resource agencies, deter-  
16 mines are most effectively addressed at a re-  
17 gional or national program level, including—

18               “(i) system-level measures to avoid,  
19 minimize, or mitigate impacts of proposed  
20 transportation and rail investments on en-  
21 vironmental resources, including regional  
22 ecosystem and water resources; and

23               “(ii) potential mitigation activities, lo-  
24 cations, and investments.

1           “(2) PLANNING ANALYSES.—Planning analyses  
2           that may be adopted pursuant to this section include  
3           studies with respect to—

4                   “(A) freight and passenger rail needs and  
5                   demands;

6                   “(B) regional development and growth;

7                   “(C) local land use, growth management,  
8                   and development;

9                   “(D) population and employment;

10                  “(E) natural and built environmental con-  
11                  ditions;

12                  “(F) environmental resources and environ-  
13                  mentally sensitive areas;

14                  “(G) potential environmental effects, in-  
15                  cluding the identification of resources of con-  
16                  cern and potential cumulative effects on those  
17                  resources, identified as a result of a statewide  
18                  or regional cumulative effects assessment; and

19                  “(H) mitigation needs for a proposed ac-  
20                  tion, or programmatic level mitigation, for po-  
21                  tential effects that the Federal lead agency de-  
22                  termines are most effectively addressed at a re-  
23                  gional or national program level.

24           “(c) CONDITIONS.—Adoption and use of a planning  
25           product under this section is subject to a determination

1 by the Federal lead agency, in consultation with joint lead  
2 agencies and project sponsors as appropriate, that the fol-  
3 lowing conditions have been met:

4           “(1) The planning product was developed  
5 through a planning process conducted pursuant to  
6 applicable Federal law.

7           “(2) The planning process included broad con-  
8 sideration of freight and passenger rail needs and  
9 potential effects.

10           “(3) During the planning process, notice was  
11 provided, to the extent required by applicable law,  
12 through publication or other means to Federal,  
13 State, and local government agencies and tribal gov-  
14 ernments that might have an interest in the pro-  
15 posed rail project, and to members of the general  
16 public, of the planning products that the planning  
17 process might produce and that might be relied on  
18 during the environmental review process, and such  
19 entities have been provided an appropriate oppor-  
20 tunity to participate in the planning process leading  
21 to such planning product.

22           “(4) Prior to determining the scope of environ-  
23 mental review for the rail project, the joint lead  
24 agencies have made documentation relating to the  
25 planning product available to Federal, State, and

1 local governmental agencies and tribal governments  
2 that may have an interest in the proposed action,  
3 and to members of the general public.

4 “(5) There is no significant new information or  
5 new circumstance that has a reasonable likelihood of  
6 affecting the continued validity or appropriateness of  
7 the planning product.

8 “(6) The planning product is based on reliable  
9 and reasonably current data and reasonable and sci-  
10 entifically acceptable methodologies.

11 “(7) The planning product is documented in  
12 sufficient detail to support the decision or the re-  
13 sults of the analysis and to meet requirements for  
14 use of the information in the environmental review  
15 process.

16 “(8) The planning product is appropriate for  
17 adoption and use in the environmental review pro-  
18 cess for the rail project.

19 “(d) EFFECT OF ADOPTION.—Notwithstanding any  
20 other provision of law, any planning product adopted by  
21 the Federal lead agency in accordance with this section  
22 shall not be reconsidered or made the subject of additional  
23 interagency consultation during the environmental review  
24 process of the rail project unless the Federal lead agency,  
25 in consultation with joint lead agencies and project spon-

1 sors as appropriate, determines that there is significant  
2 new information or new circumstances that affect the con-  
3 tinued validity or appropriateness of the adopted planning  
4 product. Any planning product adopted by the Federal  
5 lead agency in accordance with this section may be relied  
6 upon and used by other Federal agencies in carrying out  
7 reviews of the rail project.

8       “(e) RULE OF CONSTRUCTION.—This section may  
9 not be construed to make the National Environmental Pol-  
10 icy Act of 1969 (42 U.S.C. 4321 et seq.) process applica-  
11 ble to the transportation planning processes conducted  
12 under chapters 52 and 227 of this title, section 211 of  
13 the Passenger Rail Investment and Improvement Act of  
14 2008, or section 26101 of this title. Initiation of the Na-  
15 tional Environmental Policy Act of 1969 process as a part  
16 of, or concurrently with, transportation planning activities  
17 does not subject transportation plans and programs to the  
18 National Environmental Policy Act of 1969 process. This  
19 section may not be construed to affect the use of planning  
20 products in the National Environmental Policy Act of  
21 1969 process pursuant to other authorities under law or  
22 to restrict the initiation of the National Environmental  
23 Policy Act of 1969 process during planning.

1 **“§ 22905. Program for eliminating duplication of envi-**  
2 **ronmental reviews**

3 “(a) ESTABLISHMENT.—

4 “(1) IN GENERAL.—The Secretary shall estab-  
5 lish a program to eliminate duplicative environ-  
6 mental reviews and approvals under State and Fed-  
7 eral law of rail projects. Under this program, a  
8 State may use State laws and procedures to conduct  
9 reviews and make approvals in lieu of Federal envi-  
10 ronmental laws and regulations, consistent with the  
11 provisions of this section.

12 “(2) PARTICIPATING STATES.—All States are  
13 eligible to participate in the program.

14 “(3) SCOPE OF ALTERNATIVE REVIEW AND AP-  
15 PROVAL PROCEDURES.—For purposes of this sec-  
16 tion, alternative environmental review and approval  
17 procedures may include one or more of the following:

18 “(A) Substitution of one or more State en-  
19 vironmental laws for one or more Federal envi-  
20 ronmental laws, if the Secretary determines in  
21 accordance with this section that the State envi-  
22 ronmental laws provide environmental protec-  
23 tion and opportunities for public involvement  
24 that are substantially equivalent to the applica-  
25 ble Federal environmental laws.

1           “(B) Substitution of one or more State  
2 regulations for Federal regulations imple-  
3 menting one or more Federal environmental  
4 laws, if the Secretary determines in accordance  
5 with this section that the State regulations pro-  
6 vide environmental protection and opportunities  
7 for public involvement that are substantially  
8 equivalent to the Federal regulations.

9           “(b) APPLICATION.—To participate in the program,  
10 a State shall submit to the Secretary an application con-  
11 taining such information as the Secretary may require, in-  
12 cluding—

13           “(1) a full and complete description of the pro-  
14 posed alternative environmental review and approval  
15 procedures of the State;

16           “(2) for each State law or regulation included  
17 in the proposed alternative environmental review and  
18 approval procedures of the State, an explanation of  
19 the basis for concluding that the law or regulation  
20 meets the requirements under subsection (a)(3); and

21           “(3) evidence of having sought, received, and  
22 addressed comments on the proposed application  
23 from the public and appropriate Federal environ-  
24 mental resource agencies.

1       “(c) REVIEW OF APPLICATION.—The Secretary  
2 shall—

3           “(1) review an application submitted under sub-  
4 section (b);

5           “(2) approve or disapprove the application in  
6 accordance with subsection (d) not later than 90  
7 days after the date of the receipt of the application;  
8 and

9           “(3) transmit to the State notice of the ap-  
10 proval or disapproval, together with a statement of  
11 the reasons for the approval or disapproval.

12       “(d) APPROVAL OF STATE PROGRAMS.—

13           “(1) IN GENERAL.—The Secretary shall ap-  
14 prove each such application if the Secretary finds  
15 that the proposed alternative environmental review  
16 and approval procedures of the State are substan-  
17 tially equivalent to the applicable Federal environ-  
18 mental laws and Federal regulations.

19           “(2) EXCLUSION.—The National Environ-  
20 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)  
21 and the Endangered Species Act of 1973 (16 U.S.C.  
22 1531 et seq.) shall not apply to any decision by the  
23 Secretary to approve or disapprove any application  
24 submitted pursuant to this section.

1       “(e) COMPLIANCE WITH PERMITS.—Compliance with  
2 a permit or other approval of a rail project issued pursu-  
3 ant to a program approved by the Secretary under this  
4 section shall be deemed compliance with the Federal laws  
5 and regulations identified in the program approved by the  
6 Secretary pursuant to this section.

7       “(f) REVIEW AND TERMINATION.—

8           “(1) REVIEW.—All State alternative environ-  
9 mental review and approval procedures approved  
10 under this section shall be reviewed by the Secretary  
11 not less than once every 5 years.

12           “(2) PUBLIC NOTICE AND COMMENT.—In con-  
13 ducting the review process under paragraph (1), the  
14 Secretary shall provide notice and an opportunity for  
15 public comment.

16           “(3) EXTENSIONS AND TERMINATIONS.—At the  
17 conclusion of the review process, the Secretary may  
18 extend the State alternative environmental review  
19 and approval procedures for an additional 5-year pe-  
20 riod or terminate the State program.

21       “(g) REPORT TO CONGRESS.—Not later than 2 years  
22 after the date of enactment of this section, and annually  
23 thereafter, the Secretary shall submit to Congress a report  
24 that describes the administration of the program.

1 **“§ 22906. Railroad corridor preservation**

2 “(a) IN GENERAL.—The Secretary may assist an ap-  
 3 plicant to acquire railroad right-of-way and adjacent real  
 4 property interests before the completion of the environ-  
 5 mental reviews for any rail project that may use the right-  
 6 of-way and the real property interests if the acquisition  
 7 is otherwise permitted under Federal law. The Secretary  
 8 may establish restrictions on such an acquisition as the  
 9 Secretary determines to be necessary and appropriate.

10 “(b) ENVIRONMENTAL REVIEWS.—Railroad right-of-  
 11 way and real property interests acquired under this section  
 12 may not be developed in anticipation of final approval of  
 13 the rail project until all required environmental reviews  
 14 for the rail project have been completed.

15 **“§ 22907. Treatment of railroads for historic preserva-**  
 16 **tion**

17 “Except for a railroad operated as a historic site with  
 18 the purpose of preserving the railroad for listing in the  
 19 National Register of Historic Places, a railroad subject to  
 20 the safety regulation jurisdiction of the Federal Railroad  
 21 Administration, or any portion of such railroad, or any  
 22 property in current or former use by a railroad and in-  
 23 tended to be restored to use by a railroad, shall not be  
 24 considered a historic site, district, object, structure, or  
 25 property of national, State, or local significance for pur-  
 26 poses of section 303 of this title or section 106 or 110

1 of the National Historic Preservation Act (16 U.S.C. 470f  
2 or 470h-2) by virtue of being listed as a resource in, or  
3 eligible for listing in, the National Register of Historic  
4 Places. At the discretion of the Secretary, with the advice  
5 of the Department of the Interior, significant individual  
6 elements of a railroad such as depots and major bridges  
7 would be subject to such section 106 or 110.

8 **“§ 22908. Categorical exclusion**

9       “(a) TREATMENT OF RAIL PROJECTS.—The Sec-  
10 retary shall, for the purposes of this title, treat a rail  
11 project as a class of action categorically excluded from the  
12 requirements relating to the environmental assessment  
13 process or the preparation of environmental impact state-  
14 ments under the standards promulgated by the Council  
15 on Environmental Quality (40 C.F.R. 1508.4), if such rail  
16 project—

17               “(1) replaces or maintains existing railroad  
18 equipment; track and bridge structures; electrifica-  
19 tion, communication, signaling, or security facilities;  
20 stations; maintenance-of-way and maintenance-of-  
21 equipment bases; or other existing railroad-related  
22 facilities;

23               “(2) is a rail line addition of any length within  
24 an existing right of way;

1           “(3) is related to the implementation of positive  
2           train control systems, as required by section 20157  
3           of title 49, United States Code; or

4           “(4) replaces, reconstructs, or rehabilitates an  
5           existing railroad bridge, including replacement of a  
6           culvert, that does not require the acquisition of a  
7           significant amount of right-of-way.

8           “(b) ADDITIONAL ACTIONS.—If a rail project quali-  
9           fies for categorical exclusion under this section except for  
10          additional actions that do not fit in the relevant category,  
11          the rail project may be categorically excluded if the Sec-  
12          retary determines, based on information provided by the  
13          project sponsor, that the additional actions meet the  
14          standards for categorical exclusion promulgated by the  
15          Council on Environmental Quality (40 C.F.R. 1508.4).

16          “(c) OTHER OPERATING ADMINISTRATIONS’ CAT-  
17          EGORICAL EXCLUSIONS.—If a rail project would be eligi-  
18          ble for categorical exclusion from the requirements relat-  
19          ing to the environmental assessment process or the prepa-  
20          ration of environmental impact statements by another op-  
21          erating administration of the Department of Transpor-  
22          tation, the Federal Railroad Administration may categori-  
23          cally exclude the rail project.

1 **“§ 22909. State assumption of responsibility for cat-**  
2 **egorical exclusions**

3 “(a) CATEGORICAL EXCLUSION DETERMINATIONS.—

4 “(1) IN GENERAL.—The Secretary may assign,  
5 and a State may assume, responsibility for deter-  
6 mining whether certain designated activities are in-  
7 cluded within classes of action identified by the Sec-  
8 retary that are categorically excluded from require-  
9 ments for environmental assessments or environ-  
10 mental impact statements pursuant to regulations  
11 promulgated by the Council on Environmental Qual-  
12 ity under part 1500 of title 40, Code of Federal  
13 Regulations (as in effect on October 1, 2003).

14 “(2) SCOPE OF AUTHORITY.—A determination  
15 described in paragraph (1) shall be made by a State  
16 in accordance with criteria established by the Sec-  
17 retary and for any type of activity for which a cat-  
18 egorical exclusion classification is appropriate.

19 “(3) CRITERIA.—The criteria under paragraph  
20 (2) shall include provisions for public availability of  
21 information consistent with section 552 of title 5  
22 and the National Environmental Policy Act of 1969  
23 (42 U.S.C. 4321 et seq.).

24 “(4) PRESERVATION OF FLEXIBILITY.—The  
25 Secretary shall not require a State, as a condition of  
26 assuming responsibility under this section, to forego

1 project delivery methods that are otherwise permis-  
2 sible for rail projects.

3 “(b) OTHER APPLICABLE FEDERAL LAWS.—

4 “(1) IN GENERAL.—If a State assumes respon-  
5 sibility under subsection (a), the Secretary may also  
6 assign and the State may assume all or part of the  
7 responsibilities of the Secretary for environmental  
8 review, consultation, or other related actions re-  
9 quired under any Federal environmental law applica-  
10 ble to activities that are classified by the Secretary  
11 as categorical exclusions, with the exception of gov-  
12 ernment-to-government consultation with Indian  
13 tribes, subject to the same procedural and sub-  
14 stantive requirements as would be required if that  
15 responsibility were carried out by the Secretary.

16 “(2) SOLE RESPONSIBILITY.—A State that as-  
17 sumes responsibility under paragraph (1) with re-  
18 spect to a Federal law shall be solely responsible and  
19 solely liable for complying with and carrying out  
20 that law, and the Secretary shall have no such re-  
21 sponsibility or liability.

22 “(c) MEMORANDA OF UNDERSTANDING.—

23 “(1) IN GENERAL.—The Secretary and the  
24 State, after providing public notice and opportunity  
25 for comment, shall enter into a memorandum of un-

1       derstanding setting forth the responsibilities to be  
2       assigned under this section and the terms and condi-  
3       tions under which the assignments are made, includ-  
4       ing establishment of the circumstances under which  
5       the Secretary would reassume responsibility for cat-  
6       egorical exclusion determinations.

7               “(2) TERM.—A memorandum of under-  
8       standing—

9                       “(A) shall have a term of not more than  
10                      3 years; and

11                     “(B) shall be renewable.

12               “(3) ACCEPTANCE OF JURISDICTION.—In a  
13       memorandum of understanding, the State shall con-  
14       sent to accept the jurisdiction of the Federal courts  
15       for the compliance, discharge, and enforcement of  
16       any responsibility of the Secretary that the State as-  
17       sumes.

18               “(4) MONITORING.—The Secretary shall—

19                     “(A) monitor compliance by the State with  
20       the memorandum of understanding and the  
21       provision by the State of financial resources to  
22       carry out the memorandum of understanding;  
23       and

1           “(B) take into account the performance by  
2           the State when considering renewal of the  
3           memorandum of understanding.

4           “(d) TERMINATION.—The Secretary may terminate  
5 any assumption of responsibility under a memorandum of  
6 understanding on a determination that the State is not  
7 adequately carrying out the responsibilities assigned to the  
8 State.

9           “(e) STATE AGENCY DEEMED TO BE FEDERAL  
10 AGENCY.—A State agency that is assigned a responsibility  
11 under a memorandum of understanding shall be deemed  
12 to be a Federal agency for the purposes of the Federal  
13 law under which the responsibility is exercised.

14 **“§ 22910. Rail project delivery program**

15           “(a) ESTABLISHMENT.—

16           “(1) IN GENERAL.—The Secretary shall carry  
17 out a rail project delivery program (referred to in  
18 this section as the ‘program’).

19           “(2) ASSUMPTION OF RESPONSIBILITY.—

20           “(A) IN GENERAL.—Subject to the other  
21 provisions of this section, with the written  
22 agreement of the Secretary and a State, which  
23 may be in the form of a memorandum of under-  
24 standing, the Secretary may assign, and the  
25 State may assume, the responsibilities of the

1 Secretary with respect to one or more rail  
2 projects within the State under the National  
3 Environmental Policy Act of 1969 (42 U.S.C.  
4 4321 et seq.).

5 “(B) ADDITIONAL RESPONSIBILITY.—If a  
6 State assumes responsibility under subpara-  
7 graph (A)—

8 “(i) the Secretary may assign to the  
9 State, and the State may assume, all or  
10 part of the responsibilities of the Secretary  
11 for environmental review, consultation, or  
12 other action required under any Federal  
13 environmental law pertaining to the review  
14 or approval of a specific rail project; but

15 “(ii) the Secretary may not assign any  
16 responsibility imposed on the Secretary by  
17 chapter 227 of this title.

18 “(C) PROCEDURAL AND SUBSTANTIVE RE-  
19 QUIREMENTS.—A State shall assume responsi-  
20 bility under this section subject to the same  
21 procedural and substantive requirements as  
22 would apply if that responsibility were carried  
23 out by the Secretary.

24 “(D) FEDERAL RESPONSIBILITY.—Any re-  
25 sponsibility of the Secretary not explicitly as-

1           sumed by the State by written agreement under  
2           this section shall remain the responsibility of  
3           the Secretary.

4           “(E) NO EFFECT ON AUTHORITY.—Noth-  
5           ing in this section preempts or interferes with  
6           any power, jurisdiction, responsibility, or au-  
7           thority of an agency, other than the Depart-  
8           ment of Transportation, under applicable law  
9           (including regulations) with respect to a rail  
10          project.

11          “(F) PRESERVATION OF FLEXIBILITY.—  
12          The Secretary may not require a State, as a  
13          condition of participation in the program, to  
14          forego project delivery methods that are other-  
15          wise permissible for rail projects.

16          “(b) STATE PARTICIPATION.—

17                 “(1) PARTICIPATING STATES.—All States are  
18                 eligible to participate in the program.

19                 “(2) APPLICATION.—Not later than 270 days  
20                 after the date of enactment of this section, the Sec-  
21                 retary shall promulgate regulations that establish re-  
22                 quirements relating to information required to be  
23                 contained in any application of a State to participate  
24                 in the program, including, at a minimum—

1           “(A) the rail projects or classes of projects  
2 for which the State anticipates exercising the  
3 authority that may be granted under the pro-  
4 gram;

5           “(B) verification of the financial resources  
6 necessary to carry out the authority that may  
7 be granted under the program; and

8           “(C) evidence of the notice and solicitation  
9 of public comment by the State relating to par-  
10 ticipation of the State in the program, including  
11 copies of comments received from that sollicita-  
12 tion.

13           “(3) PUBLIC NOTICE.—

14           “(A) IN GENERAL.—Each State that sub-  
15 mits an application under this subsection shall  
16 give notice of the intent of the State to partici-  
17 pate in the program not later than 30 days be-  
18 fore the date of submission of the application.

19           “(B) METHOD OF NOTICE AND SOLICITA-  
20 TION.—The State shall provide notice and so-  
21 licit public comment under this paragraph by  
22 publishing the complete application of the State  
23 in accordance with the appropriate public notice  
24 law of the State.

1           “(4) SELECTION CRITERIA.—The Secretary  
2           may approve the application of a State under this  
3           section only if—

4                   “(A) the regulatory requirements under  
5                   paragraph (2) have been met;

6                   “(B) the Secretary determines that the  
7                   State has the capability, including financial and  
8                   personnel, to assume the responsibility; and

9                   “(C) the head of the State agency having  
10                  primary jurisdiction over rail matters enters  
11                  into a written agreement with the Secretary de-  
12                  scribed in subsection (c).

13           “(5) OTHER FEDERAL AGENCY VIEWS.—If a  
14           State applies to assume a responsibility of the Sec-  
15           retary that would have required the Secretary to  
16           consult with another Federal agency, the Secretary  
17           shall solicit the views of the Federal agency before  
18           approving the application.

19           “(c) WRITTEN AGREEMENT.—A written agreement  
20           under this section shall—

21                   “(1) be executed by the Governor or the top-  
22                   ranking transportation official in the State who is  
23                   charged with responsibility for rail construction;

24                   “(2) be in such form as the Secretary may pre-  
25                   scribe;

1 “(3) provide that the State—

2 “(A) agrees to assume all or part of the re-  
3 sponsibilities of the Secretary described in sub-  
4 section (a);

5 “(B) expressly consents, on behalf of the  
6 State, to accept the jurisdiction of the Federal  
7 courts for the compliance, discharge, and en-  
8 forcement of any responsibility of the Secretary  
9 assumed by the State;

10 “(C) certifies that State laws (including  
11 regulations) are in effect that—

12 “(i) authorize the State to take the  
13 actions necessary to carry out the respon-  
14 sibilities being assumed; and

15 “(ii) are comparable to section 552 of  
16 title 5, including providing that any deci-  
17 sion regarding the public availability of a  
18 document under those State laws is review-  
19 able by a court of competent jurisdiction;  
20 and

21 “(D) agrees to maintain the financial re-  
22 sources necessary to carry out the responsibil-  
23 ities being assumed;

24 “(4) shall have a term of not more than 5  
25 years; and

1           “(5) shall be renewable.

2           “(d) JURISDICTION.—

3           “(1) IN GENERAL.—The United States district  
4 courts shall have exclusive jurisdiction over any civil  
5 action against a State for failure to carry out any  
6 responsibility of the State under this section.

7           “(2) LEGAL STANDARDS AND REQUIRE-  
8 MENTS.—A civil action under paragraph (1) shall be  
9 governed by the legal standards and requirements  
10 that would apply in such a civil action against the  
11 Secretary had the Secretary taken the actions in  
12 question.

13           “(3) INTERVENTION.—The Secretary shall have  
14 the right to intervene in any action described in  
15 paragraph (1).

16           “(e) EFFECT OF ASSUMPTION OF RESPONSI-  
17 BILITY.—A State that assumes responsibility under sub-  
18 section (a)(2) shall be solely responsible and solely liable  
19 for carrying out, in lieu of the Secretary, the responsibil-  
20 ities assumed under subsection (a)(2), until the program  
21 is terminated as provided in subsection (j).

22           “(f) LIMITATIONS ON AGREEMENTS.—Nothing in  
23 this section permits a State to assume any rulemaking au-  
24 thority of the Secretary under any Federal law.

25           “(g) AUDITS.—

1           “(1) IN GENERAL.—To ensure compliance by a  
2 State with any agreement of the State under sub-  
3 section (c) (including compliance by the State with  
4 all Federal laws for which responsibility is assumed  
5 under subsection (a)(2)), for each State partici-  
6 pating in the program under this section, the Sec-  
7 retary shall conduct—

8           “(A) semiannual audits during each of the  
9 first 2 years of State participation; and

10           “(B) annual audits during each of the  
11 third and fourth years of State participation.

12           “(2) PUBLIC AVAILABILITY AND COMMENT.—

13           “(A) IN GENERAL.—An audit conducted  
14 under paragraph (1) shall be provided to the  
15 public for comment.

16           “(B) RESPONSE.—Not later than 60 days  
17 after the date on which the period for public  
18 comment ends, the Secretary shall respond to  
19 public comments received under subparagraph  
20 (A).

21           “(h) MONITORING.—After the fourth year of partici-  
22 pation of the State in the program, the Secretary shall  
23 monitor compliance by the State with the written agree-  
24 ment, including the provision by the State of financial re-  
25 sources to carry out the written agreement.

1       “(i) REPORT TO CONGRESS.—The Secretary shall  
2 submit to Congress an annual report that describes the  
3 administration of the program.

4       “(j) TERMINATION.—The Secretary may terminate  
5 the participation of any State in the program if—

6               “(1) the Secretary determines that the State is  
7 not adequately carrying out the responsibilities as-  
8 signed to the State;

9               “(2) the Secretary provides to the State—

10                       “(A) notification of the determination of  
11 noncompliance; and

12                       “(B) a period of at least 30 days during  
13 which to take such corrective action as the Sec-  
14 retary determines is necessary to comply with  
15 the applicable agreement; and

16               “(3) the State, after the notification and period  
17 provided under paragraph (2), fails to take satisfac-  
18 tory corrective action, as determined by Secretary.

19 **“§ 22911. Exemption in emergencies**

20       “Any railroad, track, bridge, or other facility that is  
21 in operation or under construction when damaged by an  
22 emergency declared by the Governor of the State and con-  
23 curred in by the Secretary, or declared by the President  
24 pursuant to the Robert T. Stafford Disaster Relief and  
25 Emergency Assistance Act (42 U.S.C. 5121), and is pro-

1 posed to be reconstructed with Federal funds may be re-  
2 constructed in the same location with the same capacity,  
3 dimensions, and design as before the emergency and shall  
4 be exempt from any environmental reviews, approvals, li-  
5 censing, and permit requirements under—

6           “(1) the National Environmental Policy Act of  
7           1969 (42 U.S.C. 4321 et seq.);

8           “(2) sections 402 and 404 of the Federal Water  
9           Pollution Control Act (33 U.S.C. 1342, 1344);

10           “(3) the National Historic Preservation Act (16  
11           U.S.C. 470 et seq.);

12           “(4) the Migratory Bird Treaty Act (16 U.S.C.  
13           703 et seq.);

14           “(5) the Wild and Scenic Rivers Act (16 U.S.C.  
15           1271 et seq.);

16           “(6) the Fish and Wildlife Coordination Act (16  
17           U.S.C. 661 et seq.);

18           “(7) the Endangered Species Act of 1973 (16  
19           U.S.C. 1531 et seq.), except when the reconstruction  
20           occurs in designated critical habitat for threatened  
21           and endangered species;

22           “(8) Executive Order 11990 (42 U.S.C. 4321  
23           note; relating to the protection of wetlands); and

24           “(9) any Federal law (including regulations) re-  
25           quiring no net loss of wetlands.”.

1 (b) CONFORMING AMENDMENT.—The chapter anal-  
 2 ysis for subtitle V of title 49, United States Code, is  
 3 amended by inserting after the item relating to chapter  
 4 227 the following:

“229. **Project development and review** .....22901”.

5 **Subtitle D—Railroad Rehabilita-**  
 6 **tion and Improvement Financ-**  
 7 **ing**

8 **SEC. 8301. RAILROAD REHABILITATION AND IMPROVE-**  
 9 **MENT FINANCING.**

10 (a) PURPOSE AND REGULATIONS.—

11 (1) PURPOSE.—The amendments made by this  
 12 section are intended to encourage a higher level of  
 13 participation in the railroad rehabilitation and im-  
 14 provement financing program under section 502 of  
 15 the Railroad Revitalization and Regulatory Reform  
 16 Act of 1976 and to make the loan process under  
 17 that program faster, more efficient, and more pre-  
 18 dictable.

19 (2) REGULATIONS.—Not later than 1 year after  
 20 the date of enactment of this Act, the Secretary  
 21 shall issue regulations implementing the amend-  
 22 ments made by this section in a manner that  
 23 achieves the purpose stated in paragraph (1).

24 (b) HIGH-SPEED RAIL.—Section 502(b)(1)(C) of  
 25 such Act (45 U.S.C. 822(b)(1)(C)) is amended by insert-

1 ing “, including high-speed rail (as defined in section  
2 26101(6)) of title 49, United States Code) facilities” after  
3 “railroad facilities”.

4 (c) PRIVATE INSURANCE.—Section 502(f)(1) of such  
5 Act (45 U.S.C. 822(f)(1)) is amended—

6 (1) by striking “under this section a commit-  
7 ment” and inserting “under this section private in-  
8 surance, including bond insurance, or any other  
9 commitment”; and

10 (2) by inserting “or private insurance, including  
11 bond insurance,” after “authority and credit risk  
12 premiums”.

13 (d) FINANCING OF CREDIT RISK PREMIUM.—Section  
14 502(f)(3) of such Act (45 U.S.C. 822(f)(3)) is amended  
15 by inserting “, or, at the discretion of the Secretary, in  
16 a series of payments over the term of the loan. If private  
17 insurance, including bond insurance, is used, the policy  
18 premium shall be paid before the loan is disbursed” after  
19 “of loan amounts”.

20 (e) COLLATERAL.—

21 (1) FULL VALUE.—Section 502(h)(2) of such  
22 Act (45 U.S.C. 822(h)(2)) is amended by inserting  
23 “Such collateral shall be valued at 100 percent of  
24 the liquidated asset valuation, or going concern valu-

1       ation when applicable.” after “operation of the  
2       project.”.

3               (2) DEDICATED REVENUE AND SUBORDINA-  
4       TION.—Such section 502(h)(2) is further amended—

5               (A) by striking “(2) The Secretary” and  
6       inserting “(2)(A) The Secretary”;

7               (B) by adding at the end of subparagraph  
8       (A) the following: “The Secretary may subordi-  
9       nate rights of the Secretary under any provision  
10      of title 49 or title 23 of the United States Code,  
11      to the rights of the Secretary under this section  
12      and section 503”; and

13              (C) by adding at the end the following new  
14      subparagraph:

15              “(B) In the case of an applicant that is a State,  
16      an Interstate compact, a local government authority  
17      as defined in section 5302 of title 49, United States  
18      Code, or a high-speed rail system as defined in sec-  
19      tion 26101 of title 49, United States Code, the Sec-  
20      retary shall, for purposes of making a finding under  
21      subsection (g)(4), accept the net present value on a  
22      future stream of State or local subsidy income or  
23      dedicated revenue as collateral offered to secure the  
24      loan.”.

1 (f) OFFICE OF MANAGEMENT AND BUDGET.—Sec-  
2 tion 502(i) of such Act (45 U.S.C. 822(i)) is amended by  
3 inserting “In order to enable compliance with such time  
4 limit, the Office of Management and Budget shall take  
5 any actions required with respect to the application within  
6 such 90-day period.” after “disapprove the application.”.

7 (g) COMPLETION OF APPLICATION.—Section 502(i)  
8 of such Act (45 U.S.C. 822(i)) is further amended—

9 (1) by striking “DISAPPROVAL.—Not later than  
10 90 days after receiving” and inserting “DIS-  
11 APPROVAL.—

12 “(1) IN GENERAL.—Not later than 90 days  
13 after an application is determined pursuant to para-  
14 graph (2) to be”; and

15 (2) by adding at the end the following new  
16 paragraph:

17 “(2) COMPLETION OF APPLICATION.—The Sec-  
18 retary shall establish procedures for making a deter-  
19 mination not later than 45 days after submission of  
20 an application under this section whether the appli-  
21 cation is complete. Such procedures shall—

22 “(A) provide for a checklist of the required  
23 components of a complete application;

1           “(B) provide that an independent financial  
2 analyst be assigned within 45 days of submittal  
3 to review the application;

4           “(C) require the Secretary to provide to  
5 the applicant a description of the specific com-  
6 ponents of the application that remain incom-  
7 plete or unsatisfactory if an application is de-  
8 termined to be incomplete; and

9           “(D) permit reapplication without preju-  
10 dice for applications determined to be incom-  
11 plete or unsatisfactory.”.

12       (h) REPAYMENT DEFERRAL.—Section 502(j) of such  
13 Act (45 U.S.C. 822(j)) is amended by adding at the end  
14 the following new paragraph:

15           “(3) TREATMENT OF COSTS ASSOCIATED WITH  
16 DEFERRAL.—Any additional costs associated with a  
17 deferred repayment schedule under paragraph (1)  
18 may be financed over the remaining term of the loan  
19 beginning at the time the payments begin, or may  
20 be included in the credit risk premium determined  
21 under subsection (f)(2).”.

22       (i) POSITIVE TRAIN CONTROL.—

23           (1) PRIORITY.—Section 502(e)(1) of such Act  
24 (45 U.S.C. 822(e)(1)) is amended by inserting “, in-  
25 cluding projects for the installation of positive train

1 control systems as defined in section 20157(a) of  
2 title 49, United States Code” after “public safety”.

3 (2) COLLATERAL.—Section 502(h)(2) of such  
4 Act (45 U.S.C. 822(h)(2)), as amended by this sec-  
5 tion, is further amended by adding at the end the  
6 following new subparagraph:

7 “(C) For purposes of making a finding under  
8 subsection (g)(4) with respect to an application for  
9 a project for the installation of positive train control  
10 systems, the collateral value of that asset shall be  
11 deemed to be equal to the total cost of the labor and  
12 materials associated with installing the positive train  
13 control systems.”.

14 (j) REPORT TO CONGRESS.—Section 502 of such Act  
15 (45 U.S.C. 822) is amended by adding at the end the fol-  
16 lowing new subsection:

17 “(k) REPORT TO CONGRESS.—Not later than 1 year  
18 after the date of enactment of the American Energy and  
19 Infrastructure Jobs Act of 2012, and annually thereafter,  
20 the Secretary shall transmit to the Congress a report on  
21 the program under this section that summarizes the num-  
22 ber of loans approved and disapproved by the Secretary  
23 during the previous year. Such report shall not disclose  
24 the identity of loan or loan guarantee recipients. The re-  
25 port shall describe—

1           “(1) the number of preapplication meetings  
2 with potential applicants;

3           “(2) the number of applications received and  
4 determined complete under subsection (i)(2), includ-  
5 ing the requested loan amounts;

6           “(3) the dates of receipt of applications;

7           “(4) the dates applications were determined  
8 complete under subsection (i)(2);

9           “(5) the number of applications determined in-  
10 complete under subsection (i)(2);

11           “(6) the final decision dates for both approvals  
12 and denials of applications;

13           “(7) the number of applications withdrawn  
14 from consideration; and

15           “(8) the annual loan portfolio asset quality.”.

16       (k) AUTHORIZATION OF APPROPRIATIONS.—Section  
17 502 of such Act (45 U.S.C. 822) is amended by adding  
18 at the end the following new subsection:

19       “(l) AUTHORIZATION OF APPROPRIATIONS.—There  
20 are authorized to be appropriated to the Secretary for pur-  
21 poses of carrying out subsections (f)(3) and (j)(3),  
22 \$50,000,000 for fiscal year 2013.”.

## 1 **Subtitle E—Positive Train Control**

### 2 **SEC. 8401. POSITIVE TRAIN CONTROL.**

3 (a) RAILROAD SAFETY RISK REDUCTION PRO-  
4 GRAM.—Section 20156(e)(4) of title 49, United States  
5 Code, is amended to read as follows:

6 “(4) POSITIVE TRAIN CONTROL.—Except as re-  
7 quired by section 20157 (relating to the require-  
8 ments for implementation of positive train control  
9 systems), the Secretary shall ensure that each rail-  
10 road carrier’s technology implementation plan re-  
11 quired under paragraph (1) that includes a schedule  
12 for implementation of a positive train control system  
13 complies with that schedule. Nothing in this section  
14 shall be construed as requiring the installation of  
15 positive train control on railroad tracks if positive  
16 train control is not required on those tracks by sec-  
17 tion 20157 and positive train control on those tracks  
18 is not chosen by the railroad as a technology to be  
19 implemented under this section.”.

20 (b) IMPLEMENTATION OF POSITIVE TRAIN CONTROL  
21 SYSTEMS.—Section 20157 of title 49, United States Code,  
22 is amended—

23 (1) in subsection (a)(1)—

24 (A) by striking “December 31, 2015” and  
25 inserting “December 31, 2020”;

1 (B) by inserting “and” after the semicolon  
2 at the end of subparagraph (A);

3 (C) by striking “; and” at the end of sub-  
4 paragraph (B) and inserting “on or after De-  
5 cember 31, 2020.”; and

6 (D) by striking subparagraph (C);

7 (2) by adding at the end of subsection (a) the  
8 following new paragraph:

9 “(3) ALTERNATIVE STRATEGY.—A plan sub-  
10 mitted under this subsection may provide that, in  
11 lieu of installing positive train control on all or some  
12 of the tracks on which positive train control is other-  
13 wise required to be installed pursuant to paragraph  
14 (1)(B), the railroad carrier will utilize an alternative  
15 risk reduction strategy that would reduce the risk of  
16 release of poison- or toxic-by-inhalation hazardous  
17 materials to the same extent the risk of a release of  
18 poison- or toxic-by-inhalation hazardous materials  
19 would be reduced if positive train control were in-  
20 stalled on those tracks. An alternative risk reduction  
21 strategy may only be used pursuant to this para-  
22 graph on tracks for which positive train control is  
23 not required pursuant to paragraph (1)(A).”;

24 (3) in subsection (c)—

1 (A) by striking “APPROVAL.—Not later  
2 than 90 days after the Secretary receives a  
3 plan” and inserting “APPROVAL.—

4 “(1) IN GENERAL.—Not later than 90 days  
5 after the Secretary receives a plan or revision of a  
6 plan under this section”; and

7 (B) by adding at the end the following new  
8 paragraph:

9 “(2) REVISION OF PLAN.—A railroad carrier  
10 may revise a plan under this section as necessary to  
11 reflect rail lines that are added or removed, or to re-  
12 flect alternative risk reduction strategies proposed  
13 pursuant to subsection (a)(3).”;

14 (4) in subsection (d)—

15 (A) by striking “December 31, 2012” and  
16 inserting “December 31, 2015”; and

17 (B) by inserting “and alternative risk re-  
18 duction strategies. Such report shall include  
19 any recommendations for improving the ability  
20 of rail carriers to implement positive train con-  
21 trol systems or alternative risk reduction strate-  
22 gies in accordance with this section” after  
23 “positive train control systems”;

1           (5) in subsection (e), by inserting “and alter-  
2           native risk reduction strategies” after “positive train  
3           control”; and

4           (6) in subsection (f), by striking “or section  
5           20156” the first place it appears.

## 6           **Subtitle F—Regulatory Reform**

### 7           **SEC. 8501. FEDERAL RAILROAD ADMINISTRATION REGULA-** 8           **TIONS.**

9           (a) AMENDMENT.—Section 103 of title 49, United  
10          States Code, is amended by adding at the end the fol-  
11          lowing new subsection:

12          “(1) IMPROVING REGULATION AND REGULATORY RE-  
13          VIEW.—

14                 “(1) IN GENERAL.—Before any final regulation  
15          within the jurisdiction of the Administration is  
16          issued, the Administrator shall make all preliminary  
17          and final determinations based on evidence and con-  
18          sider, in addition to other applicable considerations,  
19          the following:

20                         “(A) The legal authority under which a  
21          rule may be proposed, including whether a rule-  
22          making is required by statute, and if so, wheth-  
23          er by a specific date, or whether the agency has  
24          discretion to commence a rulemaking.

1           “(B) Other statutory considerations appli-  
2 cable to whether the agency can or should pro-  
3 pose a rule or undertake other agency action.

4           “(C) The specific nature and significance  
5 of the problem the agency may address with a  
6 rule (including the degree and nature of risks  
7 the problem poses and the priority of address-  
8 ing those risks compared to other matters or  
9 activities within the agency’s jurisdiction),  
10 whether the problem warrants new agency ac-  
11 tion, and the countervailing risks that may be  
12 posed by alternatives for new agency action.

13           “(D) Whether existing rules have created  
14 or contributed to the problem the agency may  
15 address with a rule and whether those rules  
16 could be amended or rescinded to address the  
17 problem in whole or part.

18           “(E) The best reasonably obtainable sci-  
19 entific, technical, and other information related  
20 to the need for, and consequences of, the rule.

21           “(F) The potential costs and benefits, in-  
22 cluding direct, indirect, and cumulative costs  
23 and benefits and estimated impacts on jobs,  
24 economic growth, innovation, and economic  
25 competitiveness.

1           “(G) Means to increase the cost-effective-  
2           ness of any Federal response.

3           “(H) Incentives for innovation, consist-  
4           ency, predictability, lower costs of enforcement  
5           and compliance (to government entities, regu-  
6           lated entities, and the public), and flexibility.

7           “(I) Any reasonable alternatives for a new  
8           rule or other response identified by the agency  
9           or interested persons, including not only re-  
10          sponses that mandate particular conduct or  
11          manners of compliance, but also—

12                 “(i) the alternative of no Federal re-  
13                 sponse;

14                 “(ii) amending or rescinding existing  
15                 rules;

16                 “(iii) potential regional, State, local,  
17                 or tribal regulatory action or other re-  
18                 sponses that could be taken in lieu of  
19                 agency action; and

20                 “(iv) potential responses that—

21                         “(I) specify performance objec-  
22                         tives rather than conduct or manners  
23                         of compliance;

24                         “(II) establish economic incen-  
25                         tives to encourage desired behavior;

1                   “(III) provide information upon  
2                   which choices can be made by the  
3                   public; or

4                   “(IV) incorporate other innova-  
5                   tive alternatives rather than agency  
6                   actions that specify conduct or man-  
7                   ners of compliance.

8                   “(2) PUBLIC COMMENT.—The Administrator  
9                   shall solicit and take into consideration public com-  
10                  ment on the subjects described in subparagraphs (A)  
11                  through (I) of paragraph (1) before issuance of a  
12                  final regulation described in paragraph (1).

13                  “(3) AGENCY STATEMENTS.—

14                  “(A) IN GENERAL.—The Administrator  
15                  shall follow applicable rulemaking procedures  
16                  under section 553 of title 5 before issuing a  
17                  binding obligation applicable to recipients of  
18                  Federal assistance.

19                  “(B) BINDING OBLIGATION DEFINED.—In  
20                  this paragraph, the term ‘binding obligation’  
21                  means a substantive policy statement, rule, or  
22                  guidance document issued by the Administra-  
23                  tion that grants rights, imposes obligations,  
24                  produces significant effects on private interests,

1           or effects a significant change in existing pol-  
2           icy.”.

3           (b) EFFECTIVE DATE.—Paragraphs (1) and (2) of  
4 the subsection (l) added by the amendment made by sub-  
5 section (a) of this section shall be effective only with re-  
6 spect to regulations with respect to which no notice of pro-  
7 posed rulemaking has been issued before the date of enact-  
8 ment of this Act.

## 9   **Subtitle G—Technical Corrections**

### 10 **SEC. 8601. MISCELLANEOUS CORRECTIONS, REVISIONS,** 11 **AND REPEALS.**

12           (a) TECHNICAL CORRECTIONS TO PROVISIONS OF  
13 THE UNITED STATES CODE ENACTED IN, OR AMENDED  
14 BY, THE RAIL SAFETY IMPROVEMENT ACT OF 2008.—

15 (1) Section 1139 of title 49, United States Code, is  
16 amended—

17           (A) in subsection (a)(1) by striking “phone  
18           number” and inserting “telephone number”;

19           (B) in subsection (a)(2) by striking “post trau-  
20           ma communication with families” and inserting  
21           “post-trauma communication with families”; and

22           (C) in subsection (j)(2) by striking “railroad  
23           passenger accident” and inserting “rail passenger  
24           accident”.

1       (2) Section 10909 of title 49, United States Code,  
2 is amended—

3           (A) in subsection (b), by striking “Clean Rail-  
4 road Act of 2008,” and inserting “Clean Railroads  
5 Act of 2008,”; and

6           (B) in subsection (e), by striking “Upon the  
7 granting of petition from the State” and inserting  
8 “Upon the granting of a petition from the State”.

9       (3) Section 20116 of title 49, United States Code,  
10 is amended—

11           (A) by inserting “(1)” after “unless”; and

12           (B) by inserting “(2)” before “the code, rule,  
13 standard, requirement, or practice has been subject  
14 to notice and comment under a rule or order issued  
15 under this part.”.

16       (4) Section 20120(a) of title 49, United States Code,  
17 is amended—

18           (A) by striking “website” and inserting “Web  
19 site”;

20           (B) in paragraph (1), by striking “accident and  
21 incidence reporting” and inserting “accident and in-  
22 cident reporting”;

23           (C) in paragraph (2)(G), by inserting “and” at  
24 the end; and

1           (D) in paragraph (5)(B), by striking “Adminis-  
2           trative Hearing Officer or Administrative Law  
3           Judge” and inserting “administrative hearing officer  
4           or administrative law judge”.

5           (5) Section 20156 of title 49, United States Code,  
6 is amended—

7           (A) in subsection (e), by inserting a comma  
8           after “In developing its railroad safety risk reduc-  
9           tion program”; and

10           (B) in subsection (g)(1), by inserting a comma  
11           after “good faith” and by striking “non-profit” and  
12           inserting “nonprofit”.

13           (6) Section 20157(a)(1)(B) of title 49, United States  
14 Code, is amended by striking “parts 171.8, 173.115, and  
15 173.132” and inserting “sections 171.8, 173.115, and  
16 173.132”.

17           (7) Section 20159 of title 49, United States Code,  
18 is amended by striking “the Secretary” and inserting “the  
19 Secretary of Transportation”.

20           (8) Section 20160 of title 49, United States Code,  
21 is amended—

22           (A) in subsection (a)(1), by striking “or with”  
23           and inserting “with”; and

24           (B) in subsection (b)(1)(A), by striking “or  
25           with” and inserting “with”.

1       (9) Section 20162(a)(3) of title 49, United States  
2 Code, is amended by striking “railroad compliance with  
3 Federal standards” and inserting “railroad carrier compli-  
4 ance with Federal standards”.

5       (10) Section 20164(a) of title 49, United States  
6 Code, is amended by striking “after enactment of the Rail-  
7 road Safety Enhancement Act of 2008” and inserting  
8 “after the enactment of the Rail Safety Improvement Act  
9 of 2008”.

10       (11) Section 22106(b) of title 49, United States  
11 Code, is amended by striking “interest thereof” and in-  
12 serting “interest thereon”.

13       (12) The item relating to section 24316 in the chap-  
14 ter analysis for chapter 243 of title 49, United States  
15 Code, is amended by striking “to assist families of pas-  
16 sengers” and inserting “to address needs of families of  
17 passengers”.

18       (b) TECHNICAL CORRECTIONS TO RAIL SAFETY IM-  
19 PROVEMENT ACT OF 2008.—(1) The table of contents in  
20 section 1(b) of the Rail Safety Improvement Act of 2008  
21 is amended—

22           (A) in the item relating to section 307, by strik-  
23 ing “website” and inserting “Web site”;

24           (B) in the item relating to section 403, by  
25 striking “Track inspection time study” and inserting

1 “Study and rulemaking on track inspection time;  
2 rulemaking on concrete cross ties”;

3 (C) in the item relating to section 408, by strik-  
4 ing “Conrail” and inserting “Consolidated Rail Cor-  
5 poration”;

6 (D) in the item relating to title VI, by striking  
7 “Solid waste facilities” and inserting “Solid waste  
8 rail transfer facilities”; and

9 (E) in the item relating to section 602 by strik-  
10 ing “solid waste transfer facilities” and inserting  
11 “solid waste rail transfer facilities”.

12 (2) Section 2(a)(1) of the Rail Safety Improvement  
13 Act of 2008 is amended by inserting a comma after  
14 “tracks at grade”.

15 (3) Section 102(a)(6) of the Rail Safety Improvement  
16 Act of 2008 is amended to read as follows:

17 “(6) Improving the safety of railroad bridges,  
18 tunnels, and related infrastructure to prevent acci-  
19 dents, incidents, injuries, and fatalities caused by  
20 catastrophic and other failures of such infrastruc-  
21 ture.”.

22 (4) Section 206(a) of the Rail Safety Improvement  
23 Act of 2008 is amended by striking “Public Service An-  
24 nouncements” and inserting “public service announce-  
25 ments”.

1 (5) Section 307 of the Rail Safety Improvement Act  
2 of 2008 is amended—

3 (A) in the section heading, by striking  
4 “**WEBSITE**” and inserting “**WEB SITE**”;

5 (B) in subsection (a), by striking “website” and  
6 inserting “Web site”; and

7 (C) in subsection (b), by striking “website’s”  
8 and inserting “Web site’s”.

9 (6) Section 403 of the Rail Safety Improvement Act  
10 of 2008 is amended in the section heading by striking  
11 “**TRACK INSPECTION TIME STUDY**” and inserting  
12 “**STUDY AND RULEMAKING ON TRACK INSPECTION**  
13 **TIME; RULEMAKING ON CONCRETE CROSS TIES**”.

14 (7) Section 405 of the Rail Safety Improvement Act  
15 of 2008 is amended—

16 (A) in subsection (a), by striking “cell phones”  
17 and inserting “cellular telephones”; and

18 (B) in subsection (d), by striking “Secretary of  
19 Transportation” and inserting “Secretary”.

20 (8) Section 408 of the Rail Safety Improvement Act  
21 of 2008 is amended in the section heading by striking  
22 “**CONRAIL**” and inserting “**CONSOLIDATED RAIL COR-**  
23 **PORATION**”.

1           (9) Section 412 of the Rail Safety Improvement Act  
2 of 2008 is amended by striking “Secretary of Transpor-  
3 tation” and inserting “Secretary”.

4           (10) Section 414 of the Rail Safety Improvement Act  
5 of 2008 is amended—

6                   (A) by striking “parts 171.8, 173.115,” and in-  
7 serting “sections 171.8, 173.115,”; and

8                   (B) by striking “part 1520.5” and inserting  
9 “section 1520.5”.

10          (11) Section 416 of the Rail Safety Improvement Act  
11 of 2008 is amended—

12                   (A) by striking “Secretary of Transportation”  
13 and inserting “Secretary”; and

14                   (B) in paragraph (4), by striking “subsection”  
15 and inserting “section”.

16          (12) Section 417(c) of the Rail Safety Improvement  
17 Act of 2008 is amended by striking “each railroad” and  
18 inserting “each railroad carrier”.

19          (13) Section 503 of the Rail Safety Improvement Act  
20 of 2008 is amended—

21                   (A) in subsection (b)—

22                           (i) in paragraph (1), by striking “pas-  
23 senger rail accidents” and inserting “rail pas-  
24 senger accidents”;

1 (ii) by striking “passenger rail accident”  
2 each place it appears and inserting “rail pas-  
3 senger accident”; and

4 (iii) in paragraph (4), by striking “a count  
5 of the number of passengers onboard the train”  
6 and inserting “a count of the number of pas-  
7 sengers aboard the train”; and

8 (B) by adding at the end a new subsection (d)  
9 to read as follows:

10 “(d) DEFINITIONS.—In this section, the terms ‘pas-  
11 senger’ and ‘rail passenger accident’ have the meaning  
12 given those terms by section 1139 of this title.”.

13 (14) The heading title VI of the Rail Safety Improve-  
14 ment Act of 2008 is amended by striking “**SOLID**  
15 **WASTE FACILITIES**” and inserting “**SOLID**  
16 **WASTE RAIL TRANSFER FACILITIES**”.

17 (15) The heading of section 602 of the Rail Safety  
18 Improvement Act of 2008 is amended by striking “**SOLID**  
19 **WASTE TRANSFER FACILITIES**” and inserting “**SOLID**  
20 **WASTE RAIL TRANSFER FACILITIES**”.

21 (c) TECHNICAL CORRECTIONS TO PROVISIONS OF  
22 THE UNITED STATES CODE ENACTED IN, OR AMENDED  
23 BY, THE PASSENGER RAIL INVESTMENT AND IMPROVE-  
24 MENT ACT OF 2008.—

1           (1) ALTERNATE PASSENGER RAIL SERVICE  
2           PILOT.—Section 24711 of title 49, United States  
3           Code, is amended—

4                   (A) in subsection (a)(1) by striking “a pe-  
5                   riod not to exceed 5 years after the date of en-  
6                   actment of the Passenger Rail Investment and  
7                   Improvement Act of 2008” and inserting “an  
8                   operations period of 5 years, renewable for a  
9                   second 5-year operations period at the discre-  
10                  tion of the Administrator”; and

11                  (B) by inserting after subsection (e) the  
12                  following new subsection:

13           “(f) TRANSFER AUTHORITY.—The Secretary of  
14           Transportation may provide directly to a winning bidder  
15           selected under this section any portion of appropriations  
16           for Amtrak operations necessary to cover the operating  
17           subsidy described in subsection (a)(5)(B).”.

18           (2) COMPETITIVE GRANT SELECTION AND CRI-  
19           TERIA FOR GRANTS.—Section 26106(e)(2) of title  
20           49, United States Code, is amended—

21                   (A) in subparagraph (A)(v), by striking  
22                   “that if an applicant has selected the proposed  
23                   operator of its service, that the applicant pro-  
24                   vide”, and inserting “that the applicant shall  
25                   select the proposed operator of its service com-

1           petitively, and that the applicant shall provide”;

2           and

3           (B) in subparagraph (B)(ii)—

4                 (i) by inserting “and” at the end of  
5           subclause (I);

6                 (ii) by inserting “and” at the end of  
7           subclause (II); and

8                 (iii) by striking subclauses (III) and  
9           (IV).

10          (d) STATE-SUPPORTED ROUTES.—Section 209(e) of  
11 the Passenger Rail Investment and Improvement Act of  
12 2008 (Public Law 110–432, 122 Stat. 4918) is amended  
13 by striking “within 1 year after the Board’s determina-  
14 tion” and inserting “by the first day of the first fiscal year  
15 beginning at least 1 year after the Board’s determina-  
16 tion”.

17                   **TITLE IX—HAZARDOUS**  
18                   **MATERIAL TRANSPORTATION**

19          **SEC. 9001. SHORT TITLE.**

20           This title may be cited as the “Hazardous Material  
21 Transportation Safety, Efficiency, and Accountability Act  
22 of 2012”.

1 **SEC. 9002. AMENDMENT OF TITLE 49, UNITED STATES**  
2 **CODE.**

3 Except as otherwise provided, whenever in this Act  
4 an amendment or repeal is expressed in terms of an  
5 amendment to, or repeal of, a section or other provision,  
6 the reference shall be considered to be made to a section  
7 or other provision of title 49, United States Code.

8 **SEC. 9003. FINDINGS.**

9 Congress finds the following:

10 (1) There are annually 2.2 billion tons of haz-  
11 ardous material shipments by all modes across the  
12 United States totaling more than \$1.4 trillion.

13 (2) The number of fatalities and serious inju-  
14 ries caused by the transportation of hazardous mate-  
15 rial has been historically low, averaging 4.2 fatalities  
16 per 100 million shipments – meaning an American  
17 is about 4 times more likely to be killed by lightning  
18 than a hazardous material in transportation. In fis-  
19 cal year 2010, there was the lowest number of haz-  
20 ardous material incidents on record.

21 (3) It is critical to the economic health of the  
22 Nation that the laws and regulations governing the  
23 transportation of hazardous material maintain a  
24 high level of safety, while balancing the need for eco-  
25 nomic growth, innovation, competitiveness, and job  
26 creation.

1           (4) The individuals involved in the transpor-  
2           tation stream and the public benefit from a regu-  
3           latory regime that is certain, uniform, cost-efficient,  
4           and science-based.

5           (5) Because of the potential risks to life, prop-  
6           erty, and the environment posed by an unintentional  
7           release of hazardous material, consistency and uni-  
8           formity in laws and regulation regarding the trans-  
9           portation of hazardous material is necessary and de-  
10          sirable.

11 **SEC. 9004. PURPOSES.**

12          Section 5101 is amended by striking “that are inher-  
13          ent”.

14 **SEC. 9005. DEFINITIONS.**

15          (a) HAZMAT EMPLOYER.—Section 5102(4)(A)(i)(I)  
16          is amended by striking “or uses”.

17          (b) TRANSPORTS.—Section 5102(13) is amended to  
18          read as follows:

19                 “(13) ‘transports’ or ‘transportation’—

20                         “(A) means the movement of property and  
21                         loading, unloading, handling, or storage inci-  
22                         dental to the movement;

23                         “(B) includes all activities related to—

24                                 “(i) loading or unloading packaged or  
25                                 containerized hazardous material, such as

1 portable tanks, cylinders, and intermediate  
2 bulk containers, onto a transport vehicle,  
3 rail car, aircraft, or vessel at its origin,  
4 during en route movement, or at its des-  
5 tination; or

6 “(ii) loading or unloading a hazardous  
7 material into or from a bulk packaging  
8 with a capacity greater than 3,000 liters,  
9 such as a portable tank, cargo tank, or rail  
10 tank car, at its origin, during en route  
11 movement, or at its destination; and

12 “(C) includes storage of a hazardous mate-  
13 rial from the time the hazardous material is  
14 loaded for purposes of movement until the haz-  
15 ardous material is unloaded at its destination,  
16 including during en route movement.”.

17 **SEC. 9006. GENERAL REGULATORY AUTHORITY.**

18 (a) REGULATIONS FOR SAFE TRANSPORTATION.—

19 Section 5103(b)(1)(A) is amended—

20 (1) in clause (vi) by striking “or” at the end;

21 (2) by redesignating clause (vii) as clause (viii);

22 (3) by inserting after clause (vi) the following:

23 “(vii) provides hazardous material  
24 transportation emergency response infor-  
25 mation services required or governed by

1 regulations prescribed under this chapter;  
2 or”; and

3 (4) in clause (viii) (as redesignated by para-  
4 graph (2) of this section) by striking “(vi); and” and  
5 inserting “(vii);”.

6 (b) FITNESS DETERMINATIONS.—

7 (1) IN GENERAL.—Section 5103(b)(1) is  
8 amended—

9 (A) in subparagraph (B) by striking the  
10 period at the end and inserting “; and”; and

11 (B) by adding at the end the following:

12 “(C) shall govern the procedures and cri-  
13 teria used by the Secretary for determining the  
14 fitness of a person applying for an approval  
15 under the regulations.”.

16 (2) REGULATION REQUIRED.—In accordance  
17 with section 5103(b)(2) of title 49, United States  
18 Code, not later than 1 year after the date of enact-  
19 ment of this Act, the Secretary of Transportation  
20 shall take all actions necessary to finalize a regula-  
21 tion pursuant to section 5103(b)(1)(C) of such title.

22 (c) IMPROVING REGULATIONS AND REGULATORY RE-  
23 VIEW.—

24 (1) IN GENERAL.—Section 5103(b) is amended  
25 by adding at the end the following:

1       “(3) Before any final regulation within the jurisdic-  
2 tion of the Secretary is issued, the Secretary shall make  
3 all preliminary and final determinations based on evidence  
4 and consider, in addition to other applicable consider-  
5 ations, the following:

6           “(A) The legal authority under which a rule  
7 may be proposed, including whether a rulemaking is  
8 required by statute, and if so, whether by a specific  
9 date, or whether the agency has discretion to com-  
10 mence a rulemaking.

11          “(B) Other statutory considerations applicable  
12 to whether the agency can or should propose a rule  
13 or undertake other agency action.

14          “(C) The specific nature and significance of the  
15 problem the agency may address with a rule (includ-  
16 ing the degree and nature of risks the problem poses  
17 and the priority of addressing those risks compared  
18 to other matters or activities within the agency’s ju-  
19 risdiction), whether the problem warrants new agen-  
20 cy action, and the countervailing risks that may be  
21 posed by alternatives for new agency action.

22          “(D) Whether existing rules have created or  
23 contributed to the problem the agency may address  
24 with a rule and whether those rules could be amend-

1 ed or rescinded to address the problem in whole or  
2 part.

3 “(E) The best reasonably obtainable scientific,  
4 technical, and other information related to the need  
5 for, and consequences of, the rule.

6 “(F) The potential costs and benefits, including  
7 direct, indirect, and cumulative costs and benefits  
8 and estimated impacts on jobs, economic growth, in-  
9 novation, and economic competitiveness.

10 “(G) Means to increase the cost-effectiveness of  
11 any Federal response.

12 “(H) Incentives for innovation, consistency, pre-  
13 dictability, lower costs of enforcement and compli-  
14 ance (to government entities, regulated entities, and  
15 the public), and flexibility.

16 “(I) Any reasonable alternatives for a new rule  
17 or other response identified by the agency or inter-  
18 ested persons, including not only responses that  
19 mandate particular conduct or manners of compli-  
20 ance, but also—

21 “(i) the alternative of no Federal response;

22 “(ii) amending or rescinding existing rules;

23 “(iii) potential regional, State, local, or  
24 tribal regulatory action or other responses that  
25 could be taken in lieu of agency action; and

- 1                   “(iv) potential responses that—
- 2                    “(I) specify performance objectives
- 3                   rather than conduct or manners of compli-
- 4                   ance;
- 5                    “(II) establish economic incentives to
- 6                   encourage desired behavior;
- 7                    “(III) provide information upon which
- 8                   choices can be made by the public; or
- 9                    “(IV) incorporate other innovative al-
- 10                  ternatives rather than agency actions that
- 11                  specify conduct or manners of compliance.

12           “(4) The Secretary shall solicit and take into consid-

13           eration public comment on the subjects described in sub-

14           paragraphs (A) through (I) of paragraph (3) before

15           issuance of a final regulation described in paragraph (3).

16           “(5) The Secretary shall follow applicable rulemaking

17           procedures under section 553 of title 5 before issuing a

18           binding obligation applicable to recipients of Federal as-

19           sistance. In this paragraph, the term ‘binding obligation’

20           means a substantive policy statement, rule, or guidance

21           document issued by the Secretary that grants rights, im-

22           poses obligations, produces significant effects on private

23           interests, or effects a significant change in existing pol-

24           icy.”.

1           (2) EFFECTIVE DATE.—The amendment made  
2           by paragraph (1) of this subsection shall apply to  
3           regulations for which the notice of proposed rule-  
4           making is published after the date of enactment of  
5           this Act.

6           (d) INCORPORATION BY REFERENCE.—Section  
7           5103(b) is further amended by adding after paragraph (5)  
8           (as added by subsection (c)(1) of this section) the fol-  
9           lowing:

10          “(6) In considering whether to incorporate by ref-  
11          erence any publication in prescribing regulations, the Sec-  
12          retary shall—

13                 “(A) consider—

14                         “(i) the cost of such publication;

15                         “(ii) the broadness of its applicability;

16                         “(iii) the cost imposed on the public in ac-  
17                         quiring such publication; and

18                         “(iv) other alternatives to incorporation by  
19                         reference; and

20                 “(B) either incorporate by reference the publi-  
21                 cation or use the alternative that meets the Depart-  
22                 ment of Transportation’s safety objectives in the  
23                 most cost-effective manner.”.

1 **SEC. 9007. INSPECTIONS OF MOTOR VEHICLES TRANS-**  
2 **PORTING RADIOACTIVE MATERIAL.**

3 Section 5105(d) is amended to read as follows:

4 “(d) **INSPECTIONS OF MOTOR VEHICLES TRANS-**  
5 **PORTING CERTAIN MATERIAL.—**

6 “(1) **REQUIREMENT.—**The Secretary shall re-  
7 quire by regulation that before each use of a motor  
8 vehicle to transport a highway-route-controlled quan-  
9 tity of radioactive material in commerce, the vehicle  
10 shall be inspected and certified as complying with  
11 this chapter and applicable United States motor car-  
12 rier safety laws and regulations.

13 “(2) **TYPE OF INSPECTOR.—**In carrying out  
14 paragraph (1), the Secretary may—

15 “(A) require that the inspection be carried  
16 out by an authorized United States Government  
17 inspector or according to appropriate State pro-  
18 cedures; or

19 “(B) allow a person, transporting or caus-  
20 ing to be transported a highway-route-con-  
21 trolled quantity of radioactive material, to in-  
22 spect the motor vehicle used to transport the  
23 material and to certify that the vehicle complies  
24 with this chapter.

25 “(3) **QUALIFICATION REQUIREMENTS.—**An in-  
26 dividual conducting an inspection under paragraph

1 (2)(B) shall be in compliance with the inspector  
2 qualification requirements the Secretary prescribes  
3 for an individual inspecting a motor vehicle.

4 “(4) PREEMPTION.—Each State that a motor  
5 vehicle transporting a highway-route-controlled  
6 quantity of radioactive material in commerce enters  
7 shall recognize the inspection and certification re-  
8 quired by paragraph (1) and may not require a new  
9 inspection at an equivalent level and certification ex-  
10 cept as provided in paragraph (5).

11 “(5) CHANGED CONDITION.—If an en route  
12 change to the condition of the cargo, the driver, the  
13 motor vehicle, or the operation of the motor vehicle  
14 invalidates the certification under paragraph (1), the  
15 State where such change is discovered may require  
16 a new inspection and certification under such para-  
17 graph.”.

18 **SEC. 9008. HAZMAT EMPLOYEE TRAINING REQUIREMENTS**

19 **AND GRANTS.**

20 (a) TRAINING GRANTS.—Section 5107 is amended—

21 (1) by striking subsections (e) and (h); and

22 (2) by redesignating subsections (f) and (g) as  
23 subsections (e) and (f), respectively.

1 (b) SAFE LOADING, UNLOADING, AND HANDLING.—  
2 Section 5107(f)(2), as redesignated by subsection (a)(2)  
3 of this section, is amended by striking “and section 5106”.

4 **SEC. 9009. FEES.**

5 Section 5108(g)(2) is amended—

6 (1) in subparagraph (A)—

7 (A) in the matter before clause (i) by strik-  
8 ing “be at least \$250 but not more than” and  
9 inserting “not exceed”; and

10 (B) in clause (viii) by striking “sections  
11 5108(g)(2), 5115,” and inserting “this para-  
12 graph and sections 5115”; and

13 (2) by adding at the end the following:

14 “(D) In establishing and collecting a fee under  
15 subparagraph (A), the Secretary may not consider  
16 whether a person has or is likely to apply for a spe-  
17 cial permit or approval, nor is the Secretary author-  
18 ized to establish a separate fee in order to apply for  
19 or receive a special permit or approval.”.

20 **SEC. 9010. MOTOR CARRIER SAFETY PERMITS.**

21 (a) APPLICABLE TRANSPORTATION.—Section  
22 5109(b)(1) is amended by striking “class A or B” and  
23 inserting “division 1.1, 1.2, or 1.3”.

1       (b) OFFEROR RESPONSIBILITY.—The heading for  
2 subsection (f) of section 5109 is amended by striking  
3 “SHIPPER” and inserting “OFFEROR”.

4       (c) TECHNICAL AMENDMENT.—Section 5109 is  
5 amended by striking subsection (h).

6       (d) PROGRAM REVIEW AND REPORT.—

7           (1) PROGRAM REVIEW.—

8               (A) IN GENERAL.—Not later than 9  
9 months after the date of enactment of this Act,  
10 the Secretary of Transportation shall conduct a  
11 proceeding, using notice and comment proce-  
12 dures in accordance with section 553 of title 5,  
13 United States Code, to examine the implemen-  
14 tation of the hazardous material safety permit  
15 program established by section 5109 of title 49  
16 of such Code, including—

17                   (i) safety concerns related to former  
18 permit holders that have re-applied for a  
19 permit after being out of the program for  
20 a year or longer; and

21                   (ii) fairness of the program for car-  
22 riers whose total number of inspections  
23 over the course of the fiscal year cycle may  
24 create a disadvantage.

1 (B) CONSULTATION.—In carrying out sub-  
2 paragraph (A), the Secretary shall consult with  
3 motor carriers, persons offering hazardous ma-  
4 terial for transportation in commerce, the Com-  
5 mercial Vehicle Safety Alliance, and others that  
6 have direct experience with the implementation  
7 of the program.

8 (2) REPORT.—

9 (A) IN GENERAL.—Not later than 1 year  
10 after the date of enactment of this Act, the Sec-  
11 retary of Transportation shall transmit to the  
12 Committee on Transportation and Infrastruc-  
13 ture of the House of Representatives and the  
14 Committee on Commerce, Science, and Trans-  
15 portation of the Senate a report on the imple-  
16 mentation of the hazardous material safety per-  
17 mit program established by section 5109 of title  
18 49, United States Code.

19 (B) CONTENTS.—The report shall in-  
20 clude—

21 (i) an identification of the number of  
22 permits that have been issued, denied, re-  
23 voked, or suspended for each registration  
24 cycle since the inception of the program by

1 the type of covered hazardous material  
2 transported;

3 (ii) an explanation of the reason for  
4 each denial, revocation, and suspension, in-  
5 cluding administrative denials, revocations,  
6 and suspensions;

7 (iii) a record and analysis of the types  
8 of implementation issues identified in the  
9 proceeding under paragraph (1)(A); and

10 (iv) a description of the Secretary's  
11 actions—

12 (I) to simplify the permit applica-  
13 tion process;

14 (II) to minimize the number of  
15 administrative denials, revocations,  
16 and suspensions;

17 (III) to address the issues identi-  
18 fied under clause (iii); and

19 (IV) to ensure a consistent  
20 standard of safety fitness that does  
21 not fluctuate over time.

22 (e) REGULATION.—Not later than 2 years after the  
23 date of enactment of this Act, the Secretary of Transpor-  
24 tation shall take such actions as are necessary to ensure  
25 that regulations prescribed to carry out the program under

1 section 5109 of title 49, United States Code, ensure a con-  
2 sistent standard of safety fitness that does not fluctuate  
3 over time and address issues identified in the proceeding  
4 in subsection (d)(1)(A).

5 **SEC. 9011. PLANNING AND TRAINING GRANTS, MONI-**  
6 **TORING, AND REVIEW.**

7 (a) TRAINING GRANTS.—Section 5116(b)(4) is  
8 amended—

9 (1) in the matter preceding subparagraph (A)—

10 (A) by inserting “and subsection (a)” after  
11 “this subsection”; and

12 (B) by inserting “planning and” after  
13 “emergency response”; and

14 (2) in subparagraph (E) by inserting “and sub-  
15 section (a)” before the period at the end.

16 (b) COMPLIANCE WITH CERTAIN LAWS.—Section  
17 5116(c) is amended to read as follows:

18 “(c) COMPLIANCE WITH CERTAIN LAW.—The Sec-  
19 retary may make a grant to a State or Indian tribe under  
20 this section in a fiscal year only if—

21 “(1) the State certifies that the State complies  
22 with sections 301 and 303 of the Emergency Plan-  
23 ning and Community Right-To-Know Act of 1986  
24 (42 U.S.C. 11001, 11003); and

1           “(2) the State or Indian tribe certifies to the  
2           Secretary that such State or Indian tribe is in com-  
3           pliance with section 5125(f).”.

4           (c) SUPPLEMENTAL TRAINING GRANTS.—Section  
5           5116(j) is amended—

6           (1) in paragraph (1) by striking “funds,” and  
7           all that follows through “fighting fires for” and in-  
8           serting “funds and through a competitive process,  
9           make grants to national nonprofit fire service orga-  
10          nizations for”;

11          (2) in paragraph (3)(A) by striking “train” and  
12          inserting “provide portable training for”; and

13          (3) in paragraph (4)—

14                (A) by striking “train” and inserting “pro-  
15                vide portable training for”; and

16                (B) by inserting after “training courses  
17                shall” the following: “comply with national con-  
18                sensus standards for hazardous material re-  
19                sponse and”.

20          (d) REPORTS.—Section 5116(k) is amended—

21                (1) in the first sentence by striking “planning  
22                grants” and all that follows through “and under sec-  
23                tion 5107” and inserting “grants allocated under  
24                subsections (a), (b), and (j)”;

25                (2) in the second sentence—

- 1 (A) by inserting “planning and” before  
2 “training grants”; and  
3 (B) by inserting “planning and” before  
4 “training programs”.”.

5 **SEC. 9012. SPECIAL PERMITS AND EXCLUSIONS.**

6 Section 5117 is amended—

7 (1) in subsection (a)—

8 (A) by striking “(a) AUTHORITY TO ISSUE  
9 SPECIAL PERMITS.—(1) As provided under pro-  
10 cedures prescribed by regulation,” and inserting  
11 the following:

12 “(a) AUTHORITY TO ISSUE SPECIAL PERMITS.—

13 “(1) IN GENERAL.—As provided under proce-  
14 dures and criteria prescribed by regulation in ac-  
15 cordance with section 553 of title 5, United States  
16 Code,”;

17 (B) by inserting after paragraph (1) the  
18 following:

19 “(2) REQUIREMENTS.—The Secretary shall en-  
20 sure that the procedures and criteria prescribed  
21 under paragraph (1) provide adequate consistency,  
22 predictability, and transparency in making the deter-  
23 minations to issue, modify, or terminate a special  
24 permit.”; and

1 (C) by striking “(2) A special permit” and  
2 inserting the following:

3 “(3) EFFECTIVE PERIOD.—A special permit”;  
4 and

5 (2) by adding at the end the following:

6 “(f) LIMITATION ON DENIAL.—The Secretary may  
7 not deny an application for a modification or renewal of  
8 a special permit or an application for party status to an  
9 existing special permit for the sole reason that the appli-  
10 cant has a hazardous material out-of-service percentage  
11 of greater than the national average, according to the safe-  
12 ty and fitness records maintained by the Federal Motor  
13 Carrier Safety Administration.

14 “(g) INCORPORATION INTO REGULATION.—

15 “(1) IN GENERAL.—Not later than 1 year after  
16 the date on which a special permit has been in con-  
17 tinuous effect for a 6-year period, the Secretary  
18 shall develop and implement a rulemaking pursuant  
19 to section 5103 to incorporate the special permit  
20 into regulation if the special permit—

21 “(A) concerns a matter of general applica-  
22 bility;

23 “(B) has future effect; and

24 “(C) is consistent with hazardous material  
25 safety.

1           “(2) INTENT.—Nothing in paragraph (1) limits  
2           the Secretary from incorporating a special permit  
3           into regulation at any time before the deadline set  
4           by paragraph (1).

5           “(3) OLDER SPECIAL PERMITS.—Not later than  
6           3 years after the date of enactment of this sub-  
7           section, the Secretary shall finalize a rulemaking  
8           pursuant to section 5103 to incorporate into regula-  
9           tion any special permit that concerns a matter of  
10          general applicability, has future effect, is consistent  
11          with hazardous material safety, and has been in con-  
12          tinuous effect for more than a 6-year period as of  
13          the date of enactment of this subsection.”.

14 **SEC. 9013. HAZARDOUS MATERIAL UNIFORM MOTOR CAR-**  
15 **RIER PERMIT PROGRAM.**

16          Section 5119 is amended by striking subsection (a)  
17          and all that follows and inserting the following:

18          “(a) UNIFORM MOTOR CARRIER PERMIT PROGRAM  
19          DEFINED.—In this section, the term ‘Uniform Motor Car-  
20          rier Permit Program’ means the State-based, reciprocal  
21          program of uniform forms and procedures for registering  
22          and permitting persons who transport hazardous material  
23          by motor vehicle developed and recommended by the Alli-  
24          ance for Uniform Hazmat Transportation Procedures, in-

1 cluding any superseding amendments or revisions adopted  
2 by the Secretary pursuant to subsection (b).

3 “(b) REGULATIONS.—

4 “(1) IN GENERAL.—Not later than 1 year after  
5 the date of enactment of the Hazardous Material  
6 Transportation Safety, Efficiency, and Account-  
7 ability Act of 2012, the Secretary shall issue regula-  
8 tions to implement the Uniform Motor Carrier Per-  
9 mit Program.

10 “(2) REVISIONS.—The Secretary may modify  
11 the regulations issued under paragraph (1) only as  
12 necessary to promote safety, efficiency, and uni-  
13 formity.

14 “(c) FINANCIAL AND TECHNICAL ASSISTANCE AND  
15 SUPPORT.—

16 “(1) IN GENERAL.—The Secretary may provide  
17 planning and transition assistance to States to facili-  
18 tate the adoption of the Uniform Motor Carrier Per-  
19 mit Program.

20 “(2) USE OF FUNDS.—A State shall use assist-  
21 ance awarded under this subsection only to transi-  
22 tion existing State registration and permitting pro-  
23 grams to the Uniform Motor Carrier Permit Pro-  
24 gram.

1           “(3) TERMINATION OF AUTHORITY.—The au-  
2           thority to provide assistance to States under this  
3           subsection shall terminate 6 years after the date of  
4           enactment of the Hazardous Material Transpor-  
5           tation Safety, Efficiency, and Accountability Act of  
6           2012.

7           “(d) COOPERATIVE AGREEMENT.—The Secretary  
8           may enter into a cooperative agreement for outreach, data  
9           management, and other centralized functions supporting  
10          implementation of the Uniform Motor Carrier Permit Pro-  
11          gram.

12          “(e) RELATED EXPENSES.—For purposes of section  
13          5125(f)(1), a fee used for a purpose related to trans-  
14          porting hazardous material may include the costs incurred  
15          in implementing and administering the Uniform Motor  
16          Carrier Permit Program, including the costs of estab-  
17          lishing or modifying forms, procedures, and systems.

18          “(f) TRANSITION OF STATE PROGRAMS.—Not later  
19          than 6 years after the date of enactment of the Hazardous  
20          Material Transportation Safety, Efficiency, and Account-  
21          ability Act of 2012, a State may enforce registration and  
22          permitting requirements for motor carriers that transport  
23          hazardous material in commerce only in accordance with  
24          the Uniform Motor Carrier Permit Program.

1       “(g) LIMITATION.—Nothing in this section shall de-  
2 fine or limit the amount of a fee a State may impose or  
3 collect for registration and permitting.”.

4 **SEC. 9014. INTERNATIONAL UNIFORMITY OF STANDARDS**  
5 **AND REQUIREMENTS.**

6 Section 5120 is amended—

7       (1) in subsection (a) by striking “State, the  
8 Secretary of Transportation shall participate” and  
9 inserting “State and the Secretary of Transpor-  
10 tation, the Administrator of the Pipelines and Haz-  
11 arduous Materials Safety Administration, or the Ad-  
12 ministrators’ designee, shall represent the United  
13 States and serve as the United States competent au-  
14 thority”; and

15       (2) in subsection (b)—

16               (A) by striking “The Secretary” and in-  
17 serting “The Administrator”; and

18               (B) by striking “sections 5103(b), 5104,  
19 5110, and 5112 of this title” and inserting  
20 “this chapter”.

21 **SEC. 9015. INVESTIGATIONS.**

22       (a) INSPECTIONS AND INVESTIGATIONS.—Section  
23 5121(c)(1) is amended—

24       (1) in subparagraph (B) by striking “may con-  
25 tain a hazardous material;” and inserting “may con-

1       tain an undeclared hazardous material and such ac-  
2       tivity takes place at a properly equipped facility des-  
3       ignated by the Secretary for this purpose;”;

4           (2) in subparagraph (C), in the matter pre-  
5       ceding clause (i), by striking “or related packages”  
6       and inserting “suspected of containing undeclared  
7       hazardous material”;

8           (3) in subparagraph (E) by striking “may  
9       order” and all that follows through “; and” and in-  
10      serting “may order the offeror, after giving notice to  
11      the carrier, to have the package transported to,  
12      opened, and the contents examined and analyzed at  
13      a properly equipped facility designated by the Sec-  
14      retary for this purpose;”;

15          (4) in subparagraph (F) by striking the period  
16      at the end and inserting “; and”; and

17          (5) by adding at the end the following:

18               “(G) shall provide contemporaneous notice  
19      to the affected offeror and carrier of its decision  
20      to exercise its authority under subparagraphs  
21      (B), (C), (D), or (E).”.

22      (b) REGULATIONS.—

23          (1) IN GENERAL.—Section 5121(e) is amended  
24      to read as follows:

1       “(e) REGULATIONS.—To carry out subsections (c)  
2 and (d), the Secretary shall issue regulations in accord-  
3 ance with section 553 of title 5 that address, at a min-  
4 imum, the following:

5           “(1) Avoidance of delay in the transportation of  
6 time-sensitive materials, such as medical products,  
7 perishables, and other packages that are not the  
8 subject of the inspection.

9           “(2) Appropriate training and equipment for in-  
10 spectors.

11           “(3) Restoration of the properly certified status  
12 of the inspected package before resumption of trans-  
13 portation of that package.

14           “(4) Consideration of the costs and damages  
15 that might occur as a result of an inspection.”.

16       (2) REGULATION REQUIRED.—In accordance  
17 with section 5103(b)(2) of title 49, United States  
18 Code, not later than 1 year after the date of enact-  
19 ment of this Act, the Secretary of Transportation  
20 shall take all actions necessary to finalize a regula-  
21 tion pursuant to section 5121(e) of such title.

22 **SEC. 9016. BUILDING PARTNERSHIPS FOR IMPROVED SAFE-**  
23 **TY AND SYSTEM PERFORMANCE.**

24       Section 5121(g) is amended—

1           (1) in paragraph (3) by striking “or” after the  
2           semicolon;

3           (2) by redesignating paragraph (4) as para-  
4           graph (5); and

5           (3) by inserting after paragraph (3) the fol-  
6           lowing:

7           “(4) to work with State enforcement personnel  
8           with information and training relating to the uni-  
9           form enforcement of the regulations governing the  
10          transportation of hazardous material; or”.

11 **SEC. 9017. SAFETY REPORTING.**

12          Section 5121(h) is amended—

13           (1) in the heading by inserting “BIENNIAL” be-  
14           fore “REPORT”;

15           (2) in the matter before paragraph (1) by strik-  
16           ing “materials during” and inserting “material in all  
17           modes of transportation during”;

18           (3) by redesignating paragraphs (2) through  
19           (6) as paragraphs (3) through (7), respectively;

20           (4) by inserting after paragraph (1) the fol-  
21           lowing:

22           “(2) a summary of the hazardous material  
23           transported during the period covered by the report,  
24           set forth by the type and quantity of hazardous ma-  
25           terial and by mode;”;

1           (5) in paragraph (4), as redesignated by para-  
2           graph (3) of this section, by striking “permit” and  
3           inserting “permit issued”;

4           (6) in paragraph (5), as redesignated by para-  
5           graph (3) of this section, by striking “activities” and  
6           inserting “activities, including activities conducted  
7           under subsections (c) and (d),”; and

8           (7) in paragraph (7), as redesignated by para-  
9           graph (3) of this section, by striking “appropriate  
10          legislation” and inserting “legislative action that the  
11          Secretary considers appropriate”.

12 **SEC. 9018. CIVIL PENALTIES.**

13          (a) PENALTY.—Section 5123(a) is amended—

14           (1) in paragraph (1) by striking “at least \$250  
15           but”;

16           (2) by striking paragraph (3) and redesignating  
17           paragraph (4) as paragraph (3); and

18           (3) by adding at the end the following:

19           “(4) A carrier shall not be liable for violations of this  
20          chapter, or a regulation issued under this chapter, stem-  
21          ming from pre-transportation functions, as defined in sec-  
22          tion 171.1 of title 49, Code of Federal Regulations, that  
23          are performed by another person unless the carrier has  
24          actual knowledge of a violation.”.

1 (b) PENALTY FOR FAILURE TO MAINTAIN RECORDS,  
2 REPORTS, AND INFORMATION.—Section 5123 is amended  
3 by adding at the end the following:

4 “(h) PENALTY FOR FAILURE TO MAINTAIN  
5 RECORDS, REPORTS, AND INFORMATION.—The Secretary  
6 may impose a penalty on a person who fails to comply  
7 with section 5121(b).”.

8 **SEC. 9019. PREEMPTION.**

9 (a) BURDEN ON COMMERCE.—Section 5125(a) is  
10 amended—

11 (1) in paragraph (1) by striking “or” after the  
12 semicolon;

13 (2) in paragraph (2) by striking the period at  
14 the end and inserting “; or”; and

15 (3) by adding at the end the following:

16 “(3) the requirement of the State, political sub-  
17 division, or Indian tribe, as applied or enforced, is  
18 an unreasonable burden on commerce.”.

19 (b) SUBSTANTIVE DIFFERENCES.—Section  
20 5125(b)(1)(D) is amended by striking “written”.

21 (c) ROUTE REGISTRY.—Section 5125(c)(1) is amend-  
22 ed by striking the period at the end and inserting “and  
23 is published in the Department’s hazardous material route  
24 registry under section 5112(c).”.

1 (d) FEES.—Section 5125(f)(2) is amended by strik-  
2 ing “, upon the Secretary’s request,” and inserting “bien-  
3 nially”.

4 (e) NON-FEDERAL ENFORCEMENT STANDARDS.—  
5 Section 5125 is amended by striking subsection (h).

6 (f) CONFORMING CHANGE.—Section 5125 is further  
7 amended—

8 (1) in subsections (d)(1) and (e) by striking “or  
9 section 5119(f)”; and

10 (2) in subsection (g) by striking “, and in sec-  
11 tion 5119(f),”.

12 **SEC. 9020. AUTHORIZATION OF APPROPRIATIONS.**

13 Section 5128 is amended to read as follows:

14 **“§ 5128. Authorization of appropriations**

15 “(a) IN GENERAL.—In order to carry out this chap-  
16 ter (except sections 5108(g)(2), 5113, 5115, 5116, and  
17 5119), there are authorized to be appropriated to the Sec-  
18 retary \$39,000,000 for each of fiscal years 2012 through  
19 2016.

20 “(b) HAZARDOUS MATERIAL EMERGENCY PRE-  
21 PAREDNESS FUND.—For each of the fiscal years 2012  
22 through 2016, there shall be available to the Secretary,  
23 from the account established pursuant to section 5116(i),  
24 the following:

25 “(1) To carry out section 5115, \$188,000.

1           “(2) To carry out subsections (a) and (b) of  
2 section 5116, \$21,800,000.

3           “(3) To carry out section 5116(f), \$150,000.

4           “(4) To publish and distribute the Emergency  
5 Response Guidebook under section 5116(j)(3),  
6 \$625,000.

7           “(5) To carry out section 5116(j), \$1,000,000.

8           “(c) ISSUANCE OF HAZMAT LICENSES.—There are  
9 authorized to be appropriated to the Secretary such  
10 amounts as may be necessary to carry out section 5103a.

11          “(d) CREDITS TO APPROPRIATIONS.—The Secretary  
12 may credit to any appropriation to carry out this chapter  
13 an amount received from a State, Indian tribe, or other  
14 public authority or private entity for expenses the Sec-  
15 retary incurs in providing training to the State, tribe, au-  
16 thority, or entity.

17          “(e) UNIFORM FORMS AND PROCEDURES.—There  
18 are authorized to be appropriated to the Secretary  
19 \$1,000,000 to carry out section 5119. This amount shall  
20 remain available to be expended by the Secretary for the  
21 6-year period that begins on the date of enactment of this  
22 section.

23          “(f) AVAILABILITY OF AMOUNTS.—Amounts made  
24 available by or under this section, except for the amount

1 under subsection (e), shall remain available until ex-  
2 pended.”.

3 **SEC. 9021. ELECTRONIC SHIPPING PAPERS PILOT PRO-**  
4 **GRAM.**

5 (a) IN GENERAL.—The Secretary of Transportation  
6 shall establish pilot projects, at least one of which shall  
7 be in a rural area, to evaluate the feasibility and cost effec-  
8 tiveness of electronic shipping paper systems that facili-  
9 tate the exchange of shipping paper information between  
10 offerors of hazardous material under chapter 51 of title  
11 49, United States Code, carriers, and emergency respond-  
12 ers.

13 (b) REPORT.—

14 (1) IN GENERAL.—Not later than 3 years after  
15 the date of enactment of this Act, the Secretary  
16 shall transmit to the Committee on Transportation  
17 and Infrastructure of the House of Representatives  
18 and the Committee on Commerce, Science, and  
19 Transportation of the Senate a report on the results  
20 of the pilot projects carried out under this section.

21 (2) CONTENTS.—The report shall contain, at a  
22 minimum—

23 (A) an evaluation of each pilot project, in-  
24 cluding an evaluation of the impacts on safety  
25 and the performance of each system evaluated

1 under that project and a cost-benefit analysis  
2 for each mode of transportation; and

3 (B) based on the results of the cost-benefit  
4 analyses, a recommendation on whether elec-  
5 tronic shipping papers systems described in  
6 subsection (a) should be incorporated into the  
7 Federal hazardous material safety program  
8 under chapter 51 of title 49, United States  
9 Code, on a permanent basis.

10 **SEC. 9022. WETLINES.**

11 (a) STUDY.—

12 (1) IN GENERAL.—The Secretary of Transpor-  
13 tation shall enter into an arrangement with an ob-  
14 jective non-profit organization to conduct a peer-re-  
15 viewed study of the transportation of flammable liq-  
16 uids in the external product piping of cargo tank  
17 motor vehicles (commonly referred to as “wetlines”).

18 (2) CONTENTS.—The study shall—

19 (A) accurately quantify the number of  
20 wetlines incidents over a 10-year period;

21 (B) identify various alternatives to loading  
22 and transporting flammable liquids in cargo  
23 tank wetlines;

24 (C) examine the costs and benefits of each  
25 alternative; and

1 (D) identify existing obstacles to imple-  
2 menting each alternative.

3 (3) TRANSMITTAL.—Not later than 1 year after  
4 the date of enactment of this Act, the Secretary  
5 shall transmit to the Committee on Transportation  
6 and Infrastructure of the House of Representatives  
7 and the Committee on Commerce, Science, and  
8 Transportation of the Senate a copy of the study.

9 (b) REGULATORY RESTRICTION.—The Secretary may  
10 not issue a final rule regulating the transportation of flam-  
11 mable liquids in the external product piping of cargo tank  
12 motor vehicles.

13 **SEC. 9023. PRODUCT STUDY.**

14 (a) IN GENERAL.—The Secretary shall conduct a  
15 study on whether it is necessary to continue to designate  
16 any amount or form of finished pharmaceutical, finished  
17 cosmetic, or similar product containing ethyl alcohol as a  
18 hazardous material under section 5103(a) of title 49,  
19 United States Code.

20 (b) CONTENTS.—The study conducted under sub-  
21 section (a) shall include, at a minimum—

22 (1) an evaluation of the history, severity, and  
23 costs of any incidents in transporting such products;

24 (2) an evaluation of the risk posed by such  
25 products in commercial packaging in current use in

1 transportation and the risk associated in trans-  
2 porting the products without any specific packaging  
3 required by any applicable special permit or regula-  
4 tion;

5 (3) the costs to the industry of designating the  
6 products as hazardous material, including the cost of  
7 regulation, as compared with the costs of incidents  
8 that have occurred or are probable with regard to  
9 the products; and

10 (4) a summary of comments from industry  
11 stakeholders and the public on whether there is a  
12 need for continued designation of such products as  
13 hazardous material.

14 (c) TRANSMITTAL.—Not later than 1 year after the  
15 date of enactment of this Act, the Secretary shall transmit  
16 to the Committee on Transportation and Infrastructure  
17 of the House of Representatives and the Committee on  
18 Commerce, Science, and Transportation of the Senate a  
19 report on the results of the study conducted under sub-  
20 section (a) and any proposed actions to be taken by the  
21 Secretary resulting from the study.

1                   **TITLE X—WATERBORNE**  
2                   **TRANSPORTATION**

3 **SEC. 10001. SENSE OF CONGRESS ON HARBOR MAINTENANCE.**  
4

5           (a) FINDINGS.—Congress finds the following:

6               (1) There are 926 ports served by federally  
7 maintained channels which handle more than 2.2 bil-  
8 lion tons of cargo annually, and this figure is ex-  
9 pected to increase.

10              (2) More than \$1.1 trillion in foreign commerce  
11 enters the United States through the Nation’s ports  
12 annually, and this figure is expected to increase.

13              (3) Expansion of the Panama Canal system in  
14 Central America will likely be completed in 2014,  
15 and this will present opportunities and challenges for  
16 the Nation’s economic well-being.

17              (4) Insufficient maintenance dredging of the  
18 Nation’s navigation channels results in inefficient  
19 water transportation and harmful economic con-  
20 sequences.

21              (5) In 1986, Congress created the Harbor  
22 Maintenance Trust Fund to provide funds for the  
23 operation and maintenance of the Nation’s naviga-  
24 tion channels.

1           (6) The fiscal year 2011, Harbor Maintenance  
2           Trust Fund equity grew by 13.7 percent from fiscal  
3           year 2010 (to \$6.42 billion) and total annual re-  
4           ceipts increased 17.3 percent (to \$1.6 billion).

5           (7) Despite growth of the Harbor Maintenance  
6           Trust Fund, expenditures from the Harbor Mainte-  
7           nance Trust Fund continue to decline.

8           (8) Despite growth of the Harbor Maintenance  
9           Trust Fund, federally maintained channels are only  
10          at their authorized widths or depths 35 percent of  
11          the time, thereby restricting access to the Nation's  
12          ports for both imports and exports.

13          (b) SENSE OF CONGRESS.—It is the sense of Con-  
14          gress that—

15               (1) the Harbor Maintenance Trust Fund is not  
16               being used for its intended purpose and charging  
17               maritime commerce a harbor maintenance tax while  
18               failing to provide the service for which it was estab-  
19               lished is unfair and places the Nation at economic  
20               risk;

21               (2) the Administration should request full use  
22               of the Harbor Maintenance Trust Fund for oper-  
23               ating and maintaining the Nation's navigation sys-  
24               tem; and

1           (3) Congress should fully expend the amounts  
2           in the Harbor Maintenance Trust Fund to operate  
3           and maintain the Nation’s navigation system.

4 **TITLE       XI—REAUTHORIZATION**  
5 **AND AMENDMENTS TO THE**  
6 **SPORT FISH RESTORATION**  
7 **AND BOATING TRUST FUND**

8 **SEC. 11001. SHORT TITLE.**

9           This title may be cited as the “Sportfishing and Rec-  
10          reational Boating Safety Act of 2012”.

11 **SEC. 11002. REAUTHORIZATION AND AMENDMENTS TO THE**  
12 **SPORT FISH RESTORATION AND BOATING**  
13 **TRUST FUND.**

14          (a) DINGELL-JOHNSON SPORT FISH RESTORATION  
15          ACT.—Section 4 of the Dingell-Johnson Sport Fish Res-  
16          toration Act (16 U.S.C. 777c) is amended—

17               (1) in subsection (a) in the matter preceding  
18               paragraph (1), by striking “For each of” and all  
19               that follows through “the balance of each annual”  
20               and inserting “For each fiscal year through fiscal  
21               year 2016, the balance of each annual”;

22               (2) in subsection (b)(1)(A), by striking “From  
23               the annual” and all that follows through “the Sec-  
24               retary” and inserting “From the annual appropria-  
25               tion made in accordance with section 3 for each fis-

1 cal year through fiscal year 2016, the Secretary”;  
2 and

3 (3) in subsection (b)(1)(B)—

4 (A) by striking “The available amount”  
5 and all that follows through “the sum of—”  
6 and inserting “The available amount referred to  
7 in subparagraph (A) is, for each fiscal year, the  
8 sum of—”; and

9 (B) by redesignating subitems (aa) and  
10 (bb) as clauses (i) and (ii), and moving them 4  
11 items to the left.

12 (b) EXTENSION OF EXPENDITURE AUTHORITY FROM  
13 THE SPORT FISH RESTORATION AND BOATING TRUST  
14 FUND.—Section 9504 of the Internal Revenue Code of  
15 1986 is amended—

16 (1) in subsection (b)(2), by striking “(as in ef-  
17 fect on” each place it appears and all that follows  
18 through the next closed parenthesis and inserting  
19 “(as in effect on the date of enactment of the  
20 Sportfishing and Recreational Boating Safety Act of  
21 2012)”, and

22 (2) in subsection (d)(2), by striking “before”  
23 and all that follows through “in accordance” and in-  
24 serting “before October 1, 2016, in accordance”.

1           (c) AUTHORIZATION OF APPROPRIATIONS.—Chapter  
2 131 of title 46, United States Code, is amended—

3           (1) in section 13107(a)(2), by striking “two”  
4           and inserting “1.5”; and

5           (2) in section 13107(c), by striking so much as  
6           precedes paragraph (2) and inserting the following:

7           “(c)(1) Of the amount transferred to the Secretary  
8           under section 4(a)(2) of the Dingell-Johnson Sport Fish  
9           Restoration Act (16 U.S.C. 777c(a)(2))—

10           “(A) \$6,000,000 is available to the Secretary  
11           for the payment of expenses of the Coast Guard for  
12           personnel and activities directly related to coordi-  
13           nating and carrying out the national recreational  
14           boating safety program under this title, of which not  
15           less than \$2,000,000 shall be available to the Sec-  
16           retary only to ensure compliance with chapter 43 of  
17           this title; and

18           “(B) \$100,000 is available to fund the activities  
19           of the National Boating Safety Advisory Council es-  
20           tablished under this chapter.”.

1 **TITLE XII—EXTENSION OF SUR-**  
2 **FACE TRANSPORTATION PRO-**  
3 **GRAMS**

4 **SEC. 12001. SHORT TITLE; EFFECTIVE DATE.**

5 (a) **SHORT TITLE.**—This title may be cited as the  
6 “Surface Transportation Extension Act of 2012”.

7 (b) **EFFECTIVE DATE.**—The amendments made by  
8 this title take effect on April 1, 2012.

9 **Subtitle A—Federal-Aid Highways**

10 **SEC. 12101. EXTENSION OF FEDERAL-AID HIGHWAY PRO-**  
11 **GRAMS.**

12 (a) **IN GENERAL.**—Section 111 of the Surface Trans-  
13 portation Extension Act of 2011, Part II (Public Law  
14 112–30; 125 Stat. 343) is amended—

15 (1) by striking “the period beginning on Octo-  
16 ber 1, 2011, and ending on March 31, 2012,” each  
17 place it appears and inserting “fiscal year 2012”;

18 (2) by striking “½ of” each place it appears;  
19 and

20 (3) in subsection (a) by striking “March 31,  
21 2012” and inserting “September 30, 2012”.

22 (b) **USE OF FUNDS.**—Section 111(c) of the Surface  
23 Transportation Extension Act of 2011, Part II (125 Stat.  
24 343) is amended—

25 (1) in paragraph (3)—

1           (A) in subparagraph (A) by striking “, ex-  
2           cept that during such period” and all that fol-  
3           lows before the period at the end; and

4           (B) in subparagraph (B)(ii) by striking  
5           “\$319,500,000” and inserting “\$639,000,000”;  
6           and

7           (2) by striking paragraph (4).

8           (c) EXTENSION OF AUTHORIZATIONS UNDER TITLE  
9 V OF SAFETEA-LU.—Section 111(e)(2) of the Surface  
10 Transportation Extension Act of 2011, Part II (125 Stat.  
11 343) is amended by striking “the period beginning on Oc-  
12 tober 1, 2011, and ending on March 31, 2012.” and in-  
13 serting “fiscal year 2012.”.

14           (d) ADMINISTRATIVE EXPENSES.—Section 112(a) of  
15 the Surface Transportation Extension Act of 2011, Part  
16 II (125 Stat. 346) is amended by striking “\$196,427,625  
17 for the period beginning on October 1, 2011, and ending  
18 on March 31, 2012.” and inserting “\$392,855,250 for fis-  
19 cal year 2012.”.

1     **Subtitle B—Extension of Highway**  
2                     **Safety Programs**

3     **SEC. 12201. EXTENSION OF NATIONAL HIGHWAY TRAFFIC**  
4                     **SAFETY ADMINISTRATION HIGHWAY SAFETY**  
5                     **PROGRAMS.**

6             (a) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Sec-  
7     tion 2001(a)(1) of SAFETEA–LU (119 Stat. 1519) is  
8     amended by striking “\$235,000,000 for fiscal year 2009”  
9     and all that follows through the period at the end and  
10    inserting “and \$235,000,000 for each of fiscal years 2009  
11    through 2012.”.

12            (b) HIGHWAY SAFETY RESEARCH AND DEVELOP-  
13    MENT.—Section 2001(a)(2) of SAFETEA–LU (119 Stat.  
14    1519) is amended by striking “\$108,244,000 for fiscal  
15    year 2011” and all that follows through the period at the  
16    end and inserting “and \$108,244,000 for each of fiscal  
17    years 2011 and 2012.”.

18            (c) OCCUPANT PROTECTION INCENTIVE GRANTS.—  
19    Section 2001(a)(3) of SAFETEA–LU (119 Stat. 1519)  
20    is amended by striking “, \$25,000,000 for fiscal year  
21    2006” and all that follows through the period at the end  
22    and inserting “and \$25,000,000 for each of fiscal years  
23    2006 through 2012.”.

24            (d) SAFETY BELT PERFORMANCE GRANTS.—Section  
25    2001(a)(4) of SAFETEA–LU (119 Stat. 1519) is amend-

1 ed by striking “and \$24,250,000 for the period beginning  
2 on October 1, 2011, and ending on March 31, 2012.” and  
3 inserting “and \$48,500,000 for fiscal year 2012.”.

4 (e) STATE TRAFFIC SAFETY INFORMATION SYSTEM  
5 IMPROVEMENTS.—Section 2001(a)(5) of SAFETEA–LU  
6 (119 Stat. 1519) is amended by striking “for fiscal year  
7 2006” and all that follows through the period at the end  
8 and inserting “for each of fiscal years 2006 through  
9 2012.”.

10 (f) ALCOHOL-IMPAIRED DRIVING COUNTER-  
11 MEASURES INCENTIVE GRANT PROGRAM.—Section  
12 2001(a)(6) of SAFETEA–LU (119 Stat. 1519) is amend-  
13 ed by striking “\$139,000,000 for fiscal year 2009” and  
14 all that follows through the period at the end and inserting  
15 “and \$139,000,000 for each of fiscal years fiscal years  
16 2009 through 2012.”.

17 (g) NATIONAL DRIVER REGISTER.—Section  
18 2001(a)(7) of SAFETEA–LU (119 Stat. 1520) is amend-  
19 ed by striking “and \$2,058,000 for the period beginning  
20 on October 1, 2011, and ending on March 31, 2012.” and  
21 inserting “and \$4,000,000 for fiscal year 2012.”.

22 (h) HIGH VISIBILITY ENFORCEMENT PROGRAM.—  
23 Section 2001(a)(8) of SAFETEA–LU (119 Stat. 1520)  
24 is amended by striking “for fiscal year 2006” and all that

1 follows through the period at the end and inserting “for  
2 each of fiscal years 2006 through 2012.”.

3 (i) MOTORCYCLIST SAFETY.—Section 2001(a)(9) of  
4 SAFETEA–LU (119 Stat. 1520) is amended by striking  
5 “\$7,000,000 for fiscal year 2009” and all that follows  
6 through the period at the end and inserting “and  
7 \$7,000,000 for each of fiscal years 2009 through 2012.”.

8 (j) CHILD SAFETY AND CHILD BOOSTER SEAT SAFE-  
9 TY INCENTIVE GRANTS.—Section 2001(a)(10) of  
10 SAFETEA–LU (119 Stat. 1520) is amended by striking  
11 “\$7,000,000 for fiscal year 2009” and all that follows  
12 through the period at the end and inserting “and  
13 \$7,000,000 for each of fiscal years 2009 through 2012.”.

14 (k) ADMINISTRATIVE EXPENSES.—Section  
15 2001(a)(11) of SAFETEA–LU (119 Stat. 1520) is  
16 amended by striking “\$25,328,000 for fiscal year 2011”  
17 and all that follows through the period at the end and  
18 inserting “and \$25,328,000 for each of fiscal years 2011  
19 and 2012.”.

20 **SEC. 12202. EXTENSION OF FEDERAL MOTOR CARRIER**  
21 **SAFETY ADMINISTRATION PROGRAMS.**

22 (a) MOTOR CARRIER SAFETY GRANTS.—Section  
23 31104(a)(8) of title 49, United States Code, is amended  
24 to read as follows:

25 “(8) \$212,000,000 for fiscal year 2012.”.

1           (b)           ADMINISTRATIVE           EXPENSES.—Section  
2 31104(i)(1)(H) of title 49, United States Code, is amend-  
3 ed to read as follows:

4                           “(H) \$244,144,000 for fiscal year 2012.”.

5           (c)           GRANT           PROGRAMS.—Section 4101(c) of  
6 SAFETEA-LU (119 Stat. 1715) is amended—

7                   (1) in paragraph (1) by striking “and  
8 \$15,000,000 for the period beginning on October 1,  
9 2011, and ending on March 31, 2012.” and insert-  
10 ing “and \$30,000,000 for fiscal year 2012.”;

11                   (2) in paragraph (2) by striking “2011 and  
12 \$16,000,000 for the period beginning on October 1,  
13 2011, and ending on March 31, 2012.” and insert-  
14 ing “2012.”;

15                   (3) in paragraph (3) by striking “2011 and  
16 \$2,500,000 for the period beginning on October 1,  
17 2011, and ending on March 31, 2012.” and insert-  
18 ing “2012.”;

19                   (4) in paragraph (4) by striking “2011 and  
20 \$12,500,000 for the period beginning on October 1,  
21 2011, and ending on March 31, 2012.” and insert-  
22 ing “2012.”; and

23                   (5) in paragraph (5) by striking “2011 and  
24 \$1,500,000 for the period beginning on October 1,

1       2011, and ending on March 31, 2012.” and insert-  
2       ing “2012”.

3       (d)       HIGH-PRIORITY       ACTIVITIES.—Section  
4       31104(k)(2) of title 49, United States Code, is amended  
5       by striking “2011 and \$7,500,000 for the period begin-  
6       ning on October 1, 2011, and ending on March 31, 2012,”  
7       and inserting “2012”.

8       (e)       NEW       ENTRANT       AUDITS.—Section  
9       31144(g)(5)(B) of title 49, United States Code, is amend-  
10      ed by striking “and up to \$14,500,000 for the period be-  
11      ginning on October 1, 2011, and ending on March 31,  
12      2012,”.

13      (f)      OUTREACH AND EDUCATION.—Section 4127(e) of  
14      SAFETEA–LU (119 Stat. 1741) is amended by striking  
15      “and 2011 (and \$500,000 to the Federal Motor Carrier  
16      Safety Administration, and \$1,500,000 to the National  
17      Highway Traffic Safety Administration, for the period be-  
18      ginning on October 1, 2011, and ending on March 31,  
19      2012)” and inserting “2011, and 2012”.

20      (g)      GRANT PROGRAM FOR COMMERCIAL MOTOR VE-  
21      HICLE OPERATORS.—Section 4134(c) of SAFETEA–LU  
22      (119 Stat. 1744) is amended by striking “2011 and  
23      \$500,000 for the period beginning on October 1, 2011,  
24      and ending on March 31, 2012,” and inserting “2012”.

1 (h) MOTOR CARRIER SAFETY ADVISORY COM-  
2 MITTEE.—Section 4144(d) of SAFETEA-LU (119 Stat.  
3 1748) is amended by striking “March 31, 2012” and in-  
4 serting “September 30, 2012”.

5 (i) WORKING GROUP FOR DEVELOPMENT OF PRAC-  
6 TICES AND PROCEDURES TO ENHANCE FEDERAL-STATE  
7 RELATIONS.—Section 4213(d) of SAFETEA-LU (49  
8 U.S.C. 14710 note; 119 Stat. 1759) is amended by strik-  
9 ing “March 31, 2012” and inserting “September 30,  
10 2012”.

11 **SEC. 12203. ADDITIONAL PROGRAMS.**

12 (a) HAZARDOUS MATERIALS RESEARCH  
13 PROJECTS.—Section 7131(e) of SAFETEA-LU (119  
14 Stat. 1910) is amended by striking “2011 and \$580,000  
15 for the period beginning on October 1, 2011, and ending  
16 on March 31, 2012,” and inserting “2012”.

17 (b) DINGELL-JOHNSON SPORT FISH RESTORATION  
18 ACT.—Section 4 of the Dingell-Johnson Sport Fish Res-  
19 toration Act (16 U.S.C. 777c) is amended—

20 (1) in subsection (a) by striking “2011 and for  
21 the period beginning on October 1, 2011, and ending  
22 on March 31, 2012,” and inserting “2012,”; and

23 (2) in the first sentence of subsection (b)(1)(A)  
24 by striking “2011 and for the period beginning on

1       October 1, 2011, and ending on March 31, 2012,”  
2       and inserting “2012,”.

3       **Subtitle C—Public Transportation**  
4       **Programs**

5       **SEC. 12301. ALLOCATION OF FUNDS FOR PLANNING PRO-**  
6       **GRAMS.**

7       Section 5305(g) of title 49, United States Code, is  
8       amended by striking “2011 and for the period beginning  
9       on October 1, 2011, and ending on March 31, 2012” and  
10      inserting “2012”.

11      **SEC. 12302. SPECIAL RULE FOR URBANIZED AREA FOR-**  
12      **MULA GRANTS.**

13      Section 5307(b)(2) of title 49, United States Code,  
14      is amended—

15              (1) by striking the paragraph heading and in-  
16      serting “SPECIAL RULE FOR FISCAL YEARS 2005  
17      THROUGH 2012.—”;

18              (2) in subparagraph (A) by striking “2011 and  
19      the period beginning on October 1, 2011, and ending  
20      on March 31, 2012,” and inserting “2012,” ; and

21              (3) in subparagraph (E)—

22                      (A) by striking the subparagraph heading  
23      and inserting “MAXIMUM AMOUNTS IN FISCAL  
24      YEARS 2008 THROUGH 2012.—”; and

1 (B) in the matter preceding clause (i) by  
2 striking “2011 and during the period beginning  
3 on October 1, 2011, and ending on March 31,  
4 2012” and inserting “2012”.

5 **SEC. 12303. ALLOCATING AMOUNTS FOR CAPITAL INVEST-**  
6 **MENT GRANTS.**

7 Section 5309(m) of title 49, United States Code, is  
8 amended—

9 (1) in paragraph (2)—

10 (A) by striking the paragraph heading and  
11 inserting “FISCAL YEARS 2006 THROUGH  
12 2012.—”;

13 (B) in the matter preceding subparagraph  
14 (A) by striking “2011 and the period beginning  
15 on October 1, 2011, and ending on March 31,  
16 2012,” and inserting “2012”; and

17 (C) in subparagraph (A)(i) by striking  
18 “2011 and \$100,000,000 for the period begin-  
19 ning on October 1, 2011, and ending on March  
20 31, 2012,” and inserting “2012”;

21 (2) in paragraph (6)—

22 (A) in subparagraph (B) by striking “2011  
23 and \$7,500,000 shall be available for the period  
24 beginning on October 1, 2011, and ending on  
25 March 31, 2012,” and inserting “2012”; and

1 (B) in subparagraph (C) by striking “2011  
2 and \$2,500,000 shall be available for the period  
3 beginning on October 1, 2011, and ending on  
4 March 31, 2012,” and inserting “2012”; and

5 (3) in paragraph (7)—

6 (A) in subparagraph (A)—

7 (i) in the matter preceding clause

8 (i)—

9 (I) in the first sentence by strik-  
10 ing “2011 and \$5,000,000 shall be  
11 available for the period beginning on  
12 October 1, 2011, and ending on  
13 March 31, 2012,” and inserting  
14 “2012”; and

15 (II) in the second sentence by in-  
16 sserting “each fiscal year” before the  
17 colon;

18 (ii) in clause (i) by striking “for each  
19 fiscal year and \$1,250,000 for the period  
20 beginning on October 1, 2011, and ending  
21 on March 31, 2012,”;

22 (iii) in clause (ii) by striking “for each  
23 fiscal year and \$1,250,000 for the period  
24 beginning on October 1, 2011, and ending  
25 on March 31, 2012,”;

1 (iv) in clause (iii) by striking “for  
2 each fiscal year and \$500,000 for the pe-  
3 riod beginning on October 1, 2011, and  
4 ending on March 31, 2012,”;

5 (v) in clause (iv) by striking “for each  
6 fiscal year and \$500,000 for the period be-  
7 ginning on October 1, 2011, and ending on  
8 March 31, 2012,”;

9 (vi) in clause (v) by striking “for each  
10 fiscal year and \$500,000 for the period be-  
11 ginning on October 1, 2011, and ending on  
12 March 31, 2012,”;

13 (vii) in clause (vi) by striking “for  
14 each fiscal year and \$500,000 for the pe-  
15 riod beginning on October 1, 2011, and  
16 ending on March 31, 2012,”;

17 (viii) in clause (vii) by striking “for  
18 each fiscal year and \$325,000 for the pe-  
19 riod beginning on October 1, 2011, and  
20 ending on March 31, 2012,”; and

21 (ix) in clause (viii) by striking “for  
22 each fiscal year and \$175,000 for the pe-  
23 riod beginning on October 1, 2011, and  
24 ending on March 31, 2012,”;

1 (B) in subparagraph (B) by striking clause  
2 (vii) and inserting the following:

3 “(vii) \$13,500,000 for fiscal year  
4 2012.”;

5 (C) in subparagraph (C) by striking “and  
6 during the period beginning on October 1,  
7 2011, and ending on March 31, 2012,”;

8 (D) in subparagraph (D) by striking “and  
9 not less than \$17,500,000 shall be available for  
10 the period beginning on October 1, 2011, and  
11 ending on March 31, 2012,”; and

12 (E) in subparagraph (E) by striking “and  
13 \$1,500,000 shall be available for the period be-  
14 ginning on October 1, 2011, and ending on  
15 March 31, 2012.”.

16 **SEC. 12304. APPORTIONMENT OF FORMULA GRANTS FOR**  
17 **OTHER THAN URBANIZED AREAS.**

18 Section 5311(c)(1)(G) of title 49, United States  
19 Code, is amended to read as follows:

20 “(G) \$15,000,000 for fiscal year 2012.”.

21 **SEC. 12305. APPORTIONMENT BASED ON FIXED GUIDEWAY**  
22 **FACTORS.**

23 Section 5337 of title 49, United States Code, is  
24 amended by striking subsection (g).

1 **SEC. 12306. AUTHORIZATIONS FOR PUBLIC TRANSPOR-**  
2 **TATION.**

3 (a) **FORMULA AND BUS GRANTS.**—Section 5338(b)  
4 of title 49, United States Code, is amended—

5 (1) in paragraph (1) by striking subparagraph  
6 (G) and inserting the following:

7 “(G) \$8,360,565,000 for fiscal year  
8 2012.”; and

9 (2) in paragraph (2)—

10 (A) in subparagraph (A) by striking  
11 “\$113,500,000 for each of fiscal years 2009  
12 and 2010, \$113,500,000 for fiscal year 2011,  
13 and \$56,750,000 for the period beginning on  
14 October 1, 2011, and ending on March 31,  
15 2012,” and inserting “and \$113,500,000 for  
16 each of fiscal years 2009 through 2012”;

17 (B) in subparagraph (B) by striking  
18 “\$4,160,365,000 for each of fiscal years 2009  
19 and 2010, \$4,160,365,000 for fiscal year 2011,  
20 and \$2,080,182,500 for the period beginning on  
21 October 1, 2011, and ending on March 31,  
22 2012,” and inserting “and \$4,160,365,000 for  
23 each of fiscal years 2009 through 2012”;

24 (C) in subparagraph (C) by striking  
25 “\$51,500,000 for each of fiscal years 2009 and  
26 2010, \$51,500,000 for fiscal year 2011, and

1           \$25,750,000 for the period beginning on Octo-  
2           ber 1, 2011, and ending on March 31, 2012,”  
3           and inserting “and \$51,500,000 for each of fis-  
4           cal years 2009 through 2012”;

5           (D) in subparagraph (D) by striking  
6           “\$1,666,500,000 for each of fiscal years 2009  
7           and 2010, \$1,666,500,000 for fiscal year 2011,  
8           and \$833,250,000 for the period beginning on  
9           October 1, 2011, and ending on March 31,  
10          2012,” and inserting “and \$1,666,500,000 for  
11          each of fiscal years 2009 through 2012”;

12          (E) in subparagraph (E) by striking  
13          “\$984,000,000 for each of fiscal years 2009  
14          and 2010, \$984,000,000 for fiscal year 2011,  
15          and \$492,000,000 for the period beginning on  
16          October 1, 2011, and ending on March 31,  
17          2012,” and inserting “and \$984,000,000 for  
18          each of fiscal years 2009 through 2012”;

19          (F) in subparagraph (F) by striking  
20          “\$133,500,000 for each of fiscal years 2009  
21          and 2010, \$133,500,000 for fiscal year 2011,  
22          and \$66,750,000 for the period beginning on  
23          October 1, 2011, and ending on March 31,  
24          2012,” and inserting “and \$133,500,000 for  
25          each of fiscal years 2009 through 2012”;

1 (G) in subparagraph (G) by striking  
2 “\$465,000,000 for each of fiscal years 2009  
3 and 2010, \$465,000,000 for fiscal year 2011,  
4 and \$232,500,000 for the period beginning on  
5 October 1, 2011, and ending on March 31,  
6 2012,” and inserting “and \$465,000,000 for  
7 each of fiscal years 2009 through 2012”;

8 (H) in subparagraph (H) by striking  
9 “\$164,500,000 for each of fiscal years 2009  
10 and 2010, \$164,500,000 for fiscal year 2011,  
11 and \$82,250,000 for the period beginning on  
12 October 1, 2011, and ending on March 31,  
13 2012,” and inserting “and \$164,500,000 for  
14 each of fiscal years 2009 through 2012”;

15 (I) in subparagraph (I) by striking  
16 “\$92,500,000 for each of fiscal years 2009 and  
17 2010, \$92,500,000 for fiscal year 2011, and  
18 \$46,250,000 for the period beginning on Octo-  
19 ber 1, 2011, and ending on March 31, 2012,”  
20 and inserting “and \$92,500,000 for each of fis-  
21 cal years 2009 through 2012”;

22 (J) in subparagraph (J) by striking  
23 “\$26,900,000 for each of fiscal years 2009 and  
24 2010, \$26,900,000 for fiscal year 2011, and  
25 \$13,450,000 for the period beginning on Octo-

1           ber 1, 2011, and ending on March 31, 2012,”  
2           and inserting “and \$26,900,000 for each of fis-  
3           cal years 2009 through 2012”;

4           (K) in subparagraph (K) by striking “in  
5           fiscal year 2006” and all that follows through  
6           “March 31, 2012,” and inserting “for each of  
7           fiscal years 2006 through 2012”;

8           (L) in subparagraph (L) by striking “in  
9           fiscal year 2006” and all that follows through  
10          “March 31, 2012,” and inserting “for each of  
11          fiscal years 2006 through 2012”;

12          (M) in subparagraph (M) by striking  
13          “\$465,000,000 for each of fiscal years 2009  
14          and 2010, \$465,000,000 for fiscal year 2011,  
15          and \$232,500,000 for the period beginning on  
16          October 1, 2011, and ending on March 31,  
17          2012,” and inserting “and \$465,000,000 for  
18          each of fiscal years 2009 through 2012”; and

19          (N) in subparagraph (N) by striking  
20          “\$8,800,000 for each of fiscal years 2009 and  
21          2010, \$8,800,000 for fiscal year 2011, and  
22          \$4,400,000 for the period beginning on October  
23          1, 2011, and ending on March 31, 2012,” and  
24          inserting “and \$8,800,000 for each of fiscal  
25          years 2009 through 2012”.

1 (b) CAPITAL INVESTMENT GRANTS.—Section  
2 5338(c)(7) of title 49, United States Code, is amended  
3 to read as follows:

4 “(7) \$1,600,000,000 for fiscal year 2012.”.

5 (c) RESEARCH AND UNIVERSITY RESEARCH CEN-  
6 TERS.—Section 5338(d) of title 49, United States Code,  
7 is amended—

8 (1) in paragraph (1), in the matter preceding  
9 subparagraph (A), by striking “and 2010,  
10 \$69,750,000 for fiscal year 2011, and \$29,500,000  
11 for the period beginning on October 1, 2011, and  
12 ending on March 31, 2012,” and inserting “through  
13 2011 and \$44,000,000 for fiscal year 2012”; and

14 (2) by striking paragraph (3) and inserting the  
15 following:

16 “(3) ADDITIONAL AUTHORIZATIONS.—

17 “(A) RESEARCH.—Of amounts authorized  
18 to be appropriated under paragraph (1) for fis-  
19 cal year 2012, the Secretary shall allocate for  
20 each of the activities and projects described in  
21 subparagraphs (A) through (F) of paragraph  
22 (1) an amount equal to 63 percent of the  
23 amount allocated for fiscal year 2009 under  
24 each such subparagraph.

25 “(B) UNIVERSITY CENTERS PROGRAM.—

1           “(i) FISCAL YEAR 2012.—Of the  
2           amounts allocated under subparagraph  
3           (A)(i) for the university centers program  
4           under section 5506 for fiscal year 2012,  
5           the Secretary shall allocate for each pro-  
6           gram described in clauses (i) through (iii)  
7           and (v) through (viii) of paragraph (2)(A)  
8           an amount equal to 63 percent of the  
9           amount allocated for fiscal year 2009  
10          under each such clause.

11          “(ii) FUNDING.—If the Secretary de-  
12          termines that a project or activity de-  
13          scribed in paragraph (2) received sufficient  
14          funds in fiscal year 2011, or a previous fis-  
15          cal year, to carry out the purpose for  
16          which the project or activity was author-  
17          ized, the Secretary may not allocate any  
18          amounts under clause (i) for the project or  
19          activity for fiscal year 2012 or any subse-  
20          quent fiscal year.”.

21          (d) ADMINISTRATION.—Section 5338(e)(7) of title  
22 49, United States Code, is amended to read as follows:

23                 “(7) \$98,713,000 for fiscal year 2012.”.

1 **SEC. 12307. AMENDMENTS TO SAFETEA-LU.**

2 (a) **CONTRACTED PARATRANSIT PILOT.**—Section  
3 3009(i)(1) of SAFETEA–LU (119 Stat. 1572) is amend-  
4 ed by striking “2011 and the period beginning on October  
5 1, 2011, and ending on March 31, 2012,” and inserting  
6 “2012”.

7 (b) **PUBLIC-PRIVATE PARTNERSHIP PILOT PRO-**  
8 **GRAM.**—Section 3011 of SAFETEA–LU (49 U.S.C. 5309  
9 note; 119 Stat. 1588) is amended—

10 (1) in subsection (c)(5) by striking “2011 and  
11 the period beginning on October 1, 2011, and ending  
12 on March 31, 2012” and inserting “2012”; and

13 (2) in the second sentence of subsection (d) by  
14 striking “2011 and the period beginning on October  
15 1, 2011, and ending on March 31, 2012,” and in-  
16 serting “2012”.

17 (c) **ELDERLY INDIVIDUALS AND INDIVIDUALS WITH**  
18 **DISABILITIES PILOT PROGRAM.**—Section 3012(b)(8) of  
19 SAFETEA–LU (49 U.S.C. 5310 note; 119 Stat. 1593)  
20 is amended by striking “March 31, 2012” and inserting  
21 “September 30, 2012”.

22 (d) **OBLIGATION CEILING.**—Section 3040(8) of  
23 SAFETEA–LU (119 Stat. 1639) is amended to read as  
24 follows:

1           “(8) \$10,458,278,000 for fiscal year 2012, of  
2           which not more than \$8,360,565,000 shall be from  
3           the Mass Transit Account.”.

4           (e) PROJECT AUTHORIZATIONS FOR NEW FIXED  
5           GUIDEWAY CAPITAL PROJECTS.—Section 3043 of  
6           SAFETEA-LU (119 Stat. 1640) is amended—

7           (1) in subsection (b), in the matter preceding  
8           paragraph (1), by striking “2011 and the period be-  
9           ginning on October 1, 2011, and ending on March  
10          31, 2012,” and inserting “2012”; and

11          (2) in subsection (c), in the matter preceding  
12          paragraph (1), by striking “2011 and the period be-  
13          ginning on October 1, 2011, and ending on March  
14          31, 2012,” and inserting “2012”.

15          (f) ALLOCATIONS FOR NATIONAL RESEARCH AND  
16          TECHNOLOGY PROGRAMS.—Section 3046 of SAFETEA-  
17          LU (49 U.S.C. 5338 note; 119 Stat. 1706) is amended—

18          (1) in subsection (b) by striking “fiscal year or  
19          period” and inserting “fiscal year”; and

20          (2) by striking subsection (c)(2) and inserting  
21          the following:

22                 “(2) for fiscal year 2012, in amounts equal to  
23          63 percent of the amounts allocated for fiscal year

- 1 2009 under each of paragraphs (2), (3), (5), and (8)
- 2 through (25) of subsection (a).”.

○