Fact Sheets for Highway Provisions

in the

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

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SAFETEA-LU
HIGHWAY PROGRAM FACT SHEETS

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APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM PROGRAM

Year	2005	2006	2007	2008	2009
Authorization	$470 M	$470 M	$470 M	$470 M	$470 M

Program Purpose
The Appalachian Development Highway System (ADHS) Program continues funding for the construction of the Appalachian corridor highways in 13 States to promote economic development and to establish a State-Federal framework to meet the needs of the region.

Statutory References
SAFETEA-LU Section(s): 1101(a)(7), 1116
Other: 40 USC 14501

Funding/Formula
Funded by contract authority, to remain available until expended. [1116]

Funds are subject to the overall Federal-aid obligation limitation, and will receive no-year obligation authority prorated on the same basis as for other Federal-aid programs. [1102(c)(4) & (g)]

Funds will be apportioned among the 13 eligible States based on the latest available cost to complete estimate prepared by the Appalachian Regional Commission. [1116]

Eligible Use of Funds
Funds shall be available to construct highways and local access roads under section 14501 of title 40, United States Code.

Program Features
The Secretary of Transportation retains full oversight responsibilities for the design and construction of all Appalachian Development System Highways. [1904]

Federal Share
The Federal share remains at 80 percent. Toll credits may not be used for the non-Federal share. [40 USC 14501, 1116(c)]

Feasibility Study
From funds authorized for Surface Transportation Research under section 5101(a)(1) of SAFETEA-LU, the Secretary of Transportation will make a grant to the Appalachian Regional Commission to conduct a feasibility study for the creation of a system of inland ports and distribution centers in Appalachia. [5513(d)]

CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM

Year	2005	2006	2007	2008	2009
Authorization*	$1,667M	$1,694M	$1,721M	$1,749M	$1,777M

*Authorizations shown here will be augmented by a portion of the Equity Bonus program funds

Program Purpose
The Congestion Mitigation and Air Quality Improvement Program (CMAQ) provides funding for projects and programs in air quality nonattainment and maintenance areas for ozone, carbon monoxide (CO), and particulate matter (PM-10, PM-2.5) which reduce transportation related emissions. [23 USC 149(a)]

Statutory References
SAFETEA-LU Section(s): 1101(a)(5), 1103(d), 1808
Other: 23 USC 149, 104(b)(2), 126(c)

Funding/Formula
Funded by contract authority, to remain available for 4 years. Funds are subject to the overall Federal-aid obligation limitation.

Funds are apportioned according to a formula based on population and severity of pollution in ozone and carbon monoxide areas, similar to the formula under TEA-21, but weighting factors have been revised. [1103(d), 104(b)(2)]

A State may transfer CMAQ funds to its Surface Transportation, National Highway System, Interstate Maintenance, Bridge, Highway Safety Improvement, and/or Recreational Trails apportionment. The amount that may be transferred may not exceed 50% of the amount by which the State's CMAQ apportionment for the fiscal year exceeds the amount the State would have been apportioned if the program had been funded at $1.35 billion annually. 23 USC 126(c)

States and MPOs will give priority in distributing funds for projects and programs to diesel retrofits and other cost-effective emission reduction activities, and cost-effective congestion mitigation activities that provide air quality benefits.

Eligible Use of Funds [1808(b)]
Eligibility is expanded to include projects and programs that:

- establish or operate advanced truck stop electrification systems
- improve transportation systems management and operations that mitigate congestion and improve air quality
- involve the purchase of integrated, interoperable emergency communications equipment
- involve the purchase of diesel retrofits that are for motor vehicles or non-road vehicles and non-road engines used in construction projects located in ozone or particulate matter non-attainment or maintenance areas and funded under 23 USC
- conduct outreach activities that provide assistance to diesel equipment and vehicle owners and operators regarding the purchase and installation of diesel retrofits

The following States are provided the flexibility to use CMAQ funds for the activities listed:

- Montana – operation of public transit activities that serve a non-attainment or maintenance area [1808(g)]
- Michigan – operation and maintenance of intelligent transportation system strategies that serve a non-attainment or maintenance area [1808(h)]
- Maine – operation of passenger rail service between Boston, MA and Portland, ME [1808(i)]
- Oregon – operation of additional rail service between Eugene and Portland [1808(j)]
- Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, and Ohio – purchase of alternative fuels (as defined in section 301 of the Energy Policy Act of 1992) or biodiesel [1808(k)]

The eligible use of program funds for States that receive the minimum apportionment is clarified to include projects that would be CMAQ-eligible if in a non-attainment or maintenance area or any project under the Surface Transportation Program. [1808(c)]

Program Features

SAFETEA-LU adds new requirement that States and MPOs will give priority to projects and programs to diesel retrofits and other cost-effective emission reduction activities, and cost-effective congestion mitigation activities that provide air quality benefits.

The EPA is to publish a list of approved diesel retrofit technologies and the emission reduction effectiveness and cost effectiveness of the technologies.

States and MPOs are encouraged to consult with State and local air quality agencies in non-attainment and maintenance areas on the estimated emission reductions from proposed congestion mitigation and air quality improvement programs and projects.

An evaluation and assessment of CMAQ projects and programs to determine the direct and indirect impact of the projects on air quality and congestion is required. A cumulative database describing the impacts shall be maintained and disseminated.

Federal Share

The Federal share is generally 80 percent, subject to sliding scale and 90 percent for Interstate projects. Certain other activities, including carpool/vanpool projects, priority control systems for emergency vehicles and transit vehicles and traffic control signalization receive a Federal share of 100 percent.

CONGESTION MITIGATION PROVISIONS

SAFETEA-LU includes a number of programs to encourage and promote the safe and efficient management and operation of integrated, intermodal surface transportation systems to mitigate the impacts of traffic congestion and improve system reliability, including:

Real-Time System Management Information Program [1201]
Establishes a new program aimed at providing in all States the ability to monitor, in real time, the traffic and travel conditions on major highways and to share that information to mitigate congestion and improve the operation of the highway system. *(see separate fact sheet)*

HOV Facilities [1121]
Enhances States' ability to manage congestion by increasing flexibility to allow certain single occupant vehicles, such as deadheading public transportation vehicles, tolled vehicles, and low emission / energy efficient vehicles to use excess capacity in HOV facilities. Includes provision to ensure that the operational performance of the facility does not become seriously degraded. *(see separate fact sheet)*

Tolling [1604]
Continues the existing Value Pricing program, funded at a total of $59 million through 2009. Establishes a new Express Lanes Demonstration Program focused on managing congestion and reducing emissions through up to 15 projects by using tolls to support construction and management of new capacity or management of existing HOV or toll facility capacity. *(see separate fact sheet)*

Congestion Mitigation and Air Quality Improvement Program [1808]
Continues and expands eligibility for activities designed to improve traffic flow and air quality, including projects to establish or operate a traffic monitoring, management, and control facility or program; programs or projects that improve traffic flow, including projects to improve signalization, construct high occupancy vehicle lanes, improve intersections, and implement ITS strategies; and programs or projects that improve transportation systems management and operations. *(see separate fact sheet)*

Surface Transportation Congestion Relief Solutions Research [5502]
Provides a total of $36 million in funding for research and $3 million for training and technical assistance activities focused on congestion measurement and reporting, and development and implementation of effective congestion relief strategies.

Future Strategic Highway Research Program [5210]
Establishes new program, to be carried out through the National Academy of Sciences, funded at a total of $205 million for 2006-2009, to focus on research in four high priority areas, including reduction of non-recurring highway congestion. *(see separate fact sheet)*

Intelligent Transportation System (ITS) Research [5306]
Provides $550 million in funding and establishes specific priority areas and goals for ITS research, including reduction of congestion.

CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES PROGRAM

Year	2005	2006	2007	2008	2009
Authorization	$38M	$55M	$60M	$65M	$67M

Program Purpose
This discretionary program provides funding for the construction of ferry boats and ferry terminal facilities.

Statutory References
SAFETEA-LU Section(s): 1101(a)(13), 1801
Other: 23 USC 147 & 129(c)

Funding/Formula
Funded by contract authority, to remain available until expended. Funds are subject to the overall Federal-aid obligation limitation.

In addition to the authorizations provided in section 1101, there is funding authorized from the General Fund of the Treasury of such sums as may be necessary (ssambn) to carry out the provisions of the program for fiscal years 2006 through 2009. These funds are subject to annual appropriation. [1801]

For fiscal years 2005 through 2009, $20M of each year's authorization is set aside for projects within the marine highway systems that are part of the NHS. Each year the $20M setaside will be distributed in the following manner:

- $10M to the State of Alaska
- $5M to the State of New Jersey
- $5M to the State of Washington

Priority shall be given to projects that:

- provide critical access to areas not well served by other modes of surface transportation
- carry the greatest number of passengers and vehicles
- carry the greatest number of passengers in passengers-only service

Eligible Use of Funds
Funds shall be available to construct ferry boats and ferry terminal facilities within the States and territories of the United States. The ferry boat must operate on a route classified as a public road and not on the Interstate and be either publicly owned or operated or majority publicly owned. Except as permitted under 23 USC 129(c)(5), ferry operations cannot be operated foreign or international waters.

Program Features
The Secretary is required to establish a national ferry database. The database must be compiled within 1 year of enactment of SAFETEA-LU, be updated every 2 years, and be readily available to the public. Funding to establish and maintain the database will be provided by a takedown of up to $500,000 from Bureau of Transportation Statistic funds (section 5101). The database will contain information regarding routes, vessels, passengers and vehicles carried, funding sources, and other

useful information. Using information collected through the database, the Secretary shall periodically update the report submitted under section 1207(c) of TEA-21.

Federal Share

The Federal share is 80 percent.

COORDINATED BORDER INFRASTRUCTURE PROGRAM

Year	2005	2006	2007	2008	2009
Authorization	$123M	$145M	$165M	$190M	$210M

Program Purpose
To improve the safe movement of motor vehicles at or across the land border between the U.S. and Canada and the land border between the U.S. and Mexico. This program replaces the TEA-21 Coordinated Border Infrastructure discretionary program which ends after 2005.

Statutory References
SAFETEA-LU Section(s): 1101(a)(11), 1303

Funding/Formula
Funded by contract authority, funds are subject to the overall Federal-aid obligation limitation, not transferable except as permitted for transfer to GSA (see below), and remain available until expended.

Funds are to be apportioned among border States based on factors related to the movement of people and goods through the land border ports of entry within the boundaries of the State as follows:

- 20% based on number of incoming commercial trucks
- 30% number of incoming personal motor vehicles and buses
- 25% based on weight of incoming cargo by commercial trucks
- 25% based on number of land border ports of entry

For FY 2005, $140 million is provided for the combination of the National Corridor Planning and Development and Coordinated Border Infrastructure discretionary programs under Sections 1118 and 1119 of TEA-21 to be administered under the terms of those sections.. [1101(a)(19)]

Eligible Use of Funds
States may use funds in a border region, defined as any portion of a border State within 100 miles of an international land border with Canada or Mexico, for the following types of improvements to facilitate/expedite cross border motor vehicle and cargo movements:

- improvements to existing transportation and supporting infrastructure
- construction of highways and related safety and safety enforcement facilities related to international trade
- operational improvements, including those related to electronic data interchange and use of telecommunications
- modifications to regulatory procedures
- international coordination of transportation planning, programming, and border operation with Canada and Mexico.

Program Features
Projects in Canada or Mexico – a border State may use these funds to construct a project in Canada or Mexico if the project directly and predominantly facilitates cross-border vehicle and cargo movement at an international port of entry in the border region of the State. Canada/Mexico must assure that the project will be constructed to standards equivalent to those in the US, and be maintained and used over the useful life of the facility only for the purpose for which the funds were allocated.

Transfers to General Services Administration (GSA) – if a border State requests, the Secretary approves, and GSA agrees, up to 15% or $5M (whichever is less) of the State's border program funds may be transferred to GSA to carry out 1 or more eligible projects. The State must provide the non-Federal share directly to GSA.

Federal Share

The Federal share is generally 80 percent, subject to the sliding scale adjustment. When the funds are used for Interstate projects to add high occupancy vehicle or auxiliary lanes, but not other lanes, the Federal share may be 90 percent, also subject to the sliding scale adjustment. Certain safety improvements listed in 23 USC 120(c) have a Federal share of 100 percent.

DELTA REGION TRANSPORTATION DEVELOPMENT PROGRAM

Year	2005	2006	2007	2008	2009
Authorization	$0	$10 M	$10 M	$10 M	$10 M

Program Purpose
To support and encourage multistate transportation planning and corridor development, provide for transportation project development, facilitate transportation decisionmaking and support transportation construction in the eight States comprising the Delta Region (Alabama, Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee).

Statutory References
SAFETEA-LU Section(s): 1308, 1923

Funding
Funded by contract authority, to remain available until expended. Contract authority is not subject for transfer and is subject to the overall Federal-aid obligation limitation. [1308]

Funds are distributed at the discretion of the Secretary of Transportation giving priority to projects that emphasize multimodal planning, including planning for operational improvements that—

- increase the mobility of people and goods
- improve the safety of the transportation system with respect to catastrophic natural disasters or disasters caused by human activity
- contribute to the economic vitality of the area in which the project is located.

Eligible Use of Funds
Eligible uses are multistate highway planning, development and construction projects with projects selected on the basis of—

- whether the project is in an area under the authority of the Delta Regional Authority (DRA) and on a Federal-aid highway
- endorsement of the project by the State department of transportation
- evidence of the ability of the recipient of funds provided under the program to complete the project.

State departments of transportation and metropolitan planning organizations are eligible recipients of funds under this program.

Federal Share
The Federal share is 80 percent, subject to the sliding scale adjustment. Delta funds may be used as the non-Federal share of the costs of projects funded under 23 USC.

Transportation Assets and Needs of Delta Region [1923]
The Secretary of Transportation is to enter into an agreement with the DRA to conduct a comprehensive study of transportation assets and needs for all modes of transportation, including passenger and freight transportation, in the eight-State Delta region. In conducting the study, the DRA is to consult with the Delta region's State and local governments and planning organizations. The DRA is to submit to the Secretary and the House Transportations and Infrastructure Committee and the Senate Environment and Public Works Committee a final report on the results of the study along with any recommendations the DRA considers appropriate. Upon completion of the report, the

DRA is to establish a regional strategic plan to implement the recommendations of the report. Funding for the study and plan, $500,000 for each of fiscal years 2005 and 2006, is contract authority, subject to the obligation limitation, available until extended, and may not be transferred.

DENALI ACCESS SYSTEM PROGRAM

Year	2005	2006	2007	2008	2009
Authorization	$0	$15 M	$15 M	$15 M	$15 M

Program Purpose
The new Denali Access System Program will fund planning, design, engineering, and construction of road and other surface transportation infrastructure identified for the Denali access system.

Statutory References
SAFETEA-LU Section(s): 1960
Other: Denali Commission Act of 1998 (42 USC 3121 note)

Funding/Formula
Funded by contract authority, to remain available until expended. Contract authority is not subject for transfer and is subject to the overall Federal-aid obligation limitation. [1960]

The Secretary is to provide the funds directly to the Denali Commission to carry out the program in consultation with the Denali Access System Program Advisory Committee. In distributing funds for projects, the Commission is to consult the list of transportation priorities developed by the Advisory Committee.

In addition to the funds authorized for the Denali Access System, the State of Alaska may transfer up to 15 percent of its Surface Transportation Program apportionment to the Denali Access System program.

Eligible Use of Funds
Eligible uses are planning, design, engineering, and construction of road and other surface transportation infrastructure identified for the Denali access system. Funding for a construction project under this program may include additional amount equal to not more than 10 percent of the total cost of construction to be retained for future maintenance of the project. Funds so retained may not be used for any other purpose.

Program Features
The Commission is the lead agency for purposes of accepting Federal funds and for purposes of carrying out the program.

The Denali Access Program Advisory Committee is established to consist of 9 members, including the chairman of the Denali Commission; four members representing existing regional native corporation, native nonprofit entities, or tribal governments, of which one of the four must be a civil engineer; and four members representing rural Alaska regions or villages, of which one of the four must be a civil engineer. The Advisory Committee's responsibilities are to:

- advise the Commission on surface transportation needs of Alaska Native villages and rural communities, including projects for the construction of essential access routes within remote Alaska Native villages and rural communities and for the construction of roads and facilities necessary to connect isolated rural communities to a road system

- advise the Commission on considerations for coordinating transportation planning among the Alaska Native villages, Alaska rural villages, the State, and other government entities

- establish an annual list of transportation project priorities and funding recommendations for Alaska Native villages and rural communities
- facilitate the Commission's work when a transportation project involves more than one region.

Construction of projects under this section shall, to the maximum extent practicable, encourage the use of employees and businesses that are residents of Alaska.

Technology and design standards for a Denali Access System project shall be determined by the Commission as appropriate given the location and the functionality of the project.

Federal Share

The Federal share is 80 percent, subject to the sliding scale adjustment. Denali funds may be used as the non-Federal share of the costs of projects funded under 23 USC.

EMERGENCY RELIEF PROGRAM

Year	2005	2006	2007	2008	2009
Authorization (HTF)	$100 M	$100 M	$100 M	$100 M	$100 M
Authorization (GF)	SSAMBN*	SSAMBN*	SSAMBN*	SSAMBN*	SSAMBN*

* Such sums as may be necessary

Program Purpose
The Emergency Relief program provides funds for the repair or reconstruction of Federal-aid highways and roads on Federal lands that have suffered serious damage as a result of natural disasters or catastrophic failure from an external cause

Statutory References
SAFETEA-LU Section(s): 1112, 1937
Other: 23 USC 125

Funding
Funded by a permanent authorization of contract authority from the Highway Trust Fund with obligations not to exceed $100 million per year, available until expended, and exempt from the Federal-aid highway obligation limitation. 23 USC 125

In addition to the permanent authorization, SAFETEA-LU authorizes from the General Fund of the Treasury such sums as may be necessary to supplement the permanent authorization in years when Emergency Relief allocations exceed $100 million. Appropriation legislation would be necessary to make the additional funds available. [1112]

Devils Lake
Emergency Relief funds are to be made available, without requiring any further emergency declaration, for the construction of necessary measures for the continuation of roadway services or the impoundment of water to protect roads at Devils Lake in North Dakota. The maximum amount of Emergency Relief funds to be provided for this purpose is $10 million per year and an aggregate of $70 million. This funding limitation does not apply to emergency relief in response to an eligible event occurring after the date of enactment of SAFETEA-LU or an authority under any other provision of law. [1937]

ENVIRONMENTAL REVIEW PROCESS

Purpose
SAFETEA-LU incorporates changes aimed at improving and streamlining the environmental process for transportation projects. These changes, however, come with some additional steps and requirements on transportation agencies.

Statutory References
SAFETEA-LU Section(s): [6002-6005, 6007, 6009, 6010]

Features
Efficient environmental reviews
A new environmental review process is established for highways, transit, and multimodal projects. The process applies to new projects advanced with environmental impact statements and can be applied, if DOT elects, to projects advanced with other environmental documents. A new category of "participating agencies" is added, to allow more state, local, and tribal agencies a formal role and rights in the environmental process. After providing an opportunity for public and interagency involvement, DOT will define the project's purpose and need, and establish a plan for coordinating public and agency participation. As early as practicable in the process, DOT is to provide an opportunity for a range of alternatives to be considered for a project. If any issue that could delay the process cannot be resolved within 30 days, DOT must notify Congress. A 180-day statute of limitations for lawsuits challenging Federal agency approvals is provided, but it will require a new step of publishing environmental decisions in the Federal Register. [6002]

State assumption of responsibilities

- After entering into a Memorandum of Understanding with the Secretary, each State may assume responsibility for categorical exclusions, with FHWA in a programmatic monitoring role. Another provision calls for the Secretary to establish a categorical exclusion, to the extent appropriate, for activities that support the deployment of intelligent transportation infrastructure and systems. [6004,6010]

- SAFETEA-LU establishes a project delivery pilot program for 5 States (specified as Alaska, Ohio, Oklahoma, Texas, and California), allowing them to apply to USDOT to assume all USDOT environmental responsibilities under NEPA and other environmental laws (excluding the Clean Air Act and transportation planning requirements). This delegation authority is limited to highway projects, and it could be for specific projects within a State or a programmatic delegation. [6005]

- A pilot program is established under which, during the first 3 years after enactment, the Secretary may allow up to 5 States to assume environmental responsibilities [including NEPA and 4(f)] for Recreational Trails and Transportation Enhancement projects. [6003]

Section 4(f)
Section 4(f) of the DOT Act prohibits projects on publicly owned parks, recreation areas, wildlife and waterfowl refuges, or historic sites unless there is no feasible and prudent alternative and all possible mitigation is used. Under SAFETEA-LU, the Secretary can comply with Section 4(f) in a streamlined manner by finding that the program or project will have a "de minimis" impact on the area – i.e., there are no adverse effects of the project and the relevant State Historic Preservation Officer or other official with jurisdiction over a property concurs. The Secretary is to conduct a study evaluating the implementation of the changes to Section 4(f) , and report to Congress no earlier than 4 years after enactment. The Interstate System is exempted from being treated as an historic resource under Section 4(f), unless the Secretary determines that individual elements possess national or exceptional historic significance and should receive protection. The Secretary is to conduct a rulemaking to clarify the 4(f) standard of "prudent and feasible" for alternatives. [6007, 6009]

Design-Build
Eliminates the $50 million floor on the size of eligible contracts; Secretary must issue revised regulations that will allow transportation agencies to proceed with certain actions prior to receipt of final NEPA approval. [1503]

ENVIRONMENTAL STEWARDSHIP

Purpose
SAFETEA-LU retains and increases funding for environmental programs of TEA-21, and adds new programs focused on the environment. SAFETEA-LU also includes significant new environmental requirements for the planning process.

New Programs *(see separate fact sheets)*
In addition to continuing the CMAQ, Ferry Boats, Recreational Trails, and Scenic Byways programs, SAFETEA-LU establishes the following new programs focused on the environment –

- Safe Routes to School [1404]
- Highways for LIFE [1502]
- National Historic Covered Bridge Preservation [1804]
- Nonmotorized Transportation Pilot [1807]

Core Program Eligibilities
Expands NHS and STP eligibilities to include environmental restoration and pollution abatement to minimize the impact of transportation projects, control of noxious weeds and aquatic noxious weeds, and establishment of native species. [6006]

Expands STP eligibility to include advanced truck stop electrification systems. [1113]

Clarifies and expands CMAQ eligibility to include diesel retrofits, advanced truck stop electrification, interoperable emergency communications equipment, and alternative fuel purchases in designated States, with an emphasis on cost-effective projects. [1808]

Wildlife Vehicle Collision Reduction Study
The Secretary is to conduct a study of methods to reduce collisions between motor vehicles and wildlife, and report to Congress within 2 years on causes, impacts, and solutions. A manual of best practices is due 1 year after report to Congress. The Secretary is required to develop a training course for transportation professionals. [1119]

Use of High Occupancy Vehicle (HOV) Lanes *(see separate fact sheet)*
Enhances and clarifies provisions governing the use and operation of HOV lanes. [1121]

Idling Reduction in Rights-of-Way
Permits electrification or other idling reduction facilities and equipment for use by commercial motor vehicles to be placed in rights-of-way on the Interstate System. [1412]

Historic Covered Bridges
Authorizes $10 million per year for 2006 through 2009 for rehabilitation, repair, or preservation of historic covered bridges. [1804]

Use of Debris from Demolished Bridges and Overpasses
If a bridge eligible for assistance under section 144 of title 23 is demolished, the debris is to be made available to Federal, State, or local government for shore erosion control or stabilization, ecosystem restoration, or marine habitat creation, unless it would obstruct navigation. [1805]

Community Enhancement Study
Authorizes set-aside of $1 million in each of 2006 and 2007 from TCSP funds for a study on the role of a well-designed transportation projects in promoting economic development; protecting public health, safety, and the environment; enhancing the architectural design and planning of communities; and the positive economic, cultural, aesthetic, scenic, architectural, and environmental benefits of such projects for communities. [1925]

Transportation Planning
Requirements are added in the metropolitan and statewide transportation planning processes for plans to address environmental mitigation, improved performance, multimodal capacity, and enhancement activities; tribal, bicycle, pedestrian, and disabled interests are to be represented. [6001]

Context Sensitive Solutions
Authorizes the Secretary to consider the FHWA report, "Flexibility in Highway Design" and the national context sensitive solutions workshop document, "Eight Characteristics of Process to Yield Excellence and the Seven Qualities of Excellence in Transportation Design" in establishing standards to be used on the National Highway System. [6008]

EQUITY BONUS PROGRAM

Year	2005	2006	2007	2008	2009
Authorization*	$7,428 M	$6,873 M	$8,327 M	$9,175 M	$9,093 M

* Such sums as may be necessary are authorized. Amounts shown are estimates.

Program Purpose

The Equity Bonus provides funding to States based on equity considerations. These include a minimum rate of return on contributions to the Highway Account of the Highway Trust Fund, and a minimum increase relative to the average dollar amount of apportionments under TEA-21. Selected States are guaranteed a share of apportionments and High Priority Projects not less than the State's average annual share under TEA-21. This program replaces TEA-21's Minimum Guarantee program.

Statutory References

SAFETEA-LU Section(s): 1104, 1102

Funding/Formula

Funded by contract authority, to remain available for 4 years.

Each State's share of apportionments from the Interstate Maintenance (IM), National Highway System (NHS), Bridge, Surface Transportation (STP), Highway Safety Improvement (HSIP), Congestion Mitigation and Air Quality Improvement (CMAQ), Metropolitan Planning, Appalachian Development Highway System, Recreational Trails, Safe Routes to School, Rail-Highway Grade Crossing, Coordinated Border Infrastructure programs, the Equity Bonus itself, along with High Priority Projects will be at least a specified percentage of that State's contributions to the Highway Account of the Highway Trust Fund. The specified percentage, referred to as a relative rate of return, is 90.5% for 2005 and 2006, 91.5% for 2007, and 92% for 2008 and 2009.

States with certain characteristics will receive a share of apportionments and High Priority Projects that is the greater of the relative rate of return approach described above or their average annual share of total apportionments and High Priority Projects under TEA-21. This applies to States with:

- a population density of less than 40 persons per square mile and of which at least 1.25% of the total acreage is under Federal jurisdiction; or
- a total population less than 1 million; or
- a median household income of less than $35,000; or
- a 2002 Interstate fatality rate greater than 1 per 100M VMT; or
- a State with an indexed State motor fuel tax rate higher than 150% of the Federal motor fuel excise tax rate as of the date of enactment of SAFETEA-LU

In any given year, no State is to receive less than a specified percentage of its average annual apportionments and High Priority Projects under TEA-21. These percentage floors are 117% for 2005, 118% for 2006, 119% for 2007, 120% for 2008, and 121% for 2009.

All but $2,639,000,000 per year is programmatically distributed to the IM, NHS, Bridge, STP, HSIP, and CMAQ programs. Of the remainder, $639,000,000 is exempt from the obligation limitation and $2 billion receives special no year limitation. [1104, 1102]

Eligible Use of Funds
Amounts programmatically distributed to other programs take on the eligibilities of those programs. The remaining $2,639,000,000 has the same eligibilities as STP funds, but is not subject to the STP safety setaside, the transportation enhancement setaside or the suballocations to sub-State areas.

Federal Share
The Federal share for the funds programmatically distributed to other programs have the same Federal share as those programs. For the remainder of the funds ($2,639 million per year), the Federal share is determined under 23 USC 120, that is, the Federal share is generally 80 percent, subject to the sliding scale adjustment. When the funds are used for Interstate projects to add high occupancy vehicle or auxiliary lanes, but not other lanes, the Federal share may be 90 percent, also subject to the sliding scale adjustment. Certain safety improvements listed in 23 USC 120(c) have a Federal share of 100 percent.

FEDERAL-AID HIGHWAYS OBLIGATION LIMITATION

Year	2005	2006	2007	2008	2009
Limitation	$34,422 M	$36,032 M	$38,244 M	$39,585 M	$41,200 M

Purpose
A limitation is placed on Federal-aid highway and highway safety construction program obligations to act as a ceiling on the obligation of contract authority that can be made within a specified time period, usually a fiscal year, regardless of the year in which the funds are authorized. These limits are imposed in order to control the highway program spending in response to economic and budgetary conditions.

Statutory References
SAFETEA-LU Section(s): 1102, 1105, 8002
Other: 23 USC 110(a)(2), 251b)(1)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Distribution of Limitation
The majority of the limitation available for a single fiscal year and is distributed among the States based on each State's relative share of the total of apportioned funds subject to the limitation to all States for the fiscal year. [1102(c)(6)]

Exempt Programs.—Certain Federal-aid highway programs—Emergency Relief, a portion of the new Equity Bonus ($639 million per year), demonstration projects authorized prior to TEA-21, and balances from a portion of the old Minimum Guarantee ($639 million per year) and the old Minimum Allocation program—are exempt from the obligation limitation. [1102(b)]

100% Programs.—Prior to distribution, limitation is set aside for administrative expenses, the Highway Use Tax Evasion program, and the Bureau of Transportation Statistics at 100 percent of the funding available for these programs. Limitation is also setaside for the funds carried over from the prior year for allocated program [1102(c)(1)-(2)]

Calculation of Ratio.—After making the setasides for the 100% programs described above, the ratio is calculated of the remaining obligation limitation to the remaining contract authority subject to the limitation for which limitation has not yet been set aside.

Special Limitation.—Continues the practice of providing special "no year" limitation that is available until used for certain programs and expands the list of such programs. The Appalachian Development Highway System, the High Priority Projects program, Projects of National and Regional Significance, National Corridor Infrastructure Improvement program, Transportation Projects, and designated Bridge Projects (and in 2005, programs funded by section 117 of division H of the Consolidated Appropriations Act, 2005) receive limitation equal to the amount authorized for the program multiplied by the ratio. A portion of the Equity Bonus ($2 billion per year) also receives special limitation. Special limitation is not subject to the August Redistribution described below. [1102(c)(4) & (g)]

Allocated Programs.—As in TEA-21, allocated programs for which limitation has not been setaside in earlier steps of the distribution each receive limitation equal to the amount authorized for the

program times the ratio. Contract authority in excess of the limitation provided is withdrawn (lopped off) from the program and combined with the amounts withdrawn from other allocated programs to be distributed to States by formula to be used like Surface Transportation Program funds. [1102(c)(5) & (f)]

Formula Limitation.—The remaining obligation limitation is distributed among the States based on each State's relative share of the total of apportioned funds subject to the limitation to all States for the fiscal year. [1102(c)(6)]

August Redistribution.—The law provides for a redistribution in August of each year of the obligation limitation from those States or programs unable to obligate their shares of the limitation to States or programs that are able to obligate more than their initial shares of the limitation.

Special Rules

Research Programs.—Obligation limitation for research programs authorized under section 5101(a) of SAFETEA-LU is available for 3 years.

High Priority Projects.—The treatment of obligation limitation for High Priority Projects is modified with obligation limitation assigned individually to High Priority Projects numbered 1-3676 and in aggregate to each State for projects numbered 3677-5173.

Flexibility for FY 2005.—For fiscal year 2005 only, obligation limitation set aside for the High Priority Projects program, Projects of National and Regional Significance, National Corridor Infrastructure Improvement program, and Transportation Projects may be used as formula limitation. Limitation so used is to be restored to its original purpose when the FY 2006 obligation limitation is distributed.

Adjustment of the Obligation Limitation

The special budgetary treatment accorded the highway program continues with funding levels based on estimated receipts to the Highway Account of the Highway Trust Fund. The levels will be adjusted as new receipt projections and actual receipts become available. Negative adjustments are possible, but will not be made in any year when, on October 1 of that year, the balance in the Highway Account of the Highway Trust Fund exceeds $6 billion. [1102(h), 1105, 8002]

FEDERAL LANDS HIGHWAYS

	2005	2006	2007	2008	2009
Indian Reservation Roads	$300M	$330M	$370M	$410M	$450M
Park Roads & Parkways	$180M	$195M	$210M	$225M	$240M
Refuge Roads	$29M	$29M	$29M	$29M	$29M
Public Lands	$260M	$280M	$280M	$290M	$300M
Total	**$769M**	**$834M**	**$889M**	**$954M**	**$1,019M**

Program Purpose
The Federal Lands Highways program provides for transportation planning, research, engineering, and construction of highways, roads, and parkways and transit facilities that proved access to or within public lands, national parks, and Indian reservations.

Statutory References
SAFETEA-LU Section(s): 1119
Other: 23 USC 202, 203, 204

Funding
Federal Lands Highways (FLH) program authorizations thru 2009 for Indian Reservation Roads (IRR), Park Roads and Parkways, Refuge Roads, and Public Lands Highways total $4.5 billion.

Direct transfer of apportioned funds to a Federal agency upon State request is now allowed. FLHP funds can be used as the State/local match for Federal-aid highway or transit projects that provide access to or within Federal or Indian lands.

Indian Reservation Roads
SAFETEA-LU makes significant changes in the IRR program.

Funding. IRR funds that are transferred to the Secretary of the Interior must be made available to the tribe with 30 days of transfer. In addition, IRR funds shall only be expended on projects identified in a transportation improvement program approved by the Secretary.

BIA Expenses. Funding for the Bureau of Indian Affairs (BIA) program management and oversight expenses is provided, although this amount now includes BIA project-related administrative expenses.

PS&E Approval. Tribal government may approve PS&E and commence construction with TEA-21 and SAFETEA-LU IRR funds if health and safety standards are met and the PS&E are certified by a state-licensed civil engineer.

Contracts and Agreements with Indian Tribes. IRR funding for a highway, road, bridge, parkway, or transit facility program or project that is on or provides access to an Indian reservation may now be provided via a funding agreement, in accordance with the Indian Self-Determination and Education Assistance Act, to a requesting Indian tribal government or consortium (2 or more tribes) that has satisfactorily demonstrated financial stability and financial management to the Secretary. The amount

provided includes such additional amounts as the Secretary determines equal the amounts that would have been withheld for the costs of the BIA for administration of the program or project.

National Tribal Transportation Facility Inventory. In order to identify the tribal transportation system and determine the relative transportation needs among the tribes, the Secretary, in cooperation with the Secretary of the Interior, shall complete a comprehensive national inventory of transportation facilities that are eligible for assistance under the IRR program within 2 years of enactment. Report to Congress due within 90 days after inventory is completed.

IRR Bridges. Separate contract authority (replaces the previous set-aside) of $14 million/year for 2005-2009 is provided to carry out planning, design, engineering, preconstruction, construction, and inspection of projects to replace structurally deficient or functionally obsolete IRR bridges.

Road Maintenance. Up to 25% of a tribe's IRR funds may now be used for the purpose of IRR system maintenance as defined in 25CFR170, although BIA will retain primary responsibility for IRR maintenance programs through DOI appropriations.

Tribal-State Road Maintenance Agreements. An Indian tribe may enter into a road maintenance agreement with a State to assume the responsibilities of the State for IRR roads and roads providing access to Indian reservations. Annual report to Congress required beginning in 2005 (prepared and submitted by the Secretary) identifying tribes and States that have entered into these agreements, miles assumed, and funds transferred.

Deputy Assistant Secretary of Transportation for Tribal Government Affairs. A new position in DOT is established to plan, coordinate, and implement DOT programs serving Indian tribes.

Park Roads and Parkways
No change

Refuge Roads
No change

Public Lands Highways
New eligible uses of Public Lands funds include up to $20 million per year for maintenance of Forest Highways, $1 million per year for signage identifying public hunting and fishing access, and $10 million by the Secretary of Agriculture to facilitate the passage of aquatic species beneath roads in the National Forest System.

FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM (F-SHRP)

Year	2005	2006	2007	2008	2009
Authorization	$0	$51.25M	$51.25M	$51.25M	$51.25M

Program Purpose
The program provides for a time-specific, concentrated, short-term and results-oriented research program focused on solving the top problems of highway safety, reliability, capacity, and renewal.

Statutory References
SAFETEA-LU Section: 5210

Funding
Funded from Surface Transportation Research, authorization in 5101(a)(1). Funds are contract authority, to remain available for 4 years, and may not be transferred. Federal share is 100%.

Program Administration
Projects and researches must, to the maximum extent practicable, be selected on merit basis through open solicitation; State and other stakeholders to be involved in governance of program; Council to acquire a permanent core staff; no duplication of effort with other Departmental research. Provides for limitation of remedies, treatment of individuals associated with F-SHRP activities as Federal employees, and payment of claims. Programmatic evaluation to be conducted by Comptroller General within 3 years.

Program Features
The Secretary, in consultation with AASHTO, will carry out a future strategic highway research program through the National Research Council of the National Academy of Sciences.

F-SHRP will issue requests for proposals, award contracts, conduct research, and disseminate research results as defined in Special Report 260 (*Strategic Highway Research: Saving Lives, Reducing Congestion, Improving Quality of Life)* and NCHRP Report 510 (*Interim Planning for a Future Strategic Highway Research Program)* to support the priority areas of:

- *renewal* – accelerate renewal of aging infrastructure through a consistent, systematic approach that is rapid, causes minimum disruption, and produces long-lived facilities.
- *safety* –prevent or reduce the severity of highway crashes through more accurate knowledge of crash factors and of the cost-effectiveness of countermeasures in addressing these factors.
- *reliability* – provide a highway system with reliable travel times by preventing and reducing the impact of nonrecurring congestion.
- *capacity* –develop approaches and tools for systematically integrating environmental, economic, and community requirements into the analysis, planning, and design of new highway capacity.

Report to Congress on strategies and administrative structure for implementation of results must be prepared by TRB, in consultation with stakeholders, and submitted to Congress by February 1, 2009. Must include identification of most promising results, potential incentives/impediments to implementation, estimate of costs, recommendations for future implementation.

GUARANTEED FUNDING

Year	2005	2006	2007	2008	2009	Total
Guaranteed Available for Obligation						
Highway Category:						
Firewall	$35,164M	$37,221M	$39,461M	$40,824M	$42,470M	$195,892M
Exempt	$739M	$739M	$739M	$739M	$739M	$3,6954M
Total	$35,903M	$37,960M	$40,199M	$41,563M	$43,209M	$198,834M
Mass Transit Category:						
Firewall	$7,646M	$8,623M	$8,975M	$9,731M	$10,338M	$45,313M
Total	$43,550M	$46,583M	$49,174M	$51,294M	$53,547M	$244,148M

Purpose
SAFETEA-LU extends the practice of establishing separate budget categories for highway and mass transit discretionary spending, establishing a budgetary "firewall" between each of those programs and all other discretionary programs.

Statutory References
SAFETEA-LU Section(s): 8001-8005, 1102, 1105
Other: Sections 250-251 of the Balanced Budget and Emergency Deficit Control Act of 1985 (BBEDCA), as amended; 23 USC 110

Features
The highway category firewall includes the Federal-aid highway program obligation limitation and the contract authority for Highway Safety and Motor Carrier Safety in Titles II and IV of SAFETEA-LU. [8001, 250(c)(4)(B) of BBEDCA]

The mass transit category firewall includes both the programs funded from the Mass Transit Account of the Highway Trust Fund and those funded from the General Fund. [8001, 250(c)(4)(C) of BBEDCA)

If overall discretionary budget caps were in place (not so at the time of enactment of SAFETEA-LU), the highway and mass transit firewalls would protect the highway, highway safety, and transit programs that were within the firewalls from having to compete with other discretionary programs for room within those caps. Highway or transit program funding could still be reduced, but the reductions would not allow increases in other discretionary programs. This removes one of the principal motivations to restrict highway and transit spending in the budget /appropriations process.

Funding for the programs is also protected by the Rules of the House of Representatives which specify that, "It shall not be in order to consider a bill, joint resolution, amendment, or conference report that would cause obligation limitations to be below the level for any fiscal year set forth in section 8003 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for

Users, as adjusted, for the highway category or the mass transit category, as applicable." [8004, House Rule XXI, clause 3].

The highway category firewall is established based on assumptions about future receipts to the Highway Account of the Highway Trust Fund. Beginning with FY 2007, when newer projections of receipts and actual receipts become available, the highway category firewall is adjusted accordingly. To smooth out the effects of any adjustments, the calculated adjustment will be split over two years. When the firewall is adjusted, equal adjustments are made to highway contract authority (called Revenue Aligned Budget Authority) and the Federal-aid highway obligation limitation. While the adjustment can be either positive or negative, no negative adjustment will be made in fiscal year if, as of October 1 of that year, the balance in the Highway Account is more than $6 billion. [8002, 251(b)(1) of BBEDCA 1105(b), 1102(h)]

The guaranteed amount for highways has two components: the amount within the highway category budgetary firewall, adjusted as described above, and the authorizations for programs exempt from the obligation limitation—Emergency Relief and a portion ($639 million per year) of the Equity Bonus. [8003(a) and 1102(b)]

The guaranteed amount for mass transit has a single component—the firewall amount. There is no provision for adjusting the mass transit category firewall. [8003(b)]

Revenue Aligned Budget Authority (RABA)

Beginning in FY 2007, authorizations for Federal-aid highway and highway safety construction programs funded from the Highway Account of the Highway Trust Fund and the Motor Carrier Safety Assistance Program (MCSAP) will be adjusted whenever the highway firewall amount is adjusted to reflect changed estimates of Highway Account receipts. The additional authorizations are called RABA because they serve to align budget authority with the revised revenue. The adjustments to authorizations will be made in the same amounts and in the same years as the adjustments to the firewalls (see the Guaranteed Funding fact sheet). [1105, 23 USC 110]

If the adjustment is an increase, a portion of the increase in authorizations is reserved for the Federal-aid highway and highway safety construction programs allocated by the Secretary of Transportation—programs that are not apportioned by statutory formula—and to the Motor Carrier Safety Assistance Program. The amount reserved is determined by calculating the ratio of the authorizations for these programs to total authorizations from the Highway Account for Federal-aid highway and highway safety construction programs and MCSAP and applying this ratio to the additional authorizations. The resulting amount is divided among the various allocated programs in the same proportion that those programs receive authorizations exclusive of RABA. [1105, 23 USC 110(a)]

The remainder of the increased funding is distributed to the States proportional to their shares of Federal-aid highway and highway safety construction apportionments from the Highway Account. Each State's share is then divided proportionally among the following programs: Interstate Maintenance, National Highway System, Bridge Replacement and Rehabilitation, Surface Transportation Program, Highway Safety Improvement Program, and Congestion Mitigation and Air Quality Improvement. [1105, 23 USC 110(a)(2)]

A negative adjustment (reduction) is possible, but no reduction will be made in fiscal year if, as of October 1 of that year, the balance in the Highway Account is more than $6 billion. When a reduction is made, it is applied proportionally to all Highway Account authorizations for Federal-aid

highway and highway safety construction programs (except Emergency Relief) and to the MCSAP. [1105(b)]

Special rule for RABA in 2007.—If the RABA is positive for 2007, the first call on the additional funds will be to increase States' return on contributions to the Highway Account of the Highway Trust Fund to 92%. If any RABA remains after bringing the minimum rate of return up to 92% for all States, such funds would be distributed under the usual RABA procedures described above. If the amount of RABA is not sufficient to bring States up to a 92% return, all States with a return less than 92% (excluding RABA) are to receive a proportional share of the RABA. [1105(f)]

HIGH OCCUPANCY VEHICLE (HOV) LANES

Program Purpose
SAFETEA-LU enhances and clarifies provisions governing the use and operation of HOV lanes.

Statutory References
SAFETEA-LU Section(s): 1121
Other: 23 USC 102

Program Features
Replaces 23 USC 102(a) relating to HOV passenger requirements. A State agency with jurisdiction over the operation of a HOV facility shall establish occupancy requirements for HOV lanes, allowing no fewer than two vehicles with the following **exceptions**:

- *motorcycles and bicycles* -- **must** allow motorcycles and bicycles to use the HOV facility, unless either or both create a safety hazard. If so, State must certify, Secretary must accept certification, and it must be published in the Federal Register with opportunity for public comment;
- *public transportation vehicles* –**may** allow public transportation vehicles, if vehicle identification requirements are established and enforced;
- *high occupancy toll (HOT) vehicles* –**may** allow vehicles that are not otherwise exempt to use the facility if the vehicles pay a toll; program must be established to address enrollment and participation; automatic toll collection required; procedures must be established for variable pricing and enforcement;
- *inherently low-emission and energy-efficient vehicles* – before 9/30/2009, **may** allow inherently low-emission vehicles to use HOV facility if procedures for enforcing restrictions on use are established; vehicles must be certified and labeled under title 40,CFR;
- *other low emission and energy-efficient vehicles* -- before 9/30/2009, may allow low-emission and energy-efficient vehicles to use the facility if they pay a toll; vehicles must be certified and labeled by EPA; program must be established for vehicle selection and enforcement of restrictions on use of facility. State agency may charge "no toll," or toll that is less than tolls charged for public transportation vehicles.

Excess toll revenues. Priority consideration for use of toll revenues shall be given to projects for developing alternatives to single occupancy vehicle travel and for improving highway safety.

HOV facility management, operation, monitoring, and enforcement. State agency that chooses to allow the exceptions to HOV requirements must certify to the Secretary that they have established a program to monitor, assess, and report on the operation of the facility and the impact of high occupancy toll vehicles and other low emission and energy efficient vehicles. An adequate enforcement program is also required, and provision made for limiting or discontinuing the exemption(s) if the facility becomes seriously **degraded.** *

> ***degraded facility** – an HOV facility is considered degraded if vehicles operating on it are failing to maintain a minimum average operating speed 90% of the time over a consecutive 180-day period during morning and/or evening weekday peak hours. (minimum average operating speed is defined as 45mph in a 50-mph zone, or 10mph below limit when limit is

less than 50mph) State may make mileage requirements more restrictive than specified in SAFETEA-LU when managing use by low emission and energy-efficient vehicles.

EPA final rule. Within 180 days of enactment, EPA must issue a final rule establishing requirements for certification of vehicles as low emission and energy-efficient, and requirements for labeling vehicles. EPA must also establish guidelines and procedures for making vehicle comparisons and performance calculations.

Definitions. Provides definitions for alternative fuel vehicle, HOV facility, low emission and energy-efficient vehicle, public transportation vehicle, State agency.

Sense of Congress. States should provide incentives for purchase and use of hybrid and other fuel efficient vehicles.

HIGH PRIORITY PROJECTS PROGRAM

Year	2005	2006	2007	2008	2009
Authorization	$2,966 M	$2,966 M	$2,966 M	$2,966 M	$2,966 M

Program Purpose
The High Priority Projects Program provides designated funding for specific projects identified in SAFETEA-LU. A total of 5,091 projects are identified, each with a specified amount of funding over the 5 years of SAFETEA-LU. [1701]

Statutory References
SAFETEA-LU Section(s): 1101(a)(16), 1701, 1702, 1913, 1935, 1936,1102,
Other: 23 USC 117

Funding
Funded by contract authority, available until expended. The funds designated for a project in section 1702 are available only for that project with the following exception: Funds allocated for a project specified below may be obligated for any other of these projects in the same State:

- High Priority Projects listed in section 1702 and numbered 3677 or higher;
- Projects of National and Regional Significance listed in section 1301 and numbered 19 or higher;
- National Corridor Infrastructure Improvement Program projects listed in section 1302 and numbered 28 or higher; or
- Any Transportation Improvements project listed in section 1934;

except that the authorization for a project from the category list may not be reduced. [1935]

Advance construction, using State funds until Federal funds are available, remains as an allowable method for States to construct high priority projects. High priority projects may also be advanced with funds apportioned under 23 U.S.C. 104(b) from a program under which the project would be eligible, and the funds are to be restored from future allocations of the high priority project funds for the project. [1936, 1701(c) and 23 USC 117(e)]]

The High Priority Projects program is subject to obligation limitation that is set aside specifically for this program. The limitation is special no year limitation that remains available until used. The obligation limit is assigned individually to high priority projects numbered 1 – 3676 and in aggregate to each State for projects numbered 3677 or higher. The limitation provided to individual projects numbered 1 – 3676 may be obligated for any other project in section 1702 as long as it is restored to the individual project when limitation is distributed in the subsequent fiscal year. [1102(c)(4) & (g), 1102(j)]

For FY 2005 only, the obligation limitation set aside for the High Priority Projects program may be used as formula limitation. Any limitation used in this manner must be restored when the FY 2006 obligation limit is distributed. [1102(i)]

Eligible Use of Funds
The funds are available only for the activities described for each project in Section 1702 of SAFETEA-LU, subject to the flexibility described above.

Federal Share

The Federal share remains at 80%, except in the States of Alaska, Montana, Nevada, North Dakota, Oregon, and South Dakota where the sliding scale provision of 23 USC 120(b) applies, and project number 200 for which the Federal share is 90%. [1913, 1964, & 23 USC 117(c)]

HIGHWAYS FOR LIFE PILOT PROGRAM

Year	2005	2006	2007	2008	2009
Authorization	$0	$15 M	$20 M	$20 M	$20 M

Program Purpose
A new discretionary program that provides funding to demonstrate and promote state-of-the-art technologies, elevated performance standards, and new business practices in the highway construction process that result in improved safety, faster construction, reduced congestion from construction, and improved quality and user satisfaction.

Statutory References
SAFETEA-LU Section(s): 1101(a)(20), 1502

Funding
Funded by contract authority, to remain available for 4 years. Funds are subject to the overall Federal-aid obligation limitation.

To participate in the program, States are required to submit an application that includes a description of the proposed project(s). Priority will be given to projects that:

- address Highways for LIFE performance standards for quality, safety and speed of construction
- deliver and deploy innovative technologies, manufacturing processes, financing, contracting, and performance measures
- include innovation that will lead to change in the administration of the State's transportation program
- are or will be ready for construction within 1 year of approval of the project proposal

Eligible Use of Funds
A project is eligible if it:

- constructs, reconstructs or rehabilitates a route or connection on an eligible Federal-aid highway
- uses innovative technologies, manufacturing processes, financing or contracting methods that improve safety, reduce congestion due to construction, and improve quality
- meets additional criteria as determined by the Secretary

Program Features
For the period 2005 – 2009 at least 1 project in each State shall be approved for program participation, if possible. The maximum number of projects that may be approved in any 1 fiscal year is 15.

The amount allocated for a Highways for LIFE project may be up to 20% but not more than $5 million, of the total project cost. Such funds may be used as the non-Federal share of a project constructed under 23 USC.

A State may obligate up to 10 percent its apportionments for one or more of the Interstate Maintenance, National Highway System, Congestion Mitigation and Air Quality Improvement or Surface Transportation programs for projects approved under the Highways for LIFE program.

The Secretary may make grants and enter into cooperative agreements to foster the development, improvement and creation of innovative technologies and facilities to improve safety, enhance the speed of construction, and improve highway quality and durability.

A Highways for LIFE technology transfer program will be conducted. The information and technology used, developed, or deployed through Highways for LIFE will be made available to the transportation community and the public.

A process will be established for stakeholder input and involvement in the development, implementation, and evaluation of the Highways for LIFE Pilot Program.

The Secretary will monitor and evaluate the effectiveness of any activity carried out by the program.

Federal Share

The Federal share for projects approved under this program may be up to 100 percent. Program funds may be applied to the non-Federal share of the cost of construction of a project under 23 USC.

The Federal share for Technology Partnerships may be up to 80 percent.

HIGHWAY BRIDGE PROGRAM

Year	2005	2006	2007	2008	2009
Authorization*	$4,188 M	$4,254 M	$4,320 M	$4,388 M	$4,457 M

*Authorizations shown here will be augmented by a portion of the Equity Bonus Program funds

Program Purpose
The Highway Bridge Program provides funding to enable States to improve the condition of their highway bridges through replacement, rehabilitation, and systematic preventive maintenance.

Statutory References
SAFETEA-LU Section(s): 1101(a)(3), 1114
Other: 23 USC 144

Funding/Formula
Funded by contract authority, to remain available for 4 years. Funds are subject to the overall Federal-aid obligation limitation.

The following funds are to be set aside from the authorized amounts prior to apportionment:

Bridge Discretionary – For fiscal year 2005, $100 million for bridge projects at the discretion of the Secretary. [1114(e)]

Bridge Set-Aside – For each of fiscal years 2006-2009, $100 million for bridge projects and dollar amounts designated in Section 1114(e)(2). Funds provided remain available until expended.

Off-System Bridges – A set aside of not less than 15% of the amount apportioned to each State in each fiscal year 2005 – 2009 will be used for bridge projects that are not on a Federal-aid highway or to complete the Warwick Intermodal Station (includes construction of a people mover between the Station and T.F. Green Airport). [1114(d)]

Apportioned funds are to be distributed according to the existing formula that is based on each State's relative share of the total cost to repair or replace deficient highway bridges. The following factors in the cost calculation for deficient bridges have been modified. The reference to "square footage" in the formula calculation has been replaced with the more generic term "deck area". The total cost of deficient bridges is no longer reduced by the total cost of bridges built to replace destroyed bridges and ferryboat services [1114(c)]

Eligible Use of Funds
Eligible activities are expanded to include systematic preventative maintenance on Federal-aid and non-Federal-aid highway systems. States may carry out projects for the installation of scour countermeasures or systematic preventative maintenance without regard to whether the bridge is eligible for rehabilitation or replacement. [1114(b)]

Annual Report
Not later than 1 year after enactment and annually thereafter, the Secretary will publish a report in the Federal Register describing construction materials used in new bridge construction and rehabilitation projects.

Federal Share

The Federal share for all projects, except those on the Interstate System, will be 80 percent, subject to the sliding scale adjustment. For those on the Interstate System, the Federal share will be 90 percent, subject to the sliding scale adjustment.

HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP)

Year	2005	2006	2007	2008	2009
Authorization*	$0	$1,236 M	$1,256 M	$1,276 M	$1,296 M

*Authorizations shown here will be augmented by a portion of the Equity Bonus Program funds.
In 2005, safety programs are funded from a setaside from the Surface Transportation Program (see separate fact sheet)

Program Purpose
The program authorizes a new core Federal-aid funding program beginning in FY 2006 to achieve a significant reduction in traffic fatalities and serious injuries on all public roads.

Statutory References
SAFETEA-LU Section(s): 1101(a)(6), 1401

Funding/Formula
Before apportioning HSIP funds, $220M is setaside for the Railway-Highway Crossing program under 23 USC 130 (see separate fact sheet on this program). The remainder is apportioned to States based on the following factors:

- 33-1/3% based on lane miles of Federal-aid highways
- 33-1/3% based on vehicle miles traveled on lanes on Federal-aid highways
- 33-1/3% based number of fatalities on the Federal-aid system

Each State will receive at least ½ of 1 percent of the funds apportioned for the HSIP.

High risk rural roads.—Each State's apportionment of HSIP funds is subject to a setaside for construction and operational improvements on high-risk rural roads. High-risk rural roads are roadways functionally classified as rural major or minor collectors or rural local roads with a fatal and incapacitating injury crash rate above the statewide average for those functional classes of roadways; or likely to experience an increase in traffic volume that leads to a crash rate in excess of the average Statewide rate. The setaside will total $90M nationally and be applied proportionally to the States' HSIP apportionments. If a State certifies that it has met all its needs relating to construction and operational improvements on high-risk rural roads, it may use those funds for any safety improvement project eligible under the HSIP

Eligible Use of Funds
Starting in FY 2006, States with Strategic Highway Safety Plans (SHSP) that meet the requirements of 23 USC 148 may obligate HSIP funds for all the purposes listed in section 148. Funds may be used for projects on any public road or publicly owned bicycle and pedestrian pathway or trail. Each State must have an SHSP to be eligible to use up to 10 percent of its HSIP funds for other safety projects under 23 USC (including education, enforcement and emergency medical services). It must also certify that it has met its railway-highway crossing and infrastructure safety needs.

States without an SHSP in FY 2006 or any year thereafter will receive safety apportionments that may be used only for projects eligible under 23 USC 130 and 152 (railway-highway crossings, and hazard elimination) as in effect prior to enactment of SAFETEA-LU.

Program Features
Strategic highway safety plan.—By October 1, 2007, each State must have a strategic highway safety plan that identifies and analyzes safety problems and opportunities in order to use HSIP funds for

new eligible activities under 23 USC 148. The plan is required to include a crash data system that can perform problem identification and countermeasure analysis

No strategic highway safety plan.—If a State does not have a plan in place by October 1, 2007, subsequent HSIP apportionments are frozen at the 2007 level and may only be used to fund projects eligible under sections 130 and 152 (railway-highway crossings, and hazard elimination.) as in effect prior to enactment of SAFETEA-LU. States without SHSPs will be ineligible to use up to 10 percent of their HSIP funds for other safety projects under 23 USC.

Reporting requirements.—As a condition of obligating HSIP funds, a State is required to submit an annual report to the Secretary describing at least 5 percent of locations with the most severe safety needs, and an assessment of remedies, costs, and other impediments to solving the problems at each location. The Secretary is required to make these reports available on the Department's website and through other means. In addition to this report, a State is also required to submit a report, according to the schedule and content established by the Secretary, describing progress on safety improvement projects, their effectiveness, and their contribution to reducing roadway related fatalities, injuries, and crashes as well as railway-highway crossing crashes.

Federal Share

The Federal share is 90 percent, subject to the sliding scale adjustment, except that the Federal share is 100% for certain safety improvements listed in 23 USC 120(c).

HIGHWAY TRUST FUND AND TAXES

Statutory References
SAFETEA-LU Section(s): Title XI; 4121
Other: 26 USC; 1362 of Energy Policy Act of 2005

Extension of Highway-User Taxes
Extends the imposition of highway-user taxes through September 30, 2011. These taxes consist of gallonage taxes on highway motor fuel and truck related taxes, including an annual tax on heavy vehicle use, a load rating-based tax on heavy truck tires and a retail sales tax on truck and trailer sales. The fuel taxes, with the exception of the 4.3 cents per gallon, the tire tax and the truck and trailer retail tax would have expired September 30, 2005. The heavy vehicle use tax would have expired September 30, 2006 having been extended in the Surface Transportation Extension Act of 2005. With the exception of certain alternative fuels (see below), the taxes are extended at the rates in effect prior to SAFETEA-LU enactment.
[11101(a)]

Extends provisions providing refunds and credits of fuel tax from the Highway Trust Fund.
[11101(b)]

The imposition of the Leaking Underground Storage Tank Trust Fund tax is extended without rate change. [1362 of the Energy Policy Act of 2005].

Alternative Fuels [11113]
Effective October 1, 2006, excise tax rates for certain "alternative fuels" (previously referred to as special fuels in the Internal Revenue Code) are increased. Each of these fuels would be eligible for a credit per gallon for the alternative fuel, with the credit being paid from the General Fund. Excise tax rates would change as follows:

- Liquefied petroleum gas – increases from 13.6 cents per gallon to 18.3 cents per gallon
- Liquefied natural gas – increases from 11.9 cents per gallon to 24.3 cents per gallon
- Compressed natural gas – increases from 48.54 cents per thousand cubic feet to a rate that is energy equivalent to gasoline

Transfer of Taxes to the Highway Trust Fund
The deposit to the Highway Trust Fund of amounts equivalent to the proceeds of the highway-user taxes is extended through September 30, 2005. [11101(c)]

Generally, the Leaking Underground Storage Tank Trust Fund receives 0.1 cent per gallon of the fuel tax, the Mass Transit Account of the Highway Trust Fund receives 2.86 cents per gallon and the Highway Account of the Highway Trust Fund receives the remainder. All proceeds of the non-fuel taxes are deposited in the Highway Account. (See table below for details.)

The transfer of estimated motorboat gasoline taxes and taxes on small-engine fuel to the Sport Fish Restoration and Boating Trust Fund (SFRBT, formerly the Aquatic Resources Trust Fund) is extended. The Land and Water Conservation will continue to receive $1 million per year of motorboat gasoline receipts. Beginning October 1, 2005, no portion of the tax on motorboat gasoline will be retained by the General Fund. [11101(c)]

Civil penalties pursuant to 49 USC 31138(d)(5) and 31139(f)(5) related to minimum financial responsibility for transporting passengers and property, respectively, will be deposited in the Highway Account of the Highway Trust Fund instead of in the General Fund. [4121]

Expenditures from the Highway Trust Fund

Authority to make expenditures from the Highway Account of the Highway Trust Fund for authorized purposes is extended through September 29, 2009, except for expenditures for administrative expenses, which may take place through September 30, 2009. For the Mass Transit Account, expenditure authority is extended through September 30, 2009. After the specified dates, expenditures from the Trust Fund are authorized only to liquidate obligations made before that date. Any other expenditure will cause the cessation of deposits of highway-user taxes to the Trust Fund. [11101(d)]

Byrd Test

The Byrd Test is intended to ensure that the Highway Account and the Mass Transit Account of the Highway Trust Fund are each maintained as a self-financing entity. It provides fiscal discipline while still allowing recognition of the slow spending nature of these predominantly capital programs, but limits the number of years of estimated future receipts that can be counted on. SAFETEA-LU modifies the provision to count receipts for 4 years into the future, instead of the current 2 years. [11102]

Federal Highway User Taxes

Fuel Type	Effective Date	Tax Rate (cents per gallon)	Distribution of Tax		
			Highway Trust Fund		Leaking Underground Storage Tank Trust Fund
			Highway Account	Mass Transit Account	
Gasoline	10/01/1997	18.4	15.44	2.86	0.1
Diesel	10/01/1997	24.4	21.44	2.86	0.1
Gasohol	01/01/2005	18.4	15.44	2.86	0.1
Special Fuels:					
General rate	10/01/1997	18.4	15.44	2.86	0.1
Liquefied petroleum gas	10/01/1997	13.6	11.47	2.13	-
	10/01/2006	*18.3*	*16.17*	*2.13*	-
Liquefied natural gas	10/01/1997	11.9	10.04	1.86	-
	10/01/2006	*24.3*	*22.44*	*1.86*	-
M85 (from natural gas)	10/01/1997	9.25	7.72	1.43	0.1
Compressed natural gas (cents per thousand cu. ft.)	10/01/1997	48.54	38.83	9.71	-
	10/01/2006	TBD	TBD	9.71	-
Truck Related Taxes – All Proceeds to Highway Account					
Tire Tax	9.45 cents for each 10 pounds so much of the maximum rated load capacity thereof as exceeds 3,500 pounds				
Truck and Trailer Sales Tax	12 percent of retailer's sales price for tractors and truck over 33,000 pounds GVW and trailers over 26,000 pounds GVW				
Heavy Vehicle Use Tax	Annual tax: Trucks 55,000 pounds and over GVW, $100 plus $22 for each 1,000 pounds (or fraction thereof, in excess of 55,000 pounds. Maximum tax: $550				

HIGHWAY USE TAX EVASION PROJECTS

Year	2005	2006	2007	2008	2009
Authorization	$5M	$44.8M	$53.3M	$12M	$12M

Program Purpose
The program funds projects to reduce motor fuel tax evasion.

Statutory References
SAFETEA-LU Section(s): 1101(a)(21), 1115, and 11141, 11145
Other: 23 USC 143

Funding
Of the amount authorized $2M annually is for intergovernmental activities relating to preventing tax evasion. Funds are also provided to the Internal Revenue Service (IRS). No funding is specifically provided for the States, although States are permitted to use up to ¼ of 1 percent of their Surface Transportation Program funding for fuel tax evasion activities. [1115]

Eligible Use of Funds
Funds under this section may be used to:

- expand efforts to enhance motor fuel tax enforcement
- fund IRS staff activities related to motor fuel tax enforcement
- supplement motor fuel tax examinations and criminal investigations
- develop fuel tax data processing tools
- evaluate and implement registration and reporting requirements for motor fuel taxpayers
- reimburse States for supplementing existing fuel tax enforcement activities
- analyze and implement programs to reduce other highway use tax evasion
- support efforts between States and Indian tribes to address State motor fuel tax issues
- analyze and implement programs to reduce tax evasion associated with foreign imported fuel [1115]

Program Features
The use of funds to support efforts to address State/Indian tribe motor fuel tax issues, and to implement programs to reduce evasion associated with foreign imported fuel are new eligibilities under this program. In addition, the Secretary and the Commissioner of the IRS are required, within 90 days, to enter into a new memorandum of understanding (MOU) supporting the joint efforts related to motor fuel tax compliance. This MOU is required to address:

- development of new reporting and data base requirements under SAFETEA-LU and the American Jobs Creation Act of 2004 relating to motor fuel enforcement, including recommendations of the Motor Fuel Tax Enforcement Advisory Commission created under section 11141
- completion of the data system relating to electronic reporting of transactions from carriers and terminal operators (ExSTARS)
- operation and maintenance of a terminal reporting system to analyze and track domestic and foreign fuel distribution trends and patterns
- sharing of analyses and information collected relating to fuel tax compliance/noncompliance within the disclosure limitations of section 6103 of the Internal Revenue Code

- development, operation, and maintenance of an electronic claims filing system and database, and an electronic database of heavy vehicle use tax payments.

The IRS is required to develop and maintain these systems under contract. The systems are to be available to State and federal revenue, tax, and law enforcement authorities subject to 26 USC 6103, confidentiality and disclosure of returns and return information. The IRS Commissioner is to provide an annual report to the Secretary on the status of these projects. In addition, the Commissioner and the States are to submit an annual report to the Secretary describing the projects, examinations, and criminal investigations funded under this program, as well as the yield from them.

Federal Share
The Federal share is 100 percent.

IDLING REDUCTION FACILITIES IN INTERSTATE RIGHTS-OF-WAY

Program Purpose
This provision allows States to provide facilities in Interstate System rights-of-way that allow operators of commercial vehicle to reduce truck idling or provide alternative power to support driver comfort while parked in a rest or recreation area.

Statutory References
SAFETEA-LU Section: 1412
OTHER: 23 USC 111

Program Features
States may allow idling reduction facilities for commercial vehicles to be placed in rest or recreation areas, and in safety rest areas constructed or located on rights-of-way of the Interstate System. The idling reduction facilities may not reduce the existing number of truck parking spaces at a given rest or recreation area. States may charge a fee, or permit charging of a fee, for parking spaces actively providing idling reduction measures.

INTERSTATE MAINTENANCE (IM) PROGRAM

Year	2005	2006	2007	2008	2009
Authorization*	$4,884M	$4,961M	$5,039M	$5,119M	$5,199M

*Authorizations shown here will be augmented by a portion of the Equity Bonus Program funds

Program Purpose
The Interstate Maintenance (IM) program provides funding for resurfacing, restoring, rehabilitating and reconstructing (4R) most routes on the Interstate System.

Statutory References
SAFETEA-LU Section(s): 1101(a)(1), 1111
Other: 23 USC 119, 104(b)(4), 118(c)

Funding/Formula
Funded by contract authority, to remain available for 4 years. Funds are subject to the overall Federal-aid obligation limitation. A State may transfer up to 50% of its IM apportionment to its National Highway System, Surface Transportation, Congestion Mitigation and Air Quality Improvement, Highway Bridge Replacement and Rehabilitation, or Recreational Trails apportionment.

The following funds are to be set aside from the authorized amounts:

Interstate Maintenance Discretionary - $100 million for each fiscal year 2005 through 2009 to be distributed at the discretion of the Secretary of Transportation for projects for 4R work (including added lanes) on any route or portion thereof on the Interstate System. Excluded are projects on any highway designated as a part of the Interstate System under 23 USC 139 as in effect before the date of enactment of TEA-21 and any toll road on the Interstate System not subject to an agreement under 23 USC 119(c) as in effect on December 17, 1991. Funds are available until expended. [1111(a), 23 USC 118(c)]

Funds are apportioned to States based on the following factors:

- 33-1/3% based on lane miles on Interstate System routes open to traffic
- 33-1/3% based on total vehicle miles traveled on Interstate System routes open to traffic
- 33-1/3% based on State's annual contributions to the Highway Account of the Highway Trust Fund attributable to commercial vehicles.

Each State shall receive a minimum of ½ percent of combined IM and National Highway System apportionments.

Eligible Use of Funds
Projects on routes on the Interstate System, except those added under 23 USC 103(c)(4)(A) that were not previously designated future Interstate under former 23 USC 139(b), as well as any segments that become part of the Interstate System under Section 1105(e)(5) of ISTEA are eligible for funding. Construction of additional Single Occupancy Vehicle (SOV) lanes continues to be ineligible for IM program funds.

IM program funds may not be used on a facility where tolls are being collected under the Interstate System Reconstruction and Rehabilitation Pilot Program [TEA-21 1216(b)] or the Interstate System Construction Toll Pilot Program. [1604(c)(7)]

Federal Share

The Federal share is generally 80 percent, subject to the sliding scale adjustment. When the funds are used for Interstate projects to add high occupancy vehicle or auxiliary lanes, but not other lanes, the Federal share may be 90 percent, also subject to the sliding scale adjustment. Certain safety improvements listed in 23 USC 120(c) have a Federal share of 100 percent.

INTERSTATE OASIS PROGRAM

Program Purpose
In order to This program requires the Secretary to establish standards for designating certain facilities near the Interstate System offering services to travelers as "Interstate Oases."

Statutory References
SAFETEA-LU Section: 1310

Program Features
This provision requires the Secretary, within 180 days of enactment of SAFETEA-LU, and after consultation, to establish standards for designating a facility as an "Interstate Oasis". In order to be eligible for designation the facility must, at a minimum:

- offer products and services to the public
- provide 24-hour access to restroom
- have parking for heavy trucks and automobiles.

In establishing the standards, facility appearance and proximity to the Interstate System are to be considered.

The Secretary is also required to design a logo for these facilities.

If a State decides to participate in the Interstate Oasis Program program, facilities meeting the standards established by the Secretary are eligible for designation.

METROPOLITAN PLANNING

Program Purpose
The metropolitan planning process establishes a cooperative, continuous, and comprehensive framework for making transportation investment decision in metropolitan areas. Program oversight is a joint Federal Highway Administration/Federal Transit Administration responsibility.

Statutory References
SAFETEA-LU Section(s): 1107, 6001
Other: 23 USC 104, 134

Funding/Formula
The Metropolitan Planning Program is funded by a takedown of 1.25 percent from the Surface Transportation, Interstate Maintenance, Congestion Mitigation and Air Quality Improvement, Highway Bridge Replacement and Rehabilitation, and National Highway System programs, and by authorizations in the transit title of SAFETEA-LU. [1107, 3007]

Funds set aside from the highway programs are distributed to the States based on the population in urbanized areas or portion of urbanized areas in the State compared to all States. [104(f)(2)]

Continuing Provisions
Significant continuing provisions include:

- Local officials, in cooperation with the State and transit operators, remain responsible for determining the best transportation investments to meet metropolitan transportation needs.
- MPOs are responsible for adopting the long range transportation plan (Plan); Governor and MPO approve the transportation improvement program (TIP).
- The Plan and TIP remain separate documents.
- A 20-year planning perspective, air quality conformity, fiscal constraint, and public involvement established under ISTEA.
- Plan must contain: operational and management strategies to improve the performance of existing transportation facilities; investment and other strategies that provide for multimodal capacity increases based on regional priorities and needs; and proposed transportation and transit enhancement activities. [6001(i)]
- A Congestion Management System is still required in Transportation Management Areas (TMAs) (urbanized areas larger than 200,000 population).
- The planning process in TMAs requires DOT certification.

Key Modifications
Modifications to the metropolitan planning process include the following:

Metropolitan Planning in General

- MPOs will be encouraged to consult or coordinate with planning officials responsible for other types of planning activities affected by transportation, including planned growth, economic development, environmental protection, airport operations, and freight movement. [6001(g)]
- The metropolitan planning process is to promote consistency between transportation improvements and State and local planned growth and economic development patterns. [6001(h)]

- Safety and security of the transportation system are separate planning factors that are to be considered during the metropolitan planning process. [6001(h)]
- A State will have 30 days to reimburse an MPO for planning expenses after request from the MPO for reimbursement

Long Range Transportation Plan (Plan)

- Will be updated every 4 years (unless the MPO chooses to do so more frequently) in non-attainment and maintenance areas. Attainment areas remain on a 5-year update cycle. [6001(i)]
- Intermodal connectors are added as a transportation facility. [6001(i)]
- Include a discussion of potential environmental mitigation activities along with potential sites to carry out the activities to be included. The discussion is to be developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies. [6001(i)]
- Transit operators are to be included in the cooperative development of funding estimates for the financial plan section. [6001(i)]
- MPOs are required to consult with State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation concerning development of the Plan. [6001(i)]
- Representatives of users of pedestrian walkways, bicycle transportation facilities, the disabled are specifically added as parties to be provided with the opportunity to participate in the planning process. [6001(i)]
- The MPO is to develop a participation plan in consultation with interested parties that provides reasonable opportunities for all parties to comment. [6001(i)]
- To carry out the participation plan, public meetings are to be: conducted at convenient and accessible locations at convenient times; employ visualization techniques to describe plans; and make public information available in an electronically accessible format, such as on the Web. [6001(i)]
- The Plan is to be published and made available electronically, such as on the Web. [6001(i)]

Transportation Improvement Program (TIP)

- Will be updated every 4 years. [6001(j)]
- Will contain: priority list of projects and strategies for 4 years; financial plan; and descriptions (type of work, termini, length, etc.) of each project in the TIP. [6001(j)]
- Investments in pedestrian walkways and bicycle transportation facilities are to be included in the published annual listing of projects. [6001(j)]

Transportation Management Areas (TMAs)

- Must be certified not less than once every 4 years. [6001(k)]
- The phase-in schedule for compliance with the congestion management system may not be sooner than 1 year after identification of a TMA. [6001(k)]

Implementation

Implementation of the modifications to statewide and metropolitan planning processes will be in accordance with the following:

- The Secretary will issue guidance on a schedule for implementation of the changes made to the transportation planning process.
- State and MPOs will not be required to deviate from their established plan and program update cycles to implement these changes.

- State or MPO plan or program updates shall reflect the changes beginning July 1, 2007.

Federal Share
The Federal share is 80 percent, subject to the sliding scale adjustment in 23 USC 120(b).

NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROGRAM

Year	2005	2006	2007	2008	2009
Authorization	$195 M	$390 M	$487M	$487M	$390 M

Program Purpose
A discretionary program that provides funding for construction of highway projects in corridors of national significance to promote economic growth and international or interregional trade. This program replaces TEA-21 section 1118, National Corridor Planning and Development program.

Statutory References
SAFETEA-LU Section(s): 1101(a)(10), 1302, 1935, 1936, 1953; 1102

Funding
Funded by contract authority, to remain available until expended. Funds are subject to the overall Federal-aid obligation limitation. Projects will receive special no year obligation limitation that is available until used. In addition, an unspecified amount of funding is authorized from the General Fund, which would require appropriation action to become available [1102, 1953]

Funding for projects will be awarded through a selection process conducted by the Secretary that:

- requires States to submit an application
- gives priority to projects in corridors that are part of, or will be part of, the Dwight D. Eisenhower National System of Interstate and Defense Highways after completion, and to projects that will be completed within 5 years of allocation of funds for the project.

For each project designated in section 1302, the Secretary shall allocate a portion of the amount designated for that project: 10% in 2005, 20% for 2006, 25% for 2007, 25% for 2008 and 20% for 2009

The funds designated for a project in section 1302 are available only for that project with the following exception: Funds allocated for a project specified below may be obligated for any other of these projects in the same State:

- High Priority Projects listed in section 1702 and numbered 3677 or higher;
- Projects of National and Regional Significance listed in section 1301 and numbered 19 or higher;
- National Corridor Infrastructure Improvement Program projects listed in section 1302 and numbered 28 or higher; or
- Any Transportation Improvements project listed in section 1934;

except that the authorization for a project from the category list may not be reduced. [1935]

Corridor projects also may be advanced with funds apportioned under 23 U.S.C. 104(b) from a program under which the project would be eligible, and the funds are to be restored to that program from future allocations for the project. [1936]

In addition to the funding shown above for FY 2005, $140 M is provided for the National Corridor Planning and Development and Coordinated Border Infrastructure programs combined under sections 1118 and 1119 of TEA-21 to be administered under the terms of those sections. [1101(a)(19)]

Eligible Use of Funds

Highway construction projects in corridors of national significance will be selected with consideration of the extent to which:

- the corridor links two existing segments of the Interstate System
- the project facilitates major multi-state or regional mobility, economic growth, and development in areas underserved by highway infrastructure
- commercial traffic in corridor has increased since enactment of NAFTA and where traffic is projected to increase in the future
- international truck-borne commodities movement through the corridor
- the project will reduce congestion on an existing segment of the Interstate
- the project will reduce commercial and other travel time through a major freight corridor
- Federal funds will be leveraged

and the value of the cargo carried by commercial vehicle traffic in the corridor and the economic costs arising from congestion in the corridor

Federal Share

The Federal share is generally 80 percent, subject to the sliding scale adjustment. When the funds are used for Interstate projects to add high occupancy vehicle or auxiliary lanes, but not other lanes, the Federal share may be 90 percent, also subject to the sliding scale adjustment. Certain safety improvements listed in 23 USC 120(c) have a Federal share of 100 percent.

NATIONAL HIGHWAY SYSTEM (NHS) PROGRAM

Year	2005	2006	2007	2008	2009
Authorization*	$5,911M	$6,005M	$6,111M	$6,208M	$6,307M

*Authorizations shown here will be augmented by a portion of the Equity Bonus Program funds

Program Purpose
The program provides funding for improvements to rural and urban roads that are part of the NHS, including the Interstate System and designated connections to major intermodal terminals. Under certain circumstances, NHS funds may also be used to fund transit improvements in NHS corridors.

Statutory References
SAFETEA-LU Section(s): 1101(a)(2), 1103, 6006
Other: 23 USC 103, 104(b)(1)

Funding/Formula
Funded by contract authority, to remain available for 4 years. Funds are subject to the overall Federal-aid obligation limitation.

A State may transfer up to 50% of its NHS apportionment to its Interstate Maintenance, Surface Transportation (STP), Congestion Mitigation and Air Quality Improvement, Highway Bridge Replacement and Rehabilitation, or Recreational Trails apportionment. Up to 100% may be transferred to the STP if approved by the Secretary and if sufficient notice and opportunity for public comment is given.

The following funds are to be set aside from the authorized amounts:

Alaska Highway - $30 million to be set aside in each of fiscal years 2005 through 2009 for the portion of the Alaska Highway from the Alaskan border to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to Haines. [1103(b), 23 USC 218]

Territories - $40 million to be set aside in each of fiscal years 2005 and 2006 and $50 million to be set aside in each of fiscal years 2007 through 2009 for the territories of Guam, American Samoa, the Virgin Islands, and the Commonwealth of Northern Mariana Islands. [1103(c)]

Apportioned funds are to be distributed based on the following factors [104(b)(1)]:

- 25% based on total lane miles of principal arterials
- 35% based on total vehicle miles of travel on principal arterials
- 30% based on diesel fuel used on all highways
- 10% based on total lane miles of principal arterials per capita

Each State is to receive a minimum of ½% of combined NHS and Interstate Maintenance apportionments.

Eligible Use of Funds
Expands NHS eligibility to include the following activities:

- Environmental restoration and pollution abatement [6006]
- Control of terrestrial and aquatic noxious weeds and establishment of native species [6006]

Federal Share
The Federal share is generally 80 percent, subject to the sliding scale adjustment. When the funds are used for Interstate projects to add high occupancy vehicle or auxiliary lanes, but not other lanes, the Federal share may be 90 percent, also subject to the sliding scale adjustment. Certain safety improvements listed in 23 USC 120(c) have a Federal share of 100 percent.

High Priority Corridors on the National Highway System
The list of high priority NHS corridors established in section 1105 of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) is amended to modify corridor descriptions and identify additional corridors. The identification of evacuation routes is added as a purpose of this section. Such sums as may be necessary are authorized to carry out projects on the corridors designated in section 1105(c) of ISTEA, as amended, subject to appropriation, from the General Fund. [1304, 1105 of ISTEA, as amended]

NATIONAL HISTORIC COVERED BRIDGE PRESERVATION

Year	2005	2006	2007	2008	2009
Authorization	$0	$10M	$10M	$10M	$10M

Program Purpose
To provide for the rehabilitation, repair, or preservation of covered bridges that are listed or eligible for listing on the National Register of Historic Places.

Statutory References
SAFETEA-LU Section: 1804

Funding
Funded by contract authority, available until expended and not transferable. Funds are subject to the overall Federal-aid highway obligation limitation. [1804, 1102]

Eligible Use of Funds
Eligible uses of funds are the rehabilitation or repair of a historic covered bridge, or the preservation of such a bridge, including installation of a fire protection system, installation of a system to prevent vandalism or arson, or relocation of a bridge to a preservation site.

To the maximum extent practicable, projects under this program must be carried out in the most historically appropriate manner and preserve the existing structure of the historic covered bridge. The project must also provide for the replacement of wooden components with wooden components unless the use of wood is impracticable for safety reasons.

Project Selection
The Secretary of Transportation will make grants based on applications from States that demonstrate the need for assistance in carrying out one or more eligible historic covered bridge projects.

Federal Share
The Federal share is 80 percent, subject to sliding scale adjustment under 23 USC 120(b). [1804]

NATIONAL SCENIC BYWAYS PROGRAM

Year	2005	2006	2007	2008	2009
Authorization	$26.5M	$30M	$35M	$40M	$43.5M

Program Purpose
The program recognizes roads having outstanding scenic, historic, cultural, natural, recreational, and archaeological qualities and provides for designation of these roads as National Scenic Byways, All-American Roads or America's Byways.

Statutory References
SAFETEA-LU Section(s): 1101(a)(12), 1802
Other: 23 USC 162

Funding
Funded by contract authority, to remain available for 4 years. Funds are subject to the overall Federal-aid obligation limitation.

Grants and technical assistance are provided to States and Indian tribes to implement projects on highways designated as National Scenic Byways, All-American Roads, America's Byways, State scenic or Indian tribe scenic byways; and to plan, design, and develop a State or Indian tribe scenic byway program.

Eligible Use of Funds
Funds shall be available for:

- an activity related to the planning, design, or development of a State or Indian tribe scenic byway program;
- development and implementation of a byway corridor management plan;
- safety improvements to accommodate increased traffic; improvements that enhance access; protection of resources adjacent to the byway;
- development and implementation of a marketing program;
- development and provision of tourist implementation; and construction of bicycle and pedestrian facilities, interpretive facilities, overlooks and other enhancements for byway travelers.

Passing lanes are no longer an eligible use of funds.

Federal Share
The Federal share remains at 80 percent. A Federal land management agency may use agency funds as the non-Federal share.

America's Byways Resource Center
The Center provides technical support and conduct educational activities for National Scenic Byways, All-American Roads, and America's Byways. Funds are available to provide proactive, technical and on-site assistance that includes training, communications, publications, conferences, meetings, and other appropriate assistance to local officials and organizations associated with the byways program. Funding provided by authorizations of $1.5 M for FY 2005 and $3 M for each FY 2006 – 2009. Funds are available until expended, and subject to the overall Federal-aid obligation limitation. Federal share is 100 percent. Funds are not transferable. [1803]

PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE (PNRS)

Year	2005	2006	2007	2008	2009
Authorization	$178M	$356M	$445M	$445M	$356M

Program Purpose
The Projects of National and Regional Significance program provides funding for high cost projects of national or regional importance.

Statutory References
SAFETEA-LU Section(s): 1101(a)(15), 1102, 1301; 1935; 1936; 1953; 1959; 1964

Funding
Funded by contract authority, available until expended and not transferable. In addition to the authorized amounts shown above, an unspecified amount of funding is authorized from the General Fund, which would require appropriation action to become available. [1301, 1953]

The funds designated for a project in section 1301 are available only for that project with the following exception: Funds allocated for a project specified below may be obligated for any other of these projects in the same State:

- High Priority Projects listed in section 1702 and numbered 3677 or higher;
- Projects of National and Regional Significance listed in section 1301 and numbered 19 or higher;
- National Corridor Infrastructure Improvement Program projects listed in section 1302 and numbered 28 or higher; or
- Any Transportation Improvements project listed in section 1934;

except that the amount of funds authorized for a project from the category list may not be reduced. [1935]

PNRS projects may be advanced with funds apportioned under 23 U.S.C. 104(b) from a program under which the project would be eligible, and the funds are to be restored from future allocations of the PNRS project funds for the project. [1936]

The PNRS program is subject to obligation limitation that is set aside specifically for this program. The limitation is special no year limitation that remains available until used. [1102(c)(4) & (g)]

For FY 2005 only, the obligation limitation set aside for the PNRS projects program may be used as formula limitation. Any limitation used in this manner must be restored when the FY 2006 obligation limit is distributed. [1102(i)]

Eligible Use of Funds
An eligible project is any surface transportation project eligible for assistance under 23 USC, including a freight railroad project eligible under that title, that has a total eligible cost greater than or equal to the lesser of (1) $500,000,000 or (2) 75 percent of the amount of Federal highway funds apportioned to the State in which the project is located for the most recently completed fiscal year.

Eligible costs are development phase activities (including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities) and the costs of construction, reconstruction, rehabilitation, and acquisition

of right-of-way, environmental mitigation, construction contingencies, acquisition of equipment, and operational improvements.

Project Selection

Applications for funding will be solicited by the Secretary of Transportation and funding for projects will be awarded competitively through an evaluation process modeled on the Transit New Starts program. Projects are evaluated on the ability of the project to:

- generate national economic benefits
- reduce congestion
- improve transportation safety
- enhance the national transportation system
- garner support for non-Federal financial commitments and the degree to which Federal investment is leveraged
- provide evidence of stable and dependable financing for construction, maintenance, and operation of the facility
- use new technologies that enhance project efficiency
- help maintain or protect the environment

All of the funds authorized for this program from the Highway Trust Fund are designated for projects listed in section 1301(m). Notwithstanding the selection process defined in section 1301 and described above, for each project designated in section 1301(m), the Secretary shall allocate a portion of the amount designated for that project: 10% in 2005, 20% for 2006, 25% for 2007, 25% for 2008 and 20% for 2009.

Special Provisions

Funds for PNRS project #12 are to be provided to the public entity known as the Port Authority of New York and New Jersey, established by the States of New York and New Jersey. [1959]

Federal Share

The Federal share is 80%, except for projects designated in section 1301 in the States of Alaska, Montana, Nevada, Oregon, and South Dakota for which the Federal share is 80%, subject to the sliding scale adjustment under 23 USC 120(b). [1301(i), 1964]

PROGRAM ADMINISTRATION

Program Purpose
Various provisions of SAFETEA-LU will improve efficiency in the administration of Federal-aid highway programs. A brief description of each of these provisions follows.

Excess Funds for Inactive Projects [1603, 1102(b)(11)]
Under this provision funds earmarked prior to 1991 for projects can be used by a State for any STP-eligible purpose if the funds are "excess" or "inactive".

Excess funds include funds obligated for a specific project or activity that remain available after the project or activity has been completed or cancelled, and any unobligated balance of funds allocated for a project or activity that the State certifies are no longer needed for the project or activity.

Funds are determined to be inactive if they are obligated but have no expenditures during any 1-year period or are available to carry out a project but unlikely to be obligated within 1 year, as certified by the State. If a State certifies that funds, which would otherwise be identified as inactive, are still needed for their original purpose, the Secretary may determine that the funds will remain available for that original purpose. Such certification by a State must be accompanied by a report that includes the status of, and estimated completion date for, the project.

Section 1603 does not apply to Emergency Relief funds or discretionary funds allocated by the Secretary for which the Secretary has the authority to withdraw the funds for use on other projects.

Funds obligated under this section must be used for projects and activities in the same State as the original earmark, and it is the sense of the Congress that the funds should be used for projects in the same geographic region within the State as the earmarked projects. Funds made available under this section are available for obligation through fiscal year 2008.

Funds obligated under section 1603 are exempt from the limitation on obligations if they were originally exempt from the limitation. [1102(b)(11)]

Within 1 year of enactment and annually thereafter, the Secretary must report to Congress on actions taken under this section.

Design-Build [1503]
The definition of "qualified project" is broadened allowing a State transportation department or local transportation agency to award a design-build contract without regard to the project cost.

The Secretary is to issue revised design-build regulations within 90 days of enactment of SAFETEA-LU. The revised regulations must not preclude a State transportation department or local transportation agency, prior to NEPA compliance, from:

- issuing requests for proposals;
- proceeding with awards of design-build contracts; or
- issuing notices to proceed with preliminary design work under design-build contracts.

The State or local transportation agency must receive concurrence from the Secretary before carrying out any of the preceding activities.

The design-build contractor may not proceed with final design or construction of any permanent improvement prior to completion of the NEPA process.

Transfer of Highway Funds [1108]
The transfer provisions of 23 USC 104(k) continue. These allow highway funds that may be used for transit projects to be transferred to the Federal Transit Administration and administered under Chapter 53 of 49 USC. These also allow transit funds that may be used for highway projects to be transferred to FHWA and administered under 23 USC. Clarification is made that highway funds may be transferred for any transit use eligible under 23 USC and transportation planning funds provided under both 23 USC and 49 USC may be transferred for administration under either title.

Added is the ability, at the request of a State, for the Secretary to transfer funds allocated to that State, to another State or to the FHWA to fund 1 or more eligible projects. This will allow States to undertake jointly funded projects or conduct planning or research activities of mutual benefit to the States.

The transfer will have no effect on any apportionment of funds to a State. To transfer funds suballocated under the Surface Transportation Program for an urbanized area with a population of over 200,000, the affected metropolitan planning organization must concur in the transfer.

Obligation authority will be transferred in the same manner and amount as the funds that are transferred.

The ability for States to transfer funds among title 23 programs remains unchanged. [23 USC 126]

RAILWAY-HIGHWAY CROSSINGS

Year	2005	2006	2007	2008	2009
Authorization*	$0	$220M	$220M	$220M	$220M

*In 2005 funded from the 10-percent safety setaside each State's apportionment for the Surface Transportation Program. Beginning in 2006, funded from a setaside from the total amount authorized for the new Highway Safety Improvement Program.

Program Purpose
To reduce the number of fatalities and injuries at public highway-rail grade crossings through the elimination of hazards and/or the installation/upgrade of protective devices at crossings.

Statutory References
SAFETEA-LU Section(s): 1401
Other: 23 USC 130

Funding/Formula
Funded by contract authority, to remain available for 4 years. Funds are subject to the overall Federal-aid obligation limitation.

Apportioned funds are to be distributed based on the following factors [1401, 23 USC 130(f)]:

- 50% based on the formula factors for the Surface Transportation Program in 23 USC 104(b)(3)(A)
- 50% based on the number of public railway-highway crossings

Each State is to receive a minimum of ½% of the program funds.

50% of each State's apportionment must be set aside for the installation of protective devices at railway-highway crossings. [1401, 23 USC 130(e)]

Eligible Use of Funds
All previous eligibilities under 23 USC 130 continue.

In addition, up to 2% of the funds apportioned to a State may be used for compilation and analysis of data for the required annual report to the Secretary on the progress being made to implement the railway-highway crossings program.

Activities funded under this program are also eligible for funding under the broader eligibilities of the Highway Safety Improvement Program.

Program Features
Most requirements of the program remain unchanged, including the following:

Each State is required to conduct and systematically maintain a survey of all highways to identify those railroad crossings that may require separation, relocation, or protective devices, and establish and implement a schedule of projects for this purpose. At a minimum this schedule is to provide signs for all railway-highway crossings. [23 USC 130(d)]

A railroad participating in a hazard elimination project is responsible for compensating the State transportation department for the net benefit to the railroad of the project. The net benefit is

determined by the Secretary of Transportation, but may not exceed 10 percent of the project cost. [23 USC 130(b)-(c)]

The Secretary of transportation is required to report to Congress on the progress being made by the States implementing projects under this program.

Federal Share
The Federal share is 90 percent. [1401, 23 USC 130(f)(3)]

REAL-TIME SYSTEM MANAGEMENT INFORMATION PROGRAM

Program Purpose
To provide the capability to monitor, in real-time, the traffic and travel conditions of the major highways of the United States and to share that information to improve surface transportation system security, address congestion, improve response to weather events and surface transportation incidents, and to facilitate national and regional highway traveler information.

Statutory References
SAFETEA-LU Section(s): 1201

Funding
No separate funds are authorized for this program. States may use their National Highway System, Congestion Mitigation and Air Quality Improvement program, and Surface Transportation program apportionments for activities related to the planning and deployment of real-time monitoring elements that advance the goals of the program to the extent that such activities are eligible for funding under the source program.

Program Features
The purposes of the program are to:

- establish, in all States, a system of basic real-time information for managing and operation the surface transportation system
- identify longer range real-time highway and transit monitoring needs and develop plans and strategies for meeting the needs
- provide the capability and means to share the data with State and local governments and the traveling public.

Within 2 years of the date of enactment of SAFETEA-LU, the Secretary of Transportation is to establish data exchange formats to ensure that the data provided by highway and transit monitoring systems, including statewide incident reporting systems, can be readily exchanged to facilitate nationwide availability of information.

As States and local governments develop or update regional intelligent transportation system architectures as described in 23 CFR 940.9, they shall explicitly address real-time highway and transit information needs and the systems needed to meet those needs. States shall also incorporate the data exchange formats established by the Secretary.

The term ‘‘statewide incident reporting system’’ is defined as a statewide system for facilitating the real-time electronic reporting of surface transportation incidents to a central location for use in monitoring the event, providing accurate traveler information, and responding to the incident as appropriate.

RECREATIONAL TRAILS PROGRAM

Year	2005	2006	2007	2008	2009
Authorization	$60 M	$70M	$75M	$80M	$85M

Program Purpose
The Recreational Trails program provides funds to the States to develop and maintain recreational trails and trail-related facilities for both nonmotorized and motorized recreational trail uses.

Statutory References
SAFETEA-LU Section(s): 1101(a)(8), 1109
Other: 23 USC 104(h) & 206

Funding/Formula
Funded by contract authority, to remain available for 4 years. Funds are subject to the overall Federal-aid highway obligation limitation.

Before apportioning funds to the States, there will be a takedown of $840,000 each fiscal year (2005-2009) for program research, technical assistance, and training expenses. Funds will be distributed to the States by formula as follows:

- 50% of the amount will be apportioned equally among eligible States;
- 50% of the amount will be apportioned among eligible States proportionate to the amount of non-highway recreational fuel used in each State during the preceding year.

Eligible Use of Funds
Funds are available to develop, construct, maintain, and rehabilitate trails and trail facilities. Trail uses include hiking, bicycling, in-line skating, equestrian use, cross-country skiing, snowmobiling, off-road motorcycling, all-terrain vehicle riding, four-wheel driving, or using other off-road motorized vehicles.

New eligible activities include:

- purchase and lease of construction and maintenance equipment;
- acquisition of easements and fee simple title to property;
- development of trail safety and trail environmental protection programs;
- provide trail-related training;
- State costs (not to exceed 7% of annual apportionment) for administering the program;
- assessment of trail conditions for accessibility and maintenance.

Program Features
States must meet minimum funding between motorized, non-motorized and diverse trail use:

- 40% for diverse trail use;
- 30% for non-motorized recreation
- 30% for motorized recreation
- The ability for a State recreational trails advisory committee to waive the setasides for non-motorized and motorized recreation has been eliminated by SAFETEA-LU.

States are encouraged to enter into contracts and cooperative agreements with youth conservation and service corps to perform trail construction and maintenance.

Federal Share

The Federal share will be in accordance with section [23 USC 120(b)] (i.e. the sliding scale provision), but funds from other Federal programs outside the U.S. Department of Transportation may be used to fulfill the non-Federal share requirement, except that the combination of the U.S. DOT other Federal agency share may not exceed 95 percent.

Upon approval, planning and environmental assessment costs incurred prior to project approval may be credited toward the non-Federal share cost of the project.

Recreational Trails program funds may be used to match other Federal program funds for purposes that would be eligible under the Recreational Trails program.

SAFE ROUTES TO SCHOOL PROGRAM

Year	2005	2006	2007	2008	2009
Authorization	$54 M	$100 M	$125 M	$150 M	$183 M

Program Purpose
To enable and encourage children, including those with disabilities, to walk and bicycle to school; to make walking and bicycling to school safe and more appealing; and to facilitate the planning, development and implementation of projects that will improve safety, and reduce traffic, fuel consumption, and air pollution in the vicinity of schools.

Statutory References
SAFETEA-LU Section(s): 1101(a)(17), 1404

Funding/Formula
Funded by contract authority, to remain available until expended. Contract authority is not subject to transfer and is subject to the overall Federal-aid obligation limitation.

Each year after deducting $3 million for the administrative expenses of the program, the Secretary shall apportion the funds to States based on their relative shares of total enrollment in primary and middle schools (kindergarten through eight grade), but no State will receive less than $1 million.

Funds are to be administered by State departments of transportation to provide financial assistance to State, local, and regional agencies, including non-profit organizations, that demonstrate the ability to meet the requirements of the program.

Eligible Use of Funds
For infrastructure related projects, eligible activities are the planning, design, and construction of projects that will substantially improve the ability of students to walk and bicycle to school. These include sidewalk improvements, traffic calming and speed reduction improvements, pedestrian and bicycle crossing improvements, on-street bicycle facilities, off-street bicycle and pedestrian facilities, secure bike parking, and traffic diversion improvements in the vicinity of schools (within approximately 2 miles). Such projects may be carried out on any public road or any bicycle or pedestrian pathway or trail in the vicinity of schools.

Each State must set aside from its Safe Routes to School apportionment not less than 10 percent and not more than 30 percent of the funds for noninfrastructure-related activities to encourage walking and bicycling to school. These include public awareness campaigns and outreach to press and community leaders, traffic education and enforcement in the vicinity of schools, student sessions on bicycle and pedestrian safety, health, and environment, and training, volunteers, and managers of safe routes to school programs.

Each State receiving program funds must use a sufficient amount of the funds to fund a full-time position of coordinator of the State's safe routes to school program.

Program Features
Using funds setaside for the administrative costs of the program, the Secretary shall

- Make grants to a national nonprofit organization engaged in promoting safe routes to school to operate a national safe routes to school clearinghouse, develop information and educational

programs on safe routes to school, and provide technical assistance and disseminate techniques and strategies used for successful safe routes to school programs.

- Establish a national safe routes to school task force, composed of leaders in health, transportation, and education, to study and develop a strategy for advancing safe routes to school programs nationwide. The Secretary is to report to Congress by March 31, 2006, on the results of the study and a description of the strategy developed, along with information regarding the use of program funds for infrastructure and noninfrastructure purposes.

Federal Share
The Federal share is 100 percent.

STATE INFRASTRUCTURE BANK PROGRAM

Program Purpose
SAFETEA-LU establishes a new State Infrastructure Bank (SIB) program under which all States, Puerto Rico, the District of Columbia, American Samoa, Guam, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands are authorized to enter into cooperative agreements with the Secretary to establish infrastructure revolving funds eligible to be capitalized with Federal transportation funds authorized for fiscal years 2005-2009.

The new program gives States the capacity to increase the efficiency of their transportation investment and significantly leverage Federal resources by attracting non-Federal public and private investment. The program provides greater flexibility to the States by allowing other types of project assistance in addition to grant assistance.

Statutory References
SAFETEA-LU Section: 1602
Other: 23 USC 610

Assistance
SIBs provide various forms of non-grant assistance to public or private entities for eligible projects, including below-market rate subordinate loans, interest rate buy-downs on third party loans, and guarantees and other forms of credit enhancement. Any debt issued or guaranteed by the SIB must be of investment grade quality.

Funding
States participating in the new SIB program may capitalize the account(s) in their SIBs with Federal surface transportation funds for each of fiscal years 2005-2009 as follows:

- Highway account – up to 10 percent of the funds apportioned to the State for the National Highway System Program, the Surface Transportation Program, the Highway Bridge Program and the Equity Bonus.
- Transit account – up to 10 percent of funds made available for capital projects under Urbanized Area Formula Grants, Capital Investment Grants, and Formula Grants for other Than Urbanized Areas
- Rail account – funds made available for capital projects under subtitle V (Rail Programs) of Title 49, United States Code.
- The State must match the Federal funds used to capitalize the SIB on an 80-20 Federal/non-Federal basis, except that for the highway account, the sliding scale provisions apply.

Eligible Use of Funds
Projects eligible under Title 23, United States Code, capital projects as defined in section 5302 of Title 49, United States Code and any other projects related to surface transportation that the Secretary determines to be appropriate are eligible for assistance from the SIBs. Both the initial credit assistance funded with Federal capitalization grants, including the required non-Federal match, and any assistance funded with loan repayments and other recycled funds are subject to the requirements of Titles 23 and 49, as applicable.

SIBS Authorized by Prior Legislation
States that established SIBs authorized by the NHS Designation Act and TEA-21 may continue to operate those SIBs.

STATEWIDE PLANNING

Program Purpose
The statewide planning process establishes a cooperative, continuous, and comprehensive framework for making transportation investment decisions throughout the State and is administered jointly by the Federal Highway Administration and the Federal Transit Administration.

Statutory References
SAFETEA-LU Section(s): 6001
Other: 23 USC 135

Funding
The State Planning and Research program is funded by a 2 percent setaside from each State's apportionments for the Interstate Maintenance, National Highway System (NHS) , Surface Transportation Program (STP), Congestion Mitigation and Air Quality Improvement, and Bridge programs plus the new Highway Safety Improvement Program (HSIP) and a portion of funds so set aside may be used for planning activities.

Statewide planning is an eligible activity for additional funding under the STP and NHS programs.

Continuing Provisions
Significant continuing provisions include:

- Federal reliance on the statewide transportation planning process as the primary mechanism for cooperative transportation decision making throughout the State.
- Coordination of statewide planning with metropolitan planning
- Emphasis on fiscal constraint and public involvement in the development of the Statewide Transportation Improvement Program (STIP).
- Emphasis on involving and considering the concerns of Tribal governments in planning.
- State development of statewide transportation plans and programs.
- Plan and program shall be developed in consultation with affected local officials with responsibility for transportation in non-metropolitan areas, but this process will not be reviewed or approved by the Secretary.

Key Modifications
Modifications to the statewide planning process include the following:

Statewide Planning in General

- Will be coordinated with metropolitan planning **and** with statewide trade and economic development planning activities and related multi-state planning efforts.
- Two or more States may enter into planning agreements or compacts and the right to alter, amend or repeal these compacts is reserved.
- Will consider and implement projects, strategies and services that support the economic vitality of non-metropolitan areas.
- Safety and security of the transportation system are separate planning factors that are to be considered during the statewide planning process.
- Will promote consistency between transportation improvements and State and local planned growth and economic development patterns.
- Should consider coordination of planning activities between States

Long Range Statewide Plan

- Will be developed in consultation with State, tribal, and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation. Consultation will involve comparison of transportation plans to State and tribal conservation plans or maps, and to inventories of natural or historic resources (if available).
- Include a discussion of potential environmental mitigation activities along with potential sites to carry out the activities to be included. The discussion is to be developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies
- Should include capital, operations and management strategies, investments, procedures, and other measures to ensure the preservation and most efficient use of the existing transportation system.
- Representatives of users of pedestrian walkways, bicycle transportation facilities, the disabled are specifically added as parties to be provided with the opportunity to participate in the statewide planning process
- To enhance the public participation process, the State should: conduct public meetings at convenient and accessible locations at convenient times; employ visualization techniques to describe plans; and make public information available in an electronically accessible format, such as the Web
- Should be published or made available electronically, such as on the Web

State Transportation Improvement Program

- Shall cover a period of 4 years and be updated every 4 years (more frequently if the governor elects to do so).
- Representatives of users of pedestrian walkways, bicycle transportation facilities, and the disabled are specifically added as parties to be provided with the opportunity to participate in the planning process.
- Shall include an annual list of project for which funds have been obligated in the preceding year, the list will be published or made available through the cooperative effort of the State, transit operators and MPO for public review, and the list is to be consistent with the funding categories identified in each MPO TIP.
- Shall be reviewed and approved every 4 years if based on a current planning finding.

Implementation

Implementation of the modifications to statewide and metropolitan planning processes will be in accordance with the following:

- The Secretary will issue guidance on a schedule for implementation of the changes made to the transportation planning process.
- State and MPOs will not be required to deviate from their established plan and program update cycles to implement these changes.
- State or MPO plan or program updates shall reflect the changes beginning July 1, 2007.

Federal Share

Federal share remains at 80 percent.

STEWARDSHIP AND OVERSIGHT PROGRAM

Program Purpose
The Stewardship and Oversight Program monitors the effective and efficient use of resources to best meet the transportation needs of the nation with a specific focus on financial integrity and project delivery.

Statutory References
SAFETEA-LU Section: 1904
Other: 23 USC 106

Program Elements

Value Engineering Analysis - States are required to provide a value engineering analysis or other cost-reduction analysis for:

- each project on the Federal-aid system with an estimated total cost of $25 million or more
- a bridge project with an estimated total cost of $20 million or more
- any other project designated by the Secretary

The Secretary may require 1 or more analysis for a major project
Value engineering is a systematic process of project review and analysis conducted during the concept and design phases by a multi-disciplined team not involved in the project. The process is to provide recommendations for:

- providing the needed functions safely, reliably, and at the lowest overall cost
- improving the value and quality of the project
- reducing the time to complete the project

Oversight Program - is established to monitor the effective and efficient use of funds and be responsive all areas relating to financial integrity and project delivery.

- Financial integrity – requires an annual review of elements of the State transportation departments' financial management systems that affect projects, and development of minimum standards for estimating project costs and periodic evaluation of the States' practices for estimating project costs, awarding contracts, and reducing project costs.
- Project delivery – requires annual reviews of a State's project delivery system.
- Responsibility of the States – the States will be responsible for determining that sub-recipients of Federal funds have adequate project delivery systems, and sufficient accounting controls. The Secretary will periodically review the monitoring of sub-recipients by the State.
- Specific oversight responsibilities – the Secretary retains full oversight responsibilities for the design and construction of all Appalachian development highways.

Major Projects – recipients of funds for a project with an estimated total cost of $500 million or more, and recipients of funds for other projects as identified by the Secretary, must submit a project management plan and an annual financial plan for each project.

- Project management plan – plan will document the procedures and processes that are in effect to allow the project management to effectively manage the scope, costs, schedules, quality, and Federal requirements applicable to the project. The role of the agency leadership and management team in the delivery of the project will also be documented.
- Financial plan – will be based on detailed estimates of the cost to complete the project. The plan will also provide for the annual submission of updates that are based on reasonable assumptions of future increases in project costs.

Other Projects – recipients of funds for a project with an estimated total cost of $100 million must prepare an annual financial plan that will be available for review upon request.

SURFACE TRANSPORTATION-ENVIRONMENTAL COOPERATIVE RESEARCH PROGRAM (STEP)

Year	2005	2006	2007	2008	2009
Authorization	0	$16.875 M	$16.875 M	$16.875 M	$16.875 M

Program Purpose
To establish a surface transportation-environmental cooperative research program to improve understanding of the complex relationship between surface transportation and the environment.

Statutory References
SAFETEA-LU Section(s): 5207
Statutory Citation: 23 USC 507

Funding
Funded by set-aside from Surface Transportation Research funds authorized in 5101(a)(1).

The program is to be administered by USDOT. The Secretary may make grants to, or enter into cooperative agreements with the National Academy of Sciences as the Secretary determines to be appropriate.

Program Contents
The program may include research to:

- develop more accurate models for evaluating transportation control measures and system designs for use by State and local governments to meet environmental requirements;
- improve understanding of transportation demand factors;
- develop indicators of economic, social, and environmental performance of transportation systems to facilitate alternatives analysis;
- meet additional priorities determined through the transportation research and development strategic planning process identified in section 5208 of SAFETEA-LU;
- refine the scope and research emphases through outreach and in consultation with stakeholders.

Program Administration
In administering the program, the Secretary shall ensure, to the maximum extent practicable, that--

- the best projects and researchers are selected based on merit, open solicitations, and selection by a panel of appropriate experts;
- qualified, permanent core staff with ability to manage a large multiyear budget is used;
- stakeholders are involved in governance of program;
- there is no duplication with strategic highway research program.

SURFACE TRANSPORTATION PROGRAM (STP)

Year	2005	2006	2007	2008	2009
Authorization*	$6,860M	$6,270M	$6,370M	$6,473M	$6,577M

*Authorizations shown here will be augmented by a portion of the Equity Bonus Program funds

Program Purpose

The Surface Transportation Program provides flexible funding that may be used by States and localities for projects on any Federal-aid highway, including the NHS, bridge projects on any public road, transit capital projects, and intracity and intercity bus terminals and facilities.

Statutory References

SAFETEA-LU Section(s): 1101(a)(4), 1103(f), 1113, 1603, 1960, 6006
Other: 23 USC 133, 104(b)(3), 140

Funding/Formula

Funded by contract authority, to remain available for 4 years. Funds are subject to the overall Federal-aid obligation limitation.

Prior to the apportionment of STP funds, the following sums are to be set aside from the authorized amounts:

Operation Lifesaver – $560,000 is to be set aside for fiscal year 2005. For fiscal years 2006 through 2009, the Operation Lifesaver Program will be funded by a separate authorization of $560,000 each year for that program. [1103(f)]

Rail-Highway Crossing Hazard Elimination in High Speed Rail Corridors – $5.25 million is to be set aside for fiscal year 2005. For fiscal years 2006 through 2009, The Hazard Elimination Program will be funded by a separate authorization for that program ($7.250M for 2006, $10M for 2007, $12.5M for 2008 and $15M for 2009). From this Hazard Elimination funding, there is a setaside for the Minneapolis/St. Paul – Chicago Segment of the Midwest High Speed Rail Corridor. [1103(f)]

On-the-Job Training/Supportive Services – An amount not to exceed $10 million will be set aside for each of fiscal years 2005 through 2006 for the administration of this program. [23 USC 140(b)]

Disadvantaged Business Enterprise Training - An amount not to exceed $10 million will be set aside for each of fiscal years 2005 through 2006 for the administration of this program. [23 USC 140(c)]

Apportioned funds are to be distributed based on the following factors:

- 25% based on total lane miles of Federal-aid highways
- 40% based on vehicle miles traveled on lanes on Federal-aid highways
- 35% based on estimated tax payments attributable to highway users in the States into the Highway Account of the Highway Trust Fund (often referred to as "contributions" to the Highway Account

Each State is to receive a minimum of ½% of the funds apportioned for STP.

Eligible Use of Funds
Continues existing STP eligibilities and adds the following:

- Advanced truck stop electrification systems [1113]
- Projects relating to intersections that: have disproportionately high accident rates; have high congestion; and are located on a Federal-aid highway [1113]
- Environmental restoration and pollution abatement – on a 4R project the expenditures for this activity may not exceed 20 percent of the total cost of the project. [6006]
- Control of terrestrial and aquatic noxious weeds and establishment of native species [6006]

Program Features
For FY 2005, the setasides for Safety programs, Transportation Enhancements (TE) and the allocations to sub-State areas continue, except the ability to use STP funds from the set aside for areas with less than 5,000 population on rural minor collectors does not continue.

For 2006 and thereafter—

- The Safety setaside is eliminated as the new Highway Safety Improvement Program takes over the funding of the safety programs. [1113(b)]
- The TE setaside is modified to be the greater of 10% of the State's STP apportionment or the dollar amount of the TE setaside for the State for 2005. [1113(c)]
- 62.5 percent of the amount remaining after the TE setaside is divided among sub-State areas based on population. [1113(b)]

The provision requiring States to make available obligation authority to urbanized areas over 200,000 population in two 3-year increments (2004-2006 and 2007-2009) is extended. [1113(d)]

State of Alaska – in any fiscal year up to 15 percent of the State's STP apportionment may be transferred to the Denali Access System. Such a transfer of STP funds will have no effect on the TE setaside. [1960]

Federal Share
The Federal share is generally 80 percent, subject to the sliding scale adjustment. When the funds are used for Interstate projects to add high occupancy vehicle or auxiliary lanes, but not other lanes, the Federal share may be 90 percent, also subject to the sliding scale adjustment. Certain safety improvements listed in 23 USC 120(c) have a Federal share of 100 percent.

SURFACE TRANSPORTATION RESEARCH, DEVELOPMENT AND DEPLOYMENT (STRRD) PROGRAM

Year	2005	2006	2007	2008	2009
Authorization	$196.4M	$196.4M	$196.4M	$196.4M	$196.4M

Program Purpose
The program funds surface transportation research, development, and technology deployment activities to promote innovation in transportation infrastructure, services, and operations.

Statutory References
SAFETEA-LU Section(s): 1102, 5101-5103, 5201-5203, 5206-5210, 7131

Funding/Formula
Funded by contract authority, to remain available for 4 years. Funds may not be transferred. [5101(b)]

Obligation limitation --

- funds are subject to the overall Federal-aid highway obligation limitation;
- funds are also subject to a separate obligation limitation of $410,888,888 per year for 2005-2009 for Title V (includes Surface Transportation Research, Training & Education, BTS, University Transportation Research, ITS Research, and ITS Deployment); [5102]
- limitation set aside for research programs may be carried over for 3 years. [1102(e)]

Amounts directed/designated for specific recipients or for specific types of research total more than the amounts authorized for STRRD for each of FYs 2006-2009. For funding associated with each of these individual designations from the Surface Transportation Research authorization in 5101(a)(1), see authorization table.

Program Features
Combines the TEA-21 Surface Transportation Research and Technology Deployment into a unified program with a clarified Federal role; establishes principles and procedures for involvement in research and technology, including stakeholder input, competition and peer review, and performance review and evaluation. The eligibility of transportation system management and operations research and development activities is clarified, and freight security research initiatives are added as eligible components. An overall 5-year strategic plan is required for the Department, to integrate the R&D programs of all modes. [5201, 5203, 5208]

Research and technology deployment programs include:

- *Exploratory Advanced Research Program*: enhances program to address longer-term, higher-risk research, including 1) highway infrastructure materials, 2) health effects, 3) safety, 4) environment, 5) system condition and performance monitoring, and 6) hour-to-hour operational decision-making. [5201(g)]
- *Long Term Pavement Performance (LTPP)*: continues program for pavement research to meet future technology needs. [5201(i)]
- *Seismic Research*: continues program to reduce the vulnerability of surface transportation systems to seismic activities. [5201(j)]
- *Biobased Transportation Research*: establishes program to conduct biobased research of national importance at the National Biodiesel Board and at other research centers. [5201(m)]

- *Long Term Bridge Performance Program*: parallel to LTPP, this new initiative targets bridge research to meet future technology needs. [5202(a)]
- *Innovative Bridge Research and Deployment Program*: enhances program to promote deployment of innovative bridge technologies, including high performance concrete and steel bridges. [5202(b), (c), and (d)]
- *Innovative Pavement Research and Deployment Program*: establishes program to promote innovative pavement technologies, including set-aside for NHS pavements. [5203(b)]
- *Safety Innovation Deployment Program*: establishes a program to demonstrate the application of innovative technologies in highway safety. [5203(c)]
- *Demonstration projects and studies: Wood Composite Materials Demonstration Project*, *Asphalt Reclamation Study*, *Alkali Silica Reactivity* [5203(e)]
- *Transportation Technology Innovations - Fundamental Properties of Asphalts and Modified Asphalts and Transportation, Economic, and Land Use System*: continues program. [5204(g)]
- *Future Strategic Highway Research Program*: establishes program to be carried out through the National Research Council in consultation with AASHTO. Program to be based on NRC Special Report 260 and NCHRP Project 20-58 and emphasizes the four areas of: renewal, safety, congestion, and capacity. [5210]

Operation of the highway system:

- *National Cooperative Freight Transportation Research Program*: new program, to be conducted through the National Academy of Sciences; advisory committee will recommend a national research agenda, including estimates of the public benefits derived from freight transportation and the uses of technology to improve freight transportation. [5209]
- *Surface Transportation Congestion Relief Solutions Research Initiative*: two research initiatives to assist States in addressing surface transportation congestion problems – 1) improved congestion management system measures, and 2) analytical techniques for action on congestion. [5502]

Facilitating partnerships:

- *Transportation Pooled Fund Program:* Encourages DOT to pool resources with State DOTs and other transportation and research organizations for R&T activities of mutual interest. [5201(d)]
- Secretary may directly initiate contracts, agreements to fund, and accept funds from TRB, State DOTs, cities, and counties to conduct joint R&T programs. [5201(f)]
- *International Highway Transportation Outreach Program*: continues program 1) to inform the United States highway community of technological innovations in foreign countries, 2) to promote United States highway transportation expertise, goods, and services in foreign countries, and 3) to increase transfers of United States highway transportation technology to foreign countries. [5206]
- *Centers for Surface Transportation Excellence*: provides for the establishment of 4 centers -- environmental excellence, surface transportation safety, rural safety, and project finance to provide services such as technical assistance, training, information sharing, and outreach. [5309]
- *Surface Transportation-Environmental Cooperative Research Program*: see separate fact sheet [5207]
- *Center for Transportation Advancement and Regional Development*: establishes the Center to assist, through training, education, and research, in the comprehensive development of small metropolitan and rural regional transportation systems responsive to the needs of businesses and local communities.

Other

- *Infrastructure Investment Needs Report*: due date set at July 31, 2006, and every two years thereafter must include information necessary for comparison with conditions and measures in previous reports. [5201(k)]
- *Turner-Fairbank Highway Research Center*: Center recognized as a leader in nationwide research to meet the transportation needs of the 21st century. [5201(l)]
- *Promotional Materials*: provides authority to the FHWA to purchase promotional items of nominal value for use in educational outreach and recruitment. [5203(d)]
- *Transportation Safety Information Management System Project*: provides for the further development of TSIMS software application to provide for the collection, integration, management, and dissemination of safety data. [5501]
- *Commercial Remote Sensing Products and Spatial Information Technologies*: program to validate commercial remote sensing products and spatial information technologies for application to national transportation infrastructure development and construction. [5506]
- *Advanced Travel Forecasting Procedures Program*: continues program for deployment of the Transportation Analysis Simulation System (TRANSIMS) as a planning tool and to develop additional applications and uses of the model. [5512]

Federal Share

Federal share of surface transportation research funds is 50% unless otherwise determined by the Secretary or expressly provided by SAFETEA-LU, as described below:

High Performing Steel Bridge Research and Technology Transfer -- 80%
Wood Composite Materials Demonstration Project -- 100%
Asphalt Reclamation Study -- 120(b) or as determined by Secretary
Alkali Silica Reactivity -- 120(b) or as determined by Secretary
National Cooperative Freight Transportation Research Program – 100%
Future Strategic Highway Research Program – 100%
Centers for Surface Transportation Excellence – 100%

TOLLING PROGRAMS

	2005	2006	2007	2008	2009
Interstate System R&R Toll Pilot	$0	$0	$0	$0	$0
Interstate System Construction Toll Pilot	$0	$0	$0	$0	$0
Value Pricing Pilot	$11 M	$12 M	$12M	$12M	$12M
Express Lanes Demo	$0	$0	$0	$0	$0

Program Purpose
SAFETEA-LU offers States broader ability to use tolling on a pilot, or demonstration, basis, to finance Interstate construction and reconstruction, promote efficiency in the use of highways, and support congestion reduction. In addition to the expanded flexibility available under these four programs, the Value Pricing Pilot program provides grants for pre-implementation and implementation costs.

Note: SAFETEA-LU also enhances and clarifies provisions governing the use and operation of HOV lanes. *See separate fact sheet – High Occupancy Vehicle (HOV) Lanes* [1121]

Statutory References
SAFETEA-LU Section(s): 1604
Other: PL 102-240 (ISTEA) 1012; PL 105-578 (TEA-21) 1216

Interstate System Reconstruction & Rehabilitation Toll Pilot Program
SAFETEA-LU makes no revisions to the program as established under TEA-21. Thus, the program is continued, without change, to allow tolling on up to 3 existing Interstate facilities (highway, bridge, or tunnel) to fund needed reconstruction or rehabilitation on Interstate highway corridors that could not otherwise be adequately maintained or functionally improved. Each of the 3 facilities must be in a different State.

Interstate System Construction Toll Pilot Program
Similar to the Interstate System R&R Pilot (above), this new program authorizes up to 3 toll pilot facilities on the Interstate System for the purpose of constructing new Interstate highways.

Program features include the following:

- States or Interstate compacts of States are eligible to apply;
- there is no requirement that the facilities be in different States;
- tolling must be the most efficient and economical way to finance the project, but it doesn't have to be the only way;
- a facility management plan must be submitted;
- automatic toll collection is required;
- non-compete agreements are prohibited -- a State may not enter into an agreement with a private entity that prevents the State from improving or expanding capacity of adjacent roads to address conditions resulting from diverted traffic;
- revenues may be used only for debt service, reasonable return on investment of private entity, and operation and maintenance costs; regular audits will be conducted;

- Interstate Maintenance funds may not be used on the facility while it is tolled;
- applications must be submitted within 10 years of enactment of SAFETEA-LU.

Value Pricing Pilot Program (VPPP)
This pilot program, initially authorized in ISTEA as the Congestion Pricing Pilot Program, is to encourage implementation and evaluation of value pricing pilot projects, offering flexibility to encompass a variety of innovative applications including areawide pricing, pricing of multiple or single facilities or corridors, single lane pricing, and implementation of other market-based strategies.

The VPPP is funded by contract authority, to remain available for 4 years. Funds are subject to the overall Federal-aid highway obligation limitation. The Federal share is 80%. Pre-implementation costs, project design, and all development and start-up costs are eligible project expenses. There is no change to the current limit of 15 pilot value pricing programs, all of which are underway. For these programs, a new set-aside of $3 million per year (2006-2009) is to be used only for congestion pricing pilot projects that do not involve highway tolls.

Express Lanes Demonstration Program
This new demonstration programs permits tolling on selected demonstration projects to manage high levels of congestion, reduce emissions in a nonattainment or maintenance area, or finance added Interstate lanes for the purpose of reducing congestion.

The Secretary is authorized to carry out 15 demonstration projects during the period from 2005-2009 to allow States, public authorities, or public or private entities designated by States to collect a toll from motor vehicles at an eligible toll facility for any highway, bridge, or tunnel, including on the Interstate. An "eligible toll facility" includes:

- a facility in existence on the date of enactment that collects tolls;
- a facility in existence on the date of enactment that serves high occupancy vehicles;
- a facility modified or constructed after the date of enactment to create additional tolled capacity (includes construction by a private entity or using private funds); and
- in the case of an added lane on a previously non-tolled facility, only the new lane.

Program features include:

- variable pricing by time of day or level of traffic, as appropriate to manage congestion or improve air quality, is required if an HOV facility is tolled; for a non-HOV facility, variable pricing is optional;
- motor vehicles with fewer than 2 occupants may be permitted to use HOV lanes as part of a variable toll pricing program;
- automatic toll collection is required in express lanes to optimize free flow of traffic; and
- toll revenue may only be used for debt service, reasonable rate of return on private financing, operation and maintenance costs, or any eligible title 23 or 49 project if the facility is being adequately maintained.

Federal share of project cost of a facility tolled under this program, including installation of the toll collection facility, may not exceed 80%.

A final rule on interoperability of electronic collection systems is required within 180 days of enactment. Regular monitoring and reporting on the achievement of performance goals is required, as well as annual reports to Congress starting after 1 year on the use of funds, and reports on program successes beginning 3 years after enactment and then every 3 years thereafter.

TRAINING AND EDUCATION PROGRAM

Year	2005	2006	2007	2008	2009
Authorization	$26.7M	$26.7M	$26.7M	$26.7M	$26.7M

Program Purpose
The Training and Education Program provides funding to develop and administer education and training programs to support those associated with surface transportation.

Statutory References
SAFETEA-LU Section(s): 5101, 5204, 5505
Other: 23 USC 504

Funding
The following programs are funded by setasides from the Training and Education authorization:

For each of fiscal years 2005 – 2009
- National Highway Institute – $9.6 million
- Local Technical Assistance Program - $11.1 million
- Eisenhower Transportation Fellowship Program - $2.2 million

For each of fiscal years 2006 – 2009
- Garrett A. Morgan Program - $1.25 million
- Transportation Education Development Pilot Program - $1.875 million
- Freight Planning Capacity Building Program - $875 thousand
- Surface Transportation Congestion Solutions Research Program – $750 thousand for the technical assistance and deployment of results of the Congestions Solutions program.

Surface Transportation Workforce Development, Training, and Education – States may obligate funds apportioned for the National Highway System, Interstate Maintenance, Surface Transportation, Congestion Mitigation and Air Quality, and Highway Bridge Replacement and Rehabilitation programs for surface transportation workforce development, training and education.

Program Features
Significant features of the Training and Education Program include the following:

- National Highway Institute: provides for the continuation of NHI and adds Asset Management to the list of courses.
- Local Technical Assistance Program: continues program to provide access to surface transportation technology 1) to highway and transportation agencies in urbanized and rural areas and 2) to contractors that perform work for those agencies.
- Garrett Morgan Program: funds program for outreach to elementary school and secondary school students
- Transportation Education Development Program: establishes funding and pilot program to develop training and education curriculums for surface transportation workers.
- Freight Planning Capacity Building Program: establishes program to support enhancements in freight transportation planning in order: 1) to better target investments and 2) strengthen

the decision making capacity of State transportation departments and local transportation agencies with regard to freight transportation planning and systems.

- Eisenhower Transportation Fellowship Program: continues funding for program 1) to attract the nation's brightest minds to the field of transportation, 2) to enhance the careers of transportation professionals by encouraging them to seek advanced degrees, and 3) to retain top talent in the transportation industry of the United States.
- Surface Transportation Congestion Relief Solutions Technical Assistance and Training: establishes program to disseminate the results of the surface transportation congestion solutions research initiative for the purpose of assisting State transportation departments and local transportation agencies with improving their approaches to surface transportation congestion measurement, analysis, and project programming.
- Transportation Scholarship Opportunities Program: provides authority for the operating administrations of the U.S. Department of Transportation and for "non-governmental institutions" to establish scholarship and mentoring programs. The Secretary may use funds available to an operating administration or the Office of Inspector General for this program. Some DOT operating administrations did not have statutory authority in this area prior to SAFETEA-LU.
- Transportation Education Development Pilot Program: focuses on curriculum development at all education levels and for in-service professional development programs.
- Surface Transportation Workforce Development, Training and Education**:** funds may be used, at the discretion of the states, for workforce development, training and education purposes. Eligible activities include: tuition and direct educational expenses; employee professional development; student internships; university or community college support; and education activities, including outreach to develop interest and promote participation in surface transportation careers.

Federal Share

Federal share of Training and Education funds is 50% unless otherwise as provided by law or as determined by the Secretary.

The Federal share for each of the following programs is 100%:

- Tribal Technical Assistance Program
- Surface Transportation Workforce Development, Training, and Education
- Transportation Education Development Pilot Program
- Freight Planning Capacity Building Program
- Garrett A. Morgan Program

TRANSPORTATION, COMMUNITY, AND SYSTEM PRESERVATION (TCSP) PROGRAM

Year	2005	2006	2007	2008	2009
Authorization	$25M	$61.25M	$61.25M	$61.25M	$61.25M

Program Purpose
The TCSP Program is intended to address the relationships among transportation, community, and system preservation plans and practices and identify private sector-based initiatives to improve those relationships.

Statutory References
SAFETEA-LU Section: 1117.

Funding
Funded by contract authority; funds are not transferable. Funds are subject to the overall Federal-aid highway obligation limitation. [1117, 1102]

Funds are to be allocated by the Secretary to States, metropolitan planning organizations, local and tribal governments, ensuring an equitable distribution to a diversity of populations and geographic regions.

Eligible Use of Funds
Funds may be used to carry out eligible projects to integrate transportation, community, and system preservation plans and practices that:

- Improve the efficiency of the transportation system of the United States.
- Reduce the impacts of transportation on the environment.
- Reduce the need for costly future investments in public infrastructure.
- Provide efficient access to jobs, services, and centers of trade.
- Examine community development patterns and identify strategies to encourage private sector development.

Eligibility is broadly defined as a project eligible for assistance under title 23 or chapter 53 of title 49, or any other activity the Secretary determines to be appropriate to implement transit-oriented development plans, traffic calming measures, or other coordinated TCSP practices.

Project Selection
The Secretary of Transportation will make grants based on applications from States, tribal, regional, and local governments, with priority consideration given to applicants that:

- Have instituted coordinated preservation or development plans that promote cost-effective investment and private sector strategies,
- Have instituted other TCSP polices such as those addressing high-growth areas, urban growth boundaries, “green corridors” programs that provide access to major highway corridors for controlled growth areas,
- Address environmental mitigation, and
- Encourage private sector involvement.

Federal Share

The Federal share payable on account of any TCSP project or activity shall be 80% or subject to the sliding scale rate. [23 USC 120(b)]

TRANSPORTATION CONFORMITY

Purpose

Transportation conformity ("conformity") is a provision of the Clean Air Act that ensures that Federal funding and approval goes to those transportation activities that are consistent with air quality goals. Conformity applies to transportation plans and projects funded or approved by the Federal Highway Administration (FHWA) or the Federal Transit Administration (FTA) in areas that do not meet or previously have not met air quality standards for ozone, carbon monoxide, particulate matter, or nitrogen dioxide.

Statutory References

SAFETEA-LU Section: 6011
Other: 42 USC §7506

Key Modifications

- Requiring MPOs to redetermine conformity of plan and TIP not later than 2 years after motor vehicle emission budgets are found adequate, the budgets are approved (if they had not yet been found adequate), or a Federal Implementation Plan (FIP) approval that establishes/revises budgets. [6011(a)]
- Requiring the frequency of conformity for plans and TIPs to be every four years, except when the MPO elects to update the plan or TIP more frequently, or when SIP actions trigger a new conformity determination. [6011(b)]
- Requiring conformity determination must be made for the last year of the transportation plan, but allowing, at the election of the MPO, and after consultation with the applicable air agency and public comment, conformity to be demonstrated for the longer of: (1) the first ten-year period of the plan, (2) the latest year the SIP has a budget, or (3) the year after completion of a regionally significant project that is in the TIP or one that requires approval before the subsequent determination. Such conformity determinations would need to be accompanied by a regional emissions analysis for the last year of the transportation plan and any year shown to exceed budgets by a prior analysis. [6011(c)]
- Allowing at the election of the MPO, after consultation with the applicable air agency and public comment, conformity to be demonstrated only through the end of the maintenance period once budgets are found adequate or approved for the second ten-year maintenance plan. [6011(c)]
- Providing that substitute TCMs can replace or be added to existing TCMs in approved SIPs, if (1) the substitute achieves equal or greater emissions reductions; (2) the schedule is consistent with existing TCM, or if the implementation date has passed, as soon as practicable, but no later than date reductions are needed; (3) adequate personnel, funding, and enforcement are demonstrated; and (4) the substitute is developed through a collaborative process that includes public comment and concurrence by the MPO, the air agency, and EPA. No substitution mechanism in the SIP is needed, and substitution doesn't require a new conformity determination or SIP revision. [6011(d)]

- Defining lapse in Clean Air Act, and providing that a lapse will not occur until 12 months after an applicable deadline. [6011(e)]
- Providing that the Conformity SIP only needs to include consultation procedures, and enforcement and enforceability criteria and procedures to address 40 CFR 93.122(a)(4)(ii) and 40 CFR 93.125(c). [6011(f)]

Implementation

EPA is required to promulgate revised regulations, with DOT concurrence, to implement the changes in section 6011 not later than 2 years after the enactment of SAFETEA [6011(g)]

TRANSPORTATION ENHANCEMENT PROGRAM

Program Purpose
To strengthen the cultural, aesthetic, and environmental aspects of the Nation's intermodal transportation system.

Statutory References
SAFETEA-LU Section(s): 1113, 1122, 6003

Funding
A State's TE funding is derived from a setaside from its annual Surface Transportation Program apportionment. For 2005, the amount setaside for TE will be 10 percent of the State's STP apportionment (after application of the setaside for the State Planning and Research program). After 2005, the TE setaside will be 10% or the amount set aside for TE in the State in 2005, whichever is greater. [1113(c)]

Eligible Use of Funds [1122]
All previous TE eligibilities continue and are restated in SAFETEA-LU. New items are:

- addition of acquisition of historic battlefields as a specific inclusion in the existing eligibility of acquisition of scenic easements and scenic or historic sites.
- clarification of the eligibility inventories of outdoor advertising as part of the larger eligibility for control and removal of outdoor advertising. The word "inventory" is added to the legislative language. Further clarification is provided in the Joint Explanatory Statement in H. Rept. 109-203, which states that inventory for outdoor advertising is currently, and continues to be, an eligible activity. Report language further explains that inventory control includes, but is not limited to, data collection, acquisition, and maintenance of digital aerial photography, video logging, scanning and imaging of data, developing and maintaining an inventory and control database, as well as hiring of outside legal counsel.

Other Provisions
SAFETEA-LU establishes a pilot program for States to assume the responsibilities of the Secretary relating to environmental review and decisionmaking, including activities related to transportation enhancements (see environmental review process fact sheet). [6003]

Federal Share
Generally, the Federal share is 80 percent, subject to the sliding scale adjustment, but this may be achieved on an aggregate, rather than project-by-project, basis. Funds from other Federal agencies and the value of other contributions may be credited toward the non-Federal share of a transportation enhancement project or group of such projects, but the aggregate effect may not exceed an 80 percent, or the sliding scale, Federal share. [23 USC 133(e)(5)]

TRANSPORTATION IMPROVEMENTS

Year	2005	2006	2007	2008	2009
Authorization*	$256 M	$511 M	$639 M	$639 M	$511 M

* The authorization is for such sums as may be necessary to carry out the required distribution of funds. Amounts shown above are those amounts.

Program Purpose

The Transportation Improvements provision provides designated funding for specific projects identified in SAFETEA-LU. A total of 466 projects are identified, each with a specified amount of funding over the 5 years of SAFETEA-LU. [1934]

Statutory References

SAFETEA-LU Section(s): 1913, 1934, 1935, 1936, 1941,1949, 10210, 1102

Funding

Funded by contract authority, available until expended. The funds designated for a project are available only for that project with the following exception: For each project designated in section 1934, the Secretary will allocate a portion of the amount designated for that project: 10% in 2005, 20% for 2006, 25% for 2007, 25% for 2008 and 20% for 2009. [1934]

The funds designated for a project in section 1934 are available only for that project with the following exception: Funds allocated for a project specified below may be obligated for any other of these projects in the same State:

- High Priority Projects listed in section 1702 and numbered 3677 or higher;
- Projects of National and Regional Significance listed in section 1301 and numbered 19 or higher;
- National Corridor Infrastructure Improvement Program projects listed in section 1302 and numbered 28 or higher; or
- Any Transportation Improvements project listed in section 1934;

except that the authorization for a project from the category list may not be reduced. [1935]

Transportation Improvements projects may also be advanced with funds apportioned under 23 U.S.C. 104(b) from a program under which the project would be eligible, and the funds are to be restored from future allocations of the Transportation Improvements funds for the project. [1936]

The obligation limitation for Transportation Improvements is special no year limitation that remains available until used. The obligation limit is provided each year in aggregate to each State for Transportation Improvements projects. [1102(c)(4) & (g)]

For FY 2005 only, the obligation limitation set aside for the listed Transportation Improvements may be used as formula limitation. Any limitation used in this manner must be restored when the FY 2006 obligation limit is distributed. [1102(i)]

Eligible Use of Funds

The funds are available only for the activities described for each project in section 1934 of SAFETEA-LU, subject to the flexibility described above.

Special Provisions

Funds made available to the State of Montana for the construction of U.S. 212, Red Lodge North, (Transportation Improvements project # 246) or transferred to the project under section 1935 of SAFETEA-LU may be used for reconstruction of the Bear Tooth Highway, to be subsequently reimbursed from Emergency Relief funds as they become available. [1941]

Funds provided for the Knik Arm Bridge in Transportation Improvements project #2 are to be provided to the public entity known as the Knik Arm Bridge and Toll Authority, established by the State of Alaska. [1949]

The Secretary of Transportation is to establish a demonstration initiative using digital project simulation to plan, design, and construct Transportation Improvements project # 31, improvements to U.S. 285 and Deer Creek interchange in Colorado. [10210]

The discussion of section 1934 in the Joint Explanatory Statement in H. Rept. 109-203 provides further information on the use of funds designated for projects # 410, 413, 420, 424, and 425, all in Vermont.

Federal Share

Generally, The Federal share of the cost of a project under this section shall be determined in accordance with 23 USC 120, which provides for a Federal share of 90 percent, subject to sliding scale, for certain Interstate projects; 80 percent for most other projects, also subject to sliding scale; and 100 percent for certain safety projects. [1934]

For the States of Alaska, Montana, Nevada, North Dakota, Oregon, and South Dakota, the Federal share is 80 percent, subject to sliding scale. [1964]

Notwithstanding any other provision of law, and regardless of the source of Federal funds, the Federal share of the eligible costs of construction of a bridge between Bismarck, North Dakota, and Mandan, North Dakota, shall be 90 percent. Project #266 is a source of funds for this bridge. [1913]

The Federal share for Transportation Improvements project # 377 is 100 percent. [Item 377 in the table in 1934(c)]

TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT (TIFIA)

Year	2005	2006	2007	2008	2009
Authorization	$122 M	$122 M	$122 M	$122 M	$122 M

Program Purpose
The TIFIA program provides Federal credit assistance to nationally or regionally significant surface transportation projects, including highway, transit and rail. The program is designed to fill market gaps and leverage substantial private co-investment by providing projects with supplemental or subordinate debt.

Statutory References
SAFETEA LU Section(s): 1601
Other: 23 USC 601-609

Program Products
The TIFIA credit program consists of three types of financial assistance, designed to address requirements throughout a project's life cycle.

- *Secured loans* are direct Federal loans to project sponsors offering flexible repayment terms and providing combined construction and permanent financing of capital costs.
- *Loan guarantees* provide full-faith-and-credit guarantees by the Federal Government to institutional investors, such as pension funds, that make loans for projects.
- *Lines of credit* represent contingent sources of funding in the form of Federal loans that may be drawn upon to supplement project revenues, if needed, during the first 10 years of project operations.

Senior project obligations must receive an investment grade rating. The total amount of TIFIA credit assistance may not exceed 33 percent of eligible project costs (or, if the TIFIA credit does not receive an investment grade rating, the amount of senior project obligations). The TIFIA credit instrument must be supported in whole or in part from user charges or other dedicated non-Federal funding sources that also secure the project obligations. Credit assistance must be repaid within 35 years after the project's substantial completion.

Funding
Funded by contract authority, to remain available until expended, the funds are subject to the overall Federal-aid obligation limitation. Funds cover the subsidy cost (similar to a commercial bank's loan reserve requirement) of TIFIA credit assistance. The annual amount of available credit assistance is a function of available contract authority.

Eligible Use of Funds
Any type of project eligible for Federal assistance through surface transportation programs under Title 23 or chapter 53 of Title 49, USC (highway projects and transit capital projects) is eligible for the TIFIA credit program. Eligibility is specifically extended to international bridges and tunnels as well as inter-city passenger bus and rail facilities and vehicles (including Amtrak and magnetic levitation systems).

Eligibility for freight facilities is clarified and expanded to include: public freight rail facilities or private facilities providing public benefit for highway users; intermodal freight transfer facilities;

access to such freight facilities and service improvements to such facilities including capital investment for intelligent transportation systems (ITS). Freight projects may involve the combining of private and public sector funds in private sector facility improvement. When located in a port terminal, only surface transportation infrastructure modifications necessary to facilitate direct intermodal interchange, transfer, and access into and out of the port are eligible.

Each project must meet certain objectively measurable thresholds to qualify, several of which were lowered by SAFETEA-LU. A project must cost at least $50M or 1/3 of the State's annual apportionment of Federal-aid highway funds whichever is less. For intelligent transportation system projects, the minimum cost is $15M. Freight projects with a common objective of improving the flow of goods may be combined to meet project thresholds. A project must be consistent with the State's long-range transportation plan and be included in the transportation improvement program.

Qualified projects meeting the initial threshold eligibility criteria will be evaluated by the Secretary and selected based on the extent to which they generate economic benefits, leverage private capital, promote innovative technologies, and meet other program objectives.

TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS

Program Purpose
To encourage and promote the safe and efficient management and operation of integrated, intermodal surface transportation systems to serve the mobility needs of people and freight and foster economic growth and development.

Statutory References
SAFETEA-LU Section(s): 1201, 1808, 5101(a)(5), 5211, 5305, 5306, 5310(8)
Other: 23 USC 511

Eligibilities
Eligibility for transportation systems management and operations is found in a number of programs, including:

Congestion Mitigation and Air Quality Improvement Program
Expands eligibilities to include projects or programs that improve transportation systems management and operations that mitigate congestion and improve air quality. [1808]

Continues eligibility for: [23 USC 149]

- projects to establish or operate a traffic monitoring, management, and control facility or program.
- programs or projects that improve traffic flow, including projects to improve signalization, construct high occupancy vehicle lanes, improve intersections, and implement ITS strategies.

Real-Time System Management Information Program [1201]
Establishes a new program aimed at providing in all States the ability to monitor, in real time, the traffic and travel conditions on major highways and to share that information to improve the operation of the highway system. (see separate fact sheet on this program)

National Highway System
Continues eligibility for capital and operating costs for traffic monitoring, management, and control facilities and programs. [23 USC 103]

Transportation Planning
Continues the provisions that:

- allow the Secretary to provide funding to support adequate consideration of transportation systems management and operations, including ITS, within metropolitan and statewide planning processes.
- requires the plans for metropolitan areas and States provide for the integrated management and operation of transportation systems that will function as an intermodal transportation system. One of the considerations of metropolitan and State planning processes for projects and strategies is the promotion of efficient system management and operation.

Intelligent Transportation System (ITS) Research
ITS R&D priority areas include several transportation system management and operations elements, such as traffic management, incident management, freight management, road weather management, and traveler information. From funds authorized for ITS Research, $7 million is setaside for each of fiscal years 2005-2009 for the continuation of ITS management and operations in the Interstate Route 95 corridor coalition region initiated under ISTEA. [5211]

TRUCK PARKING FACILITIES

Year	2005	2006	2007	2008	2009
Authorization	$0	$6.25M	$6.25M	$6.25M	$6.25M

Program Purpose
The Truck Parking Facilities program is a pilot program that provides funding to address the shortage of long-term parking for commercial vehicles on the National Highway System.

Statutory References
SAFETEA-LU Section: 1305

Funding
Funded by contract authority, to remain available until expended. Funds are subject to the overall Federal-aid obligation limitation and are not transferable.

States, metropolitan planning organizations (MPOs), and local governments are eligible recipients of program funds. To receive funds, a State, MPO or local government must submit an application.

Funding priority will be given to applicants that:

- demonstrate a severe shortage of commercial vehicle parking in the corridor
- have consulted with affected State and local governments, community groups, providers of commercial vehicle parking, and motorist and trucking organizations
- demonstrate that their proposed projects are likely to have positive effects on highway safety, traffic congestion or air quality

Eligible Use of Funds
Funds shall be available for projects on the NHS that may include the following activities:

- constructing safety rest areas that include commercial vehicle parking
- constructing commercial vehicle parking facilities adjacent to commercial truck stops and travel plazas
- opening existing facilities to commercial vehicles
- promoting the availability of publicly or privately provided commercial vehicle parking on the NHS using ITS systems and other means
- constructing turnouts for commercial vehicles
- making capital improvements to public commercial vehicle parking facilities to allow year-round use
- improve the geometric design of interchanges to improve access to parking facilities

Report to Congress
A report on the results of the pilot program shall be submitted to Congress not later than 3 years after enactment of SAFETEA-LU.

Federal Share
The Federal share is generally 80 percent, subject to the sliding scale adjustment. Certain safety improvements listed in 23 USC 120(c) have a Federal share of 100 percent.

WORK ZONE SAFETY PROVISIONS

Year	2005	2006	2007	2008	2009
Authorization:					
Work Zone Safety Grants	$0	$5 M	$5 M	$5 M	$5 M
National Work Zone Safety Clearinghouse	$0	$1 M	$1 M	$1 M	$1 M

Several provisions in SAFETEA-LU address safety in highway construction work zones.

Work Zone Safety Grants [1409]
Under the Work Zone Safety Grants program, the Secretary will make grants to nonprofit and not-for-profit organizations to provide training to prevent and reduce work zone injuries and fatalities.

Grants may be used for:

- construction worker training to prevent injuries and fatalities
- development of guidelines to prevent work zone injuries and fatalities
- training for State and local governments, transportation agencies, and other groups implementing these guidelines

The funds are contract authority, available for 4 years and subject to the Federal-aid highway obligation limitation. The Federal share is 80 percent and funds may not be transferred.

National Work Zone Safety Information Clearinghouse
Under this program, the Secretary will make grants to a national nonprofit foundation for the operation of the National Work Zone Information Clearinghouse to be used for assembling and disseminating, electronically or otherwise, information relating to the improvement of work zone safety. Program funds are contract authority, available until expended and subject to the Federal-aid highway obligation limitation. The Federal share is 100 percent and funds may not be transferred. [1410 & 358(b) of P.L. 104-59]]

Worker Injury Prevention and Free Flow of Vehicular Traffic
The Secretary is to establish, within one year from SAFETEA-LU's enactment, regulations requiring highway workers to wear high visibility garments. [1402]

Temporary Traffic Control Devices
Projects may not be approved on Federal-aid highways or under the Federal Lands Highway program unless proper temporary traffic control devices to improve safety in work zones will be installed and maintained during construction, utility, and maintenance operations on the portion of the highway to be improved by such projects. Installation and maintenance of the devices must be in accordance with the Manual on Uniform Traffic Control Devices.

The Secretary of Transportation, after consultation with appropriate Federal and State officials, is to issue regulations establishing the conditions for the appropriate use of, and expenditure of funds for,

uniformed law enforcement officer, positive protective measures between workers and motorized traffic, and installation and maintenance of temporary traffic control devices during construction, utility, and maintenance operations.
[1110]