

REAUTHORIZATION SIDE-BY-SIDE COMPARISON OF HIGHWAY PROVISIONS

May 20, 2005

Based on the following:

SAFETEA of 2003 as Subsequently Modified by the FY 2006 President's Budget
and Letters to the Authorizing Committees Dated February 18, 2005

H.R. 3 as Passed by the House of Representatives

H.R. 3 as Amended and Passed by the Senate

**Office of Legislation and Strategic Planning
Office of Policy
Federal Highway Administration**

Comparison of Highway Provisions in Surface Transportation Reauthorization Bills

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Obligation Limitation			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Section 1102	Section 1102	Section 1102	Section 1102
Places a limitation on the obligation of Federal-aid highway and highway safety funds to control spending in response to economic and budgetary conditions.	Same as current law	Same as current law	Same as current law
Generally, distributes limitation among the States in proportion to each State's apportionments.	Same as current law	Same as current law	Same as current law
Reserves a portion of the limitation prior to distribution at 100 percent ratio for administrative costs, Highway Use Tax Evasion, BTS, and other programs funded from the administrative takedown.	Reserves a portion of the limitation prior to distribution at 100 percent ratio for administrative costs, IPAM, other programs funded from the administrative takedown, and allocated programs.	Reserves a portion of the limitation prior to distribution at 100 percent ratio for administrative expenses, Highway Use Tax Evasion, BTS.	Reserves a portion of the limitation prior to distribution at 100 percent ratio for admin, Highway Use Tax Evasion, BTS, and other programs funded from the admin takedown.
Provides that certain programs--Emergency Relief, \$639M per year of MG, old demos, and any remaining MA funds--are exempt from the obligation limitation.	Provides that certain programs--Emergency Relief (\$250M per year), \$439M per year of MG, plus old demos, and any remaining MA funds--are exempt from the obligation limitation.	Same as current law	Similar to current law. Provides that certain programs--Emergency Relief (\$100M per year), \$639M per year of Equity Bonus, plus old demos, and any remaining Minimum Allocation funds--are exempt from the obligation limitation.
Directs that limitation for ADHS, \$2 billion per year of MG, the High Priority Projects program, and the Woodrow Wilson Bridge is available until used.	Directs that limitation for the ADHS program and \$2 billion per year of MG is available until used.	Directs that limitation for ADHS, \$2 billion per year of MG, and the High Priority Projects program is available until used.	Directs that limitation for ADHS is available until used.

Obligation Limitation			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Directs that ADHS, High Priority Projects, and the Woodrow Wilson Bridge receive limitation at the ratio calculated as specified.	Deletes this provision	Same as current law except that ratio used for High Priority Projects cannot be less than 93.2%.	Directs that the ADHS receive limitation at the ratio calculated as specified.
Directs that limitation set aside for research programs may be carried over for three fiscal years.	Same as current law	Same as current law	Same as current law
Provides that contract authority for allocated programs in excess of available obligation limitation be redistributed to the States to be used for STP eligible purposes. ("lop off")	Deletes this provision	Same as current law, except the calculated lop off percentage cannot be less than 93.2%.	Same as current law
Keys funding levels for highways to projected receipts to the Highway Account of the HTF, and adjusts obligation limitation to reflect changes in actual/estimated receipts	Deletes this provision	Same as current law	Same as current law

Guaranteed Funding			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Provides \$198 billion of guaranteed funding for the period 1998-2003, with \$162 for highways, highway safety, and motor carrier safety and \$36 billion for mass transit.	Provides \$283.9 billion of guaranteed funding for the period 2004-2009, with \$235 billion for highways, highway safety and motor carrier safety and \$49 billion for mass transit.	Provides \$284.0 billion of guaranteed funding for the period 2004-2009, with \$231.651 billion for highways, highway safety, and motor carrier safety and \$52.352 billion for mass transit. [8003, 1102]	Provides \$251.9 billion of guaranteed funding for the period 2005-2009, with \$205.348 billion for highways, highway safety, and motor carrier safety and \$46.551 billion for mass transit. [3103, 1102]
Provides budget categories for highway and transit discretionary spending, creating "firewalls" between those programs and all other domestic discretionary programs. Highway firewall protects the Federal-aid highway obligation limitation plus the contract authority for NHTSA and FMCSA. The Mass Transit firewall protects both the General Fund and the Trust Fund portions of the Transit Programs.	Similar to current law, updating the list of budget accounts protected by the firewall to reflect the latest budget account structure. Mass Transit firewall protects only the portion of transit programs funded by the Mass Transit Account of the Highway Trust Fund.	Similar to current law, updating the list of budget accounts protected by the firewall to reflect the latest budget account structure. [8101]	Similar to current law, updating the list of budget accounts protected by the firewall to reflect the latest budget account structure. [3102]
Effect of firewall is that reductions in highway or transit spending will not allow increased spending in other programs.	Same as current law	Same as current law	Same as current law

Guaranteed Funding			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Keys the firewall amount for highways to both projected and actual tax receipts to the Highway Account of the HTF, and provides for adjustment each year as new projections of future receipts and certifications of past receipts become available.	No comparable provision.	Same as current law	Same as current law
Requires the calculation of the adjustment to compare actual receipts from a prior year with estimates for that year, and to compare estimates for a future year with more recent estimates for that year.	No comparable provision.	Similar to current law, modifying the calculation of the adjustment (to begin with FY 2007), retaining the "look back" at actual tax receipts, but changing the "look forward" to a "look now" comparison comparing the President's Budget estimate with the original estimate specified in the Act for the year before the budget year. One half of the sum of the "look back" and the "look now" would be added to the firewall amount, for the budget year with the remainder added in the next year. [8002]	Similar to current law, modifying the calculation of the adjustment, retaining the "look back" at actual receipts (tax and interest, if any), but changing the "look forward" to a "look now" comparison comparing the Mid-Session Review estimate with the original estimate specified in the Act for the year before the budget year. [3102]

Guaranteed Funding			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Provides that when the firewall is adjusted, equal adjustments are made to the Federal-aid highway obligation limitation and authorizations. When the adjustment to be made is downward, the adjustment of authorizations is delayed one year	No comparable provision.	Same as current law, except negative adjustments will be made without delay. [1108]	Same as current law, except negative adjustments will be made without delay, except that no negative adjustment shall be made for a fiscal year if, as of October 1 or that fiscal year, the Highway Account balance exceeds \$6 billion. [1102, 1105]
No provision for adjusting the transit firewall amount; the transit firewall is not keyed to MTA receipts.	No comparable provision.	Same as current law.	Same as current law.

FHWA Administrative Funds			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Funding is derived from a deduction from the IM, NHS, STP, Bridge, CMAQ, MG, ADHS, and FLHP programs in an amount not to exceed 1-1/6 percent to administer the provisions of law for the Federal-aid Highway Program, programs under chapter 2 of 23 USC, audit cost reimbursement to OIG and administrative expenses of ARC related to the Appalachian Development Highway System. [23 USC 104(a) and (i).]	Increases the maximum FHWA administrative takedown percentage to 1.4 percent from the IM, NHS, STP, Bridge, CMAQ, MG, ADHS, FLHP, and the new Highway Safety Improvement Program. [1103, 1402]	Replaces existing percentage takedown with a takedown of a specified dollar amount each year from the Surface Transportation Program only. Deletes the administrative takedown for FMCSA and provides a direct authorization to cover and makes a separate direct authorization for FMCSA administrative expenses. [1103, 4101]	Replaces the percentage takedown for FHWA administrative expenses with a direct authorization. [1103]
No comparable provision.	No comparable provision.	No comparable provision.	Of the amount authorized for FHWA administrative expenses, \$3,754,515 per year is set aside for the Planning Capacity Building Program (see separate sheet)

Formulas, Takedowns, and Setasides			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
National Highway System			
Takedowns:			
FHWA Administrative Expense 1-1/6%	Increased to 1.4%	FHWA administrative takedown limited to STP only. [1103]	FHWA takedown eliminated in favor of a direct authorization [1103]
FMCSA Administrative Expense	FMCSA takedown eliminated in favor of a direct authorization	Same as Administration bill [4101]	Same as Administration bill
Metropolitan Planning - 1%	Same as current law	Same as current law	Metropolitan Planning-1.5% [1103]
Territorial Highways \$36.4M	Same as current law	Territorial Highways \$40M in FY 2005 increasing to \$50M by 2009. [1103]	Territorial Highways \$44,654,088 per year for 2005-2009 [1102]
Alaska Highway \$18.8M thru 2002	Extended through 2009 at current law funding level	Alaska Highway increasing to \$30M beginning 2005 [1103]	Same as House bill [1103]
No comparable provision	No comparable provision	No comparable provision	New Strategic Highway Research Program - \$16,968,553 per year [2001]
Direct authorization, not takedown	Direct authorization, not takedown	Highway Use Tax Evasion program varying from \$30M to \$7M per year. [1103]	Direct authorization, not takedown
Direct authorization, not takedown	Puerto Rico treated as a State in apportionment formulas (no takedown)	Commonwealth of Puerto Rico Highway Program ranging from \$125M in 2005 to \$140M in 2009. [1103]	Direct authorization, not takedown
Direct authorization, not takedown	No authorization	Deployment of Magnetic Levitation Transportation Projects ranging from \$15M in 2005 to \$20M in 2009. [1103]	Direct authorization, not takedown

Formulas, Takedowns, and Setasides			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
National Highway System			
Takedowns: (cont'd) Direct authorization, not takedown	No authorization	Construction of Ferry Boats and Ferry Terminal Facilities ranging from \$70M in 2005 to \$75M in 2009. [1103]	Direct authorization, not takedown
Formula Factors: 25% lane-miles on principal arterial routes 35% VMT on principal arterials 30% diesel fuel used on highways 10% principal arterial lane miles per capita	Same as current law	Same as current law	Same as current law
Minimum Apportionment: 1/2% of IM and NHS combined	Same as current law	Same as current law	Same as current law

Formulas, Takedowns, and Setasides			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
National Highway System			
Setasides:			
State Planning & Research 2%	State Planning & Research 2.5%	Same as current law	Same as current law
No comparable provision	Freight Intermodal Connectors greater of 2% or % of NHS miles that are intermodal freight connectors	Direct authorization, not setaside [1101(a)(15)]	Same as Administration bill [1203]
No comparable provision	No comparable provision	Motor Vehicle Congestion Relief-10% of the State's total apportionments under NHS, IM, STP and CMAQ programs (but no specific amount or proportion from any one of the named programs) multiplied by the percentage of the State's population in urbanized areas over 200,000 population. [1201]	No comparable provision
No comparable provision	No comparable provision	ITS Deployment beginning in FY 2005 [1205]	No comparable provision

Formulas, Takedowns, and Setasides			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Interstate Maintenance			
Takedowns: FHWA Administrative Expense 1-1/6%	Increased to 1.4%	FHWA administrative takedown limited to STP only. [1103]	FHWA takedown eliminated in favor of a direct authorization [1103]
FMCSA Administrative Expense	FMCSA takedown eliminated in favor of a direct authorization	Same as Administration bill [4101]	Same as Administration bill
Metropolitan Planning - 1%	Same as current law	Same as current law	Metropolitan Planning - 1.5% [1103]
Interstate Maintenance Discretionary Program- \$100M per year No comparable provision	Eliminated No comparable provision	Extended through FY 2005, then repealed [1114] No comparable provision	Interstate Maintenance Discretionary Program- \$89,308,176 per year [1805] New Strategic Highway Research Program - \$13,396,226 per year [2001] No comparable provision
No comparable provision	Highways for Life-Takedown on Infrastructure Performance and Maintenance Program	Highways for Life-Takedown beginning in FY 2005 at \$55M growing to \$60M per year thereafter. [1103]	No comparable provision
Formula Factors: 33-1/3% Interstate lane miles	Same as current law	Same as current law	Same as current law
33-1/3% Interstate VMT 33-1/3 Commercial vehicle contributions to Highway Account of Highway Trust Fund	Same as current law Same as current law	Same as current law Same as current law	Same as current law Same as current law
Minimum Apportionment: 1/2% of IM and NHS combined	Same as current law	Same as current law	Same as current law

Formulas, Takedowns, and Setasides			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Interstate Maintenance			
Setasides: State Planning & Research- 2%	State Planning & Research- 2.5%	Same as current law	Same as current law
No comparable provision	No comparable provision	Motor Vehicle Congestion Relief-10% of the State's total apportionments under NHS, IM, STP and CMAQ programs (but no specific amount or proportion from any one of the named programs) multiplied by the percentage of the State's population in urbanized areas over 200,000 population. [1201]	No comparable provision
No comparable provision	No comparable provision	ITS Deployment [1205]	No comparable provision

Formulas, Takedowns, and Setasides			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Surface Transportation Program			
Takedowns:			
FHWA Administrative Expense 1-1/6%	Increased to 1.4%	FHWA administrative takedown changed from a percentage to a specified dollar amount and applied to STP only. [1103]	FHWA takedown eliminated in favor of a direct authorization [1103]
FMCSA Administrative Expense	FMCSA takedown eliminated in favor of a direct authorization	Same as Administration bill [4101]	Same as Administration bill
Metropolitan Planning - 1%	Same as current law	Same as current law	Metropolitan Planning - 1.5% [1103]
Operation Lifesaver-\$500K	Increased to \$600K	Increased to \$600K. Moved to Highway Safety Improvement Program effective in FY 2005. [1401]	Moved to Highway Safety Improvement Program [1402]
Rail-highway Crossings in High Speed Corridors-\$5.25M	Same as current law	Increased to \$7.5 million for FY 2004 increasing to \$15M by FY 2009 [1401]	Same as current law
DBE Training-\$10M	Same as current law	Same as current law	Same as current law
On-the-Job Training	Same as current law	Same as current law	Same as current law
Supportive Services-\$10M			
No comparable provision	Executive Office Complex (E St.) - varies by year	No comparable provision	No comparable provision
No comparable provision	Bike-Ped Safety Grants-\$500K	No comparable provision	Same as Administration bill [1607]
No comparable provision	TCSP-\$26M	TCSP-\$30M in FY 2005, \$35M per year thereafter. [1103]	No comparable provision
No comparable provision	Planning Capacity Building-\$20M	No comparable provision	Same as Administration bill
No comparable provision	No comparable provision	No comparable provision	New Strategic Highway Research Program - \$17,861,635 per year [2001]

Formulas, Takedowns, and Setasides			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Surface Transportation Program			
Takedowns: (cont'd)			
Direct authorization, no takedown	No comparable provision	ITS Deployment-Extension of current law program through 2005 funded by takedown of \$100M. [1103]	No comparable provision
Direct authorization, no takedown	No comparable provision	Safety Incentive Grants for Use of Seat Belts - Extension of current law program through 2005 funded by takedown of \$112M. [1103]	No comparable provision
Direct authorization, no takedown	No comparable provision	Safety Incentive to Prevent Operation of Motor Vehicles by Intoxicated Persons-Extension of current law program through 2005 funded by takedown of \$110M. [1103]	No comparable provision
Formula Factors:			
25% lane-miles of Federal-aid highways	Same as current law	Same as current law	Same as current law
40% VMT on Federal-aid highways	Same as current law	Same as current law	Same as current law
35% contributions to Highway Account of Highway Trust Fund	Same as current law	Same as current law	Same as current law
Minimum Apportionment: 1/2%	Same as current law	Same as current law	Same as current law

Formulas, Takedowns, and Setasides			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Surface Transportation Program			
Setasides: State Planning & Research (SPR) - 2%	State Planning & Research - 2.5%	Same as current law	Same as current law
Transportation Enhancements (TE)-10% after SPR setaside	Same as current law	Same as current law	Same as current law
Safety-10% after SPR setaside	Eliminated in favor of Highway Safety Improvement Program	Eliminated in favor of Highway Safety Improvement Program effective in FY 2005 [1401]	Eliminated in favor of Highway Safety Improvement Program [1401]
Suballocation to areas-62.5% of amount remaining after SPR, TE and Safety setasides. Amount split based on population between urbanized areas over 200K and all other areas. Within the all other category, an amount equal to 110% of the state's 1991 secondary system apportionment is reserved for use in areas under 5K.	Same as current law. Note: There should have been a conforming amendment to the suballocation to areas to recognize the elimination of the safety setaside.	Before FY 2005, suballocation to areas is same as current law. Beginning FY 2005, suballocation to areas-62.5% of amount remaining after SPR and TE setasides. Amount split based on population between urbanized areas over 200K and all other areas. Within the all other category, an amount equal to 110% of each state's 1991 secondary system apportionment is reserved for use in areas under 5K. [1401]	Same as House [1401], except that the urbanized areas of Norman and Oklahoma City, OK are to be treated as a single area [1705]

Formulas, Takedowns, and Setasides			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Surface Transportation Program			
No comparable provision	No comparable provision	Motor Vehicle Congestion Relief-10% of the State's total apportionments under NHS, IM, STP and CMAQ programs (but no specific amount or proportion from any one of the named programs) multiplied by the percentage of the State's population in urbanized areas over 200,000 population. [1201]	No comparable provision
No comparable provision	No comparable provision	ITS Deployment [1205]	No comparable provision

Formulas, Takedowns, and Setasides			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Highway Bridge Program			
Takedowns: FHWA Administrative Expense 1-1/6%	Increased to 1.4%	FHWA administrative takedown limited to STP only. [1103]	FHWA takedown eliminated in favor of a direct authorization [1103]
FMCSA Administrative Expense	FMCSA takedown eliminated in favor of a direct authorization	Same as Administration bill [4101]	Same as Administration bill
Metropolitan Planning - 1%	Same as current law	Same as current law	Metropolitan Planning - 1.5% [1103]
Bridge Discretionary Program \$100M with not to exceed \$25M available for seismic retrofit	Eliminated	Bridge Discretionary Program- \$100M with \$25M reserved for seismic retrofit projects (with \$10M reserved for the bridge described in 23 USC 144(l)) and with, beginning in FY 2005, \$10M reserved for construction of bridge joining Island of Gravina to Ketchikan in Alaska. [1115]	Bridge Discretionary Program- \$133,962,264 with not to exceed \$22,327,044 available for seismic retrofit and in FY 2005 earmarks of \$44,654,088 each for Hoover Dam Bridge and St. Louis-Illinois Bridge over Mississippi River. [1807]
No comparable provision	No comparable provision	No comparable provision	New Strategic Highway Research Program - \$11,610,063 per year [2001]
Direct authorization, no takedown	Direct authorization, no takedown	Transportation Infrastructure Finance and Innovation Act- \$140M per year beginning in 2005. [1115]	Direct authorization, no takedown.

Formulas, Takedowns, and Setasides			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Highway Bridge Program			
Formula Factors: Relative share of cost to repair or replace deficient highway bridges (square footage of deck area * cost factor)	Same as current law, changed reference from "square footage" to "area"	Same as current law	Same as Administration bill [1807]
Minimum Apportionment: 1/4% minimum and 10% maximum	Same as current law	Same as current law	Same as current law
Setasides: State Planning & Research - 2% Off-system bridges - at least 15% and not more than 35%	State Planning & Research - 2.5% At least 15% with no maximum	Same as current law Off-system bridges - at least 20% and not more than 35% [1115]	Same as current law At least 15% (20% in Colorado and two unspecified States) with no maximum. Setaside funds may be used to complete the Warwick Intermodal Station (including the construction of a people mover between the Station and the T.F. Green Airport). [1807].

Formulas, Takedowns, and Setasides			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Congestion Mitigation and Air Quality Improvement Program			
Takedowns: FHWA Administrative Expense 1-1/6%	Increased to 1.4%	FHWA administrative takedown limited to STP only. [1103]	FHWA takedown eliminated in favor of a direct authorization [1103]
FMCSA Administrative Expense	FMCSA takedown eliminated in favor of a direct authorization	Same as Administration bill [4101]	Same as Administration bill
Metropolitan Planning - 1%	Same as current law	Same as current law	Metropolitan Planning - 1.5% [1103]
CMAQ Effectiveness Study- \$500K in 1999 & 2000 only	Evaluation and assessment of projects- 1/2%	No comparable provision	No comparable provision
No comparable provision	No comparable provision	No comparable provision	New Strategic Highway Research Program - \$4,465,409 per year [2001]
Direct authorization, no takedown	No comparable provision	Congestion Pricing Pilot Program-Beginning 2005, takedown of \$15M per year. [1103]	No comparable provision
Formula Factors: Weighted nonattainment and maintenance area population	Adds new 8-hour ozone and PM-2.5 nonattainment and/or maintenance areas to formula and adjusts weights. Raises minimum weights to 1.0.	Same as current law.	Adds new 8-hour ozone and PM-2.5 nonattainment and/or maintenance areas to formula and adjusts weights.
Minimum Apportionment: 1/2%	Same as current law	Same as current law.	Same as current law

Formulas, Takedowns, and Setasides			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Congestion Mitigation and Air Quality Improvement Program			
Setasides: State Planning & Research 2%	State Planning & Research 2.5%	Same as current law.	Same as current law
No comparable provision	No comparable provision	Motor Vehicle Congestion Relief-10% of the State's total apportionments under NHS, IM, STP and CMAQ programs (but no specific amount or proportion from any one of the named programs) multiplied by the percentage of the State's population in urbanized areas over 200,000 population. [1201]	No comparable provision
No comparable provision	No comparable provision	ITS Deployment [1205]	No comparable provision

Formulas, Takedowns, and Setasides			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Appalachian Development Highway System			
Takedowns: FHWA Administrative Expense 1-1/6%	Increased to 1.4%	FHWA administrative takedown limited to STP only. [1103]	FHWA takedown eliminated in favor of a direct authorization [1103]
FMCSA Administrative Expense	FMCSA takedown eliminated in favor of a direct authorization	Same as Administration bill [4101]	Same as Administration bill
Formula Factors: Cost to complete ADHS based on latest estimate	Same as current law	Same as current law	Same as current law
Minimum Apportionment: None	Same as current law	Same as current law	Same as current law
Setasides: None	Same as current law	Same as current law	Same as current law

Formulas, Takedowns, and Setasides			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Recreational Trails Program			
Takedowns: Administration of Recreational Trails program up to 1.5%	Same as current law	Same as current law	Same as current law
Formula Factors: 50% equal shares to each eligible State	Same as current law	Same as current law	Same as current law
50% nonhighway recreational fuel use during the preceding year	Same as current law	Same as current law	Same as current law
Minimum Apportionment: None	Same as current law	Same as current law	Same as current law
Setasides: None	Same as current law	Same as current law	Same as current law

Formulas, Takedowns, and Setasides			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Metropolitan Planning			
Funds are derived from an up to 1% takedown from the STP, Bridge, NHS, CMAQ, and IM programs.	Funds are derived from a 1% takedown from the STP, Bridge, NHS, CMAQ, IM, HSIP and Minimum Guarantee programs.	Same as current law	Funds are derived from a 1.5% takedown from IM, NHS, STP, CMAQ, HSIP, and Bridge Programs. This will be supplemented by a share of the programmatic distribution of Equity Bonus apportionments. [1103, 1104]
Takedowns: None	Same as current law	Same as current law	Same as current law
Formula Factors: Urbanized area population	Same as current law	Same as current law	Same as current law, except that the urbanized areas of Norman and Oklahoma City, OK are to be treated as a single urbanized area. [1705].
Minimum Apportionment: 1/2%	Same as current law	Same as current law	Same as current law
Setasides: None	Same as current law	Same as current law	Same as current law

Formulas, Takedowns, and Setasides			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Highway Safety Improvement Program (HSIP)			
Under current law, the purposes of this program are addressed by the safety setaside from the Surface Transportation Program which funds the Hazard Elimination Program and the Rail-Highway Crossing Program	Replaces the safety setaside from the Surface Transportation Program with a new core program.	Continues the Surface Transportation Program safety setaside through FY 2004. Beginning in FY 2005, the HSIP is an umbrella over the existing Hazard Elimination and Rail-Highway Crossing Programs, each of which has its own formula. See separate pages for those formulas. 1/3 of the authorized amount is apportioned under the Rail Crossing program and 2/3 under the Hazard Elimination Program. [1101]	Replaces the safety setaside from the Surface Transportation Program with a new core program.

Formulas, Takedowns, and Setasides			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Highway Safety Improvement Program (HSIP)			
Takedowns:			
No comparable provision	FHWA Administrative takedown of 1.4%	FHWA administrative takedown limited to STP only. [1103]	FHWA takedown eliminated in favor of a direct authorization [1103]
No comparable provision	FMCSA takedown eliminated in favor of a direct authorization	Same as Administration bill [4101]	Same as Administration bill
No comparable provision	Metropolitan Planning - 1%	Same as current law	Metropolitan Planning - 1.5% [1103]
No comparable provision	No comparable provision	See Rail-highway Crossing Program formula page	Operation Lifesaver \$535,849 (currently takedown from STP) [1402]
No comparable provision	No comparable provision	Safe Routes to School authorized directly, not as takedown	Safe Routes to School - \$62,515,723 per year [1405]
No comparable provision	No comparable provision	See Rail-highway Crossing Program formula page	Elimination of Hazards and Protective Devices at Rail-Highway Crossings - \$178,616,352 per year. [1401]
No comparable provision	No comparable provision	No comparable provision	New Strategic Highway Research Program - \$2,679,245 per year [2001]

Formulas, Takedowns, and Setasides			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Highway Safety Improvement Program (HSIP)			
Formula Factors: No comparable provision	25% lane miles of Federal-aid highways 40% VMT on Federal-aid highways 35% contributions to the Highway Account of the Highway Trust Fund	See separate pages for formulas for Rail-highway Crossing and Hazard Elimination Programs	25% lane miles of Federal-aid highways 40% VMT on Federal-aid highways 35% contributions to Highway Account of the Highway Trust Fund
Minimum Apportionment: No comparable provision	1/2%	NA	1/2%
Setasides: No comparable provision	State Planning & Research 2.5%	NA	State Planning & Research 2.0%
No comparable provision	No comparable provision	NA	Bicycle and pedestrian improvements - an amount equal to at least the amount apportioned times the percentage that fatal crashes involving bicyclists and pedestrians in the State are of all fatal crashes in the State. [1401]

Formulas, Takedowns, and Setasides			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Equity Programs			
Minimum Guarantee: This equity adjustment is structured so that each State will receive funds under the provision regardless of its donor-donee status.	Minimum Guarantee: This equity adjustment is structured so that each State will receive funds under the provision regardless of its donor-donee status.	Minimum Guarantee: This equity adjustment is structured so that each State will receive funds under the provision regardless of its donor-donee status. <i>There are two additional equity programs--the equity adjustment and the scope adjustment--and all three interact.</i>	Equity Bonus: This equity bonus is structured so that donor states and certain other groups of states receive funds.
Takedowns: FHWA Administrative Expense 1-1/6%	Increased to 1.4%	FHWA administrative takedown limited to STP only. [1103]	FHWA takedown eliminated in favor of a direct authorization [1103]
FMCSA Administrative Expense 1/3%	FMCSA takedown eliminated in favor of a direct authorization	Same as Administration bill [4101]	Same as Administration bill
Metropolitan Planning - none	1%	Same as current law	Same as current law

Formulas, Takedowns, and Setasides			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Equity Programs			
<p>Calculation: General Rule: Each State's share of apportionments from specified programs will be the percentage specified for that State in statute. The specified shares will be adjusted as necessary to ensure that each State's share of apportionments from the specified programs is not less than 90.5% of its share of contributions to the Highway Account of the Highway Trust Fund. Puerto Rico is not a State for this purpose.</p>	<p>Same as current law except that Puerto Rico is included in calculation. Also excludes Metropolitan Planning program from the calculation process so that the 1% Metro Planning takedown can be applied to the Minimum Guarantee.</p>	<p>Same as current law.</p>	<p>General Rule: Subject to the special rules below, each State's share of apportionments from specified programs will be at least 92 percent of that State's share of contributions to the Highway Account of the Highway Trust Fund. Puerto Rico is not a State for this purpose.</p>

Formulas, Takedowns, and Setasides			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Equity Programs			
Programs included in calculation: Interstate Maintenance National Highway System Bridge Program Surface Transportation Program Congestion Mitigation & Air Quality Improvement Program Appalachian Development Highway System Recreational Trails Metropolitan Planning High Priority Projects Minimum Guarantee	Interstate Maintenance National Highway System Bridge Program Surface Transportation Program Congestion Mitigation & Air Quality Improvement Program Appalachian Development Highway System Recreational Trails [not included] NA Minimum Guarantee Infrastructure Performance and Maintenance Program Highway Safety Improvement Program	Interstate Maintenance National Highway System Bridge Program Surface Transportation Program Congestion Mitigation & Air Quality Improvement Program Appalachian Development Highway System Recreational Trails Metropolitan Planning High Priority Projects Minimum Guarantee NA Highway Safety Improvement Program Coordinated Border Infrastructure Program Freight Intermodal Connectors Safe Routes to School High Risk Rural Road Safety Improvement Program	Interstate Maintenance National Highway System Bridge Program Surface Transportation Program Congestion Mitigation & Air Quality Improvement Program Appalachian Development Highway System Recreational Trails Metropolitan Planning NA Equity Bonus Program Infrastructure Performance and Maintenance Program Highway Safety Improvement Program Border Planning, Operations, Technology, and Capacity Program Rail-highway Grade Crossings Program Safe Routes to School Program

Formulas, Takedowns, and Setasides			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Equity Programs			
Special Rules: None	None	If any State's quotient of its share of apportionments (excluding the Minimum Guarantee) to its share in the table in section 1105(b) is greater than 1.3, the State with the <i>highest</i> such quotient will receive \$1M in Minimum Guarantee funds (the minimum) and be removed from the Minimum Guarantee calculation.	States with a population density of less than 20 persons per square mile, a total population less than 1 million, a median household income of less than \$35,000, or a 2002 Interstate fatality rate greater than 1 per 100M VMT will receive at least the same share of total apportionments and high priority projects funding that they averaged during TEA-21. No State shall receive less than 115 percent of its average annual apportionments and high priority projects funding under TEA-21. Each State's Equity Bonus for 2005 is capped at an amount equal to 124 percent of its average apportionments and high priority project funding under TEA-21. The cap increases each year reaching 250 percent in 2009.

Formulas, Takedowns, and Setasides			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Equity Programs			
Special Rules: (cont'd)			Notwithstanding the cap, a State's return on its share of contributions must be not less than 90.5 percent for FY 2005, not less than 91 percent for FYs 2006-2008, and not less than 92 percent for 2009. No state may receive a negative Equity Bonus.
Minimum Apportionment: \$1 million	Same as current law	Same as current law	None
Programmatic Distribution: Amount not subject to distribution: \$2.8 billion Programs receiving programmatic distribution: Interstate Maintenance, National Highway System, Bridge, Surface Transportation, and Congestion Mitigation and Air Quality Improvement	Same as current law Same as current law plus the new Highway Safety Improvement Program.	Amount not subject to distribution: \$2.87 billion in FY 2004 rising to \$3.25 billion by FY 2009. Same as current law	Amount not subject to distribution: \$0. Same as current law plus the new Highway Safety Improvement Program and Metropolitan Planning

Formulas, Takedowns, and Setasides			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Equity Programs			
Setasides: State Planning & Research - 2%	State Planning & Research - 2.5%	Same as current law	Same as current law
		Equity Adjustment: If any State would have received more funding under the Minimum Guarantee had High Priority Projects not been included in the calculation of Minimum Guarantee, the State will receive the funds so "lost" in addition to the Minimum Guarantee. Such additional funds will be adjusted upward as needed so that no state receives less than a 90.5 return taking into consideration the Minimum Guarantee and Equity Adjustment funds combined. [1104(f)]	

Formulas, Takedowns, and Setasides			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Equity Programs			
		<p>Scope Adjustment: If the ratio of total apportionments to States, including the Minimum Guarantee and the Equity Adjustment, to total authorizations for the Federal-aid Highway Program is less than 0.926, additional funds shall be added to the Surface Transportation Program such that the ratio will be 0.926. This will trigger recalculation of STP apportionments, the Minimum Guarantee, the Equity Adjustment and the Scope Adjustment until the condition is met. [1104(h)]</p> <p>The source of the additional STP funds is a setaside from the National Corridor Infrastructure Improvement Program. Such sums as may be necessary are authorized to allow the restoration of the Corridor program funds. The restoration is accomplished after completion of the determination of the Scope Adjustment. [1104(h)]</p>	

Formulas, Takedowns, and Setasides			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Rail-Highway Crossings			
Funded from STP safety setaside	Eligible under HSIP program	Same as current law for FY 2004. Beginning in FY 2005, funding is 1/3 of amount authorized for Highway Safety Improvement Program [1101]	Funds derived from a takedown on the Highway Safety Improvement Program [1401]
Takedowns:		Operation Lifesaver - \$600,000 beginning FY 2005 [1401]	Funded from HSIP
Formula Factors:		50% on STP formula (1/2% minimum) 50% on number of rail-highway grade crossings	25% lane miles of Federal-aid highways 40% VMT on of Federal-aid highways 35% contributions to Highway Account of the Highway Trust Fund
Minimum Apportionment:		1/2%	1/2%

Formulas, Takedowns, and Setasides			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Rail-Highway Crossings			
Setasides:		Protective Devices at Crossings - 50% [23 USC 130] Compilation and Analysis of Data - Not to exceed 2%. [1401]	Protective Devices at Railway- Highway Crossings - 50% [23 USC 130] unless the State can demonstrate to the Secretary that it has met all of its needs for installation of protective devices. [1401]

Formulas, Takedowns, and Setasides			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Hazard Elimination Program			
Funded from STP safety setaside	Eligible under HSIP program	Same as current law for FY 2004. Beginning in FY 2005, funding is 2/3 of amount authorized for Highway Safety Improvement Program [1101]	Eligible under HSIP program
Takedowns:		None	
Formula Factors:		Same as STP [1401]	
Minimum Apportionment:		1/2 % [1401]	
Setasides:		None	

Formulas, Takedowns, and Setasides			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Coordinated Border Infrastructure Program			
Comparable program is not a formula program.	Comparable program is not a formula program.	New formula program [1302]	New formula program [1810]
Takedowns:		None	None
Formula Factors:		<p>Funds are apportioned only to States with an international land border with Canada or Mexico.</p> <p>20% number of incoming commercial truck crossings through land border ports of entry (POE)</p> <p>30% number on incoming personal vehicle and incoming bus crossings through land border POEs</p> <p>25% total weight on incoming cargo by commercial trucks through land border POEs</p>	<p>Funds are apportioned to border States, defined to be AK, AZ, CA, ID, ME, MI, MN, MT, NH, NM, NY, ND, TX, VT, WA.</p> <p>25% average annual cargo weight entering State by commercial vehicle across Canadian or Mexican border (averaged over the last 5 years for which data are available)</p> <p>25% average trade value of cargo imported into or exported from the border State by commercial vehicle across Canadian or Mexican border (averaged over the last 5 years for which data are available)</p> <p>25% number of commercial vehicles annually entering the border State across Canadian or Mexican border.</p>

Formulas, Takedowns, and Setasides			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Coordinated Border Infrastructure Program			
Formula Factors: cont'd		25% total number of land border POEs	25 % number of passenger vehicles annually entering the border State across the Canadian or Mexican border.
Minimum Apportionment:		None	1/2% (border states only)
Setasides:		None	None

Formulas, Takedowns, and Setasides			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Freight Intermodal Connector Program			
No comparable provision	Comparable program funded as a setaside from NHS Program	New formula program [1303]	Comparable program funded as a setaside from NHS Program
Takedowns: No comparable provision	No comparable provision	Freight Intermodal Distribution Pilot Grant Program-Beginning FY 2005, \$6M per year. [1303]	No comparable provision
No comparable provision	No comparable provision	Dedicated Truck Lanes-Beginning FY 2005, \$165M per year then \$170M for 2009 [1303]	No comparable provision
Formula Factors:		33.3% number of intermodal freight connectors as identified in Intermodal Freight Connectors Study 33.3% Contributions to Highway Account of the Highway Trust Fund attributable to commercial vehicles 33.4% NHS formula factors. (The NHS minimum apportionment share of 1/2% does NOT apply.)	
Minimum Apportionment:		None	
Setasides:		None	

Formulas, Takedowns, and Setasides			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Safe Routes to School			
Takedowns: No comparable provision	No comparable provision	Section 1122 Administrative expenses for program not to exceed 2% Nonmotorized Pilot Program- Beginning 2005, \$25M per year.	Section 1405 No comparable provision
Formula Factors: No comparable provision	No comparable provision	Total student enrollment in primary and middle schools	Same formula as Highway Safety Improvement Program
Minimum Apportionment: No comparable provision	No comparable provision	\$2 million	1/2%
Setasides: No comparable provision	No comparable provision	Non-infrastructure-related activities - not less than 10%, not to exceed 30%	Behavioral activities to encourage walking or biking to school - not less than 10%

Formulas, Takedowns, and Setasides			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
High Risk Rural Road Safety Improvement Program			
No comparable program	No comparable program	New formula program [1403]	No comparable program
Takedowns:		None	
Formula Factors:		33-1/3% public road lane miles for rural minor collectors and rural local roads 33-1/3 population of other than urbanized areas 33-1/3 VMT on all public roads	
Minimum Apportionment:		None	
Setasides:		None	

Formulas, Takedowns, and Setasides			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Infrastructure Performance and Maintenance Program			
No comparable program	New formula program [1201]	No comparable program	New allocated program; no funding provided.
Takedowns:	Highways for LIFE Pilot Program-For FYs 2005-2008, \$250M per year [Letter to Authorizing Committees dated 2/18/2005]		
Formula Factors:	25% lane-miles of Federal-aid highways 40% VMT on Federal-aid highways 35% contributions to Highway Account of Highway Trust Fund		
Minimum Apportionment:	1/2%		
Setasides:	None		

Highway Trust Fund and Taxes			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Extension of Highway Trust Fund and Taxes			
Except for 4.3 cents per gallon of the fuel taxes, imposition of highway user taxes ends 9/30/2005. [26 USC 4041, 4081, et. al]	Extends imposition of highway user taxes, generally at current law rates, through 9/30/2011. [9002]	Same as Administration bill [10002]	Same as Administration bill. (See discussion of alternative fuels below) [5101]
Excise tax rates for "alternative fuels" are as follows: Liquefied petroleum gas, 13.6 cents per gallon; liquefied natural gas, 11.9 cents per gallon; compressed natural gas, 4.3 cents per thousand cubic feet; other fuels, 18.4 cents per gallon.	Same as current law	Same as current law	Effective 10/1/2005, excise tax rates for "alternative fuels" are as follows: Liquefied petroleum gas, 13.6 cents per gallon; liquefied natural gas, 24.4 cents per gallon; compressed natural gas or hydrogen, 24.4 cents per gasoline-equivalent gallon; P-Series fuels, 18.4 cents per gallon. Adds new excise tax credits, paid from the General Fund, for alternative fuels. [5204]
The deposit of amounts equivalent to the proceeds of highway user taxes into the Highway Trust Fund expires after 9/30/2005. [26 USC 9503]. Proceeds of the gas guzzler tax are deposited in the General Fund.	The deposit of amounts equivalent to the proceeds of highway user taxes into the Highway Trust Fund is extended through 9/30/2011. Proceeds of gas guzzler tax are deposited in the General Fund.	Same as Administration bill [10002(c)]	Same as Administration bill, except that proceeds of gas guzzler tax imposed for the period July 1, 2005 through September 30, 2009 are to be deposited in the Highway Trust Account of the Highway Trust Fund. [5101, 5602]

Highway Trust Fund and Taxes			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Generally, the Mass Transit Account of the HTF receives 2.86 cents per gallon of the Federal motor fuel excise taxes and the Leaking Underground Storage Tank Trust Fund receives 0.1 cent. The Highway Account generally receives the remainder of the fuel tax and all of the truck tax proceeds. [26 USC 9503(b) & (e)]	Same as current law	Same as current law	Same as current law
Authority to expend HTF monies for authorized purposes expires after 6/30/2004. Transfers of tax receipts to the HTF cease if expenditures continue after that date. [26 USC 9503(c)]	Authority to expend HTF monies for authorized purposes is extended through 9/30/2011. Transfers of tax receipts to the HTF cease if expenditures continue after that date. [9002(d)]	Authority to expend HTF monies for authorized purposes is extended through 9/30/2009. Transfers of tax receipts to the HTF cease if expenditures continue after that date.[10002(d)]	Same as House bill. [5101]
Authority for HTF to reimburse the General Fund for refunds and credits for nontaxable fuel expires after 6/30/2006. [26 USC 9503(c)(2)]	No change to current law [As included in FY 2006 President's Budget]	Extends authority to reimburse the General Fund through 6/30/2012. [10002(c)]	Authority for HTF to reimburse the General Fund for refunds and credits for nontaxable fuel expires for claims related to taxable periods beginning April 1, 2005 and resumes October 1, 2009.
The transfer of motorboat and other small engine gasoline taxes from the HTF to the Aquatic Resources Trust Fund expires after 9/30/2005. [26 USC 9503(b)(4)]	The transfer of motorboat and other small engine gasoline taxes from the HTF to the Aquatic Resources Trust Fund is extended through 9/30/2011.	Same as Administration bill [10002(c)(2)]	Extends the transfers through September 30, 2011. Renames the Aquatic Resources Trust Fund to Sport Fish Restoration and Boating Trust Fund and modifies operation of the Fund. [5211]

Highway Trust Fund and Taxes			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Tax Administration Provisions			
	No change to current law.	No change to current law.	Kerosene taxation -Unless placed directly into the fuel tank of an aircraft, kerosene removed from a terminal is taxed at the full highway diesel rate of 24.4 cents per gallon. If fuel is later shown to have been used for aviation purposes, refunds of the excess tax will paid (aviation uses are taxed at lower rates) and the unrefunded portion of the tax on such gallons will be transferred to the Airport and Airway Trust Fund. [5611]
Generally, gasoline blendstocks and kerosene are taxable when removed from bulk storage, but IRS regulations have exempted some kerosene 26 USC 4083	Same as current law	Same as current law	Same as current law except that IRS is directed in its application of 26 USC 4083 to prohibit the removal of gasoline blendstocks from bulk storage without payment of tax and to include mineral spirits in the definition of kerosene. [5618]
Clear (undyed) diesel fuel may be purchased on a tax excluded basis for farm use and the ultimate vendor may collect the tax refund.	Same as current law	Same as current law	Only dyed diesel may be purchased on a tax excluded basis for farm use . [5612]

Highway Trust Fund and Taxes			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Generally, State and local governments, non-profit educational organizations, certain transit uses, off-highway business use of gasoline and off-highway use of diesel are exempt from the highway-user taxes.	Same as current law	Same as current law	Tax exempt status -Same as current law except that, to qualify for an exemption from highway excise taxes, State and local government entities must be certified by the State. Also, clarifies that only schools, not all non-profit educational organizations, are eligible for exemption and such organizations must be certified to be in good standing by the State in which they provide educational services. [5614] Creates exemptions from the truck and trailer retail tax for tractors weighing 19,500 pounds or less and equipment for transporting bulk beds of farm crops. [5202-5203]
No comparable provision	No comparable provision	No comparable provision	The Department of Homeland Security is to work with the Treasury Department to develop ability for DHS to electronically share information it receives on cargoes of taxable fuel. [5616]

Highway Trust Fund and Taxes			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Vessels (ships and barges) must be registered with the IRS if they carry tax exempt bulk transfers of fuel. By IRS regulation, deep draft vessels are exempt from the registration requirement.	Same as current law	Same as current law	Same as current law, except directs IRS to revise its regulations to require registration of deep draft vessels that carry bulk tax exempt fuel. [5617]
Other Highway Trust Fund Provisions			
Effective 10/1/1998, HTF cash balances are invested in non- interest bearing securities of the U.S. Government. [26 USC 9503(f)]	Same as current law	Same as current law	Same as current law
Under a calculation known as the Byrd Test , highway apportionments must be reduced if unfunded highway authorization exceed projected receipts to the Highway Account of the Highway Trust Fund for the next 2 years. [26 USC 9503(d)]	Same as current law	Same as current law	Same as current law except that 4 years of future receipts (rather than 2 years) are counted in the calculation. For purposes of the 4-year outlook, taxes are assumed to be extended beyond their scheduled expiration date. [5102]

Highway Trust Fund and Taxes			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Studies and Reports			
No comparable provision	No comparable provision	National Commission on Future Revenue Sources to Support the Highway Trust Fund - Establishes Commission funded at \$1.5M for each of FYs 2005 and 2006. Commission to make two studies to evaluate short term and long term sources of revenue to support the HTF, including recommendations and transition strategies. [1123(a)]	National Surface Transportation Infrastructure Financing Commission - Establishes Commission to investigate flow of HTF revenues and the ability of such revenues to meet future needs through 2015 and to make recommendations as to policies that could be adopted by Congress to achieve various levels of revenue. [5302]
No comparable provision	No comparable provision	No comparable provision	Review of Funding Mechanisms - Study by the Western Transportation Institute of the College of Engineering at Montana State University, funded at \$1 M, of funding mechanisms of other industrialized nations and examination of the viability of proposals such as congestion pricing, greater reliance on tolls, privatization of facilities, and other funding proposals. [5303]

Highway Trust Fund and Taxes			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision	No comparable provision	No comparable provision	Test of Mileage Based Highway Use Tax - Study by Public Policy Center at the University of Iowa, funded at \$16.5 M, of use of on-board computers linked to satellites to measure mileage traveled and compute the appropriate highway use tax for each of Federal, State and local government entities. [5303]
No comparable provision	No comparable provision	No comparable provision	Highway Fuels Used by Trucks for Non-Transportation Purposes - Treasury Secretary to study, in consultation with Transportation Secretary to determine the amount of tax paid fuel consumed per vehicle used by the propulsion engine to power and operate equipment attached to trucks. Treasury Secretary to evaluate the feasibility of exempting such fuel for classes where non-propulsive fuel use exceeds 50 percent. [5307]

Bond Financing			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Private Activity Bonds			
No comparable provision	Highway facilities and surface freight transfer facilities are added to a list of other activities eligible for exempt facility bonds. [9004]	No comparable provision	Same as Administration bill. [5308]
No comparable provision	Qualified highway facilities include a surface transportation project eligible for Federal assistance under Title 23 or a project for an international bridge or tunnel for which an international entity authorized under Federal or State law is responsible. [9004]	No comparable provision	Same as Administration bill except that qualified highway facilities must also be receiving Federal assistance under 23 USC. [5308]
No comparable provision	Surface freight transfer facilities are facilities for the transfer of freight from truck to rail or rail to truck (including any temporary storage facilities related to the transfers). [9004]	No comparable provision	Same as Administration bill except that qualified surface freight transfer facilities must also be receiving Federal assistance under 23 USC or 49 USC. [5308]

Bond Financing			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision	Exempt facility bonds issued for highway facilities and surface freight transfer facilities are not subject to the annual volume cap for private activity bonds, but may not exceed \$15 billion in the aggregate. [9004]	No comparable provision	Exempt facility bonds issued for highway facilities and surface freight transfer facilities are not subject to the general annual volume cap for private activity bonds, but are subject to specific annual limitations totaling \$15 billion for fiscal years 2005-2015. [5308]
Build America Corporation			
No comparable provision	No comparable provision	No comparable provision	Establishes the Build America Corporation (BAC) as a nonprofit corporation, not an agency or establishment of the U.S. Government. Purpose of BAC is to provide financial support for qualified projects. No authority to issue debt instruments is provided. [5305]
			Qualified projects are transportation infrastructure projects of any governmental unit or other person that is proposed by a State, including highway, transit system, railroad, airport, port, and inland waterways projects. [5305]
			Additional requirements would apply if they are financed by debt issued by the Corporation. [5305]

Public-Private Partnerships			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
	FOIA exemption - information supplied to DOT for evaluation of public-private partnership proposals is not subject to Freedom of Information Act requirements. Does not apply to information incorporated in a final action approving the project, or to submitted information used in the environmental review process for which disclosure is required. [Letter to authorizing committees dated 2/18/2005]	No comparable provision	No comparable provision
	Transportation Infrastructure Financing and Innovation Act (TIFIA) -- includes public-private partnerships as eligible applicants. [1304(b)]	Same as Administration bill [1601(b)]	Same as Administration bill [1303(b)]
	Intelligent Transportation System (ITS) Research -- establishes policy that Federally-funded ITS research and operational tests should encourage, not displace, public-private partnerships or private sector investment. [5503(b)]	No comparable provision	Same as Administration bill. [2201(a)]

Public-Private Partnerships			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
	No comparable program.	Expedited National ITS Deployment Program -- Authorizes Sec'y to make grants (but no funding is provided) to encourage private sector involvement and financial commitment to accelerate the integration, interoperability, and deployment of ITS, especially through public-private partnerships. [1204]	No comparable program.
	No comparable program.	Center for Transportation Advancement and Regional Development -- Sec'y to establish Center to assist, through training, education and research, in development of small metro and regional transportation systems that are responsive to needs of businesses and local communities. Activities include assisting State and local officials, business leaders, and other stakeholders in the development of public-private partnerships. Funded by \$500,000 annual set-aside from surface transportation research funds. [5215]	No comparable program.

Public-Private Partnerships			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
	No comparable program	No comparable program	Public-Private Partnerships Pilot Program [Section 1305] New pilot program to demonstrate the advantages of public-private partnerships for certain critical capital development projects, including highway, bridge, and freight intermodal connector projects eligible under Title 23. Sec'y to identify at least 10 qualified projects, as permitted by State and local law. Authorizes \$8.4 M/year from HTF for 2005-2009, to be used by the Sec'y to assist project sponsors with project development and delivery, and to reduce costs. [1101(16)]

State Infrastructure Bank Pilot Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Section 1511	Section 1303	Section 1602	Section 1306
Establishes a SIB pilot program for four States to set up infrastructure revolving funds eligible to be capitalized with Federal transportation funds.	Authorizes a new SIB pilot program for transportation infrastructure projects limited to no more than five States.	Authorizes permanent SIB program, making it available to all interested States and territories. [1602(a)]	Continues SIB program of TEA-21, except that Missouri, Rhode Island, Texas and any other State or territory may seek an agreement to establish a SIB.
The four participating States may capitalize their SIBs using NHS, STP, Bridge, MG, and IM funds without limitation. They may also use section 5307, 5309, 5311, and subtitle V funds provided under Title 49.	Same as current law except excludes subtitle V funds and limits SIB funding to 10% of each category.	Same as current law except limits highway and transit funding to 10 percent. [1602(a)]	Same as current law.
Allows funds to be used for any Title 23 or 49 purpose except IM funds must be used for IM projects.	Establishes separate highway and transit accounts.	Establishes separate highway, transit, and rail accounts. [1602(a)]	Same as current law.
Both initial capitalization grant assistance, and any subsequent assistance funded with loan repayments or other recycled funds, are subject to the requirements of Titles 23 and 49.	Same as current law.	Same as current law, but allows SIB funds to provide assistance to any other projects related to surface transportation the Secretary determines to be appropriate. [1602(a)]	Same as current law.

Highway Use Tax Evasion Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
\$35 million over 6 years.	Continues program over 6 years.	Continues program at \$109 million over 6 years, as a deduction from the NHS.	Continues program at \$400 million over 4 years.
Section 1114	Section 1307	Section 1112	Section 5101
Funds are allocated at the discretion of the Secretary to IRS and the States at 100% Federal share. Priority funds made available to the IRS to develop, maintain and operate an automated fuel reporting system. Permits a State to use 0.25 percent of its STP apportionment at 100 percent Federal share for initiatives to halt motor fuel tax evasion.	Funds will be allocated to IRS to complete, operate and maintain: the excise summary terminal activity reporting system (ExSTARS), automated fuel tracking system; registration system for barges, vessels and pipelines and their operators that make bulk transfers of taxable fuel; and an electronic database of heavy vehicle highway use tax payments. Of the total allocated to the IRS, \$10.5 million in FY 2004, and \$4.5 million in each of FYs 2005-2009 must be used to operate and maintain the excise summary terminal activity reporting system. For each of FYs 2004-2009, \$2 million must be used to carry out intergovernmental enforcement efforts and \$4.5 million will be made available for the States' programs. Continues to allow use of 0.25% of STP apportionment to halt motor fuel tax evasion.	Requires the Secretary to provide such funds as may be necessary to the IRS from the funds made available for the Highway Use Tax Evasion Program to complete, operate, and maintain an excise summary terminal activity reporting system (ExSTARS). The Secretary is also to provide funds to the States to supplement State highway use tax enforcement programs. Requires \$2 million each fiscal year to be made available to carry out intergovernmental enforcement efforts, including research and training. [1112]	Provides to the IRS a total of \$120 million over FYs 2006-2009 for enforcement of fuel tax compliance, including the pre-certification of tax-exempt users, and a total of \$80 million for for the excise fuel information reporting system, of which \$40,000,000 shall be allocated to the excise summary terminal activity reporting system. Provides to FHWA \$50 million for each of FYs 2006-2009 to be allocated \$1,000,000 to each State to combat fuel tax evasion on the State level.

Highway Use Tax Evasion Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision.	Requires the Commissioner of the Internal Revenue Service to submit and the Secretary to approve a budget and project plan for the completion, operation, and maintenance of the ExSTARS system.	Same as Administration Bill [1112(b)(2)(E)]	No comparable provision.
Eligible activities include: efforts to expand motor fuel tax enforcement; supplement Federal and State motor fuel tax exams and criminal investigations; reimburse State expenses that supplement existing highway use and fuel tax compliance efforts; develop automated data processing systems to aid in tax compliance.	New eligibilities include: reducing tax evasion related to imports of foreign motor fuel; and supporting efforts between States and Tribes in addressing issues related to collection of State motor fuel taxes.	Same as Administration Bill [1112(a)(3)(C)]	No comparable provision.
No comparable provision.	Requires the Secretary to enter into a memorandum of understanding (MOU) with the Commissioner of the IRS to develop, operate, and maintain a registration system for pipelines, vessels, and barges that make bulk transfers of taxable fuel.	Same as Administration Bill [1112(c)]	No comparable provision.

Highway Use Tax Evasion Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision.	The Commissioner of the IRS shall submit and the Secretary approve a budget and project plan for development, operation, and maintenance of the pipeline, vessel, and barge registration system. The system shall be under the control of the IRS, and shall be made available for use by State and Federal revenue, tax, and law enforcement authorities.	Same as Administration Bill [1112(c)]	No comparable provision.
No comparable provision.	Requires the Secretary to make funds available to the IRS from the funds made available to the Highway Use Tax Evasion Program to complete, operate, and maintain a registration system for pipelines, vessels, and barges that make bulk transfers of taxable fuel.	Requires the Secretary to provide such funds as may be necessary to the IRS from the funds made available for the Highway Use Tax Evasion Program to complete, operate, and maintain a registration system for pipelines, vessels, and barges that make bulk transfers of taxable fuel. [1112(c)]	No comparable provision.
No comparable provision.	Requires the Secretary to enter into a memorandum of understanding (MOU) with the Commissioner of the IRS to establish, operate, and maintain an electronic database of heavy vehicle highway use tax payments.	Same as Administration Bill [1112(c)]	No comparable provision.

Highway Use Tax Evasion Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision.	The Commissioner of the IRS shall submit and the Secretary approve a budget and project plan for the establishment, operation, and maintenance of the electronic database. The database shall be under the control of the IRS, and shall be made available for use by State and Federal revenue, tax, and law enforcement authorities.	Same as Administration Bill [1112(c)]	No comparable provision.
No comparable provision.	Requires the Secretary to make funds available to the IRS from the funds made available to the Highway Use Tax Evasion Program to establish, operate, and maintain an electronic database for heavy vehicle use tax payments.	Requires the Secretary to provide such funds as may be necessary to the IRS from the funds made available for the Highway Use Tax Evasion Program to establish, operate, and maintain an electronic database of heavy vehicle highway use tax payments. [1112(c)]	No comparable provision.
No comparable provision.	Requires the Commissioner of the IRS and each participating State to submit annual reports to the Secretary describing the projects, examinations, and criminal investigations carried out under this section, and the annual yield estimated for each project.	Same as Administration Bill [1112(a)(4)]	No comparable provision.

Highway Use Tax Evasion Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision.	Requires the IRS to submit to the Secretary biannual reports on the status of IRS projects funded under this section related to: ExSTARS; the pipeline, vessel, and barge registration system; and the heavy vehicle use tax electronic database.	Same as Administration Bill [1112(c)]	No comparable provision.
Related Provisions			
			Diesel Fuel Tax Evasion Report - IRS to report within 360 days of enactment to Senate Finance and House Ways and Means Committees on the availability of new technologies that can be employed to enhance collections of the diesel fuel excise tax and IRS plans to employ such technologies. [5312]

Highway Use Tax Evasion Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision.	No comparable provision.	No comparable provision.	Motor Fuel Tax Enforcement Advisory Commission - Establishes Commission to review motor fuel tax collections, review the progress of investigations, develop and review legislative proposals with respect to motor fuel taxes, monitor the progress of administrative regulation projects relating to fuel taxes, review the results of Federal and State agency cooperative efforts regarding motor fuel taxes and evaluate and make recommendations regarding the effectiveness of existing Federal enforcement programs. [5301]

Transportation Infrastructure Finance and Innovation Act (TIFIA)			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
	Section 1304	Section 1601	Section 1303
\$530 million in contract authority to support up to \$10.6 billion in credit assistance over 5 years.	Continues program funding to support up to \$15.6 billion in credit assistance over 6 years.	Continues funding at \$830 M over 6 years to support \$15.6B in credit assistance.	Continues funding at \$610.1M, but no limiting amount on credit assistance
To be eligible project costs must be at least \$100M, except for ITS projects where minimum is \$30M	Reduces minimum total cost of an eligible project to \$50 million	Reduces minimum total cost of eligible projects to \$50M and also reduces ITS project minimum cost to \$15M	Minimum total cost of eligible projects is reduced to \$50M
The Federal loan or line of credit may not exceed 33% of eligible project costs	Loan or line of credit may not exceed the lesser of 33% of eligible project costs or the amount of senior project obligations.	Loan or line of credit may not exceed the lesser of 33% of eligible project costs or the amount of senior project obligations.	Loan or line of credit may not exceed the lesser of 33% of eligible project costs or the amount of senior project obligations.
Line of credit can be drawn only if project revenues, including reserve funds, are inadequate to cover debt service.	Line of credit can be drawn if project revenues are inadequate to cover debt service, without regard to reasonably required reserve funds.	Line of credit can be drawn if project revenues are inadequate to cover debt service, without regard to reasonably required reserve funds.	Line of credit can be drawn if project revenues are inadequate to cover debt service, without regard to reasonably required reserve funds.
Allows Secretary to set fees to cover all or a portion of the costs to the Federal Govt.	Same as current law	Same as current law	Makes fees collected available until expended without further appropriation.
The Secretary may use not more than \$2 M of available funding for program administration each fiscal year.	The Secretary may use not more than \$3 M of available funding for program administration each fiscal year.	Allows the Secretary to use up to \$3M per year of the funding to cover administrative costs.	Not more than \$1.87 M from program funds may be used for administrative costs each year. Allows additional use of collected fees to reimburse program costs.
Report to Congress required	Report requirement eliminated	Eliminates Report to Congress requirement	Report requirement eliminated

Transportation Infrastructure Finance and Innovation Act (TIFIA)			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Eligible projects include: any highway or transit project eligible under 23 USC or 49 USC Chap. 53; international bridges or tunnels; intercity passenger bus or rail facilities and vehicles; and publicly owned intermodal surface freight transfer facilities.	Expands the eligibility of freight rail projects to include public and private freight rail (consistent with the proposed Freight Transportation Gateways program, section 1205).	Same as current law	Expands the eligibility of freight rail projects to include public and private rail facilities (private freight rail must provide public benefit). Also adds surface transportation infrastructure modifications necessary to facilitate direct intermodal interchange, transfer, and access into and out of the port as an eligible activity within the boundaries of a port terminal.
Eligible projects meeting the initial threshold criteria will be evaluated by the Secretary and selected based on eight statutory criteria	No change from current law	No change from current law	No change from current law
The program consists of three distinct types of financial assistance: secured loans; loan guarantees; and standby lines of credit	No change in the types of financial assistance. The usefulness of the line of credit is improved by making it available to a borrower in order to avoid an event of default rather than simply respond to one.	No change in the types of financial assistance. The usefulness of the line of credit is improved by making it available to a borrower in order to avoid an event of default rather than simply respond to one.	No change in the types of financial assistance. The usefulness of the line of credit is improved by making it available to a borrower in order to avoid an event of default rather than simply respond to one.

Toll Programs			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Interstate System Reconstruction and Rehabilitation Toll Pilot			
Section 1216(b) of TEA-21	Section 1615(a)	Section 1603	Section 1609(a)
Allows up to 3 pilot projects in 3 different States	No change from current law	Repeals TEA-21 pilot program and re-establishes a similar pilot program of the same name. Also limited to 3 facilities in 3 different States.	Similar to Administration bill, but limited to 1 project in Virginia. Codifies into Section 129 of Title 23.
To be eligible, must: (1) identify age, condition, and intensity of use, (2) if in metro area, consult MPO, (3) demonstrate that facility could not be maintained or improved without tolls revenues, (4) facility management plan.	Eases eligibility requirements - instead of the only way to improve the facility, allows tolling if it is the most efficient, economical, or expeditious way to advance the project (requires analysis to demonstrate).	Eligibility requirements similar to current law, but includes Administration bill's change to allow tolling if it is the most efficient, economical, or expedition way to advance the project.	Same as Administration bill.
Selection criteria: (1)tolling must be the only way to improve the facility, (2)use, age, or condition warrant tolling, (3)takes local, regional, and interstate travelers' interests into account, (4)State plan is reasonable, (5)preference to demonstrated capability of public toll agency.	Changes "condition" requirement to "facility needs reconstruction or rehabilitation." Eliminates requirement that State plan for implementing tolls on the facility take into account interests of local, regional, and interstate travelers.	Similar to current law, but eliminates requirement that tolling must be the only way, and adds requirement for automatic toll collection.	Similar to Administration bill, except "condition" requirement clarifies that it may include replacing existing sections on new alignment

Toll Programs			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision	No comparable provision	Prohibits non-compete agreements -- State may not enter into an agreement with a private person which prevents State from improving or expanding capacity of public roads adjacent to the facility to mitigate (congestion, pavement wear, safety) on adjacent roads.	No comparable provision
Toll revenues must be used for debt service, return on investment of private investor, costs for improvement, operation, and maintenance of toll facility	No change from current law	No change from current law	No change from current law
No comparable provision	No comparable provision	Report to Congress on congestion, pavement wear, and safety on adjacent roads required by 9/30/2011.	No comparable provision
No comparable provision	No comparable provision	<u>Interstate System Construction Toll Pilot Program</u> [1604] Authorizes a pilot program virtually identical to Sec. 1603, but for new construction. Differences include - allows interstate compacts of States as eligible participants; limited to 3 facilities, but don't have to be in 3 different States.	No comparable provision

Toll Programs			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
<u>Value Pricing Pilot</u> [1012 of ISTEA; 1216(a) of TEA-21)	<u>Variable Toll Pricing Program</u> [1615(b)]:	<u>Congestion Pricing Pilot Program</u> [1209]:	<u>Fast and Sensible Toll (FAST) Lanes Program</u> [1609(b)]:
Pilot program to fund pre-implementation and implementation costs for projects undertaken by up to 15 public entities. Provided total of \$51 million from HTF for 1999-2003	Pilot program repealed; program is mainstreamed (no separate funding provided). Existing VPP projects may continue to operate under existing agreements.	Continues Value Pricing program, but changes name back to Congestion Pricing Pilot. Changes from limit of 15 programs to 25 projects (includes previously approved projects, if they are already collecting tolls). [1209] Funded by \$15 M/year set-aside from STP. [1103(d)]	Repeals Value Pricing Pilot program; existing VPP projects may continue to operate under existing agreements. [1609(c)(2)] Note: conflicting provision [1827] amends current law and extends life of VPP program. New FAST Lanes program authorized at \$51.6 million over 5 years for pre-implementation studies and post-implementation evaluations of projects. Up to 2% of funds may be used for promotion, technical support, & research.
No comparable provision	No comparable provision	Set-aside of \$3M/year for congestion pricing pilot projects that do not involve tolls.	No comparable provision
No comparable provision	No comparable provision	No comparable provision	Up to 2% of funds may be used for promotion, technical assistance, research.

Toll Programs			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Pilot projects to promote economic efficiency in the use of highways and support congestion reduction, air quality, energy conservation, and transit productivity goals. May include areawide pricing, pricing of multiple or single facilities or corridors, single lane pricing, other market-based strategies.	Sec'y may permit a State or public authority to toll any highway, bridge, or tunnel, including Interstate, to manage existing high levels of congestion or reduce emissions in a nonattainment or maintenance area.	Sec'y. may enter into cooperative agreement with State and local governments to carry out projects.	Similar to Administration bill, but may also be private entity; specifically includes financing added Interstate lanes to reduce congestion. Defines eligible toll facility as one that is (1)in existence as of date of enactment that collects tolls, (2)in existence that serves high occupancy vehicles, (3)is modified or constructed after date of enactment to add tolled capacity (includes private); (4)for new lanes added to previously non-tolled facility, only the new lane.
No comparable provision	Tolls must vary in price according to time of day.	No comparable provision	Similar to Administration bill, but variable price requirement optional, except for HOV facilities
			Requires automatic toll collection, optimizing free flow of traffic; final rule required within 180 days on automated collection systems, maximizing interoperability; to be modified as technology progresses.
State may permit SOVs in HOV lanes as part of VPP project	State may allow SOVs in HOV lanes as part of a variable toll pricing program	Same as current law.	Same as Administration bill

Toll Programs			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Revenues must be applied to projects eligible under title 23.	Use of toll revenues-- debt service, reasonable return on private fund investments, operation & maintenance costs of toll facility. Excess revenues - eligible Title 23 projects if facility is being adequately maintained.	Same as current law.	Similar to Administration bill, but broadens debt service use to include 1 or more highway or transit projects; if facility is being adequately maintained, excess revenues may be used for any Title 23 or 49 purpose. Revenues collected should not affect funding to/within State.
No comparable provision	Must have agreement identifying congestion/air quality problems, goals and performance measures.	No comparable provision	Same as Administration bill
			Requires regular monitoring and reporting; report to Congress within 1 year, then every 3 years thereafter.
Federal share 80%	Federal share not to exceed 80%	No Federal share specified.	To be determined by the State, not to exceed 80%

Toll Programs			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
High Occupancy Vehicle Toll (HOT) Lanes			
	Section 1610	Section 1208	Section 1606
Title 23, Section 102 establishes HOV use requirements	May allow otherwise ineligible vehicles to use HOV lanes, if they pay a toll. Agency must have program for enrollment and participation, develop automatic collection system, monitor & evaluate performance, vary toll to manage demand, ensure that system does not become seriously degraded.	Similar to Administration bill, but addresses enforcement.	Similar to Administration bill, but addresses enforcement.
No comparable provision	No comparable provision	Road User Charge Evaluation Pilot Project -- to assess how ITS technologies can be applied to assess mileage based road user charges for toll collection. Annual reports required; final report by 6/30/09. Funded at \$12.5 M total for 2005-2009. [1813]	No comparable provision

Bicycle Transportation and Pedestrian Walkways			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Provides that bicycle and pedestrian projects are eligible for NHS, STP (including TE, and Sections 130 and 152), CMAQ, Federal Lands, Scenic Byways, and Recreational Trails funds.	Continues the broad eligibility for bicycle and pedestrian projects and programs under all Federal-aid funding categories, including new Highway Safety Improvement Program.	Same as current law	Generally adopts Administration bill bike/ped provisions [1607].
Authorizes \$500,000 for each of FYs 1998-2003 for a not-for-profit organization to operate a national bicycle and pedestrian clearinghouse and to disseminate strategies for improving bicycle and pedestrian safety.	Establishes an annual set-aside of \$500,000 from the Surface Transportation Program to provide dedicated funding for the continuation of the national bicycle and pedestrian clearinghouse by a not-for-profit organization. [1611]	Authorizes \$500,000 per year for a not-for-profit organization to operate national bicycle and pedestrian clearinghouse , to develop informational and education programs, and to disseminate techniques and strategies to improve bicycle and pedestrian safety. [1125]	Same as Administration bill except grantee is nonprofit instead of not-for-profit. [1607] Codified as 23 USC 217(j).
Requires bicycle facilities on the bridge structure when bridges are rehabilitated and/or replaced and there is existing bicycle use at each end of the bridge.	Adds requirement for pedestrian facilities on the bridge structure when bridges are rehabilitated and/or replaced and there is existing pedestrian use at each end of the bridge. [1611]	Same as current law	Same as Administration bill [1607]
Allows use of STP and CMAQ funds for pedestrian and bicycle construction projects and for bicycle nonconstruction projects.	Adds eligibility for nonconstruction pedestrian safety projects in STP and CMAQ [1611].	No comparable provision	Same as Administration bill [1607]

Bicycle Transportation and Pedestrian Walkways			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision	Includes pedestrian and bicyclist safety in the list of eligible safety improvement projects in the new Highway Safety Improvement Program. [1402]	No comparable provision	Same as Administration bill [1401]
No comparable provision	Explicitly allows ongoing practice of charging user fees on shared-use paths not within a highway right-of-way. [1611]	No comparable provision	No comparable provision
No comparable provision	No comparable provision	No comparable provision	Requires States to set aside a portion of their Highway Safety Improvement Program apportionments for bicycle and pedestrian improvements. The percentage of the apportionment set aside must be at least the percentage that fatal crashes involving bicyclists and pedestrians are of all fatal crashes in the State. [1401]
No comparable provision	Safety plans encouraged.	No comparable provision	Requires State comprehensive safety plans developed with input from safety stakeholders.

Bicycle Transportation and Pedestrian Walkways			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision	No comparable provision	No comparable provision	Under the Transportation Enhancement Program , the Secretary must encourage States to give priority to pedestrian and bicycle facility enhancement projects that include a coordinated physical activity or healthy lifestyles program. [1823]
No comparable provision	Allows Refuge Road funds to be used for maintenance and improvement of recreational trails in National Wildlife Refuges, limiting trail expenditures to 5 percent of annual Refuge Road funding. [1804]	No comparable provision	Same as Administration bill [1806]
No comparable provision	No comparable provision	Adds Safe Routes to Schools program funded at \$1 billion over 5 years (less \$125 million over 5 years for the Nonmotorized Pilot Program) to enable and encourage walking and bicycling to school. (See Safe Routes to Schools Program) [1122]	Adds Safe Routes to Schools program funded by a \$62,515,723 setaside each year from the Highway Safety Improvement Program to enable and encourage walking and bicycling to school. (see Safe Routes to Schools Program) [1405]

Bicycle Transportation and Pedestrian Walkways			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision	No comparable provision	<p>Adds Nonmotorized Pilot Program funded at \$25M for each of FYs 2005-2009 (additional funding from FTA). Purpose is to demonstrate the extent to which bicycling and walking can be a significant part of overall travel and part of transportation solution in pilot communities. [1122(a)]</p> <p>Provides for discretionary grants to State, local, and regional agencies in 4 communities to construct a network of nonmotorized transportation infrastructure facilities connecting with transit, schools, homes, businesses, recreation and other community activity centers. [1122(b)]</p> <p>In carrying out the program, the Secretary is to develop statistical information on change in motor vehicle, nonmotorized, and public transportation use; assess congestion and energy use. Interim report due 9/30/2007 and final report due 9/30/2010. [1122(b)]</p>	No comparable provision

Bicycle Transportation and Pedestrian Walkways			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
			Adds Conserve by Bicycling Program whose purpose is to encourage the replacement of motor vehicle trips with bicycle trips. Up to 10 pilot projects are authorized (no funding provided). Requires a related Energy and Bicycle Research Study and a report to Congress 2 years after enactment. [1622]

Border Planning, Operations, and Technology Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Section 1119	Section 1807	Section 1302	Section 1810
Combined authorization of \$700 million over 5 years for National Corridor Planning and Development Program and Coordinated Border Infrastructure Program.	Funded over 6 years. Administration bill breaks the TEA-21 program into two separate authorizations (see separate section on Multi-State Corridor Planning)	A new program for Borders. Funded at \$1.025 B over 5 years	\$833.3 M over 5. years. Separate funding for Borders and Corridors, as in Administration bill--Codified as 23 USC §172.
Funds to be allocated by the Secretary based on selection criteria.	Funds to be allocated by the Secretary, based on selection criteria, giving priority to activities at the northern or southern borders of the US that improve safety, security, freight movement, operations, or access to rail, marine, or air services.	Funding will be distributed according to formula (see formula sheet).	Funds will be distributed to States in accordance with prescribed formula (see formula sheet). Formula data will be based on BTS Surface Freight Dataset.
Eligible activities: improvements, construction, operational improvements, modifications to regulatory procedures, and international coordination of planning, programming, and border operation to expedite cross border vehicle and cargo movements. Activities of Federal inspection agencies also eligible.	Eligible activities: highway and multi-modal planning/environmental studies; cross-border Port of Entry and safety inspection improvements; technology and information exchange; right-of-way acquisition, design, and construction projects to implement these enhancements or decrease air pollution..	Eligible activities include improvements to border region transportation infrastructure, construction of highways and safety facilities, operational improvements (includes electronic data interchange and telecommunications), modifications to regulatory procedures, and international coordination of transportation planning, programming, and border operation to facilitate cross-border motor vehicle and cargo movements.	Eligible activities include: highway and multimodal planning or environmental studies; cross-border port of entry and safety inspection improvements; technology and information exchange; and right-of-way acquisition, design, and construction.

Border Planning, Operations, and Technology Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Federal share is 80%.	Federal share shall not exceed 80%, except funds transferred directly to GSA by the Secretary are 100%.	Funds are distributed according to a formula. Federal share is 80%, funds remain available until expended and funds are not transferable.	Federal share will be 80% subject to provisions of §120.
Eligibility for funds is limited to border States and MPOs.	Eligibility to receive and administer funds limited to States and MPOs at international land border in AK, AZ, CA, ID, ME, MI, MN, MT, NH, NM, NY, ND, TX, VT, and WA.	"Border States" are eligible to receive funds to be used in "border regions." Definitions for both terms are included.	States defined as "border States" are eligible to receive funds for projects at or near international land borders.
Information exchange projects not addressed.	Limit of \$500,000/year for information exchange projects.	No comparable provision	Limit of \$500,000/year for information exchange projects.
Selection criteria and priorities: Lists 10 criteria which subsume priorities.	Selection criteria: cost/benefit, chance of early completion, endorsement from bi-national organizations, multi-jurisdictional agreements, contribution of other Title 23 funds, multi-modal benefits. Priorities: emphasize multi-modal planning; infrastructure improvements; and operational improvements that increase safety, security, freight movement, or highway access to rail, marine & air services, while enhancing environment.	No comparable provision	Priority will be given to projects that emphasize multimodal planning, improvements in infrastructure, and operational improvements that: increase safety, security, freight capacity, or highway access to rail, marine, and air services; and enhance the environment.

Border Planning, Operations, and Technology Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision.	Funds can be used for projects in Canada & Mexico that facilitate cross border vehicle and cargo movement if Canada/Mexico assure that the project is constructed equivalent to U.S. standards and properly used and maintained for the purposes intended.	No comparable provision	Funds can be used for projects in Canada & Mexico that facilitate cross border vehicle and cargo movement if Canada/Mexico assure that the project is constructed equivalent to U.S. standards and properly used and maintained for the purposes intended.
During FY 1998-2001, Secretary may transfer up to \$10M to the GSA for construction of transportation infrastructure necessary for law enforcement in border States.	The Secretary may transfer funds directly to GSA for construction of transportation infrastructure in border States. Also, a State may request that funds allocated for a specific project be transferred to GSA; State must provide the 20% match.	No comparable provision	A State may request that program funds be transferred to GSA for the purpose of funding a project(s). The State must provide the match for each project. The Secretary may transfer program funds directly to GSA for construction of transportation infrastructure in border States.
No funds authorized, but recent appropriation acts have provided funding specifically for construction of State border safety infrastructure at the southern U.S. border.	\$47 million to be set aside in 2004 for construction of State border safety infrastructure facilities in AZ, CA, NM, and TX.	No comparable provision	No comparable provision

Bridge Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
23 USC 144	Section 1812	Section 1116	Section 1807
Named Highway Bridge Replacement and Rehabilitation Program	Continues program; changes name to Highway Bridge Program	Same as current law	Same as Administration bill. Authorizes \$27.3 B over 5 years.
Funds are apportioned. Bridge Discretionary program, funded by setaside of \$100M/year with \$25M/year for seismic retrofit.	Similar to current law, but eliminates discretionary program.	Similar to current law. Continues discretionary program at \$100 M/year of which \$25M/year is for seismic retrofit (including \$10M/year for the Golden Gate Bridge) and \$10M/year, beginning in FY 2005, for construction of a bridge connecting Gravina Island and Ketchikan, Alaska. Set-aside for TIFIA program [1116(d)]	Similar to current law. Continues discretionary program, but increases setaside to \$140.8 M/year, including \$23.5 M/year for seismic retrofit. FY 2005 earmarks of \$46.9 M each for Hoover Dam Bridge and St. Louis-Illinois Bridge. New setaside of \$12.2 M/year for Strategic Highway Research Program [2001(c)(5)]
Federal share 80%	No change from current law	No change from current law	Amends to permit use of sliding scale. Federal share for Interstate bridges -- 90%
Eligible work includes replacement or rehabilitation of deficient bridges; bridge painting, seismic retrofitting, application of anti-icing compositions, installation of scour countermeasures.	Adds eligibility for systematic preventive maintenance; deletes eligibility for application of anti-icing compositions. Removes requirement that a bridge must be "significantly important."	Adds eligibility for systematic preventive maintenance.	Adds eligibility for systematic preventive maintenance; removes requirement that bridge be "significantly important."

Bridge Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No less than 15% nor more than 35% of State's bridge apportionment must be spent on off-system bridges; Secretary may reduce 15% off-system requirement if the State has inadequate needs.	Same as current law except that the 35% cap is removed.	Same as current law except that the increasing the minimum setaside to 20%, and adds preventive maintenance as an eligibility for off-system bridges.	Similar to Administration bill, but adds eligibility for Warwick Intermodal Station, including construction of a people mover between the station and the airport. Requires that at least 20% of (bridge) apportionments to Colorado, _____, and _____ in 2005-2009 must be spent for off-system bridge pilot projects.
No provision	No provision	No provision	Annual report describing construction materials used in highway and bridge projects required to be published in Federal Register.
	Highway bridges may not be treated as "water resources projects" under Wild & Scenic Rivers Act.	No comparable provision	No comparable provision
Reporting - biennial report in conjunction with C&P Report	Same as current law	Continues requirement for biennial report, but eliminates link to C&P report	Same as current law
Historic Bridge program encourages the inventory, retention, rehabilitation, adaptive reuse, and future study of historic bridges. [23USC144(o)]	No separate funding provided. Amended to correct conflict with use of other FAH funds for this purpose; increases allowable cost limits.	Same as current law	Same as Administration bill.

Motor Vehicle Congestion Relief Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision	No comparable provision	Effective beginning with FY 2005, establishes a Motor Vehicle Congestion Relief Program in each State that has an urbanized area with a population over 200,000. [1201]	No comparable provision
No comparable provision	No comparable provision	Funding is derived from a setaside from the State's apportionments under the following program: Interstate Maintenance, National Highway System, Surface Transportation Program, and Congestion Mitigation and Air Quality Improvement Program. The amount set aside each year is equal to 10% of the State's total apportionments for the named programs multiplied by the percentage of the State's population in urbanized areas over 200,000 population, but no particular amount or proportion is required to come from an individual program. States must obligate the amount so setaside each year. [1201]	No comparable provision

Motor Vehicle Congestion Relief Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision	No comparable provision	Projects must be in an urbanized area over 200,000. Congestion relief activities include increased capacity, systemwide improvements to improve reliability, and maximizing throughput on existing lanes. Excludes demand relief projects that shift demand to off-peak hours or to other modes or that reduce overall travel demand. [1201]	No comparable provision
No comparable provision	No comparable provision	Projects are subject to the eligibility and Federal share requirements of the programs from which the funds are set aside. [1201]	No comparable provision
No comparable provision	No comparable provision	States must obligate the amount set aside each year. [1201]	No comparable provision

Motor Vehicle Congestion Relief Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision	No comparable provision	The mix of projects to be funded each year is: 40% for projects that will be completed within 1 year after commencement of on-site improvements ("under one"); 35% for projects that will be completed within 3 years ("under 3"); and 25% for either of the above or for capital costs of transit and demand relief projects and activities. There is some flexibility to shift from "under 1" activities to "under 3" activities.[1201]	

Congestion Mitigation and Air Quality Improvement Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
\$8.1 Billion over 6 years.	Continues program over 6 years.	Continues program at \$9.46 billion over 6 years.	Continues program at \$10.81 billion over 5 years.
Formula: based on weighted non-attainment and maintenance area population.	Includes non-attainment and maintenance areas for fine particulate matter (PM-2.5) and for ozone under the new 8-hour standard. Allows additional funding for CO pollution only for counties that are part of a CO maintenance or non-attainment area.	No comparable provision	Same as Administration bill. [1611]
No comparable provision	No comparable provision	No comparable provision	Adds a \$4,693,145 takedown from the CMAQ program for each of FYs 2005-2009 for the New Strategic Highway Research Program. [2001(c)(5)(E)]
		Section 1205	
No comparable provision	No comparable provision	Mandates that a minimum of \$500 million of NHS, STP, IM, and CMAQ funds for each of FYs 2004-2009 be used for intelligent transportation systems deployment projects, but does not change CMAQ eligibility criteria.	No comparable provision

Congestion Mitigation and Air Quality Improvement Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Eligible activities include transit improvements, travel demand management strategies, traffic flow improvements, transportation control measures, and bicycle and pedestrian projects.	Emphasis added to promote anti-idling equipment and heavy-duty vehicle diesel retrofits, and for projects that improve transportation system management and operations.	Emphasis added to promote projects that improve transportation system management and operations. [1210]	New eligibilities include projects for the purchase of: alternative fuels or biodiesel; or integrated, interoperable emergency communications equipment. Includes projects that improve transportation system management and operations in list of eligible activities. Expands eligible areas of the State to include areas required to prepare, and file with the Administrator of the Environmental Protection Agency, maintenance plans under the Clean Air Act (42 U.S.C. 7401 et seq.) [1612(a), 1701(b)]
			Expands eligible activities to include diesel retrofit technologies for motor vehicles and for non-road vehicles used in construction projects located in non-attainment or maintenance areas, and outreach activities providing assistance to diesel vehicle and equipment operators regarding emission reduction strategies.

Congestion Mitigation and Air Quality Improvement Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
			Requires each State to develop, implement and periodically revise emission reduction strategies for engines and vehicles used in construction projects located in non-attainment areas and receiving Title 23 funds. Requires the Administrator of the EPA to develop a non-binding list of diesel emission reduction technologies. State emission reduction strategies must be limited to those identified by the Administrator. Special eligibilities added for States of Maine and Montana.
			Section 1612(b)
No comparable provision	No comparable provision	No comparable provision	Clarifies eligibilities of States having no nonattainment or maintenance areas to use CMAQ funds for CMAQ-eligible projects.

Congestion Mitigation and Air Quality Improvement Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005 Section 1612(c)
No comparable provision	No comparable provision	No comparable provision	Requires each State to ensure that subrecipients of CMAQ funds have emission reduction strategies for their fleets. Requires the Administrator of the EPA in consultation with the Secretary to develop a non-binding list of strategies, along with technical information for each.
No comparable provision	No comparable provision	No comparable provision	Makes CMAQ funds eligible to ensure the deployment of emission reduction strategies.
			Section 1613
No comparable provision	No comparable provision	No comparable provision	Directs the Secretary to encourage States and MPOs to consult with State and local air quality agencies in nonattainment and maintenance areas on the estimated emission reductions from proposed congestion mitigation and air quality improvement programs and projects.

Congestion Mitigation and Air Quality Improvement Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005 Section 1614
No comparable provision	Requires the Secretary, in consultation with the EPA Administrator, to evaluate a representative sample of CMAQ projects to determine the impact of the projects on air quality and congestion, and to ensure the effective implementation of the program. Allows Secretary to use 0.5 % of CMAQ apportionments for a national program of evaluation and assessment.	No comparable provision	Same as Administration bill, but no funding provided.
		Section 1201	
No comparable provision	No comparable provision	Requires each State having an urbanized area of over 200K population to obligate in each of FYs 2004-2009 a portion of their IM, NHS, STP, and CMAQ apportionments for congestion relief activities. Does not change CMAQ eligibility requirements.	No comparable provision

Corridor (Multi-State) Planning Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
	Section 1806	Section 1301	Section 1809
Combined authorization of \$700 million over 5 years for National Corridor Planning and Development Program and Coordinated Border Infrastructure Program.	Funded over 6 years. Administration bill breaks the TEA-21 program into two separate authorizations (see separate section on Border Planning, Operation, and Technology Program)	A new Corridor program. Funded at \$3 B over 5 years.	\$833.3 M over 5 years. Separate funding for Borders and Corridors, as in Administration bill--codified as 23 USC §171.
Federal share is 80%, sliding scale applies.	Total Federal contribution limited to 80%; no more than 50% from the Highway Account of the HTF.	Federal share is determined in accordance with §120(b) of title 23. Once allocated for a project, funds must be obligated within 6 months. If not obligated in the required period, the Secretary may reallocate the funds for other program eligible projects.	Except as provided in §120, Federal share will be 80%.
Eligible recipients are States and MPOs. Corridors identified in ISTEA, NHS Act, TEA-21, and other significant corridors selected by the Secretary.	Eligible recipients are States and MPOs.	States (MPOs not eligible) must submit an application to the Secretary to receive funds for highway construction projects in corridors of national significance.	Eligible recipients are States and MPOs. Projects should support and encourage multistate transportation planning and development; facilitate decisionmaking and coordinate project delivery involving multistate corridors; and support the planning, development, and construction of high priority corridors identified by §1105(c) of ISTEA.

Corridor (Multi-State) Planning Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Eligible activities include: planning, coordination, design, and location studies; environmental review and construction.	Eligible activities: multi-state highway and multi-state multimodal planning studies.	Eligible activities: construction.	Eligible activities include multi-state highway and multimodal planning studies and construction; coordinated planning, development, and construction of high priority corridors identified in ISTEA.
Project Priorities: Current law is silent on priorities. Selection criteria subsume priorities.	Projects which enhance multi-jurisdictional decision-making and multimodal safety and security are to be given priority.	Priority will be given to projects in corridors that are part of, or will be designated part of the Dwight D. Eisenhower National System of Interstate and Defense Highways after completion of work and to any project that will be completed within 5 years of receiving funds.	Priority will be given to projects that encourage and enable multi-jurisdictional decision-making, and studies or projects that emphasize multimodal planning. Included is planning for operational improvements that increase: mobility; freight productivity; access to marine or inland ports; safety and security (including improvements to emergency evacuation routes); and enhance the environment.

Corridor (Multi-State) Planning Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Selection Criteria: Under current law, selection criteria and eligibility are mixed together.	Selection criteria for studies: multi-jurisdictional agreements; endorsement by elected officials; prospects for early completion; and whether projects to be studied are located on corridors identified by section 1105(c) of ISTEA.	Selection factors include extent to which: corridor links 2 existing segments of Interstate; project will facilitate multistate or regional mobility and economic growth; commercial vehicle traffic has or is projected to increase; international truck-borne commodities move through the corridor; and the project will make improvements in an existing segment of Interstate resulting in congestion reduction. Additional factors include: reduction in travel time as a result of the project; value of cargo carried in the corridor; economic costs due to corridor congestion; and extent of leveraging of Federal funds.	Selection criteria for studies include: existence and significance of multi-jurisdictional agreements; endorsement by applicable elected officials; prospects for early completion; and whether projects to be studied are located on corridors identified by §1105(c) of ISTEA.

Commercial Vehicle Information Systems and Networks (CVISN)			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
	Section 1704	Section 4109	Section 2201 (527)
For comparison purposes, the authorization for Commercial Vehicle ITS Infrastructure Deployment was \$35.5 million in FY2003.	Stand alone authorization over 6 years for core and expanded deployment grants.	Funded at \$100 M over 4 years in Title IV, Motor Carrier Transportation and Safety	Funded as a setaside of not less than \$28.2 M/year from ITS Research funds.
Under the ITS program, complete deployment of CVISN in a majority of States by September 30, 2003 (sec. 5203 (b)(6)).	Program to improve safety and productivity and reduce costs associated with commercial vehicle operations.	Program to improve safety and productivity of commercial vehicles and drivers and reduce costs associated with commercial vehicle operations.	Program to improve safety and productivity of commercial vehicles and drivers and reduce costs associated with commercial vehicle operations.
	Federal share 50% for CVISN funds, up to 80% total Federal funds.	Federal share 50% for CVISN funds, up to 80% total Federal funds.	Federal share is applicable share under section 120(b).
	Core deployment grants: aggregate amount to a State not to exceed \$2.5 million, including funds previously received for CVISN under TEA-21's ITS Research and CVISN funding categories.	Core deployment grants: aggregate amount to a State not to exceed \$2.5 million, including funds previously received for CVISN under TEA-21's ITS Research and CVISN funding categories.	Core deployment grants: maximum aggregate amount to a State not to exceed \$2.5 M, including funds received under §2001(a) of SAFETEA of 2005.
	To be eligible, State must: have a CVISN program plan; certify that its CVISN deployment is consistent with national ITS architecture and standards; agree to interoperability tests.	To be eligible, State must: have a CVISN program plan; certify that its CVISN deployment is consistent with national ITS architecture and standards; agree to interoperability tests.	To be eligible, State must: have a CVISN program plan; certify that its CVISN deployment is consistent with national ITS architecture and standards; agree to interoperability tests.

Commercial Vehicle Information Systems and Networks (CVISN)			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
	Expanded deployment grants: Any funds remaining after core deployment grants are distributed may be distributed equally among States that have completed core deployment, not to exceed \$1 million per State.	Expanded deployment grants: Any funds remaining after core deployment grants are distributed may be distributed equally among States that have completed core deployment, not to exceed \$1 million per State.	Expanded deployment grants: Any funds remaining after core deployment grants are distributed may be distributed equally among States that have completed core deployment, not to exceed \$1 million per State.

Emergency Relief			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Provides annual funding of \$100 million through a permanent authorization in section 125 of Title 23	Increases permanent annual funding authorization in 23 USC 125 from \$100 million to \$250 million. [FY 2006 President's Budget].	Continues permanent annual funding authorization in 23 USC 125 of \$100 million. Also authorizes appropriations of such sums as may be necessary from the General Fund for years when allocations exceed \$100 million. [1110]	Same as current law. Section 1822, Emergency Relief, is reserved suggesting intent to modify ER program.
Emergency Relief funds are exempt from obligation limitation.	The increased permanent authorization is exempt from obligation limitation.	Permanent authorization in 23 USC is exempt from obligation limitation. General Fund authorization is subject to appropriation. [1102, 1110]	Same as current law [1102]
No comparable provision	When a backlog of ER needs remains from prior years, the Secretary shall deduct proportionately from apportionments under 23 USC 104(b) and 144 sufficient funds to eliminate the backlog, but not more than \$300M. Such deductions shall not affect the calculation of Minimum Guarantee. [Letter to authorizing committees dated 2/18/2005]	No comparable provision	No comparable provision

Emergency Relief			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision	No comparable provision	No comparable provision	State may use funds deposited into a State fund for habitat, stream, and wetland mitigation established under section 1505 to protect existing roadways from anticipated flooding of a closed basin lake. The Secretary may permit the State to be reimbursed from Emergency Relief funds. [1505(c)]

Federal Lands Highways Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003 Section 1804	House H.R. 3 as Passed House TEA-LU Section 1120	Senate H.R. 3 as Passed Senate SAFETEA of 2005 Section 1806
Program categories: Park Roads and Parkways, Indian Reservation Roads, Public Lands Highways (Public Lands Highways Discretionary & Forest Highways), Refuge Roads.	Adds new categories: Safety, Recreation Roads. Discontinues: Public Lands Highways Discretionary Program. [1804(d)2]	No change to current law	Adds new categories for Safety and Recreation Roads [1806 (f) & (g)]; does not eliminate Public Lands Discretionary [1806(c)(2)]. Adds operation and maintenance of transit facilities as an eligible use of funds. [1806(d)]
FLHP and/or appropriated Federal land management agency (FLMA) funds may be used to match Title 23, Sec. 104 funds (IM, NHS, STP, CMAQ).	Expands the FLHP and/or FLMA fund match to all Title 23 FAH programs and transit programs under Chapter 53 of Title 49. [1804(b)]	No change to current law	Same as Administration bill [1806(a)]
No authority to transfer funds.	Allows direct transfer of apportioned funds to Federal agencies upon State request. [1804(c)]	No comparable provision	Same as Administration bill [1806(b)]
	Revisions in definitions.	Does not include Administration bill's revised definitions	Similar to Administration bill
	Exempt from 4(f) if project is to serve or enhance Federal land [1604(d)]	No comparable provision	Secretary may make a finding of de minimis impact for a refuge road transportation improvement program [1514]

Federal Lands Highways Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Forest Highways			
	No comparable provision	Allows up to \$20 M/year to be used for maintenance, \$2.5 M/year to repair culverts and bridges to facilitate fish passage, and \$1 M/year for hunting and fishing signage. [1121(b)]	Requires \$14.1 M/year of forest highways funds to be used to improve passage of aquatic species beneath roads [1817]
Park Roads			
Park Roads - funds allocated based on relative need	No change to current law.	No change to current law	Minimum 3% of funds to States with more than 50% of acreage in National Park System, to be used for park transportation projects. [1101(9)(C)(ii)] Adds new provision to give priority funding to roads in older and more heavily visited National Parks, especially those adjacent to a National Park of a foreign country. [1806(c)]

Federal Lands Highways Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Indian Reservation Roads (IRR)			
Must issue regs and establish funding distribution formula under a negotiated rulemaking by April 1, 1999; implemented by October 1999. Maintenance of IRR -- up to 15% of IRR funds may be used for road sealing; BIA responsible for road maintenance.	Changes dates for new IRR fund distribution formula regulation from 1999 to 2004; allows IRR funds to be used for bridge design as well as construction. [1804(d)]	Same as current law, but adds requirement that allocations of IRR funds to Alaska must be based on a specified inventory of roads. Beginning 10/1/04, Sec'y may use up to 3% of IRR funds to pay interest on tribal transportation debt on Indian reservation roads. Authorizes amounts beginning in 2006 that may be used by Sec'y of Interior for management oversight and project-related administrative expenses. [1120]	Changes dates for new IRR fund distribution formula to begin in 2005; Sec'y of Interior to make funds available to eligible tribes within 30 days; projects must be in approved TIP. Limits BIA admin expenses for IRR to 6% of CA. Provisions for meeting health/safety standards before PS&E or construction. Up to 25% of IRR funds may be used for maintenance, excluding road sealing; funds not subject to any limitation. BIA retains primary responsibility, including funding, for road maintenance. [1806] Authorizes Tribal-State road maintenance agreements; Secretary must submit annual report [1816]

Federal Lands Highways Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
	No comparable provision	Expands provisions relating to tribal governments' management of their IRR funds if they demonstrate financial management capability to the Secretary. Authorizes Sec'y to enter into a funding agreement with tribe or tribal government to carry out highway or transit project providing access to a reservation or Indian community.	FLHP Demonstration Project-- Secretary to establish a demonstration project wherein tribes can contract directly with the Secretary using the Indian Self-determination and Educational Assistance Act procedures; report to Congress by 9/30/06. [1806]
IRR bridges - reserves \$13M/year to replace, rehabilitate, seismically retrofit, anti- or de-icing, scour countermeasures for deficient IRR bridges.	IRR bridges - Expands use of funds to include design.	Amends current law to limit the amount that may be spent on bridge preconstruction activities, such as engineering and design, to 15 percent.	IRR bridges - Authorizes separate funding, and increases to \$14.1 M/year. Expands use of funds to include design. [1806]
	No comparable provision	Requires DOT to establish a new political position, to be appointed by the President, for Deputy Assistant Secretary for Tribal Government Affairs	No comparable provision
	No comparable provision	Alaska Native Village transportation program to be established by Sec'y and Denali Commission. [1120(g)]	No comparable provision

Federal Lands Highways Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Refuge Roads			
	Expands eligible use of funds to include interpretative signage, maintenance of public roads in National Fish Hatcheries. [1804(e)(3)]	Expands eligible use of funds to include construction of refuge roads and bridges and to construct, improve or maintain wildlife observation infrastructure. [1121]	Same as Administration bill
Recreation Roads			
	Under jurisdiction of Bureau of Reclamation, Army COE, BLM, Military Management Traffic Command (DOD), and FS; provides percentages for distribution of funding; (existing roads, not new construction). [1804(g)]	No comparable provision	Similar to Administration bill, but doesn't include Military Traffic Management Command [1806(f)]
Safety			
	Dedicated funds for transportation safety improvement projects, collection of safety information, safety management systems, planning, bridge inspection, highway safety education, etc, to be available to Federal land management agencies. [1804(f)]	No comparable provision	Similar to Administration bill, but doesn't include Military Traffic Management Command [1806(e)]

Federal Lands Highways Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Other Federal Lands Provisions			
	No comparable provision	No comparable provision	Add'l Funding for States with Indian Reservations: Provides \$1.8 M/year for maintenance of county roads that carry school bus traffic on or near Indian Reservations; to be shared equally by States having an Indian Reservation over 10 million acres. Supplements funds provided by the Bureau of Indian Affairs. [1826]
	No comparable provision	Wildlife Vehicle Collision Reduction Study - Sec'y to study methods to reduce collisions between motor vehicles and wildlife; report to Congress within 2 years after enactment; develop manual, training course. [1121(c)]	No comparable provision

Construction of Ferry Boats and Ferry Terminal Facilities

Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU Section 1114	Senate H.R. 3 as Passed Senate SAFETEA of 2005 Section 1204
Discretionary grant program funded at \$220 M over 6 years	Discretionary grant program discontinued	Discretionary grant program funded at \$408 M over 6 years.	Continues discretionary grant program by providing authorizations of \$284.6M [1101] , and \$234.6M [1204] over 5 years. Specifies that funds authorized in § 1204 are subject to appropriation. The funds authorized in § 1101 are contract authority.
For fiscal years 1999 - 2003 \$20 M of each year's authorization is set aside for projects within marine highway systems that are part of the NHS. The \$20 M is divided as follows: Alaska - \$10 M; New Jersey - \$5 M; and Washington - \$5 M.		Continues the setaside provisions from current law.	Priority will be given to ferry systems and public entities responsible for developing ferries that: carry the greatest number of passengers and vehicles; carry the greatest number of passengers in passenger-only service; or provide critical access to areas that are not well served by other modes of surface transportation.
Federal share is 80%		Same as current law	Same as current law

Construction of Ferry Boats and Ferry Terminal Facilities

Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
		Requires the Secretary to establish and maintain a national ferry database and authorizes \$500K per year for this purpose. The database will contain information on ferry systems, routes, vessels, passengers and vehicles carried, funding sources, and other information. The information will be used to periodically modify the report submitted under §1207(c) of TEA-21. The database must be: compiled within 1 year; updated every 2 years; and easily accessible to the public.	No comparable provision
With the exception of provisions related to eligibility of ferry boat or terminal facilities that do or do not charge tolls, ferry boat and ferry terminal provisions are not codified in current law.		Codifies ferry boat and ferry terminal facility provisions in title 23 by adding section 165, <i>"Construction of ferry boats and ferry terminal facilities."</i>	Codifies ferry boat and ferry terminal facility provisions in title 23 by adding section 147, <i>"Construction of ferry boats and ferry terminal and maintenance facilities."</i>

Construction of Ferry Boats and Ferry Terminal Facilities

Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
<p>Ferry boats or ferry boat terminal facilities must be publicly owned or operated or majority public owned to be eligible for Federal participation under this title. With respect to majority publicly owned ferry boats or terminal facilities, the Secretary may allow Federal participation if it is determined that the boat or facility provides substantial public benefits.</p>			

Freight Programs			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Freight Gateways			
	Section 1205		Section 1203
	New program to address freight needs and improve freight gateways.	The House bill does not have a comprehensive program equivalent to Administration bill's Freight Gateways, but Freight Intermodal Connectors Program (see below) is similar to Administration bill's Freight Intermodal Connections to the NHS	Same as Administration bill
	No separate funding for Freight Gateways; amends STP eligibility to include intermodal freight transportation projects (publicly-owned intermodal freight transfer facilities, access to, operational improvements of).	No comparable provision	Similar to Administration bill
	State must ensure freight needs included in project development process	State must ensure intermodal freight transportation and trade facilitation are adequately addressed in project development process.	State and MPO must ensure that freight needs are considered in project development process
	Each State must designate a freight transportation coordinator position	No comparable provision	Similar to Administration bill

Freight Programs			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
	Amends TIFIA project definitions to include public and private freight rail facilities and intermodal freight transfer facilities. [1304(a)(3)]	No comparable provision	Amends TIFIA as in Administration bill, but qualifies "private" freight rail facility to mean a private facility providing public benefit [1303(a)(3)]
	<u>Freight Intermodal Connections to the NHS</u> Section 1205(c)	<u>Freight Intermodal Connectors</u> Section 1303	<u>Freight Intermodal Connections to the NHS</u> Section 1203(c)
	Setaside from NHS based on the proportion of miles of intermodal connectors in the State compared to total NHS miles in the State, but not less than 2% of the State's NHS apportionment.	Authorized at \$2.1 billion over 5 years [1101(a)(16)]; apportioned by formula. Funds are not transferable. Takedowns for Freight Intermodal Distribution Pilot Grant Program and Dedicated Truck Lanes	Same as Administration bill
	Eligibility - NHS routes connecting to intermodal freight terminals, and STRAHNET connectors. Funds in excess of need may be used for other NHS-eligible projects.	Eligibility- publicly owned freight intermodal connectors; priority given to NHS connectors. Includes exemption if funds in excess of needs.	Similar to Administration bill, but adds rail crossing elimination or improvement. Includes exemption if funds in excess of needs.
	Federal share up to 90%	Federal share 80%	Except as otherwise provided in 23USC 120, Federal share 90%
	No comparable provision	By 8-1-05, Secretary must update intermodal connectors report.	No comparable provision

Freight Programs			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Other Freight Initiatives			
No comparable provision	No comparable provision	Freight Intermodal Distribution Pilot Grant Program [1307] -- New program to facilitate and support intermodal freight transportation initiatives at inland ports and freight facilities. Funded as a takedown of \$6M/year for 2005-2009 from Freight Intermodal Connectors authorization. [1303(i)(1)]	No comparable provision
No comparable provision	No comparable provision	Dedicated Truck Lanes [1305] Pilot program for construction of projects that separate commercial truck traffic from other motor vehicle traffic. Funded as a takedown of \$165M/year for 2005-2008 and \$170M for 2009 from Freight Intermodal Connectors authorization. [1303(i)(2)]	No comparable provision
No comparable provision	No comparable provision	Metropolitan Regional Freight & Passenger Transportation Study [1826]. Set-aside of \$1.8M /year for 2005-2009 from Dedicated Truck Lanes authorization to study metropolitan regional freight and passenger transportation.	No comparable provision

Freight Programs			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
	No comparable provision	Freight Planning Capacity Building Initiative: Funded from the Training and Education Program to support enhancements in freight transportation planning through refinement of data and analysis tools; dissemination of best practices in freight transportation; and technical assistance to State and local transportation agencies. [5206]	No comparable provision
	No comparable provision	No comparable provision	Multistate International Corridor Development Program: Program to develop international trade corridors to facilitate the movement of freight from international ports of entry and inland ports through and to the interior of the United States. Must traverse at least 3 States. Eligible activities - planning, development, construction. [1825]

High Priority Projects (HPP) Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Introduced SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Sections 1601-1602		Sections 1701-1702	
\$9.4 B to cover specified funding for 1850 projects over 6 years.	No comparable provision	Funded \$11.1 B over 5 years with 3676 projects designated in statute.	No comparable provision
Authorized funds for each project are made available for obligation according to percentages specified for each of the 6 years.	No comparable provision	Project funds are distributed according to percentages specified for each of the 5 years.	No comparable provision
Federal share is 80% with some exceptions. Each State receives obligation limitation that is specific to high priority projects to be used on any of the designated projects. Limitation does not expire. Funds are available only for the activities described for each project in section 1602.	No comparable provision	Federal share is 80% with some exceptions. Obligation limitation does not expire. The ability of the State to use high priority project obligation limitation on any high priority project designated in bill is reinforced by statement added to rule XXI of the Rules of the House. [8104]	No comparable provision
Advance construction is permitted.	No comparable provision	Permits advance construction	No comparable provision
High priority project funding is a factor in the minimum guarantee (MG) calculation for each State.	No comparable provision	High priority project funding is a factor in the minimum guarantee (MG) calculation for each State.	High priority project funding is a factor in the Equity Bonus program calculation for each state [1104] .

Highway Safety Improvement Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
	Section 1402	Section 1401	Section 1401
Rail-Highway Crossings (sec. 130) and Hazard Elimination (sec. 152)	<u>Highway Safety Improvement Program</u>	<u>Highway Safety Improvement Program</u>	<u>Highway Safety Improvement Program</u>
10% setaside from STP, totaled \$648 million in FY2003	New stand alone program (replaces STP setaside).	Continues (current law) Rail- Highway Crossings and Hazard Elimination programs, but funded by single stand-alone authorization for 2005-2009. [1101(a)(4)]	Similar to Administration bill - new stand-alone program funded at \$6.6 B over 5 years.
Programs to reduce the number and severity of crashes at public highway-rail grade crossings (Section 130) and correct or improve hazardous locations, sections, and elements on any public road, public surface transportation facility, or public bike/ped path or trail (Sec. 152).	Sections 152 and 130 activities remain eligible under new "core" highway safety improvement program (HSIP), which emphasizes a proactive approach to safety through State strategic highway safety plans that address all aspects of safety, based on improved State data collection and analysis and collaboration with major State and local safety stakeholders. Program components include strategic and performance based goals, safety data improvements, and a process to assess results of safety projects. Provides funding flexibility for States that develop and implement a strategic highway safety plan.	No comparable provision	Similar to Administration bill, but State strategic highway safety plan is mandatory (prior to obligation of funds). Plan must be established before the beginning of the 2nd fiscal year following enactment. In the interim, State may use funds for projects that were eligible under current law (sec. 130 & 152). Secretary may grant exceptions after the deadline for one additional year, based on State's progress in developing plan. If a State doesn't have a strategic safety plan within 2 years, HSIP funds to be redistributed to other States.

Highway Safety Improvement Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
From STP safety setaside, funds reserved separately for sec's 130 and 152 based on 1991 apportionments (50% of amount reserved for sec. 130 must go to protective devices - approx. \$77M/year during TEA-21). Remainder of STP safety setaside may be used for either program. Separate setaside for Operation Lifesaver (see below)	Funds to be apportioned using identical formula to that currently used for STP; 1/2% minimum. Eliminates setaside for protective devices. No provision to maintain STP suballocation ratio. Continues setaside for Operation Lifesaver from STP (see below)	Continues to fund railway-highway crossings (sec.130) and Hazard Elimination (sec. 152) separately, split 1/3 -2/3 respectively. Amends STP to maintain suballocation ratio. [1401(e)] Adds provision that if a State has met needs for protective devices, reserved funds may be used for other section 130 projects [1401(d)] beginning in 2006 [1401(g)].	Funds to be apportioned using identical formula to that currently used for STP; 1/2% minimum. No provision to maintain STP suballocation ratio. Takedown for elimination of hazards and installation of protective devices at railway-highway crossings is \$187.7 M/year, half of which is to be used for protective devices. Setasides of \$563.2 K/year for Operation Lifesaver and \$65.7 M/year for Safe Routes to School (see separate sheet for Safe Routes to School). [1405] State must use a portion of unobligated or excess HSIP funds for bike/ped projects, based on the % of fatalities in the State that involve bicyclists and pedestrians.[1401(a)(1)] Setaside of \$2.8 M/year for Strategic Highway Research Program [2001(c)(5)]
Federal share 90% (increased to 100% for certain safety projects)	Same as current law	Federal share 90%	Except as provided in 23USC120 and 130, Federal share is 90%.

Highway Safety Improvement Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Eligibilities include elimination of roadside obstacles, priority control systems for emergency vehicles at intersections, emergency call boxes, traffic control or warning devices at high crash locations, traffic calming, ped/bike safety, signing and pavement markings, active warning devices (lights & gates) and surface improvements at rail-highway crossings, grade separations, and closing or consolidation of crossings.	Emphasizes intersection improvements, pavement and shoulder widening, warning devices such as rumble strips, skid resistance; adds safety conscious planning.	Hazard Elimination: specific eligibilities added for accessibility, police assistance in work zones, installation of barriers in work zones, installation of protective devices at rail-hwy crossings, data [1401(f)] beginning in 2006 [1401(g)] Projects must "reduce likelihood of crashes involving road departures, intersections, pedestrians, the disabled, older drivers or construction work zones". (1401(f)(3))	Similar to Administration bill, but specifically includes construction projects eligible under sec. 130 (including separation or protection of grade crossings) and model traffic enforcement at crossings. Adds workzone safety, guardrails, measures to reduce wildlife collisions, installing and maintaining signs at ped/bike crossings and in school zones. Limits warning devices to those that don't adversely affect pedestrians and bicyclists.
Limited transferability of "optional" (unreserved) funds to non-safety programs	Flexible funding - up to 50% of HSIP funds may be used for sec. 402 if consistent with strategic plan	No change from current law	States with strategic safety plans may use up to 25% of their HSIP funds for other safety projects included in the strategic plan.
	Primary safety belt incentives - 10% of State's HSIP funds must be used for sec. 402 programs unless primary safety belt law enacted or State's safety belt use > 90%.	No similar provision for primary safety belt incentives. Extends current safety belt incentive grant funding thru 2005. [1405] Extends funding for incentive grants to prevent drunk driving thru 2005. [1406(b)]	

Highway Safety Improvement Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision	No comparable provision	No comparable provision	Transparency - annual report describing at least 5% of locations with most severe safety needs, including assessment of remedies, costs, impediments required to be posted on DOT website; not subject to discovery or to be admitted into evidence in court. [1401(a)(1)]
Other Safety Provisions			
National Highway Safety Advisory Committee (23USC404)	National Blue Ribbon Commission on Highway Safety established. [1402]	No comparable provision	No comparable provision
Operation Lifesaver - setaside of \$500,000/year from STP	Increase to \$600,000 setaside from STP (sec.1403)	Increases annual setaside to \$600,000 as in Administration bill [1401(b)(2)]; beginning in 2005, source of funding is setaside from sec. 130 funds. [1401(b)]	Increases setaside to \$563.2 M, but changes source of funding to HSIP [1402]
Rail-hwy. Crossing Haz. Elim. In Hi-speed Rail Corridors - \$5.25M/year setaside from STP; \$250K/year earmark for Midwest High Speed Rail Corridor. GF authorization of \$15M/year for 1999-2003 (never appropriated).	No change to current law; does not extend GF authorization	Increases setaside; extends earmark. Expands designated corridors in New England and Texas. [1401(c)]	Same as Administration bill

Highway Safety Improvement Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision	No comparable provision	Road Safety Sec'y to enter into agreement with national non-profit organization, dedicated solely to improving public road safety, for improved data, public awareness, research & technology transfer. Funded at \$500 K/year for 2005-2009 [1125(a)]	No comparable provision
No comparable provision	No comparable provision	Bike/Ped Safety Grants. Authorizes \$500 K/year to fund bike/ped clearinghouse. [1125(b)]	No comparable provision
No comparable provision	No comparable provision	High Risk Rural Road Safety Improvement Program -- provides separate authorization to fund construction and operational improvements to improve safety on high risk rural roads; to be apportioned based on State's percentage share of total U.S. rural road mileage, rural population, VMT. [1403]	No comparable provision

Highway Safety Improvement Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision	No comparable provision	No comparable provision	Roadway Safety Improvements for Older Drivers/Pedestrians program, funded at \$23.5 M/year out of the HTF, for projects in all States to improve traffic signs and pavement markings. [1401(a)(1)]
No comparable provision	No comparable provision	No comparable provision	Safe Intersections -- amends chapter 2 of Title 18 to establish penalties (fines and imprisonment) for sale or use of traffic signal preemption transmitters. [1410]
No comparable provision	No comparable provision	Toll Facilities Workplace Safety Study -- to determine safety of toll collectors at toll facilities. Funded at \$500 K for 2005. [1807]	No comparable provision
No comparable provision	No comparable provision	Motorcycle Advisory Council - Sec'y to establish a council to coordinate and advise on issues of concern to motorcyclists. [1831]	No comparable provision

Highway Safety Improvement Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Work Zone Safety			
No comparable provision	No comparable provision	Temporary Traffic Control Devices -- no funds may be spent on a Federal-aid highway unless temporary traffic control devices to improve safety in work zones are used. [1107]	No comparable provision
No comparable provision	No comparable provision	WZS Regs -- Within one year of enactment, Sec'y must issue regs on worker injury protection and free flow of traffic in work zones. [1402]	No comparable provision
No comparable provision	No comparable provision	Workzone Safety Grants -- authorizes \$5 M/year for 2005-2009 for grants to nonprofit organization to provide training to prevent workzone injuries and fatalities. [1809(a)]	No comparable provision
No comparable provision	No comparable provision	National Workzone Safety Clearinghouse - Authorizes \$1 M/year for grants to a national nonprofit foundation for operation of Clearinghouse. [1823]	Workzones - recommends insurance and ITS workzone safety features for projects over \$15M, plus 5% of project cost, unless State certifies that safety won't be adversely affected. [1407] Requires that the Secretary issue regs within 1 year of enactment related to safety of workers and free flow of traffic [1408]

Highways for LIFE Pilot Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU Section 1504	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision	A 4-year pilot program funded at \$1 billion from the proposed IPAM program. [Letter to authorizing committees dated 2/18/2005]	A new program. Funded at \$295 million over 5 years as a takedown from the Interstate Maintenance Program.	No comparable provision
	The purpose of the program is to construct longer-lasting highways using state-of-the-art technologies, higher performance standards, and new business practices. The improvements to the highway construction process will result in faster construction, improved safety, reduced congestion from construction and improved quality.	Comparable to Administration provision	No comparable provision
	Eligible projects must: construct, reconstruct, or rehabilitate a route or connection that is eligible under chapter 1 of title 23; use innovative technologies, manufacturing processes, financing, or contracting methods; and meet any additional criteria established by the Secretary.	Comparable to Administration provision	No comparable provision

Highways for LIFE Pilot Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
	States must submit a project proposal that includes: identification and description of the project(s); a description of how the project will improve safety, reduce congestion due to construction, and improve quality; and a description of any innovative activities that will be used to complete the project.	Comparable to Administration provision	No comparable provision
	Priority will be given to projects that: achieve the Highways for LIFE performance standards; feature innovative activities that improve the highway construction program; and are or will be ready for construction within 12 months.	Comparable to Administration provision	
	Over the 4 years of the pilot program, the Secretary is required to approve at least one project in each State for participation in the program.	Over the 5 years of the pilot program, the Secretary is required to approve at least one project in each State for participation in the program.	No comparable provision

Highways for LIFE Pilot Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
	A State may receive up to 20% but not more than \$15 million of the total project cost. Funds may be used as match. Federal share may be up to 100%. Not more than 10% of a State's apportionments under section 104(b) for any fiscal year may be used for these purposes.	Comparable to Administration provision	No comparable provision
	Funds for a project must be obligated within 1 year from the date of allocation. Funds not obligated within that period will be withdrawn and reallocated.	No comparable provision	
	Permits the Secretary to make grants or enter into cooperative agreements to develop and/or improve innovative technologies or facilities that improve safety, enhance the highway construction process, and improve project quality and durability. Federal share may be up to 80% for these activities.	Comparable to Administration provision	No comparable provision

Infrastructure Performance and Maintenance			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3550 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision	Apportioned program authorized at \$1 billion for each of FYs 2004-2009. [1201]	No comparable provision	Allocated program authorized at \$0 for FY 2004. [1201, 1101(13)]
No comparable provision	Only highway projects already eligible under the Interstate Maintenance Program, National Highway System Program, or the Surface Transportation Program will be eligible for funding. [1201]	No comparable provision	Same as Administration bill, but adds projects eligible under the Bridge Program, CMAQ, and Highway Safety Improvement Program to those eligible. [1201]
No comparable provision	Projects must cost-effectively extend the useful life of existing highways, or provide operational improvements at points of recurring congestion. [1201]	No comparable provision	Same as Administration bill, but also specifically mentions hurricane evacuation routes on the Federal-aid system and operational improvements through transportation systemic changes to manage or ameliorate congestion. [1201]
No comparable provision	Funds are apportioned using the current STP formula. Each State shall receive a minimum ½ of 1 percent. [1201]	No comparable provision	Funds are allocated. [1201]
No comparable provision	Funds have one-year period of availability, are subject to the overall Federal-aid highway obligation limitation, and will receive obligation limitation in an amount equal to contract authority. [1201, 1102]	No comparable provision	Same as Administration bill. [1201]

Infrastructure Performance and Maintenance

Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3550 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision	Funds must be obligated within six months of apportionment or they will be redistributed to other States. [1201]	No comparable provision	Funds must be obligated within 180 days of allocation or they will be redistributed to States that have fully obligated their IPAM allocation for that fiscal year AND can demonstrate the ability to obligate additional amounts before the end of the fiscal year. [1201]
No comparable provision	Funds received under this program are included in the Minimum Guarantee calculation, but the redistribution of funds after 180 days will not trigger a recalculation of the Minimum Guarantee [12 1, 1104]		Funds received under this program are included in the Equity Bonus calculation, and the redistribution of funds after 180 days will trigger a recalculation of the Equity Bonus. [1201, 1104]
No comparable provision	These funds cannot be transferred to another Federal agency or any other program.	No comparable provision	No comparable provision
No comparable provision	Funds unobligated at the end of the fiscal year in which they were allocated shall lapse.	No comparable provision	Same as Administration bill

Intermodal Passenger Facilities Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003 Section 6002	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005 Section 1523
No comparable provision	\$425 million over 5 years. \$10 million per year would come from the Highway Account of the Highway Trust Fund and \$75 million per year would come from the Mass Transit Account of the Trust Fund.	No comparable provision	Funded at \$46.9 million over 5 years. Program is part of the Federal-aid Highway Program and funding is from the Highway Account of the Highway Trust Fund.
	The purpose of the program is to accelerate intermodal integration among passenger transportation modes by: ensuring intercity public transportation access to intermodal passenger facilities; encouraging the development of an integrated system of public transportation information; and providing intercity bus intermodal passenger facility grants.	No comparable provision	The purpose of the program is to accelerate intermodal integration among passenger transportation modes by: ensuring intercity public transportation access to intermodal passenger facilities; encouraging the development of an integrated system of public transportation information; and providing intercity bus intermodal passenger facility grants.
	A grant could not exceed 50% of the net project cost. However, the portion that is not funded under this program could include up to 30% from other Federal funds eligible for transportation.	No comparable provision	Grants may not exceed 50% of the net project cost. The Secretary must conduct a nationwide solicitation for applications for grants. Grantees will be selected on a competitive basis.

Intermodal Passenger Facilities Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
	Authorizes the Secretary to make grants to State or local governmental authorities or nonprofit organizations for capital projects that acquire, construct, improve or renovate an intermodal facility to establish or enhance coordination between intercity bus services and other modes of transportation.	No comparable provision	Authorizes the Secretary to make grants to State or local governmental authorities or nonprofit organizations for capital projects that acquire, construct, improve or renovate an intermodal facility to establish or enhance coordination between intercity bus services and other modes of transportation.

Interstate Maintenance Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
\$23.8 billion over 6 years.	Continues program.	Continues program, at \$28.2 B over 6 years.	Continues program, at \$31.8 B over 5 years.
Funds distributed by formula; IM Discretionary program, funded by setaside of \$100M/year	Eliminates IM Discretionary program	Eliminates IM Discretionary program after FY 2005. [1115] Establishes takedown for Highways for Life for 2005-2009 [1103(d)]	Continues IM Discretionary program, but at \$93.9 M/year [1805] Setaside of \$14.1 M/year for Strategic Highway Research Program [2001(c)(5)]

ITS Deployment			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
	Section 1703	Section 1204 and 1205	
ITS Integration Deployment Incentives (for comparability), funded at \$679 million over 6 years.	Establishes new ITS Performance Incentives Program.	ITS Deployment Program [1205] -- States collectively are required to obligate a minimum of \$2.5 billion total thru 2009 from NHS, IM, STP, and CMAQ funds for ITS deployment.	No comparable provision
Discretionary	Formula apportionment: Secretary to issue regs establishing formula based on specified criteria; NHS formula to be used to distribute funds until new formula is established, and then partially during 3-year phase-in period.	Formula provided to compute each State's amount; funds to be obligated under original program category, and projects must be otherwise eligible within that category. State is not required to obligate proportional or equal amounts under each program category. Provisions do not alter or affect categorical eligibility requirements. Secretary, State, and MPO jointly responsible for compliance. [1205]	No comparable provision
Eligibility - projects to accelerate ITS integration and interoperability in metro and rural areas (also, outside metro areas, for installation costs)	Eligibility - projects for planning, deployment, integration, and operation of ITS, or projects to improve system operations.	Eligible projects - improve performance, create networks, improve safety, operation and management of ITS infrastructure, interagency support, cross jurisdictional and regional planning. [1205]	No comparable provision

ITS Deployment			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision	No comparable provision	Expedited National ITS Deployment Program [1204] - to accelerate integration, interoperability, and deployment of ITS through model projects, including 511 deployment. Provides funding for 511 deployment. [1101(a)(14)]	No comparable provision
No comparable provision	No comparable provision	Categorical exclusion [1206] - requires Sec'y to initiate rulemaking to exclude activities that support ITS deployment from NEPA environ. assessment/ environ. impact statement requirements, to the extent appropriate.	No comparable provision

National Highway System			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
\$28.6 billion over 6 years.	Continues program funding over 6 years.	Continues program at \$34.9 Billion over 6 years.	Continues program at \$38.7 B over 5 years
Required the Secretary to report to Congress within two years on progress in improving NHS connectors to intermodal freight transportation facilities for the efficient movement of freight.	Requires each State to set aside a portion of its NHS apportionment for freight intermodal connectors equal to the percentage of the freight/strategic connector mileage constitutes of the total NHS miles in the State or 2% of the State's annual NHS apportionment, whichever is greater. Exemption allowed if a State's connectors are in good condition and are providing an adequate level of service. [1205]	Requires the Secretary to update the intermodal connectors report. Freight connector program funded separately from NHS. See Freight sheet for more information.	Requires each State to set aside a portion of its NHS apportionment for freight intermodal connectors equal to the percentage of the freight/strategic connector mileage constitutes of the total NHS miles in the State or 2% of the State's annual NHS apportionment, whichever is greater. Exemption allowed if a State's connectors are in good condition and are providing an adequate level of service. The Federal share for connectors is increased to 90% except as provided in §120. [1203] Adds \$17.8 M/year takedown from NHS to fund the New Strategic Highway Research Program [§509].

National Highway System			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Environmental restoration and pollution abatement on 4R projects are currently eligible only under STP	Extends existing STP eligibility on environmental restoration and pollution abatement to NHS and adds new eligibilities on invasive species and brownfields remediation. [1608] .	No comparable provision.	Extends existing STP eligibility on environmental restoration and pollution abatement to NHS, and adds elimination of invasive species to create fuel breaks to prevent and control wildfires. [1601] In addition, establishes new NHS eligibility for establishment of State Mitigation Funds to mitigate impacts to wetlands, endangered species, and stream ecosystems, and other natural habitats. Funds may also be used to protect roadways from anticipated flooding of a closed basin lake. A State may be reimbursed for any funds expended for this purpose from §125(c)(1) funds. Provision states that States <i>should</i> establish such funds. [1505]
No comparable provision.	No comparable provision.	Adds provision to allow NHS funds to be used for capital, operating, and systems maintenance costs for transportation systems management and operations [1202(c)]	No comparable provision.

National Highway System			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision.	Adds provision to allow NHS funds to be used for real-time system management information program [1702].	Clarifies that NHS funds may be used for activities related to the planning and deployment of real-time monitoring elements [1203(e)]	Allows NHS funds to be used for real-time system management information program [1702].

Other Operations Provisions			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Use of High Occupancy Vehicle (HOV) Lanes			
23USC 102(a)	Section 1610	Section 1208	Section 1606
State DOT to establish occupancy requirements for HOV, but no less than 2 occupants, with exceptions.	State DOT or other responsible local agencies shall establish HOV requirements, but no less than 2 occupants, with exceptions.	Similar to Administration bill, but gives authority to a State agency that has jurisdiction over the operation of a toll facility.	Similar to Administration bill, but "responsible agency" also includes a public authority, or a public or private entity designated by a State to collect tolls at a designated toll facility.
Motorcycles and bicycles not considered single occupant vehicles (SOV)	Motorcycles/bicycles -- allows motorcycles to use HOV, unless State certifies that it would create a safety hazard. May allow bicycles on surface street HOV lanes.	Allow motorcycles and/or bicycles unless State certifies that it is a safety hazard; such certification must be published in Federal Register for comment.	Similar to Administration bill, but does not include surface street HOV bicycle exception.
No comparable provision.	Public transportation vehicles -- may allow exemption for designated public transportation vehicles. Must establish requirements for identification, performance monitoring.	May allow exemption for public transportation vehicles if establish requirements for identification and enforcement.	Similar to Administration bill.

Other Operations Provisions			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Before 9/30/2003, a State may permit SOVs to use HOV lanes if the vehicle is certified as an Inherently Low-Emission Vehicle pursuant to title 40, CFR, and labeled accordingly.	Low Emission and Energy Efficient Vehicles -- may allow exemption for "low emission and energy efficient" vehicles (certified by EPA to have 45mpg highway rating or be an alternative fuel vehicle, and meet Tier II emission standards). If allow exception, responsible agency must monitor, evaluate, and report on performance. Provides for discontinuation of exception if operation of HOV is seriously degraded.	Similar to current law for Inherently Low-Emission Vehicles, but State must establish enforcement procedures. "Other Low Emission and Energy Efficient Vehicles must pay toll; EPA must issue a final rule concerning certification and labeling of vehicles within 6 months.	Similar to Administration bill, but changes definition of "low emission and energy efficient vehicles" -- must meet Tier II emission standards and (1) achieve 50% increase in city or 25% in city/highway fuel economy relative to a comparable internal combustion gasoline fueled vehicle, or (2) be a dedicated alternative fuel vehicle). EPA must establish guidelines and procedures for vehicle comparisons and performance measurement within 180 days. State may raise thresholds for fuel economy to ensure system does not become seriously degraded.
No comparable provision.	Seriously degraded - for freeways, defined as failing to maintain minimum average operating speed of at least 45mph 90% of the time over consecutive 6 month period during weekday peak travel periods. For other types of roads, responsible agencies to set criteria.	Degraded facility -- fails to maintain minimum average operating speed 90% of the time, during morning or evening peak periods, over 6 months. Facilities with speed limit over 50 mph must maintain 45; facilities with speed limit under 50mph must maintain not more than 10mph below limit.	Seriously degraded -- minimum average operating speed, performance threshold, and associated time period of the HOV lane are unsatisfactory, based on unique conditions of the roadway, as determined by responsible agencies.

Other Operations Provisions			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
	High Occupancy Toll (HOT) vehicles -- may allow otherwise ineligible vehicles, if they pay a toll. Agency must have program for enrollment and participation, develop automatic collection system, monitor & evaluate performance, vary toll to manage demand, ensure that system does not become seriously degraded.	Similar to Administration bill, but addresses enforcement.	Similar to Administration bill, but addresses enforcement.
No comparable provision.	No comparable provision.	Excess toll revenues - give priority to projects for developing alternatives to SOV travel and for improving highway safety.	No comparable provision.
No comparable provision.	No comparable provision.	Sense of Congress that DOT and States should provide additional incentives to encourage purchase and use of hybrids and other fuel efficient vehicles.	No comparable provision.

Other Operations Provisions			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Transportation Technology Innovation and Demonstration Program -- Intelligent Transportation Infrastructure			
TEA-21 provided \$1.7M/year for the implementation of a program to address national, local, and commercial traffic data needs through enhancement of traffic monitoring and data management capabilities in major metropolitan areas. [5117(b)(3)] Additional funds were provided in 2001 and 2002 appropriations acts, for a total of \$60.2 million, to be used for implementation in 29 eligible metropolitan areas, with a maximum \$2M per metropolitan area.	No change to current law.	No change to current law.	Replaces TEA-21 language; provides \$4.5 M/year for deployment of operational ITS through measurement of transportation activities; introduces flexibility to integrate rather than build surveillance infrastructure. Retains limit of \$2 M per metropolitan area. Revenue generated as a result of ITIP to be reinvested in ITIP; provides for use of uncommitted funds. [2105]

Parking Programs			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
	Commercialized Rest Area Pilot Program [1306]		
No comparable provision	Authorizes States to conduct pilot projects that would permit commercial operations at existing or new rest areas on Interstate highways.	No comparable provision	No comparable provision
No comparable provision	Permits pilot project rest areas to include commercial operations that provide goods, services, and information to the traveling public and the commercial motor carrier industry.	No comparable provision	No comparable provision
No comparable provision	Authorizes commercial operations to include commercial advertising and media displays solely within the facility and not visible from the roadway, programs designed to enhance motor carrier and highway safety, and State promotional or tourism-oriented items.	No comparable provision	No comparable provision
No comparable provision	States may submit proposals within one year from the date of enactment.	No comparable provision	No comparable provision

Parking Programs			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision	State proposals must describe the services to be provided, include a plan for evaluating pilot project results, help implement the strategies in the "Study of Adequacy of Parking Facilities," and contain a review of the State's action plan for addressing commercial truck parking shortages.	No comparable provision	No comparable provision
No comparable provision	The States may permit the commercial operations to be run by a private operator.	No comparable provision	No comparable provision

Parking Programs			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
		Truck Parking Facilities [1306]	Commercial Truck Parking Pilot Program [1814]
No comparable provision	No comparable provision	Discretionary pilot program for grants to States, MPOs and local governments, funded at \$5 million per year beginning in 2005 to address shortage of long term parking for commercial motor vehicles on the NHS. Funds are subject to sliding scale.	Discretionary program for grants to States, MPOs and local governments, funded at \$9,386,289 for each of FYs 2005-2009 to address the shortage of long term parking for commercial motor vehicles on the NHS.
No comparable provision	No comparable provision	Eligible uses are construction of safety rest areas that include truck parking, construction of commercial truck parking facilities adjacent to truck stops and travel plazas, improved access to truck parking on or near the NHS, improvements to seasonal parking facilities to enable year-round use, and projects to promote awareness of available public and private truck parking on the NHS.	Same as House
No comparable provision	No comparable provision	Requires the Secretary to transmit a report to Congress not later than 5 years after date of enactment on the results of the pilot program.	Same as House
No comparable provision	No comparable provision	Funds are contract authority, Federal share is subject to sliding scale.	Same as House

Parking Programs			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
			Corridor and Fringe Parking Pilot Program [1814]
No comparable provision	No comparable provision	No comparable provision	Program of discretionary grants to States to provide parking capacity to support car pooling, van pooling, ride sharing, commuting and HOV travel.
No comparable provision	No comparable provision	No comparable provision	Eligible uses are construction and costs of opening corridor and fringe parking facilities, improvements to access to such facilities, and promotion of awareness of such facilities.
No comparable provision	No comparable provision	No comparable provision	Discretionary program for grants to States funded at \$9,386,289 for each of FYs 2005-2009.
No comparable provision	No comparable provision	No comparable provision	Requires the Secretary to transmit a report to Congress not later than 5 years after date of enactment on the results of the pilot program.

Parking Programs			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005 Interstate Oasis Program [1815]
No comparable provision	No comparable provision	No comparable provision	Secretary required to establish program, including development of standards for designating oases, the appearance of facilities, and proximity to Interstate. State participation is voluntary.
No comparable provision	No comparable provision	No comparable provision	Oases must offer products and services to the public, 24-hour access to restrooms, and parking for automobiles and heavy trucks.
		Advanced Truck Stop Electrification System [1828]	
No comparable provision	No comparable provision	Adds "Advanced Truck Stop Electrification System" to the list of definitions in section 101(a) of Title 23. The term means a stand-alone system that delivers heat, air conditioning, electricity, and communications to heavy duty vehicles.	No comparable provision
No comparable provision	No comparable provision	Adds "Advanced Truck Stop Electrification System" to the list of eligibilities for STP funding.	No comparable provision

Planning and Freight Planning Capacity Building Initiatives			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Reported TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Planning Capacity Building			
	Section 1505		Section 1522
No comparable provision.	New program funded over 6 years	No comparable provision	New program funded at \$18.8 M over 5 years.
No comparable provision.	Program is funded through a \$20 million setaside from STP, and an annual \$5 million complementary program being established by FTA.	No comparable provision	Program is funded through a \$3.7 million annual setaside from FHWA's administrative funds [§ 1103(a)].
No comparable provision.	Federal share will be up to 100%	No comparable provision	Federal share will be 100%
No comparable provision.	Eligible activities include research, program development, information collection and dissemination, and technical assistance.	No comparable provision	The program is to support enhancements in transportation planning. Eligible activities include research, program development, information collection and dissemination, and technical assistance.
No comparable provision.	Secretary may use the funds independently or make grants to Federal, State or local agencies; Federally-recognized Indian tribal governments or consortiums; authorities and associations; nonprofit or for-profit corporations; and institutions of higher learning.	No comparable provision	The "Use of Funds" language is modified and does not include the provision that the Secretary may use the funds independently beside making grants, cooperative agreements, etc.
No comparable provision.	Initiative to be administered by FHWA, in cooperation with FTA	No comparable provision	No comparable provision

Planning and Freight Planning Capacity Building Initiatives			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Reported TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision.	Priority will be given to planning practices and processes that support: homeland security planning; performance based planning; safety planning; operations planning; freight planning; and integration of environment and planning.	No comparable provision	Priority will be given to planning practices and processes that support: the transportation elements of homeland security planning; performance based planning; safety planning; operations planning; freight planning; integration of environment and planning; and air quality planning.
Freight Planning Capacity Building			
		Section 5206(504)(f)	
No comparable provision.	No comparable provision.	Establishes the Freight Planning Capacity Building Initiative to support enhancements in freight transportation planning.	No comparable provision.
No comparable provision.	No comparable provision.	Eligible activities include: refinement of data and analysis tools; dissemination of best practices in freight transportation; and technical assistance to State and local transportation agencies.	No comparable provision.
No comparable provision.	No comparable provision.	The Federal share shall be up to 100%; funding to remain available until expended.	No comparable provision.
No comparable provision.	No comparable provision.	Funding is provided by a deduction of \$25 M over 5 years from the Training and Education Program.	No comparable provision.

Projects of Regional and National Significance			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU Section 1304	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision	No comparable provision	Authorizes \$6 billion over 5 years [1101(a)(12)] for new program to fund critical high-cost transportation projects with regional and national benefits.	No comparable provision
No comparable provision	No comparable provision	Funds are not transferable. Federal share limited to 80%.	No comparable provision
No comparable provision	No comparable provision	Eligibility - any surface transportation project eligible under Title 23, including freight railroad.	No comparable provision
No comparable provision	No comparable provision	Criteria - projects must cost at least \$500 million or 75% of prior fiscal year FAH apportionments in the State where project is located, whichever is lower.	No comparable provision
No comparable provision	No comparable provision	Sec'y shall establish criteria (considering leveraging of non-Federal investment, use of new technology, environmental protection), conduct national solicitation, award grants on a competitive basis.	No comparable provision

Projects of Regional and National Significance			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision	No comparable provision	Applications - must be based on PE, and justified based on benefit to economy, reducing congestion, safety, enhancement of national transportation system, support from non-Federal sources. Regs governing evaluation of applicants must be issued within 120 days of enactment.	No comparable provision
No comparable provision	No comparable provision	Obligation occurs when contract authority is allocated to project thru a full funding grant agreement; agreement may include contingent commitments against future budget authority, but not considered an obligation.	No comparable provision
No comparable provision	No comparable provision	Total obligations and contingent commitments limited to amount authorized to carry out this section, or total of last 2 fiscal years of funding net of amount reserved for grants not covered by letter of intent, whichever is greater.	No comparable provision
No comparable provision	No comparable provision	Annual report in February of each year, to include ratings and recommendations for funding.	No comparable provision

Real Time System Management Information Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
	Section 1702	Section 1203	Section 1702
No comparable provision	Designed to monitor, in real-time, the traffic and travel conditions of our Nation's highways and to share that information to improve security, address congestion, respond to weather events, and facilitate national and regional traveler information.	Same as Administration bill	Same as Administration bill
No comparable provision	No funds are authorized, but planning and deployment of real-time monitoring elements will be an eligible use of NHS and STP funds, and planning of real-time monitoring elements would be an eligible use of State Planning and Research funds.	No funds are authorized. States may use NHS, STP and CMAQ funds for planning and deployment of real-time monitoring elements to the extent that such activities are eligible for funding under those programs.	Same as Administration bill
No comparable provision	The Secretary is required to establish data exchange formats (for disseminating data among public sector entities and with the private sector) within one year of enactment of the bill.	Similar to Administration bill except that time for completion is within two years of enactment of the bill. Secretary to establish a national steering committee to assist in the development of exchange formats and establish formats based on its recommendations.	Same as Administration bill

Real Time System Management Information Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
	Section 1702	Section 1203	Section 1702
No comparable provision	States are encouraged to incorporate explicitly the data exchange formats developed by the Secretary.	Requires States to incorporate the data exchange formats established by the Secretary. When updating regional ITS architecture, State and local governments are to explicitly address real time highway and transit information needs.	Same as Administration bill
No comparable provision	Each State is required to establish a statewide incident reporting system within two years of enactment.	Statewide incident reporting system is defined, but not required.	Each State is required to establish a statewide incident reporting system within two years of enactment (5 years if Secretary determines that adequate real time communications capability will be available within 2 years).
No comparable provision	State and local governments are to address the systems needed to meet real-time highway and transit needs within their intelligent transportation system regional architecture.	Same as Administration bill	Same as Administration bill

Recreational Trails Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
	Section 1606	Section 1119	Section 1603
Formula program authorized at \$270 million over 6 years.	Continues program funding over 6 years.	Program is funded at \$507.9 M over 6 years	Program is funded at \$280.7 M over 5 years.
Federal share is 80%; up to 95% including add'l funds from Federal agency project sponsors.; other Federal funds may be used to match.	Amends to permit use of FAH sliding scale and to allow Recreational Trails funds to match other Federal funds.	Allows use of FAH sliding scale and use of Rec Trails funds to match other Federal funds	Amends to permit use of FAH sliding scale and to allow Recreational Trails funds to match other Federal funds.
States encouraged to use qualified youth conservation or service corps to perform trail construction and maintenance.	State must use at least 10% of RTP funds with qualified youth conservation corps for recreational trail activities	Encourages the States to enter into contracts and agreements with youth conservation or service corps.	State must use at least 10% of RTP funds with qualified youth conservation corps for recreational trail activities
The Governor designates agency to administer the program (can be other than State DOT). The State must have a State Recreational Trail Advisory Committee that represents both motorized and nonmotorized recreational trail users; must meet at least once/year.	Amends provisions on State recreational trails committees: membership must reflect motorized/nonmotorized funding split (at least 30% each); must meet at least once a year; must be used to develop statewide Recreational Trails Program, including project ranking & recommendations. Must meet committee requirements within a fiscal year, or be ineligible for funding the following year.	No change from current law.	Same as current law

Recreational Trails Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
States must meet minimum funding among motorized, non-motorized and diverse trail use: 40% for diverse trail use; 30% for motorized recreation; and 30% for nonmotorized recreation. The State committee may waive the 30% requirements.	Same as current law, except the authority of the committee to waive the 30% requirements is eliminated.	Same as current law, except the authority of the committee to waive the 30% requirements is eliminated.	Same as current law
Eligible project categories provided; State administrative costs limited to 7%; operation of education programs limited to 5%.	Broadens permissible uses of RTP project funds and educational funds. Retains current limits on State administrative cost and operation of education programs.	Broadens permissible uses of RTP project and educational funds. Retains the 7% and 5% limits on administrative and operation of education programs respectively.	Broadens permissible uses of RTP project funds and educational funds. Retains current limits on State administrative cost and operation of education programs.
The RTP is exempt legislatively from 23 USC 138 and 49 USC 303. Most RTP projects are also exempt from sections 112, 113, and 114 of 23 USC because they are not on Federal-aid highway right-of-way.	Exempts the RTP from requirements more appropriate for large highway projects: highway contracting requirements; maintenance of the Federal-aid highway system by State DOTs; state and metropolitan planning requirements; bike and ped requirements; and use of highway tolls.	No exemptions from highway program requirements.	The RTP is not subject to sections 112, 114, 116, 134, 135, 138, 217, or 301 of Title 23 and section 303 of title 49. The RTP is not exempted from section 113 - Prevailing Wage.

Recreational Trails Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No legislative provision, but some administrative flexibility to delegate some responsibilities to the States	Secretary may assign to State some or all responsibilities under Federal law, except those relating to federally-recognized tribes, that are applicable to Recreational Trails projects. MOU required between Secretary and the State; must be renegotiated every 3 years; Secretary must conduct annual compliance reviews for the first 3 years and periodically thereafter. [1815]	Under a pilot program, up to 5 States may assume the Secretary's responsibilities under Federal law that are applicable to Recreational Trails projects, except those responsibilities relating to federally recognized tribes, A MOU is required between the Secretary and the State and must be renegotiated at least every 3 years. The Secretary must review compliance and consider this in decision to renew MOU, [1207]	No comparable provision

Regional Highway System Programs			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Appalachian Development Highway System			
	Section 1805	Section 1113	Section 1808
\$2.25 billion over 6 years.	Continues program over 6 years.	Funds program \$2.9 B over 6 years.	Funds program at \$2.76 B over 5 years. Codified as 23 USC, §170
Federal share is 80%	Same as current law	Same as current law	Same as current law
	The use of toll credits is prohibited on the ADHS	The use of toll credits is prohibited on the ADHS	The use of toll credits is prohibited on the ADHS
No comparable provision	No comparable provision	Expands the geographic jurisdiction of the Appalachian Regional Commission by adding 12 new counties in 4 States.	No comparable provision
Delta Region Transportation			
No comparable provision	No comparable provision	Requires the Delta Regional Authority (DRA) to enter into an agreement with the Secretary to conduct a study on the transportation assets and needs of the Delta Region. The study is to cover all modes of passenger and freight transportation in the 8 States that comprise the Region. [1806]	Requires the DRA to conduct a study of the transportation assets and needs in the 8 states that make up the Delta Region. Study funded at \$500,000 for each of FYs 2005 and 2006. [5304]

Regional Highway System Programs			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision	No comparable provision	DRA report to Congress and Secretary due 24 months after entering agreement. The DRA shall establish a regional strategic plan to implement the recommendations of the report. Authorizes \$500,000 for each of FYs 2005 and 2006 for the study and strategic plan. [1806(c)]	Following completion of the study, the DRA is to establish a regional strategic transportation plan to achieve efficient transportation systems in the region. The study and plan will include transit, rail, highway, interstate, bridges, air, airports, waterways, and ports. Authorizes \$500,000 for each of FYs 2005 and 2006 for the study and strategic plan. [5304]
No comparable provision	No comparable provision	No comparable provision	Establishes the Delta Region Transportation Development Program with \$375.5 M over 5 years from the Highway Trust Fund to support and encourage multistate transportation planning and corridor development in the Delta region. [1824] Codified as 23 USC, §178
No comparable provision	No comparable provision	No comparable provision	Funds go to States and MPOs for multistate highway planning, development, and construction projects. Non-Federal share may be contributed by the Delta Regional Authority. [1824]

Regional Highway System Programs			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision	No comparable provision	No comparable provision	Project must be located in an area that is part of the Delta Regional Authority, on the Federal-aid system, endorsed by State DOT, evidence of ability to complete project. Secretary to give priority to projects that emphasize multimodal planning (no non-planning priorities are stated). [1824]

Regional Highway System Programs			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Alaska Programs			
No comparable provision	No comparable provision	Requires the Secretary and the Denali Commission, in coordination with the Alaska Federation of Natives, to establish the Alaska Native Village Transportation Program to pay the costs of planning, design, construction, and maintenance of road and other surface transportation facilities identified by Alaska Native Villages. Defines "Alaska Native Village." No funding identified. [1120(g)]	Authorizes \$28.2 M/year (subject to appropriation) for 5 years for the Denali Access System under section 309 of the Denali Access Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105-277) [1101(17)] . Adds new \$5 M per year (FYs 2006-2009) set aside from the Transit New Starts Program [\$5309 title 49] for payments to the Denali Commission for docks, waterfront development projects, and related transportation infrastructure.

Safe Routes to School			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU Section 1122(a)	Senate H.R. 3 as Passed Senate SAFETEA of 2005 Section 1405
No comparable provision	No comparable provision	Separate authorization -- totals \$1.0 billion for 2005-2009. [1101(a)(18)]	Funded by takedown of \$65.7 M/year from Highway Safety Improvement Program funds
School Transportation Safety - TEA-21 (sec 4030) required study of safety issues of transporting children to and from school/activities	No provision, but most activities eligible under Highway Safety Improvement Program.	New program to enable and encourage children (including those with disabilities) in grades K-8 to walk/ bike safely to school. Program purpose similar to Senate bill, but expanded to include reducing traffic, fuel consumption, and air pollution in the vicinity of schools.	New program to enable and encourage children in grades K-12 to walk/ bike safely to school. Program purpose - to make walking and bicycling to school safer and more appealing.
No comparable provision	No comparable provision	Funds to be apportioned based on State's student enrollment as % of US total; \$2M minimum apportionment; 2% setaside for administration (includes funding for Clearinghouse and task force). Set-aside of \$25 M/year for non-motorized pilot program.	To be apportioned according to HSIP formula.
No comparable provision	No comparable provision	Federal share is 100%	Except as provided in 23USC120 and 130, Federal share is 90%
No comparable provision	No comparable provision	Same as Senate bill.	May be used on any public road, bicycle or pedestrian pathway or trail within 2 miles of school.

Safe Routes to School			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision	No comparable provision	Similar eligibilities to Senate bill, except does not include pedestrian-railroad grade crossing improvements.	Infrastructure-related project eligibilities- sidewalk improvements, traffic calming, ped/bike crossings, on-street bike facilities, off-street bike/ped facilities, secure bike parking, traffic signals, and pedestrian-railroad grade crossing improvements.
No comparable provision	No comparable provision	Behavioral -- must use no less than 10%, no more than 30% of funds. Similar to SEPW bill, but activities also include training, volunteers, and coordinators.	Behavioral - must use at least 10% of funds. Activities include public awareness and outreach, traffic education and enforcement, student sessions on bike/ped safety, health, environment.
No comparable provision	No comparable provision	State receiving funds must use part of apportionment to fund full-time coordinator position.	No comparable provision
No comparable provision	No comparable provision	Secretary to use part of administrative funds for national safe routes to school clearinghouse.	No comparable provision
No comparable provision	No comparable provision	Secretary to use part of administrative funds for national safe routes to school task force; report to Congress by March 31, 2006 on strategy for advancing safe routes to school programs nationwide .	No comparable provision

Safe Routes to School			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
		Non-motorized Transportation Pilot Program -- to construct in 4 communities a network of nonmotorized transportation infrastructure facilities (sidewalks, bicycle lanes, bike & ped trails) that connect directly with transit stations, schools, homes, businesses [1122(b)] Funded by set-aside from Safe Routes to Schools authorization, with additional funds from transit program. [1122(a)(3)(D)]	

National Scenic Byways Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003 Section 1605	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005 Section 1602
Discretionary program funded at \$148 million over 6 years	Funds program over 6 years.	Funds program at \$281.5 M over 6 years	Continues program at \$174.6 M over 5 years
Grants awarded for eligible projects on designated highways; and to plan, design, and develop a State scenic byway program.	No change from current law	No change from current law	Provides grants and technical assistance to States and Indian tribes for eligible projects on designated highways; and to plan, design and develop a State or Indian scenic byway program.
Federal share 80%; Federal land management agency funds may be used for match on projects on Federal or Indian lands.	Federal share remains at 80% except that research, technical assistance, marketing and promotion projects may be up to 100%.	No change from current law	Federal share is 80%, the sliding scale adjustment to the Federal share may be used. Federal share for research, technical assistance, marketing and promotion projects may be up to 100%
Construction of passing lanes eligible for funding.	Eliminates eligibility for construction of passing lanes.	No change from current law	Eliminates eligibility for construction of passing lanes.
Funds may be used for technical assistance and outreach and grants. Funding for Center for National Scenic Byways included in TEA-21 §1215(b).	Funds may be used for research, technical assistance, marketing and promotion projects and activities through grants and contracts with a variety of entities, including the Center for National Scenic Byways in Duluth, Minnesota. Priority given to partnerships that leverage funds.	No change from current law except that funding is authorized in addition to Scenic Byway Program funds to support the America's Byways Resource Center (new name) established under TEA-21 §1215(b). [1811]	Funds may be used for research, technical assistance, marketing and promotion projects and activities through grants and contracts with a variety of entities. Does not specify funding for Center for National Scenic Byways. Secretary may not use more than \$1.8 M of program funds per fiscal year to carry out projects under this subsection.

National Scenic Byways Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
All American Roads (AARs) and National Scenic Byways (NSBs) designated in accordance with criteria developed by the Secretary.	Recognizes the inclusive term "America's Byways," that encompasses both NSBs and AARs.	No change from current law	Priority will be given to projects associated with highways designated as National Scenic Byways, All-American Roads, America's Byways, State scenic byways, or Indian scenic byways.

Surface Transportation Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Introduced SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
\$33.3 Billion over 6 years.	Continues program over 6 years.	Continues program at \$41.13 billion over 6 years.	Continues program at \$40.08 billion over 5 years.
Provides that a State must provide obligation limitation to urbanized areas in the State of over 200,000 population for the period of fiscal years 1998-2000 and 2001-2003 in the same ratio as provided to the State in general.	Same as current law.	Same as current law except that the fiscal years are updated to 2004-2006 and 2007-2009.	Same as current law.
STP funds allocated to sub-State areas may not be transferred.	No change from current law	No change from current law	No change from current law
Up to 25 percent of difference between the TE setaside for a fiscal year and the TE setaside for FY 1997 may be transferred to IM, NHS, CMAQ, HBRRP, and/or Rec. Trails.	No change from current law	No change from current law	No change from current law

Surface Transportation Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Introduced SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Eligible activities include surface transportation infrastructure projects on any Federal-aid facility, bridge projects on any public road, transit capital projects, environmental provisions and ITS improvements.	New and revised eligibilities include environmental restoration and pollution abatement, invasive species control efforts, brownfield remediation, transportation system management activities, real-time system monitoring, and regional transportation operations collaboration and coordination activities.	New eligibilities include: regional transportation operations collaboration and coordination activities, including traffic incident management, technology deployment, emergency management and response, traveler information, and regional congestion relief. Also advanced truck stop electrification systems. [1202(b)]	New and revised eligibilities include environmental restoration and pollution abatement, invasive species control efforts, transportation operations activities associated with regional improvements, State habitat, stream, and wetlands mitigation efforts, activities related to the planning and deployment of real-time monitoring elements, and activities designed to reduce traffic delays caused by motor vehicle accidents and breakdowns. [1505(b), 1601(a)(2), 1701(a), 1701(c)(1)]
No comparable provision.	No comparable provision.	No comparable provision.	Adds a \$18,772,579 takedown from the STP program for each of FYs 2005-2009 for the New Strategic Highway Research Program. [2001(c)(5)(D)]
	Section 1205(a)		Section 1203
No comparable provision.	Expands STP eligibilities to include publicly-owned intermodal freight transportation projects that address issues associated with freight transportation gateways.	No comparable provision.	Same as Administration bill. [1203(d)(1)]

Surface Transportation Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Introduced SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005 Section 1505
No comparable provision.	No comparable provision.	No comparable provision.	Allows a State to deposit into a habitat and wetlands mitigation fund part of the funds apportioned to it under the NHS and STP programs. [1505(c)]
No comparable provision.	No comparable provision.	Mandates that a minimum of \$500 million of NHS, STP, IM, and CMAQ funds for each of FYs 2004-2009 be used to expand deployment of intelligent transportation systems, but does not change existing program eligibilities. [1205]	No comparable provision.
			Section 1620
No comparable provision.	No comparable provision.	No comparable provision.	Establishes the Highway Stormwater Discharge Mitigation Program to improve the quality of stormwater discharge from Federal-aid highways.
No comparable provision.	No comparable provision.	No comparable provision.	Provides that 2% of a State's STP apportionment will be available only for mitigation projects that: reduce flooding, recharge groundwater, attain preconstruction hydrology, promote natural filters, minimize streambank erosion, and improve water quality.

Surface Transportation Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Introduced SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision.	No comparable provision.	No comparable provision.	Requires the Secretary to issue guidance not later than 180 days after the date of enactment to assist States in carrying out this program.
			Section 1813(b)
No comparable provision.	No comparable provision.	No comparable provision.	Adds implementation of transportation, community, and system preservation plans and practices that address transportation system efficiency and reduce the impact of transportation on the environment, and projects at intersections that have high accident rates and levels of congestion, to the list of eligible activities for STP funding.

Transportation, Community and System Preservation Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
	Section 1816	Section 1117	Section 1813
Separate authorization, \$120 million over 5 years, for pilot program. Funds distributed on a discretionary basis. [TEA-21, 1221]	Establishes as a program, but not as a pilot, funded as a setaside from STP. Apportioned by formula.	Continues pilot program, but funded as a set-aside from STP [1103(d)]; discretionary.	Establishes as a program, but not as a pilot, funded at \$46.9 M/year for 2005-2009. Discretionary - criteria for prioritizing applicants and distribution of funds same as current law.
Eligibility - available for any project eligible under Title 23 or Chapter 53 of Title 49 or any other activity relating to transportation that meet specified purposes.	Same as current law	Same as current law	Same as current law
No comparable provision	No comparable provision	Establishes a Planning Activities Pilot Program funded by a \$1.5 M/year setaside for 2005-2009 from TCSP authorizations. Federal share for the Pilot is 100%.	No comparable provision
No comparable provision	Expands TCSP eligibility to include planning, development, and implementation of strategies by Federally recognized Indian tribes and makes such tribes eligible to receive apportioned TCSP funds.	No comparable provision	Expands TCSP eligibility to include planning, development, and implementation of strategies by Federally recognized Indian tribes.

Transportation, Community and System Preservation Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
	No comparable provision	No comparable provision	Community Enhancement Study [1833] To study role of well-designed transportation projects; Sec'y to make grant or enter into cooperative agreement with a national organization with expertise in design of wide range of transportation projects. Federal share 100%. Report to Congress by 9/30/06. Funded at \$1 M/year in 2005 & 2006 from TCSP authorizations.
Assumption of Responsibilities			
No comparable provision	Secretary may assign to State some or all responsibilities under Federal law, except those relating to federally-recognized tribes, that are applicable to TCSP projects. MOU required between Secretary and the State; must be renegotiated every 3 years; Secretary must conduct annual compliance reviews for first 3 years and periodically thereafter. [1815]	No comparable provision applicable to TCSP.	No comparable provision

Transportation Enhancements			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
23USC 101 & 133			
10% setaside of Surface Transportation Program Funds	Same as current law	Same as current law	Same as current law
State may apply funds from other Federal agencies to the non-Federal share of the project; and the non-Federal share may be calculated on a project, multiple-project, or program basis.	Same as current law	Same as current law	Same as current law
Up to 25 percent of difference between the TE set-aside for a fiscal year and the TE set-aside for FY 1997 may be transferred to IM, NHS, CMAQ, HBRRP, and/or Rec. Trails.	Same as current law	Same as current law	Same as current law
TE activities must relate to surface transportation. TE eligibilities include: provision of safety and educational activities for pedestrians and bicyclists; scenic or historic highway programs including provision of tourist and welcome center facilities; environmental mitigation to reduce vehicle-caused wildlife mortality while maintaining habitat connectivity; and establishment of transportation museums.	Same as current law	Same as current law	Minor definition changes. Adds historic battlefields as an eligible acquisition. [3]

Transportation Enhancements			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified	House H.R. 3 as Passed House	Senate H.R. 3 as Passed Senate
23USC 101 & 133	SAFETEA of 2003	TEA-LU	SAFETEA of 2005
No comparable provision	No comparable provision	No comparable provision	Requires Secretary to encourage State to give priority to pedestrian and bicycle facility enhancement projects that include a coordinated physical activity or healthy lifestyles program. [1823]
No legislative provision, but some administrative flexibility to delegate some responsibilities to States	Allows the Secretary to assign some or all of the Department's responsibilities under Federal law to a State agency for eligible TE activities. A MOU is required for assumption of responsibilities. States may continue to provide TE subgrants to tribal governments. [1815]	Under a pilot program, up to 5 States may assume the Secretary's responsibilities under Federal law that are applicable to Transportation Enhancements, except those responsibilities relating to federally recognized tribes. A MOU is required between the Secretary and the State and must be renegotiated at least every 3 years. The Secretary must review compliance and consider this in decision to renew MOU. [1207]	No comparable provision

Transportation Systems Management and Operations (TSMO)			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
	Section 1701	Section 1202	Section 1701
No comparable provision	No separate funding provided; Secretary to encourage regional operations collaboration and coordination between transportation and public safety agencies to ensure efficient and effective transportation systems management and operations on Federal-aid highways; States to establish system of basic real-time monitoring capability.	No separate funding provided for TSMO activities, but provides \$1M from the HTF in FY2005 to carry out ITS Procurement study; Federal share 100%. Funds available until expended.	No separate funding provided. Requires Secretary to carry out a program that: encourages regional operations; collaboration and coordination between transportation and public safety agencies; and encourages States to establish system of basic real-time monitoring capability to ensure efficient and effective management and operation of transportation systems.
No comparable provision	Defines TSMO; amends existing definitions (including "construction") to enhance TSMO and to allow procurement flexibility necessary to take advantage of advanced operational practices and technology.	Same as Administration bill for definition of TSMO; does not amend definition of construction.	Provides definition of TSMO and a new definition of construction that includes operating costs, TSMO, and improvements directly relating to securing transportation infrastructures for detection, preparedness, response, and recovery. [Section 3]
No comparable provision	No comparable provision	No comparable provision	Allows State to spend STP funds to reduce traffic delays caused by accidents and breakdowns during rush hour.

Transportation Systems Management and Operations (TSMO)			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision	No comparable provision	Calls for Secretary to conduct a study on ITS procurement policy and make recommendations. Final report on study is to be transmitted to Congress not later than March 31, 2006.	No comparable provision

Environmental Review Process			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision	Secretary can expedite reviews for critical transportation security projects [1206]	No comparable provision	No comparable provision
No comparable provision	Establishes policy and purpose for new measures to improve efficiency in environmental reviews - encourages use of Enlibra principles . Clarifies Congressional intent that reviews address both reduction in delays and protection of environment. [1602(a)]	Same as Administration bill [6002(a)]	No comparable provision
Establishes coordinated environmental review process. [TEA-21, 1309]	Coordinated environmental review process - revises requirements; concurrent reviews whenever practicable; project sponsor can request Federal agency cooperation in establishing timeframes; State and local gov't. can be joint lead agencies with DOT; Sec'y shall ensure project sponsor compliance. [1602(b) -(f)]	Establishes alternative project development process; DOT as lead agency, project sponsor is joint lead; Sec'y to ensure project sponsor compliance. Lead agency defines purpose and need, designates participating/cooperating agencies. [6002(b)] Includes provision to protect existing environmental review process approved by the Secretary. [6002(c)]	Establishes alternative project development process with stronger lead agency role for designated projects. DOT is lead agency; lead agency defines purpose and need, develops agency coordination plan and schedule. Federal, State, or local agency, or tribal gov't may be joint lead. Must have concurrence of project sponsor. [1511]
Provides for dispute resolution; Sec'y and Federal agency head have 30 days to resolve.	Dispute resolution -- Same as current law, but clarifies that the Secretary, State Governors and Fed. Agency heads can initiate. [1602 (e)]	Similar to Senate bill [6002(b)]	Similar to Administration bill, but adds provision for notification of agencies involved, as well as House T&I and SEPW if not resolved in 30 days. [1511]

Environmental Review Process			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Federal agencies can receive funds to expedite reviews. [1309(e)]	Assistance to affected agencies - clarifies that DOT can receive funds to expedite review; adds participating State agencies and Federally recognized tribes. [1602(g)]	Similar to Administration bill, but specifies that funds be used only to support activities that directly and meaningfully contribute to expediting or improving project planning and delivery. Assistance explicitly covers a broad range of activities including mapping and development of programmatic agreements. [6002(b)]	Participating agencies can receive funds to expedite reviews conducted under the new project development process. [1511]
No comparable provision	New 180-day statute of limitations for legal challenges to Fed. agency decisions on permits or approvals for projects. Specific 180-day statute of limitations for challenges (to EIS, EA, or categorical exclusion) pursuant to NEPA; clarifies that claims can be brought regardless of whether they are first or subsequent tiered decisions. [1602(i)and (ii)]	Establishes 90-day limit statute of limitations for legal challenges to Fed. Agency decisions on permits or approvals. [6009]	No statute of limitations on Federal agency decisions.
No comparable provision	Encourages States to use context sensitive design . [1609]	No comparable provision	Similar to Administration bill [1605]
No comparable provision	Delegates authority to States for categorically excluded projects . [1603]	No comparable provision	Similar to Administration bill [1512]

Environmental Review Process			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision	No comparable provision	Environmental Review of Activities that Support ITS Deployment. Requires Sec'y to initiate rulemaking to exclude activities that support ITS deployment from NEPA environ. assessment/ environ. impact statement requirements, to the extent appropriate. Develop nationwide programmatic agreement. [1206]	No comparable provision
No comparable provision.	Assumption of responsibilities - Surface Transportation System Performance Pilot allows pilot States in program to assume environmental review/approval responsibilities. [1801]	Establishes pilot program for up to 5 States to assume Secy's responsibilities for TE, Rec Trails, and specified projects (Transportation System Management & Operations; ITS research, devel., & operational tests). [1207]	Surface Transportation Project Delivery Pilot Program provides limited authority for up to 5 pilot States, including Oklahoma, to assume certain NEPA responsibilities.[1513]

Environmental Review Process			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Preservation of parkland policy prohibits use of publicly owned land from a public park, recreation area, or wildlife refuge, or historic site, of national, state, or local significance, unless there is no feasible and prudent alternative, and impact is mitigated to the extent possible. (23USC138) Only allows substitution of Sec. 106 process in cases where a historic <u>transportation</u> facility is involved, and the outcome is finding of "no adverse effect."	4(f) provisions - modernizes; specifies factors to consider; excludes certain improvements on Federal lands; successful compliance with Sec. 106 of Nat'l Historic Preservation Act (NHPA) satisfies 4(f). [1604]	Provides that successful compliance with Nat'l Historic Preservation Act satisfies 4(f), as long as "no adverse effect." [6003]	Secretary may determine that 23USC138 requirements are met if a program/project will have a de minimis impact on the protected area. Secretary to conduct implementation study; commission TRB to conduct an independent review of study plan, methodology, and conclusions; report to Congress no earlier than 3 years after enactment; update no later than 3/10/2010. [1514] Secretary to issue regulations that clarify 4(f) standards within 1 year. [1515]
No comparable provision	Exemption of Interstate from historic preservation reviews [4(f) and NHPA] unless Secretary determines that individual elements should receive protection. [1607]	Similar to Administration bill, but only exempts Interstate from 4(f), not NHPA. [6004]	Similar to Administration bill, but only exempts Interstate from 4(f), not NHPA. [1604]
No comparable provision	Historic preservation staffing authorizes and encourages States to use title 23 funds. [1604]	No comparable provision	No comparable provision

Environmental Review Process			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Secretary to establish process to replace Major Investment Study process. [TEA-21, 1308]	Using results of planning process - directs that, under specified conditions, results of studies developed as part of the planning process shall form basis for environmental assessment or impact statement. [6001]	No comparable provision	Results of planning process may be considered as a factor in determining: (1) purpose & need and (2) project alternatives, under the Transportation Project Development Process. [1511]

Environmental Stewardship			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate SAFETEA of 2005
	Modifies NHS/STP eligibilities to include invasive plant species, brownfields, and environmental restoration. [1608]	No comparable provision	Similar to Administration bill for environmental restoration and invasive plant species, except: adds eligibility for elimination of invasive species to create fuel breaks for wildfire prevention and control, no provision for brownfields. [1601]
	Use of HOV lanes - clarifies existing law and gives more flexibility to State and local agencies for effective management of HOV facilities. see "Other Operations Provisions"	Use of HOV lanes - similar to Administration bill. see "Other Operations Provisions"	Use of HOV lanes - similar to Administration bill, but defines "responsible agency" to include public authorities and public or private entities designated by a State to collect tolls. See "Other Operations Provisions"
	States can provide idling reduction facilities in Interstate rights-of-way. [1613]	No comparable provision	Similar provision as Administration bill to allow State to provide idling reduction facilities, but with qualifier to protect existing designated truck parking spaces, and trucks with alternative idle reduction technologies [1608]
Stormwater mitigation is eligible for STP funding as a Transportation Enhancement project	No change from current law	No change from current law	Stormwater mitigation: Requires that 2% of a State's STP apportionment be available only for highway stormwater discharge mitigation projects . [1620]

Environmental Stewardship			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate SAFETEA of 2005
	Increases amount of bridge funds that can be used to preserve historic bridges; clarifies that funding limitation applies only to bridge funds. [1812(h)]	No comparable provision	Same as Administration bill [1807(a)(7)]
	State can assume Secy's responsibilities (except those related to tribes) for TE, Rec Trails, and TCSP; requires MOU, renegotiated every 3 years; compliance reviews. [1815]	Establishes pilot program for up to 5 States to assume Secy's responsibilities for TE, Rec Trails, and specified projects (Transportation System Management & Operations; ITS research, devel., & operational tests). [1207]	No comparable provision
For Statewide & Metro planning, establishes a factor to protect and enhance the environment, promote energy conservation, and promote consistency between transportation improvements and State and local planned growth and economic development patterns.	Same as current law [6001]	Same as Administration bill [6001]	Modifies scope of metropolitan and statewide planning processes to integrate natural resource concerns [1501] Similar modification to project planning [1503]

Environmental Stewardship			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate SAFETEA of 2005
	No comparable provision	No comparable provision	Habitat, streams, and wetlands mitigation fund - States should establish, to encourage mitigation in advance or in conjunction with a highway or transit project; adds NHS and STP eligibilities. Permits use of banked funds for projects to protect existing roadways from anticipated flooding of a closed basin lake; Secretary may allow State to be reimbursed from Emergency Relief funds. [1505]

Surface Transportation System Performance Pilot Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003 Section 1801	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
	New pilot program to test feasibility of allowing States to manage and use of FAH funds across program lines.	No comparable performance-based pilot program to test managing Federal-aid funds in a new way. However, establishes pilot program which provides limited authority for pilot States to assume certain NEPA responsibilities for TE, Rec Trails, and specified projects (Transportation System Management & Operations; ITS research, devel., & operational tests). [1207,1211]	No comparable performance-based pilot program to test managing Federal-aid funds in a new way. However, SEPW bill does include a Surface Transportation Project Delivery Pilot Program , which provides limited authority for pilot States to assume certain NEPA responsibilities. [1513]
	No separate funding - States use regular FAH apportionments: IM, NHS, STP (10% reserved for TE), HSIP, MG, Bridge	No separate funding	No separate funding
	Up to 5 pilot States	Up to 5 pilot States for first 3 years.	Up to 5 pilot States, one of which must be Oklahoma.
	Annual agreements required on assumption of responsibilities, long and short term goals, performance measures.	Requires MOU, renegotiated at least every 3 years; Sec'y must review compliance and consider this in decision to renew MOU	Must have MOU covering responsibilities to be assumed; term of no more than 3 years; State agrees to accept jurisdiction of Federal courts. Secretary to monitor compliance, taking into account performance by the State.

Surface Transportation System Performance Pilot Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
	State may obligate funds its apportionments (IM, NHS, STP, Bridge, HSIP, Minimum Guarantee) for any Title 23 purpose.	No comparable provision	No comparable provision
	State must agree to maintain total (Federal and State) program expenditures at least at the level of average of last 3 years.	No comparable provision	No comparable provision
	Qualification requirements to rank applicants - goals (short & long-term, national), performance measures, proposed fund distribution method.	Sec'y must determine that State has capability to assume the responsibilities.	State must (1) meet requirements as established by the Secretary within 270 days of enactment (including projects that will be included, verification of financial resources, solicitation of public comment); (2) State have necessary financial and personnel capability; (3) written agreement.
	Assumption of responsibilities- State may assume all or some, except related to tribes; State subject to Federal laws to same extent as Federal agency; must have laws and regs in place that allow assumed responsibilities; must have FOIA-comparable laws. May not assume Title VI, 106(h), statewide and metro planning, rulemaking authority.	State may assume responsibilities, except related to tribes.	Pilot States may be allowed to assume the NEPA responsibilities of the Secretary with respect to 1 or more highway projects within the State. May also assume responsibilities for environmental review/consultation, except conformity determinations, and metro/state planning responsibilities.

Surface Transportation System Performance Pilot Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
	No comparable provision	No comparable provision	Semi-annual audits for first 2 years, annual after that.
	Pilot ends 6 years after enactment. Participation of pilot State that fails to comply can be terminated .	No comparable provision	Pilot ends 6 years after enactment. Participation can be terminated if State doesn't adequately carry out responsibilities.

Program Administration			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Provides for transfer of highway and transit funds to/from FHWA/FTA.	Provides for transfer of highway and transit funds to/from FHWA/FTA, to other Federal agencies, and between/among States and FHWA to facilitate pooled fund studies. [1302]	No comparable provision	Similar to Administration bill, no reference to pooled fund studies. [1302]
No comparable provision	Eliminates the requirement that only the Governor can certify a State's public road mileage for highway safety programs. [1404]	No comparable provision	No comparable provision
No comparable provision	Requires States to indemnify the United States when using Federal-aid funds on railbanked property. [1617]	No comparable provision	No comparable provision
No comparable provision	Allows a territory of the United States to undertake a ferryboat project crossing international waters using Federal funding. [1814]	No comparable provision	No comparable provision

Program Administration			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Sliding Scale			
States with large amounts of Federal lands may have their Federal share of certain programs (IM, NHS, STP, CMAQ, Appalachia, Borders/Corridors, Metro Planning) increased to up to 95%, based on the percentage of their total land area that is under Federal control.	The calculation of sliding scale is simplified; States electing the increased Federal share no longer have to enter into an agreement; Requires an adjustment to sliding scale rates as necessary. [1301] Recreational Trails funds are eligible for sliding scale. [1606]	Makes Recreational Trails funds eligible for sliding scale. [1119(d)]	Requires the Secretary to use the maximum Federal share allowable under Section 120, as adjusted, unless the State agrees otherwise. [1301] Broadens use of sliding scale to other programs [Scenic Byways, Rec. Trails, Bridge, research funds funded in 2001(a), SPR, CVISN]. [1602, 1603, 1808, 2001(b)(1), 2101(507 & 527)]
Donations and Credits			
Allows contributions by local government of real property, funds, or materials to be used to match Federal funds.	Expands to allow the value of donated services provided by local government employees to be credited to the non-Federal share for projects using Title 23 funds. [1810]	No comparable provision.	Same as Administration bill. [1820]

Program Administration			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Puerto Rico Highway Program			
Provides a total of \$660 million in contract authority, subject to the obligation limitation for FYs 1998-2003. This lump sum is in lieu of apportionments, since Puerto Rico is not defined as a State for purposes of apportioning funds under 23USC 104(NHS, CMAQ, STP, IM), 105(Minimum Guarantee), 144(Bridge), and 206 (Rec. Trails). [TEA-21, 1103(n)] The annual authorization is to be treated as if apportioned under sections 104, 144, and 206, based on the distribution of those funds in Puerto Rico in 1997. Funds subject to Title 23 and 49 penalties. [TEA-21, 1214]	By repealing the definition of a State in 1103(n) of TEA-21, Puerto Rico is to be treated as a State for purposes of apportionment. [1103(c)]	Same as current law, except the lump sum funding is increased to \$780 million for 2004-2009, and is a deduction from the NHS apportionment. [1103(d)]	Funding is authorized at \$723.68 million for 2005-2009. [1101(15)] The annual authorization is to be treated as if apportioned under sections 104, 144, and 206, based on the distribution of those funds in Puerto Rico in 1997. Funds subject to Title 23 and 49 penalties.
Design-Build Contracting			
Provides for design and construction of a project by a contractor; projects must cost at least \$50 million (\$5 million for ITS projects) to qualify [23USC 112(b)(3)]	Eliminates minimum project cost criteria. [1813]	Eliminates minimum project cost criteria. Directs the Secretary to evaluate the use of procurement procedures where subjective evaluation criteria account for the majority of the selection determination. [1501(a)]	Same as Administration bill [1803]

Program Administration			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision.	No comparable provision.	Requires a report to Congress not later than three years after date of enactment on the effectiveness of design-build contracting procedures in which the majority of the selection determinations are made based on subjective criteria. [1501(b)]	No comparable provision.
No comparable provision.	No comparable provision.	No comparable provision.	Requires the Secretary to promulgate regulations NLT 90 days after DOE of SAFETEA that allow State or local transportation agencies to proceed with awards of design build contracts or issue notices to proceed with preliminary design work under design build contracts prior to compliance with Section 102 of NEPA. Eliminates need for Secretarial concurrence prior to carrying out design build activities.

Program Administration			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Disadvantaged Business Enterprise			
Requires that at least 10% of specified Federal-aid funds be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals. [TEA-21, 1101(b)]	Same as current law [1811]	Requires each State annually to compile a list of small business concerns that are disadvantaged business enterprises, and notify the Secretary in writing of the percentage of such concerns controlled by women, by socially and economically disadvantaged individuals other than women, and by individuals who are women and are otherwise socially and economically disadvantaged. [1101(b)(3)]	Same as House bill. [1821]
No comparable provision.	No comparable provision.	Requires the Secretary to establish minimum uniform criteria for States to use in certifying whether a concern qualifies as a disadvantaged business enterprise. [1101(b)(4)]	Same as House bill. [1821]

Program Administration			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Critical Real Property Acquisition			
Provides for advance acquisition of real property under limited conditions. (23USC 108)]	Provides that Title 23 funds may be used to pay the Federal share of costs of acquiring real property determined to be critical to a project prior to completion of environmental reviews. [1504]	No comparable provision	Provides that Title 23 funds may be used to pay the Federal share of costs of acquiring real property determined to be critical to a project under more limited conditions than in Administration bill. [1521]
Such purchases shall not affect the consideration of project alternatives during the environmental review process. [1521]	No comparable provision	No comparable provision	Same as current law
Use of Excess Funds and Funds for Inactive Projects			
			Section 1106
No comparable provision	No comparable provision	No comparable provision	Requires the identification of funds allocated (not apportioned) prior to 1998 for projects in a public law or associated report that are inactive or in excess of project needs. The funds identified are to be made available to the State for any STP-eligible purpose, and be available for 4 fiscal years. Discretionary funds for which the Secretary has authority to withdraw and use on other projects and Emergency Relief funds are excluded.

Program Administration			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision	No comparable provision	No comparable provision	Excess funds are defined as obligated funds remaining after project completion, or any unobligated balances no longer needed for the project.
No comparable provision	No comparable provision	No comparable provision	Inactive funds are defined as obligated balances against which no expenditures have been charged during any 1-year period after the date of obligation, or funds available to a project but unlikely to be advanced during the 1-year period beginning on the date of certification.
No comparable provision	No comparable provision	No comparable provision	Funds associated with inactive projects may be retained for their initial purpose upon certification of need by the State and agreement by the Secretary.
No comparable provision	No comparable provision	No comparable provision	Requires a report regarding the status of any project for which inactive funds are retained.
No comparable provision	No comparable provision	No comparable provision	States a sense of Congress that eligible funds should be available for obligation in the same geographic region for which the funds were initially available.

Stewardship and Oversight			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2004
26 USC 106			
FHWA will recommend that States voluntarily develop, in consultation with AASHTO, Life Cycle cost analyses based on Executive Order 12893.	Same as current law	Same as current law	Same as current law
23 USC 106(g)	Section 1802	Section 1105	Section 1802
At the Secretary's discretion, a value engineering analysis or other cost reduction analysis may be required to accompany the plans, specifications and estimates for a proposed project on a Federal-aid highway. Value engineering analyses are required for NHS projects costing \$25 million or more.	A value engineering or other cost reduction analysis is required for NHS projects costing \$25 million or more, or for any project the Secretary deems appropriate.	Same as current law	Value engineering analyses will continue to be required for projects on the Federal-aid system costing \$25 million or more, or for bridge projects costing \$20 million or more, or any other project the Secretary deems appropriate. Definition of value engineering expanded to include analysis and recommendations to reduce the time to complete a project.
No comparable provision.	The Secretary must establish an oversight program to monitor the use of funds authorized under title 23, with a specific focus on financial integrity and project delivery.	Same as Administration bill [1105]	Same as Administration bill

Stewardship and Oversight			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2004
No comparable provision.	Requires the Secretary to perform annual reviews of State DOT financial management systems and project delivery systems, to include one or more activities involved in the life cycle of a project, using risk assessment procedures to identify review areas.	Requires the Secretary to perform annual reviews of State DOT financial management systems and project delivery systems, to include one or more activities involved in the life cycle of a project. [1105]	Same as Administration bill
No comparable provision.	The Secretary is required to develop minimum standards for estimating project costs and to perform periodic reviews of State practices for estimating project costs and awarding of contracts.	Same as Administration bill [1105]	Same as Administration bill
No comparable provision.	Requires the Secretary to review periodically the States' monitoring of the project delivery systems of the subrecipients of Federal funds.	Same as Administration bill [1105]	Same as Administration bill
States must submit an annual financial plan for any project with an estimated total cost of \$1 billion or more.	States must submit a project management plan and an annual financial plan for any project with an estimated total cost of <u>\$1 billion</u> or more or any other project in the discretion of the Secretary, and must develop annual financial plans for projects receiving \$100 million or more in Federal assistance.	States must submit a project management plan and an annual financial plan for any project with an estimated total cost of <u>\$500 million</u> or more or any other project in the discretion of the Secretary, and must develop annual financial plans for projects receiving \$100 million or more in Federal assistance. [1105]	Same as Administration bill

Transportation Planning			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. as Passed Senate SAFETEA of 2005
	Sections 1501 & 1502	Title VI - Section 6001	Sections 1501 - 1505
Metropolitan planning is addressed in 23 USC 134 and 49 USC 5303-05. Statewide planning is addressed in 23 USC 135.	Metropolitan and Statewide planning provisions of 23 USC and 49 USC, Ch 53 would be combined into a new Ch 52 in 49 USC.	Unifies existing highway and transit planning provisions into a new Ch 52 in 49 USC	The consolidation (titles 23 and 49) of Metropolitan and Statewide planning is not addressed.
Metropolitan Planning			
Funding			
Funding is derived from a takedown of up to 1% on programs authorized under 23 USC. Practice has been to apply the maximum 1% takedown to the STP, Bridge, CMAQ, IM, and NHS programs.	Continues 1% takedown from the STP, IM, NHS, CMAQ, Bridge programs and adds the Highway Safety Improvement Program and Minimum Guarantee.	Same as current law	Increases takedown to 1.5% of the NHS, STP, IM, CMAQ, Bridge, and HSIP programs. In addition, Metropolitan Planning will receive a portion of the programmatic distribution of the Equity Bonus. [1103, 1104]

Transportation Planning			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. as Passed Senate SAFETEA of 2005
General Provisions			
Indicates that the Census Bureau designates metropolitan statistical areas (MSAs).	Reflects change in Census Bureau procedure and policy regarding definition of central cities. Recognizes that OMB, not the Census Bureau, designates standard MSAs.	Uses Bureau of Census definition of MSAs and consolidated MSAs. A Bureau of Census designation of new urbanized areas within an existing metropolitan planning area, would not require redesignation of the existing MPO.	No comparable provision
Transportation management areas (TMAs) are defined as urbanized areas with a population over 200,000. TMA planning processes shall include a congestion management system (CMS) that provides for effective management of new and existing transportation facilities.	Adds modifications to clarify the definition of TMAs. Addresses congestion management through streamlining and integration of strategies into the overall transportation planning process.	Similar to Administration bill, except that such strategies "identify a sufficient number of congestions relief activities under §139 of 23 U.S.C."	No comparable provision
No comparable provision	No comparable provision	Requires the Secretary to promulgate regulations that are consistent with amendments related to the Clean Air Act within 18 months.	No comparable provision

Transportation Planning			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. as Passed Senate SAFETEA of 2005
Planning Updates and Certification			
Update cycles for transportation plan are determined by the Secretary. The TIP is currently a stand-alone document that covers a minimum period of 3 years and is updated on 2 year cycles. The TIP lists the projects that are to be advanced and the TIP must be approved by the Governor.	Changes the "long-range plan" to the "plan"; extends minimum update cycle from 3 to 5 years; combine the TIP in the plan; modifies the plan approval and public involvement processes to reflect elimination of the TIP as a separate document; governor only needs to approve first 5 years of plan; and the first 5 years of the plan will serve as the focal point for project programming.	Retains separate transportation plan and TIP. Requires metropolitan transportation plans to be updated every 4 years, regardless of air quality status, unless the MPO chooses to update more frequently. TIPs cover a 4 year period and are updated at least every 4 years.	Retains separate long-range transportation plan and TIP. Requires metropolitan long-range transportation plans (LRTPs) to be updated every four years in non-attainment and maintenance areas. Retains five-year update cycle in attainment areas. LRTPs may be updated more frequently in either area if the MPO chooses to do so. TIPs (and STIPs) cover a four year period and are updated every four years regardless of air quality designation status.
Certification of metropolitan planning process in a TMA is not less than once every 3 years. The Secretary may withhold up to 20% of the apportioned funds attributable to the TMA for failure to be certified.	Extends the TMA planning certification to at least every 5 years; and clarifies that if a TMA MPO is not certified, the Secretary may withhold some or all funds available to the MPO for projects funded under 23USC or chapter 53 of 49USC.	Certification of the TMA planning process would be not less than once every 4 years. Failure to be certified is subject to the same penalties as prescribed in current law.	No comparable provision

Transportation Planning			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. as Passed Senate SAFETEA of 2005
Transportation Conformity			
Frequency for determining conformity at least every 3 years.	Extends the frequency for updating transportation plans and determining conformity from 3 to 5 years with exceptions when: an MPO chooses to update the plan more frequently; and SIP actions trigger new conformity determination.	Requires Plans, TIPs and associated conformity determinations to be updated every 4 years with exceptions when: an MPO chooses to update the plan or TIP more frequently; or when SIP actions trigger a new conformity determination.	Requires Plans, TIPs and associated conformity determinations to be updated every 4 years with exceptions when: an MPO chooses to update the plan or TIP more frequently; or when SIP actions trigger a new conformity determination.
EPA regulations required new conformity determinations within 18 months of new emissions budgets.	No comparable provision	Requires new conformity determinations within 2 years of EPA's adequacy finding or approval of a new motor vehicle emissions budget.	New conformity determinations would be required within 2 years of EPA's adequacy finding or approval of a new motor vehicle emissions budget.
Not addressed in current regulations	No comparable provision	Limits conformity to end of the maintenance period, provided the MPO and air quality agency agree.	Limits conformity to the end of the maintenance period.
FHWA and FTA have legislative responsibility under 23 USC 134 and 49 USC 5303-5305 for programmatic oversight of the metropolitan transportation planning process.	No comparable provision	No comparable provision	Requires conformity rule to address planning assumptions, including induced travel demand information in the development and application of the latest travel and emissions models.

Transportation Planning			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. as Passed Senate SAFETEA of 2005
Transportation conformity must be demonstrated for the last years of the transportation plan	Limit the horizon of the transportation plan for the purposes of conformity to be the longer of: 10 years; or the latest year that the SIP contains a motor vehicle emissions budget; or completion date of a regionally significant project requiring approval before the conformity determination. Also requires that an information only emissions analysis be developed for the last year of the plan.	In general, conformity finding must be based on last year (20th year) of plan. With agreement of MPO and applicable air quality agency, conformity finding may be based on the latest of: (1) the 10th year of the plan; (2) the attainment date of the SIP; or (3) the year after the completion date of a regionally significant project, if approval is required before subsequent conformity determination. "Regional emissions analysis" must be done for remaining years of Plan.	Limit the horizon of the transportation plan for the purposes of conformity to be the longer of: 10 years; or the latest year that the SIP contains a motor vehicle emissions budget; or completion date of a regionally significant project requiring approval before the conformity determination.
Substituting TCMs requires SIP revision unless the State has an EPA approved substitution process.	No comparable provision	Allows substitution of TCMs with provisions comparable to those in Senate bill, but without consultation requirements.	Allows substitution of Transportation Control Measures (TCMs) without a SIP revision or new conformity determination
No comparable provision	No comparable provision	No comparable provision	Allows areas transitioning into new air quality standards to use existing budgets addressing the same pollutant or other emission tests to demonstrate conformity before budgets are available.

Transportation Planning			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. as Passed Senate SAFETEA of 2005
Concurrence and Consultation			
Plan should cover topics such as State and local planned growth, environmental protection, economic development, airport operations, housing and freight.	Encourages coordination between transportation planning and planning activities that are affected by transportation such as State and local planned growth, environmental protection, economic development, airport operations, housing and freight. Impact on adjacent areas must be considered.	MPOs are encouraged to consult with and/or coordinate its planning process with those responsible for other types of planning activities. Those activities include: State and local planned growth; economic development; environmental protection; airport operations; and freight movements.	MPOs are required to consult with State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation. The long-range transportation plan must discuss potential habitat, hydrological and environmental mitigation activities, including best sites to carry out mitigation activities. The discussion is to be developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies.
Not more than 1% of all funds allocated under §202 may be used to carry out the planning process for the Lake Tahoe Region.	Same as current law.	Same as current law	The Lake Tahoe Region MPO will receive 1% of all funds distributed under §202 to carry out the transportation planning process for the region. The cities of Oklahoma City and Norman, Oklahoma are designated as a single TMA. [1704(b)]

Transportation Planning			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. as Passed Senate SAFETEA of 2005
No comparable provision	Adds provisions to clarify the linkage between planning and the NEPA process and support utilization of planning information to facilitate streamlining of the NEPA process by allowing studies developed as part of the planning process to gain NEPA standing.	Issue not addressed, except that transportation plans may be considered in defining purpose and need and alternatives.	Results of planning process may be considered a factor in determining: purpose and need; and project alternatives under the project development process.

Transportation Planning			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. as Passed Senate SAFETEA of 2005
Statewide Planning			
The State plan must be reviewed and updated periodically. The STIP is to be submitted for approval at least every 2 years.	Requires statewide transportation plan (covering at least 20 years) to be updated every 5 years to provide consistency with the metropolitan plan updates. Provides for 5-year document and 5-year updates for the STIP to provide consistency with metro planning provisions that allow selection of projects for advancement from the first 5-years of the metro plan.	The statewide transportation plan covers a 20-year period, with no specific update cycle. The STIP would cover a 4-year period and be updated every 4 years or more frequently if the Governor elects to do so.	The statewide transportation plan must be reviewed and updated periodically. STIP would cover a 4-year period and be updated at least every 4 years.
Planning factors provide for the consideration of transportation projects and strategies.	Similar to current law.	Requires the statewide planning process to provide for consideration and implementation of services to reflect that not only projects, but also transportation services are developed through the planning process.	No comparable provision
	No comparable provision	Requires the STIP to reflect the priorities for congestion relief activities included in the metro transportation plan to meet the requirements of §139, 23 USC.	No comparable provision

Transportation Planning			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. as Passed Senate SAFETEA of 2005
	No comparable provision	Projects in areas of less than 50,000 population, authorized under sections 5310, 5311, 5316, and 5317, 49 USC, will be selected from the STIP.	No comparable provision
Projects in the STIP shall be consistent with the long range transportation plan and identical to the project as described on an approved metropolitan TIP.	Ensures that the projects programmed in the metro plans are brought into the STIP without modifications.	Comparable to current law	Comparable to current law
The planning process is to consider projects and strategies that increase the safety and security of the transportation system.	Adds emphasis to security and safety by making each one a separate factor to be addressed as they relate to the transportation system.	Comparable to current law	Comparable to current law
Planning processes are to emphasize the preservation of the existing transportation system	Calls for assessment of the existing transportation system in order to maximize its potential.	Comparable to Administration bill	No comparable provision

Transportation Planning			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. as Passed Senate SAFETEA of 2005
Consistency, Consultation, and Coordination			
Statewide planning is to be coordinated with metropolitan planning.	Statewide planning is to be coordinated with metropolitan planning and with other Statewide planning activities such as trade and economic development and with related planning in other States. The State is also to participate in integration of planning and environmental studies.	Statewide planning is to coordinate with metro planning; with statewide trade and economic development planning activities and related multistate planning efforts; and develop the transportation portion of the SIP as required by the CAA.	Comparable to current law

Transportation Planning			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. as Passed Senate SAFETEA of 2005
The effects of transportation planning upon land use and plans are factors to be considered in the planning process.	Promotes consistency between transportation plans and growth patterns.	Promotes consistency between transportation improvements and State and local planned growth and economic development patterns.	The long-range statewide plan is to be developed in consultation with State, tribal and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation. Also includes the requirement that the long-range transportation plan is to include a discussion of types of potential habitat, hydrological and environmental mitigation activities that may assist in compensating for the loss of resources and identify the best sites to carry out these mitigation activities. The discussion is to be developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies.
Other "interested parties" are provided with a reasonable opportunity to comment on statewide and metropolitan transportation plans and programs.	Clarifies and expands current law to include representatives of public transportation employees, users of pedestrian walkways, and users of bicycle facilities.	Similar to Administration bill, but also includes representatives of the disabled.	No comparable provision

Transportation Planning			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. as Passed Senate SAFETEA of 2005
The concerns of rural officials are to be considered in the planning process.	Requires the States to consider economic vitality for rural areas.	Requires the States to consider economic vitality for rural areas ("non-metropolitan areas"). Review or approval of the State's consultation process by the Secretary is not required.	No comparable provision
Connectivity between metropolitan planning areas within the State and with metropolitan planning areas in other States is a factor to be considered in the planning process (23CFR §450.208).	Allows States to enter into planning cooperation and coordination compacts or agreements since projects often have multi-State impacts.	Allows States to enter into compacts. The right to alter, amend or repeal interstate compacts is reserved.	No comparable provision

Surface Transportation Research, Development, and Deployment			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Section 5001(a)	Section 5101(a)(1)	Section 5101(a)(1)	Section 2001
Provides a separate contract authority authorization of \$592 million over FYs 1998-2003 for Research and Technology rather than funding it out of the FHWA GOE account.	Combines the Surface Transportation Research and Technology Deployment programs of TEA-21 in a new program over FYs 2004-2009.	Provides contract authority authorization of \$1,367 million over FYs 2004-2009 for the Surface Transportation Research, Development, and Deployment Program.	Provides contract authority authorization of \$872.7 million over FYs 2005-2009 for Research and Technology.
Section 5001(c)(1)(D)			
Authorizes \$5 million for each of FYs 1998-2003 to carry out research on use of concrete pavement in the construction, reconstruction, and repair of Federal-aid highways.	No comparable provision.	No comparable provision.	No comparable provision.
Section 5101	Section 5201	Section 5201	Section 2001
The Surface Transportation Research Program funds research, development, and technology transfer activities pertaining to transportation planning and development.	Renames Chapter V of Title 23 to be Research, Technology, and Education; adds basic principles that transportation research shall include fundamental, long-term highway research aimed at significant research gaps, emerging issues with national implications, and research related to policy and planning.	Same as Administration Bill	No change

Surface Transportation Research, Development, and Deployment			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Requires research in material durability, performance indicators, non-destructive evaluation equipment, traffic calming measures, dynamic simulation modeling, life cycle cost analysis, vehicle size and weight standards, advanced material useful life estimates, and the impact of technological change on travel demand.	Establishes parallel structures for pavement and bridge/structures research: each having research, deployment, and long-term assessment elements, and adds freight security research initiatives as eligible components.	Requires research in: fundamental long-term highway issues, emerging issues with national implications, transportation system management and operations; methods to reduce recurrent and nonrecurrent congestion; increased transportation system reliability; procedures to secure container and hazardous material transport; the impact of good security	Requires research in eighteen separately identified areas, incl. increasing infrastructure durability, lowering life-cycle costs, non-destructive testing, work zone safety, C&P report data collection improvement, GIS multi-modal applications, extreme weather research, development of collaboration tools and strategies, and methods of providing revenues to the Highway Trust Fund.
No comparable provision.	Requires investment decisions for surface transportation R&T activities to be based on competition and merit review to the greatest extent possible.	Requires the awarding of all R&D grants, contracts, and cooperative agreements to be based on open competition and peer review of proposals.	Same as in Administration bill
No comparable provision.	Requires surface transportation R&T activities to include a component of performance measurement.	Requires all surface R&D activities to include a component of performance measurement and evaluation; the performance measures are to be established during the proposal stage of a project, should be outcome-based, and shall be made readily available to the public.	No comparable provision.

Surface Transportation Research, Development, and Deployment			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Allows the Secretary to carry out collaborative research and development on a cost-shared basis with State and local governments, universities, foreign governments, other non-Federal entities, and Federal laboratories.	Adds a provision allowing the Secretary to cooperate with States and other agencies in funding RD&T activities on a pooled funds basis.	Same as in Administration bill, then adds that the Secretary may directly initiate contracts and other R&D agreements to fund and accept funds from State DOTs, cities, counties, and TRB to conduct joint transportation research and technology efforts.	Allows the Secretary to carry out collaborative research and development on a cost-shared basis with federal laboratories and non-Federal entities.
Federal share shall not exceed 50 percent under a cooperative agreement except as approved by the Secretary.	No comparable provision.	No comparable provision.	No change
Section 5001(b)	Section 5101(c)	Section 5101	Section 2002
Research and Technology will receive a separate obligation limitation at a prorated share; program obligations are capped by a separate annual limitation. The limitation will be available for three years. Federal share is 80%.	Funds are subject to the overall Federal-aid obligation limitation, and will receive obligation authority equal to the authorization level. Limitation will continue to be available for 3 years. Federal share will be 100% unless otherwise specified.	Funds are subject to the overall Federal-aid obligation limitation, and program obligations are capped by a separate annual limitation. Federal share is 50% unless otherwise determined by the Secretary, funds are available until expended, and are not transferable.	Funds are subject to the overall Federal-aid obligation limitation, and program obligations are capped by a separate annual limitation. Federal share is 80% and is subject to sliding scale.

Surface Transportation Research, Development, and Deployment			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Turner-Fairbank Highway Research Center			
	Section 5201(e)	Section 5201(i)	
No comparable provision.	Authorizes operation of a Turner-Fairbanks Highway Research Center to support development of: research related to new highway technology; economical and environmentally sensitive designs; efficient construction practices; durable materials; and innovative highway products and practices.	Same as Administration Bill	No comparable provision.
No comparable provision.	No comparable provision.	Requires \$1 million of Surface Transportation Research Program funds to be made available for each of FYs 2005 through 2008 to provide for physical demonstrations of the ongoing work at the Turner-Fairbanks facility with respect to ultra-high performance concrete with ductility. [5204(f)]	No comparable provision.

Surface Transportation Research, Development, and Deployment			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Exploratory Advanced Research Program			
Sect. 5102 (502(d))	Sect. 5201(f)	Section 5201(g)	Section 2001
Authorizes an Advanced Research program to assess high-risk, high-payoff research with the potential for improving the durability, productivity, efficiency, environmental impact, and safety aspects of highway and intermodal transportation systems.	Replaces the Advanced Research Program with an Exploratory Advanced Research program, consistent with the Surface R&T Strategic Plan, to better understand problems and develop innovative solutions. Partnerships with public and private entities are encouraged.	Same as Administration Bill	Authorizes an Advanced High Risk Long Term Research program to assess high-risk, high-payoff research with the potential for improving the durability, productivity, efficiency, environmental impact, and safety aspects of highway and intermodal transportation systems.
No comparable provision.	Allows the Secretary to make grants and enter into contracts and cooperative agreements in such areas of surface transportation research and technology as the Secretary determines appropriate; suggests six topic areas.	Same as Administration Bill	No comparable provision.
No funding amount is specified.	Funding is derived from the Surface Transportation Research program authorization; no funding amount is specified.	Same as Administration Bill	Funding is a \$25,342,981 deduction for each of FYs 2005-2009 from the Surface Transportation Research, Development, & Deployment program authorization.

Surface Transportation Research, Development, and Deployment			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Long Term Pavement Performance Program			
Sect. 5102 (502(e))	Sect. 5201(i)	Section 5201(h)	Section 2001
Authorizes the Long Term Pavement Performance program at \$10 million for each of FYs 1998-2003.	No funding amount is specified.	Authorizes the Long Term Pavement Performance program at \$10 million for FY 2004, and \$21 million for each of FYs 2005-2009 out of the Surface Transportation Research, Development, and Deployment Program.	Authorizes a total of \$50 million for FYs 2005-2009 for the Long Term Pavement Performance program out of the Surface Transportation Research, Development, and Deployment Program.
Authorizes the Secretary to make grants and enter into cooperative agreements and contracts to evaluate highway test sections, analyze data, and prepare products to meet future pavement needs.	No change	No change	No change
No comparable provision.	Directs the Secretary to complete the 20-year long-term pavement performance tests begun under the LTPP program.	Same as Administration Bill	Requires the program be concluded not later than 9/30/2009.
No comparable provision.	No comparable provision.	No comparable provision.	Requires the Secretary to report on the initial conclusions of the Long Term Pavement Performance Program, and to the maximum extent practicable ensure the usefulness of the technological advances resulting from the program.

Surface Transportation Research, Development, and Deployment			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Seismic Research Program			
Sect. 5102 (502(f))	Sect. 5203(a)		Section 2101
Establishes the Seismic Research Program to study the vulnerability of the Federal-aid highway system to seismic activity , and to develop cost-effective methods to reduce such vulnerability.	Deletes the Seismic Research Program.	No change	Adds a requirement for the Secretary to coordinate the conduct of seismic research with other Federal agencies.
Requires the Secretary to carry out a seismic research program in cooperation with the National Center for Earthquake Engineering Research at the University of Buffalo.	No comparable provision.	No comparable provision.	Authorizes \$2,500,000 for each of fiscal years 2004-2009, to be deducted from Surface Transportation Research program funding, to carry out a seismic research program in cooperation with the University of Nevada, Reno, and the National Center for Earthquake Engineering Research at the University of Buffalo.
Infrastructure Investment Needs Report			
Sect. 5102(g)	Sect. 5201(k)		Section 2101
Sets due date of C&P report at 1/31/1999 and every second year thereafter. Requires new reports to relate and compare measures used in previous reports.	Sets due date of C&P report at 7/31/2004 and every second year thereafter. Requires new reports to relate and compare measures used in previous reports.	No change	Sets due date of C&P report at 7/31/2005 and every second year thereafter. Requires new reports to relate and compare measures used in previous reports.

Surface Transportation Research, Development, and Deployment			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Advanced Heavy-Duty Vehicle Technologies Program			
Section 5111	Section 5302	Section 5401	
The Advanced Vehicle Technologies Program promotes the development and deployment of innovation in transportation technology services, management, and operational practices.	The Advanced Heavy-Duty Vehicle Technologies Program integrates emerging multimodal heavy-duty vehicle technologies into the transportation network.	Adds a new section 5507 of Subchapter I of Chapter 55 of Title 49.	No change.
Authorizes \$50 million from the General Fund for each of FYs 1998-2003 for the Advanced Vehicle Technologies Program.	Advanced Heavy-Duty Vehicle Technologies replaces the Advanced Vehicle Technologies Program established under TEA-21.	The Advanced Heavy-Duty Vehicle Technologies Research Program integrates emerging multimodal heavy-duty vehicle technologies into the transportation network.	No comparable provision.
No comparable provision.	The Advanced Heavy-Duty Vehicle Technologies is authorized over FYs 2004-2009, contract authority from the HTF.	The authorization for Advanced Heavy-Duty Vehicle Technologies is \$16 million over FYs 2004-2009, contract authority from the HTF.	No comparable provision.
No comparable provision.	No comparable provision.	At least 50% of program funding must be provided by non-Federal sources.	No comparable provision.

Surface Transportation Research, Development, and Deployment			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
International Highway Transportation Outreach Program			
Section 5106			Section 2101
Continues the International Highway Transportation Outreach Program; makes program activities eligible for use of State Planning and Research funds.	No change	No change	Continues the International Highway Transportation Outreach Program structure.
No comparable provision.	No comparable provision.	No comparable provision.	Requires the Secretary to submit an annual report to Congress describing the destinations and individual trip costs of international travel associated with this program.
Authorizes \$500,000 to be deducted from Surface Transportation Research program funding, for the International Highway Transportation Outreach Program.	No change	No comparable provision.	Authorizes \$469,314 for each of FYs 2005-2009 to be deducted from Surface Transportation Research program funding, for the International Highway Transportation Outreach Program.
Hydrogen Infrastructure Program			
	Section 5302		
No comparable provision.	Hydrogen Infrastructure Safety Research and Development fosters development, demonstration, and deployment of a safe, economically viable hydrogen transportation and refueling infrastructure.	No comparable provision.	No comparable provision.

Surface Transportation Research, Development, and Deployment			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision.	The authorization for the Hydrogen Infrastructure Safety Research and Development program is spread over FYs 2004-2009, appropriated budget authority from the General Fund.	No comparable provision.	No comparable provision.
Long-Term Bridge Performance Program			
	Section 5203(a)	Section 5202(a)	
No comparable provision.	Directs Secretary to establish a 20-year Long-Term Bridge Performance Program.	Directs Secretary to establish a 20-year Long-Term Bridge Performance Program.	No comparable provision.
No comparable provision.	Directs Secretary to monitor, material-test, and evaluate test bridges, and, using the data thus obtained, prepare products to meet future bridge technology needs.	Directs Secretary to enter into cooperative agreements and contracts to monitor, material-test, and evaluate test bridges, and, using the data thus obtained, prepare products to meet future bridge technology needs.	No comparable provision.
No comparable provision.	No comparable provision.	Funding is \$5 million for FY 2004 and \$15 million for each of FYs 2005-2009 from the Surface Transportation Research Program authorization.	No comparable provision.

Surface Transportation Research, Development, and Deployment			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Innovative Bridge Research and Deployment Program			
Sect. 5103 (503(b))	Sect. 5203(b)	Section 5202(b)	Section 2101
Establishes the Innovative Bridge Research and Construction Program to demonstrate the application of innovative material technology in the construction of bridges.	Retains basic purpose; includes design, repair, and rehabilitation in addition to construction.	Changes program name to the Innovative Bridge Research and Deployment Program; retains basic program purpose.	Establishes the Innovative Surface Transportation Infrastructure Research and Construction Program within the Technology Application Program.
Directs the Secretary to make grants to States, colleges, and the private sector to fund research concerning innovative materials.	Adds development of construction techniques to increase safety and reduce construction time and traffic congestion to program goals.	Modifies program goals to include development of: cost-effective bridge applications; construction techniques to increase safety and reduce traffic congestion; engineering design criteria for innovative materials and structural systems; structures that will withstand natural disasters; and improved methods to detect bridge scour and economical foundation designs that will withstand it. Also requires the wide dissemination of benefits of such innovative techniques.	The program purpose is to apply innovative material, design, and construction technologies in the construction, preservation, and rehabilitation of surface transportation infrastructure.

Surface Transportation Research, Development, and Deployment			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Federal share is to be determined by the Secretary.	Adds development of bridges and structures that will withstand terrorist attacks to program goals.	Funding is a \$20 million deduction for each of FYs 2004-2009 from the Surface Transportation Research Program authorization.	Although no funding amount is specified for this program, funding for the Technology Application Program is derived from a \$56,317,736 deduction for each of FYs 2005-2009 from the Surface Transportation Research program authorization. Federal share to be determined by the Secretary.
High Performance Concrete Bridge Technology Research and Deployment			
		Section 5202(b)(3)(B)	Section 2101
No comparable provision.	No comparable provision.	Requires the Secretary to carry out a High-Performance Concrete Bridge Research and Technology Transfer Program to conduct research and deploy technology related to high-performance concrete bridges.	Directs the Secretary to carry out a High-Performance Concrete Bridge Research and Technology Transfer Program to demonstrate the application of high-performance concrete in the construction and rehabilitation of bridges.
No comparable provision.	No comparable provision.	Requires the Secretary to obligate \$2 million for each of FYs 2004-2009 from the authorization for the Innovative Bridge Research and Deployment Program.	Authorizes \$5 million for each of fiscal years 2005-2009, to be deducted from Surface Transportation Research Program funding, for the High-Performance Concrete Bridge Research and Technology Transfer Program, of which \$750,000 shall be used each fiscal year to carry out demonstration projects using ultra-high performance concrete with ductility.

Surface Transportation Research, Development, and Deployment			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
High-Performing Steel Bridge Research and Technology Transfer Program			
			Section 2101
No comparable provision.	No comparable provision.	No comparable provision.	Requires the Secretary to carry out a program to demonstrate the application of high performing steel in the construction and rehabilitation of bridges.
No comparable provision.	No comparable provision.	No comparable provision.	Provides \$5 million for each of FYs 2005-2009 from the authorization for the Surface Transportation Research Program.
Research on Asphalt Used in Highway Pavements			
			Section 2101
No comparable provision.	No comparable provision.	No comparable provision.	Authorizes \$5 million for each of FYs 2005-2009 from the Surface Transportation Research program authorization to carry out research on asphalt used in highway pavements.
Research on Concrete Used in Highway Pavements			
			Section 2101
No comparable provision.	No comparable provision.	No comparable provision.	Authorizes \$5 million for each of FYs 2005-2009 from the Surface Transportation Research program authorization to carry out research on concrete used in highway pavements.

Surface Transportation Research, Development, and Deployment			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Research on Alternative Materials			
			Section 2101
No comparable provision.	No comparable provision.	No comparable provision.	Authorizes \$5 million for each of FYs 2005-2009 from the Surface Transportation Research program authorization to carry out research on alternative materials.
Research on Aggregates Used in Highway Pavements			
			Section 2101
No comparable provision.	No comparable provision.	No comparable provision.	Authorizes \$5 million for each of FYs 2005-2009 from the Surface Transportation Research program authorization to carry out research on aggregates used in highway pavements.
Alkali Silica Reactivity Mitigation			
			Section 2101
No comparable provision.	No comparable provision.	No comparable provision.	Authorizes \$3 million for each of FYs 2005-2009 from the Surface Transportation Research program authorization to develop and deploy techniques to prevent and mitigate alkali silica reactivity.

Surface Transportation Research, Development, and Deployment			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Research on Asphalt and Asphalt-Related Reclamation			
			Section 2101
No comparable provision.	No comparable provision.	No comparable provision.	Authorizes \$1.5 million for FY 2005 from the Surface Transportation Research program authorization for asphalt and asphalt-related reclamation research at the South Dakota School of Mines. The funding is to remain available until expended.

Surface Transportation Research, Development, and Deployment			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Technology Deployment Initiatives and Partnerships Program			
Sect. 5103 (503(a))	Section 5204	Section 5204	Section 2101
The Technology Deployment Initiatives and Partnerships Program is to be developed by the Secretary to significantly accelerate the adoption of innovative technologies.	Changes program name to the Technology Deployment Program; retains basic program purpose.	Changes program name to the Technology Deployment Program; retains basic program purpose, but states that the Secretary <u>shall</u> , rather than <u>may</u> , make grants and enter into cooperative agreements with States, Federal agencies, etc.	Changes program name to the Technology Application Initiatives and Partnerships Program; retains basic program purpose.
Program goals shall be designed to provide tangible benefits in the areas of efficiency, safety, reliability, service life, environmental protection, and sustainability.	Adds that the information and technology resulting from program research shall be made available to State and local transportation departments.	Same as Administration Bill	Program goals shall be designed to provide tangible benefits in the areas of efficiency, safety, reliability, service life, environmental protection, and sustainability.
Requires biennial reports to Congress on the progress and results of activities carried out under this program.	Deletes report requirement; Federal share to be determined by the Secretary.	Deletes report requirement.	The results and progress of program activities shall be published as part of the annual transportation research report required under section 508(c)(5) of Title 23.
The Secretary may allocate funds to States to achieve program goals from \$142 million available after legislative designation of Technology Deployment funds.	No funding amount is specified.	No funding amount is specified.	Although no funding amount is specified for this program, funding is derived from a \$56,317,736 deduction for each of FYs 2005-2009 from the Surface Transportation Research program authorization.

Surface Transportation Research, Development, and Deployment			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Innovative Pavement Research and Deployment Program			
	Sect. 5204(b)	Sect. 5204(b)	
No comparable provision.	Directs the Secretary to establish an Innovative Pavement Research and Deployment Program to promote and support innovative pavement technologies and practices.	Same as Administration Bill	No comparable provision.
No comparable provision.	Establishes eight specific goals for the program including innovative designs, materials, and practices to extend pavement life and performance.	Same as Administration Bill	No comparable provision.
No comparable provision.	Funding is derived from the Surface Transportation Research program authorization; no funding amount is specified.	Funding is \$5 million for FY 2004 and \$15 million for each of FYs 2005-2009 from the Surface Transportation Research Program.	No comparable provision.
No comparable provision.	No comparable provision.	Of the funds made available for the Innovative Pavement Research and Deployment Program, not less than \$2 million for FY 2004 and \$6 million for each of FYs 2004-2009 shall be obligated to conduct research to improve asphalt & concrete pavement and aggregates on the NHS.	No comparable provision.

Surface Transportation Research, Development, and Deployment			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Safety Innovation Deployment Program			
	Sect. 5204(c)	Sect. 5204(c)	
No comparable provision.	Directs the Secretary to establish a Safety Innovation Deployment Program to demonstrate the application of innovative technologies in highway safety.	Same as Administration Bill	No comparable provision.
No comparable provision.	Secretary shall make grants to States, other Federal agencies, colleges, and the private sector for research, development, and technology transfer for innovative safety technologies.	Same as Administration Bill	No comparable provision.
	Requires the Secretary to take such action as is necessary to ensure the information resulting from this program is made available to all interested parties.	Same as Administration Bill	
No comparable provision.	No specific amount is authorized for this program; Federal share is to be determined by the Secretary.	Funding is \$5 million for FY 2004 and \$15 million for FYs 2005-2009 from the Surface Transportation Research Program.	No comparable provision.

Surface Transportation Research, Development, and Deployment			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Wood Composite Materials Demonstration Project			
		Section 5204(e)	
No comparable provision.	No comparable provision.	Requires \$1 million of Surface Transportation Research Program funds to be made available for each of FYs 2005 and 2006 at 100% Federal share to demonstrate the durability and effectiveness of wood composite materials in transportation facilities.	No comparable provision.
Commercial Remote Sensing Products			
Section 5113	Section 5303	Section 5402	
Requires establishment of a program to validate remote sensing products and spatial information technologies for application to transportation infrastructure development & construction NLT 18 months after date of enactment.	Removes language dealing with establishment of program NLT 18 months after date of enactment.	Same as Administration Bill	No comparable provision.
Authorizes \$10 million for each of FYs 1999-2004 to be appropriated from the GF to carry out this program.	No funding amount is specified.	Authorizes \$3 million for FY 2004, and \$9 million for each of Fys 2005-2009 from the Surface Transportation Research Program.	No comparable provision.

Surface Transportation Research, Development, and Deployment			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Advanced Travel Forecasting Procedures Program			
Section 1210	Section 5206	Section 5207	Section 2101
Establishes the Advanced Travel Forecasting Procedures Program to complete and deploy the TRANSIMS model.	Calls for acceleration of Advanced Travel Forecasting Procedures Program deployment activities.	Calls for accelerated deployment of the advanced transportation model known as TRANSIMS.	Same as House bill.
Directs that 12 State pilot projects be set up to convert to use of TRANSIMS.	Requires that training and technical assistance be provided to States and MPOs with responsibility for travel modeling.	Requires that training and technical assistance in the implementation of TRANSIMS be provided to States and MPOs with responsibility for travel modeling. Also, the program may support the development of methods to plan for the transportation response to chemical and biological terrorism and other security concerns.	Same as House bill.
Authorizes a total of \$25 million for FYs 1998-2003.	Funding is derived from the Surface Transportation Research program authorization; no funding amount is specified.	Funding is \$1 million for FY 2004 and \$3 million for each of FYs 2005-2009 from the Surface Transportation Research Program.	Funding is a \$893,082 annual deduction from the Surface Transportation Research Program of which not less than 15% must be used to develop methods to simulate the national transportation infrastructure as a single, integrated system.
No comparable provision.	No comparable provision.	No comparable provision.	The program is to be administered through the Office of Planning, Research, and Development in the Office of the Secretary.

Surface Transportation Research, Development, and Deployment			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision.	No comparable provision.	Requires not more than 75% of funding to be used for grants to implement TRANSIMS.	No comparable provision.
Allows funds to go to MPOs and States for deployment.	No change.	No change.	Does not explicitly provide for deployment.
National Cooperative Freight Transportation Research Program			
		Section 5208	
No comparable provision.	No comparable provision.	Establishes the National Cooperative Freight Transportation Research Program.	No comparable provision.
No comparable provision.	No comparable provision.	Directs the Secretary to contract with the National Academy of Sciences to carry out administrative and management activities relating to this program.	No comparable provision.
No comparable provision.	No comparable provision.	NAS shall select an advisory committee to recommend a national research agenda for the program, to include a multiyear strategic plan.	No comparable provision.
No comparable provision.	No comparable provision.	The research agenda shall include among other items research in estimating and quantifying the benefits derived from freight transportation projects; consolidating origins and destinations of freight traffic; and developing physical and policy alternatives for separating car & truck traffic.	No comparable provision.

Surface Transportation Research, Development, and Deployment			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision.	No comparable provision.	NAS may award research contracts and grants through open competition and merit review.	No comparable provision.
No comparable provision.	No comparable provision.	Funding is \$1.5 million for FY 2004 and \$4 million for each of FYs 2005-2009 from the Surface Transportation Research Program; Federal share up to 100 percent; funds available until expended.	No comparable provision.

Surface Transportation Research, Development, and Deployment			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Surface Transportation Congestion Relief Solutions Research Initiative			
		Section 5211	
No comparable provision.	No comparable provision.	The research initiative consists of two independent research programs designed to measure and address surface transportation congestion problems.	No comparable provision.
No comparable provision.	No comparable provision.	The Improved Surface Transportation Congestion Management System Measures Program examines the effectiveness of congestion management systems, identifies best case examples, and incorporates such methods in the development of national models.	No comparable provision.
No comparable provision.	No comparable provision.	The Analytical Techniques for Action on Surface Transportation Congestion analyzes the effectiveness of procedures used to assess surface transportation congestion problems, and to target programs with demonstrated effectiveness in reducing congestion and system unreliability.	No comparable provision.

Surface Transportation Research, Development, and Deployment			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision.	No comparable provision.	Requires the Secretary to develop in FY 2006 a technical assistance and training program to disseminate the results of the surface transportation congestion solutions research initiative.	No comparable provision.
No comparable provision.	No comparable provision.	The technical assistance and training portion is funded at \$5.5 million over 6 years from the Training and Education authorization. The investigations are funded at \$59 million over 6 years from the Surface Transportation Research authorization.	No comparable provision.

Other Research			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Centers for Surface Transportation Excellence			
		Section 5610	Section 2103
No comparable provision.	No comparable provision.	Directs the Secretary to establish 3 Centers for Surface Transportation Excellence to support strategic national programs and activities.	Directs the Secretary to establish 5 Centers for Surface Transportation Excellence to support strategic national programs and activities.
No comparable provision.	No comparable provision.	Requires that there be a center for environmental excellence, rural safety, and project finance.	Requires that there be a center for the environment, operations excellence, surface transportation safety, project finance, and asset management.
No comparable provision.	No comparable provision.	Authorizes \$2 million for each of FYs 2004-2009, to be derived from the Surface Transportation Research, Development, and Deployment authorization; Federal share shall be 100 percent.	Authorizes \$9,386,289 for each of FYs 2005-2009, to be derived from the Surface Transportation Research authorization; Federal share shall be 100 percent.
No comparable provision.	No comparable provision.	Of the \$2 million annual authorization, 40% shall be used to establish the Center for Environmental Excellence, 30% to establish the Center for Excellence in Rural Safety, and 30% to establish the Center for Excellence in Project Finance.	Of the annual authorization, 20% shall be allocated to the Environmental Center, 30% to the Operations Center, 20% to the Surface Transportation Safety Center, 10% to the Project Finance Center, and 20% to the Asset Management Center.

Other Research			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision.	No comparable provision.	Requires each Center to develop an annual multiyear strategic plan describing the activities to be undertaken and how the work of the Center is coordinated with FHWA R&D activities.	Requires each Center to develop an annual multiyear strategic plan including a list of research projects and objectives, and a summary of training efforts.
Motorcycle Crash Causation Study			
		Section 2006	Section 2104
No comparable provision.	No comparable provision.	Requires the Secretary to conduct a study of the causes of motorcycle crashes using funds made available to carry out Section 403 of title 23.	Authorizes the Secretary to make grants to conduct a comprehensive, in-depth motorcycle crash causation study employing OECD methodology.
No comparable provision.	No comparable provision.	Requires a report to Congress on the results of the study not later than 3 years after date of enactment.	Authorizes \$1,407,943 for FY 2005 from funding authorized for the Bureau of Transportation Statistics.
Transportation Scholarship Opportunities Program			
	Section 5304	Section 5303	
No comparable provision.	Allows the Secretary to establish a Transportation Scholarship Opportunities Program to attract qualified students for transportation-related critical jobs.	Same as Administration Bill	No comparable provision.
No comparable provision.	Allows the Secretary to use DOT operating administration funds or funds from the Office of the Inspector General to carry out this provision.	Same as Administration Bill	No comparable provision.

Other Research			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Multimodal Energy and Climate Change Program			
Section 1612			
No comparable provision.	Authorizes the Secretary to establish and carry out a multimodal energy and climate change program.	No comparable provision.	No comparable provision.
No comparable provision.	The program purpose is to evaluate strategies to reduce greenhouse gas emissions, and the potential effect of climate changes on the transportation system.	No comparable provision.	No comparable provision.
No comparable provision.	Program funding consists of \$15.6 million from the Highway Account of the HTF, \$1.9 million from the Mass Transit Account, and \$1.5 million from the Airport and Airways Trust Fund.	No comparable provision.	No comparable provision.
TSIMS			
Section 5210			
No comparable provision.	No comparable provision.	Directs the Secretary to fund and carry out a project to further the development of a comprehensive transportation safety information management system known as TSIMS.	No comparable provision.
No comparable provision.	No comparable provision.	Project purpose is to further the development of a safety-oriented software application for use among State and local safety and transportation agencies.	No comparable provision.

Other Research			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision.	No comparable provision.	Authorizes \$1 million for FY 2004 and \$3 million for FY 2005, to be derived from the Surface Transportation Research Development and Deployment authorization.	No comparable provision.
No comparable provision.	No comparable provision.	The Federal funds authorized are intended to supplement voluntary contributions from State DOTs and other safety and transportation agencies.	No comparable provision.
Motor Carrier Efficiency Study			
		Section 5212	
No comparable provision.	No comparable provision.	Requires the Secretary, in coordination with the motor carrier & wireless technology industry, to conduct a study to identify inefficiencies in the transportation of freight, and to evaluate improvements that might be made through the use of wireless technologies.	No comparable provision.
No comparable provision.	No comparable provision.	Funding of \$1 million for each of FYs 2005-2009 shall be made available to the Federal Motor Carrier Safety Administration from the authorization for the Surface Transportation Research, Development and Deployment Program. Federal share shall be 100 percent.	No comparable provision.

Other Research			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision.	No comparable provision.	Requires the Secretary to transmit an annual report to Congress on the programs carried out under this section.	No comparable provision.
Biobased Transportation Research			
No comparable provision.	No comparable provision.	No comparable provision.	Section 2101
			Authorizes \$12 million for each of fiscal years 2005-2009 from the Highway Account of the HTF to be equally divided between the National Biodiesel Board and research centers identified in Section 9011 of P.L. 107-171 to carry out biobased transportation research of national importance.
Asphalt and Asphalt-Related Reclamation Research			
No comparable provision.	No comparable provision.	No comparable provision.	Section 2001
			Authorizes \$1,500,000 for fiscal year 2005, to be deducted from Surface Transportation Research Program funding, for asphalt and asphalt-related reclamation research at the South Dakota School of Mines.

Other Research			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Multimodal Research Program			
Section 5302			
No comparable provision.	Authorizes the Multimodal Research Program at \$155 million over 6 years.	No comparable provision.	No comparable provision.
No comparable provision.	The Multimodal Research Program provides funds to conduct applied research, development, demonstration and testing of technologies that have multimodal transportation applications.	No comparable provision.	No comparable provision.
Interstate Route I-95 Corridor Coalition Transportation Systems Management and Operations			
Section 2101			
No comparable provision.	No comparable provision.	No comparable provision.	Authorizes the Secretary to make grants to States to continue ITS management and operations in the I-95 corridor.
No comparable provision.	No comparable provision.	No comparable provision.	Funding is \$9,386,289 for FY 2005 and \$11,263,547 for each of FYs 2006-2009 from ITS Standards, Research, Operational Tests, and Development.

Other Research			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Center for Transportation Advancement and Regional Development			
		Section 5215	
No comparable provision.	No comparable provision.	Requires the Secretary to establish a Center for Transportation Advancement and Regional Development to assist in the development of small metropolitan and rural transportation systems that are responsive to the needs of businesses and local communities.	No comparable provision.
No comparable provision.	No comparable provision.	The Center's purpose is to provide professional resources to small metropolitan and rural regions to expand the capabilities and effectiveness of a regions transportation system, and to assist local officials in developing public-private partnerships	No comparable provision.
No comparable provision.	No comparable provision.	The Secretary shall make a grant to or enter into a contract with a national association of regional economic development and transportation professionals with a focus on small metropolitan and rural regions.	No comparable provision.

Other Research			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
		Authorizes \$500 thousand for each of Fys 2005-2009 from the authorization for the Surface Transportation Research, Development, and Deployment Program.	
Hazardous Materials Research Projects			
		Section 5216	
		Requires the Administrator of the Pipeline and Hazardous Materials Safety Administration to enter into a contract with the NAS to carry out the nine research projects contained in TRB Special Report #283.	
		The Secretary shall provide a report to Congress NLT 6 months after date of enactment on the need to establish a cooperative research program on hazardous materials transportation.	
		Authorizes \$1 million for each of FYs 2005-2009 from the authorization for the Surface Transportation Research, Development, and Deployment Program.	

State Planning and Research			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
23 USC 505	Section 1503		Section 2101
This program provides funding to the States to carry out transportation planning, research & development, technology transfer, and data collection	Clarifies eligible activities, including planning capacity building and asset management.	Same as current law	Same as current law, but adds activities relating to the planning of real-time monitoring elements, and any purpose authorized under the International Highway Transportation Outreach Program.
Funding derives from a 2% setaside from the core highway programs after apportionment.	Funding derives from a 2½% setaside from the core highway programs after apportionment.	Same as current law	Restates current law.
25 percent of the 2% SPR setaside must be used for research, development, and technology transfer activities.	20 percent of the 2½% SPR setaside must be used for research, development, and technology transfer activities.	Same as current law	Same as current law.
Secretary may waive 25 percent RD&T rule if State certifies that metropolitan & statewide planning expenditures for the fiscal year will exceed 75 percent of the State's 2 percent setaside.	Similar to existing law, but clarifies that Secretary may waive RD&T rule if State certifies that the funds are not needed for RD&T for that fiscal year.	Same as current law	Same as current law.
No comparable provision.	Provides that not less than 20% of a State's setaside shall be spent to improve the collection and reporting of transportation data each fiscal year.	Same as current law	No comparable provision.

State Planning and Research			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Codified as 23 U.S.C. 505	Moves the SPR program from Chapter V, Section 505 to Chapter I, Section 104 of Title 23.	Same as current law	Same as current law
The Federal share for SPR activities will be 80 percent.	The Federal share payable will be as provided for in section 120(b) of 23 USC (sliding scale) instead of a set 80%.	Same as current law	Provides that SPR funds are subject to sliding scale.
Allows the Secretary to approve a higher Federal share.	No change	Same as current law	Eliminates the Secretary's authority to approve a higher Federal share.

Surface Transportation Environment & Planning Cooperative Research			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Section 5107	Section 5202	Section 5203	Section 2101 [507]
No provisions for program governance and administration.	Secretary shall enter into an agreement with the National Academy of Sciences or other organization to support and carry out administrative and management activities related to governance of program.	Requires Secretary to enter into an agreement with the National Academy of Sciences to carry out administrative and management activities relating to the governance of the program.	Requires the Secretary to administer the program and provide a qualified, permanent core staff with the ability and expertise to manage a large multiyear budget.
No dedicated funding provided.	No dedicated funding requested. Allows DOT discretion to use Surface Transportation Research program funds as seed money.	Funded by set-aside of \$15M (2005-2009) from Surface Transportation Research funds.	Establishes a set-aside of \$18.8 M/year from Surface Transportation Research funds. [2001(a)(1)(B)]
No funding from other sources.	Allows implementing entity to seek additional funding from public and private sources.	Allows additional funding to be sought from public and private sources.	Does not address additional funding sources.
Surface Transportation Research funds currently require a 20% match unless otherwise determined by the Secretary.	Surface Transportation Research funds require a 20% match unless waived by the Secretary.	No funding match required.	Requires 20% funding match unless otherwise specified or determined by the Secretary.

Surface Transportation Environment & Planning Cooperative Research

Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Required the development of a national research agenda.	Required the implementation of the national research agenda as identified in TRB special report 268. Human Health, Ecology and Natural Systems, Environmental and Socioeconomic Relationships, Emerging Technologies, Planning and Performance Measures and additional priorities identified by the Secretary.	Requires the implementation of the national research agenda identified in TRB special report 268; clarifies contents of research agenda.	Research may address planning and evaluation models, factors contributing to transportation demand, and transportation performance indicators to meet environmental requirements and facilitate analysis of potential alternatives. Research also may address additional priorities the Secretary identifies in the strategic planning process under section 508.
Required the Secretary to establish an advisory board to develop the national agenda.	Requires the Secretary to create a new advisory board to implement and administer the national research agenda identified in special report 268.	Requires the Secretary to establish an advisory committee to implement the national agenda as set forth in special report 268. The majority of the committee membership must be from government transportation agencies.	Allows the Secretary to administer the program with stakeholder involvement in governance of the program.

Strategic Planning and Research			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed House SAFETEA of 2005
Surface Transportation Research Strategic Planning			
Section 5108		Section 5213	Section 2101
Requires establishment of a strategic planning process to determine, coordinate, and measure transportation research priorities.	Same as current law	No comparable provision	Establishes a Surface Transportation Research Technology Deployment and Strategic Planning Program to coordinate Federal surface transportation research, technology development, and deployment activities.
Funded out of the Surface Transportation Research authorization; no specific funding amount is designated.	Same as current law	Same as current law	Same as current law
No comparable provision	No comparable provision	No comparable provision	Authorizes \$187,726 per year for a Surface Transportation Research Technology Advisory Committee to be made up of 12 members appointed by the Secretary.
No comparable provision	No comparable provision	No comparable provision	Committee members shall have expertise in the areas of safety, operations, planning & environment, infrastructure, policy, & asset management.
No comparable provision	No comparable provision	No comparable provision	The Committee shall provide advice and guidance relating to the determination of surface transportation research priorities.

Strategic Planning and Research			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed House SAFETEA of 2005
Requires development of an R&T strategic plan that will identify and describe DOT goals and objectives for surface transportation research and development.	Same as current law	Requires development, NLT 1 year after date of enactment, of a 5-year transportation research and development strategic plan to guide Federal transportation R&D activities. [5213]	Requires development of a strategic plan for each of the core surface transportation research areas, due one year after date of enactment and periodically thereafter.
Plan must include details of the surface transportation research and technology development programs of the Department, including performance goals, resources needed to achieve those goals, and performance indicators for the next 5 years for each area of research and technology development.	No comparable provision	The 5-year strategic plan shall describe the primary purposes of the transportation R&D program; list the primary topics designed to accomplish each purpose; and describe the anticipated costs of and information to be gained from each topic. [5213]	The plan shall specify specific transportation research projects to be conducted; recommended technology transfer activities; and short and long term deployment activities.
Requires the Secretary to enter into an agreement for the review by the National Research Council of the details of each strategic plan or revision.	No comparable provision	Requires the Secretary to contract with the National Research Council to review the R&D strategic plan, the performance plan required by Section 1115 of Title 31, and the program performance report required by Section 1116 of Title 31. [5213]	No comparable provision
The Strategic Plan must be consistent with the Government Performance and Results Act of 1993.	Same as current law	No comparable provision	Same as current law

Strategic Planning and Research			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed House SAFETEA of 2005
No comparable provision	No comparable provision	Requires the Secretary to submit a report to Congress, with the annual budget request, describing the amount spent in the last fiscal year on R&D activities, and the amount proposed in the current budget for transportation R&D. [5213]	Requires the Secretary to submit to Congress, within 60 days after completion of the Strategic Plan, written responses to each of the recommendations of the Research & Technology Coordinating Committee.
Study of Future Strategic Highway Research Program			
Section 5112			
Requires a study to determine the goals, purposes, agenda, administrative structure, projects, and fiscal needs for a new strategic highway research program.	No comparable provision	No comparable provision	No comparable provision
Study is funded out of the Surface Transportation Research authorization; no specific funding amount is designated.	No comparable provision	No comparable provision	No comparable provision

Strategic Planning and Research			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed House SAFETEA of 2005
Future Strategic Highway Research Program			
		Section 5209	Sect 2101 (509)
No comparable provision	No comparable provision	Directs the Secretary, in consultation with AASHTO and acting through the National Research Council of the National Academy of Sciences, to establish the Future Strategic Highway Research Program.	Creates a New Strategic Highway Research Program to be established and administered by the National Research Council.
No comparable provision	No comparable provision	Funding for the Future Strategic Highway Research Program is \$17 million for FY 2004, \$60 million for FY 2005, and \$63 million each of FYs 2006-2009 from the Surface Transportation Research program authorization.	For each of FYs 2005-2009, authorizes deductions of \$14,079,434 from IM, \$17,833,949 from NHS, \$12,202,176 from Bridge, \$18,772,579 from STP, \$4,693,145 from CMAQ, and \$2,815,887 from HSIP to fund the New Strategic Highway Research Program.
No comparable provision	No comparable provision	The Secretary may make grants to AASHTO and NAS to carry out program activities.	The Secretary may make grants to NAS to carry out program activities.
No comparable provision	No comparable provision	Program research shall be based on NRC Special REport 260, and include analysis of: renewal of aging infrastructure with minimal impact to users; non-recurring congestion reduction; and planning and designing new road capacity to meet mobility, economic, and environmental needs.	Program research priorities are to examine: the roles of transportation infrastructure, drivers, vehicles and high-risk areas in fatalities; most effective long and short term life-saving measures; renewal of aging infrastructure having minimal impact to users; and non-recurring congestion reduction, among others.

Strategic Planning and Research			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed House SAFETEA of 2005
No comparable provision	No comparable provision	Requires the NRC to enter into a contract with TRB by 10/1/2007 for a report on the strategies to be used for implementation of the results of the Future Strategic Highway Research Program. The Secretary is to transmit the report to Congress by 2/1/2009.	Requires the NRC to enter into a contract with TRB by 10/1/2007 for a report on the strategies to be used for implementation of the results of the New Strategic Highway Research Program. The Secretary is to transmit the report to Congress by 2/1/2009.
No comparable provision	No comparable provision	The Federal share shall be 100%. The bill has conflicting provisions re: availability of funds. Allows the Secretary to make advance payments as necessary.	No comparable provision

Strategic Planning and Research			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed House SAFETEA of 2005
Security Related Research and Technology Strategic Plan			
			Section 2101
No comparable provision	No comparable provision.	No comparable provision.	Requires the development, in consultation with the Dept. of Homeland Security, of a 5-year strategic plan pertaining to the security aspects of highway infrastructure and operations.
No comparable provision	No comparable provision	No comparable provision	The plan shall evaluate the research required to address emergency response and evacuation measures, traffic management during crises, integrated, interoperable emergency communications capability, and protection and reinforcement of key facilities.
No comparable provision.	No comparable provision.	No comparable provision.	The Secretary shall submit the completed plan to Congress not later than 180 days after date of enactment. No funding is authorized.

Training and Education			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Section 5001(c)	Section 5101(a)(2)	Section 5101(a)(2)	Sections 2001(a)(2) & (c)(3)
Authorizes a total of \$102 million for FYs 1998-2003 for all programs.	Provides authorizations for FYs 2004-2009.	Authorizes \$24.5 million for FY 2004 and \$33.5 million for each of FYs 2005-2009, for a total of \$192 million for all programs.	Authorizes a total of \$140.8 million for FYs 2005-2009 for Training and Education, then separately allocates \$147.8 million to the three programs making up the Training & Education section.
Section 5104	Section 5205	Section 5205	Section 2101
Training & Education consists of three separate programs: Local Technical Assistance Program (LTAP), National Highway Institute (NHI), and the Eisenhower Transportation Fellowship Program.	Training & Education consists of four separate programs: Local Technical Assistance Program (LTAP), National Highway Institute (NHI), the Eisenhower Transportation Fellowship Program, and the Surface Transportation Workforce Development, Training, and Education program.	Training & Education consists of five separate programs: Local Technical Assistance Program (LTAP), National Highway Institute (NHI), the Eisenhower Transportation Fellowship Program, the Garrett Morgan program, and the Surface Transportation Workforce Development, Training, and Education program.	Training & Education consists of three separate programs: Local Technical Assistance Program (LTAP), National Highway Institute (NHI), and the Eisenhower Transportation Fellowship Program.

Training and Education			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Sect. 5104 (504(a))	Section 5205(a)	Section 5205(a)	Sect. 2101 (504(a))
The National Highway Institute is funded at a total of \$39 million over FYs 1998-2003.	The National Highway Institute does not have a specific amount authorized for it from the total funding made available to Training and Education.	The National Highway Institute is funded at \$8 million for FY 2004 and \$8.5 million for FYs 2005-2009, for a total of \$50.5 million from the authorization for Training and Education.	The National Highway Institute is funded at a total of \$63.4 million over FYs 2005-2009.
NHI provides education and training to transportation professionals.	New provisions provide latitude for NHI to address evolving program areas such as the environment, and transportation system management and operations.	Same as Administration bill	Requires development of courses dealing with asset management, ITS, security operations, data collection and archiving, life-cycle costing, acceleration of project planning and development, and intermodal passenger and freight movement.
States may use up to ½ of 1 percent of STP funds to pay up to 80 percent of the cost of NHI training.	Same as current law	Same as current law	States may use STP funds to pay up to 80 percent of the cost of tuition and direct educational expenses in connection with NHI training.

Training and Education			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Sect. 5104 (504(b))	Section 5205(b)	Section 5205(b)	Sect. 2101 (504(b))
The Local Technical Assistance Program is funded at a total of \$51 million over FYs 1998-2003.	The Local Technical Assistance Program does not have a specific amount authorized for it from the total funding made available to Training and Education.	The Local Technical Assistance Program is funded at \$12 million for FY 2004 and \$14 million for FYs 2004-2009 for a total of \$82 million from the authorization for Training and Education.	The Local Technical Assistance Program is funded at a total of \$70.4 million over FYs 2005-2009.
LTAP provides access to surface transportation technology, and serves highway and transportation agencies in urbanized (up to 1 million population) and rural areas.	New LTAP provisions provide for a 50% cost sharing for LTAP expenditures, allow technology and training funds to be used as part of the non-Federal share, and establish a no-match requirement for Tribal Technical Assistance Program (TTAP) Centers.	Same as Administration Bill	Adds infrastructure security to program purpose, and adds intermodal connections, intelligent transportation systems, incident response, and operations to the areas of expertise in which training should be provided.
No comparable provision	Adds "surface transportation workforce development, training, and education" to the definition of "construction."	No comparable provision	No comparable provision
Sect. 5104 (504(c))		Section 5205(c)	Sect. 2101 (504(c))
Eisenhower Transportation Fellowship Program is funded at a total of \$12 million over FYs 1998-2003.	Eisenhower Transportation Fellowship Program does not have a specific amount authorized for it from the funding made available for Training and Education.	Eisenhower Transportation Fellowship Program is funded at \$2 million for FY 2004 and \$2.5 million for each of FYs 2005-2009, for a total of \$14.5 million from the authorization for Training and Education.	Eisenhower Transportation Fellowship Program is funded at a total of \$14.1 million over FYs 2005-2009.
The Eisenhower Fellowship Program is designed to attract qualified students to the field of transportation.	Same as current law	Same as current law	Same as current law

Training and Education			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
		Section 5205(d)	
No comparable provision	No comparable provision	The Garrett A. Morgan Technology and Transportation Education Program is funded at \$.5 million for FY 2004 and \$1 million for each of FYs 2005-2009 for a total of \$5.5 million from the authorization for Training and Education.	No comparable provision
No comparable provision	No comparable provision	Authorizes the Secretary to make grants to local and/or State education agencies, in partnership with institutions of higher education, to enhance transportation-related curricula at the elementary and secondary school levels.	No comparable provision
No comparable provision	No comparable provision	Requires the Secretary to give priority to applicants that will encourage the participation of women and minorities when awarding grants.	No comparable provision

Training and Education			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
	Section 5205(c)	Section 5205(e)	
No comparable provision	The Surface Transportation Workforce Development, Training, and Education Program encourages States to support employee training and professional development, and to foster transportation career awareness for future employees.	The Surface Transportation Workforce Development, Training, and Education Program encourages States to support employee training and professional development, and to foster transportation career awareness for future employees, including women and minorities.	No comparable provision
No comparable provision	States may use NHS, STP, IM, and Bridge apportioned funds for the purposes of this program, including: tuition (excluding salaries), student internships, and education outreach activities.	States may use NHS, CMAQ, STP, IM, and Bridge apportioned funds for the purposes of this program, including: tuition (excluding salaries), student internships, and education outreach activities.	No comparable provision
No comparable provision	The Federal share shall be 100 percent.	Same as Administration bill	No comparable provision
No comparable provision	Adds surface transportation workforce development, training, and education to the definition of construction in Title 23.	Same as Administration bill	No comparable provision

Training and Education			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU Section 5205(f)	Senate H.R. 3 as Passed Senate SAFETEA of 2005
No comparable provision	No comparable provision	Establishes the Transportation Education Development Pilot Program to make grants to institutions of higher education that will partner with industry or State DOTs to develop, test, and revise education programs to train individuals at all levels of the transportation workforce.	No comparable provision
No comparable provision	No comparable provision	Requires the Secretary to consider the degree to which training will be provided in areas other than engineering, including nontraditional departments such as urban planning, environmental science, materials, and industrial technology.	No comparable provision
No comparable provision	No comparable provision	Funding is \$1.5 million for each of FYs 2005-2009 from the authorization for Training and Education. Individual grants may not exceed \$250,000 in any year, and, after three years, may not exceed 75 percent of a grantee's program costs.	No comparable provision

Training and Education			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
		Section 5205(h)	
No comparable provision	No comparable provision	Requires the Secretary to continue section 5117(b)(5) of TEA-21 relating to the fundamental properties of asphalts, and provides \$3.5 million for each of FYs 2004-2009 for that purpose from the authorization for the Surface Transportation Research, Development, and Deployment Program.	No comparable provision
No comparable provision	No comparable provision	Requires the Secretary to continue section 5117(b)(7) of TEA-21 relating to the transportation economic and land use system, and provides \$1 million for each of FYs 2004-2009 for that purpose from the authorization for the Surface Transportation Research, Development, and Deployment Program.	No comparable provision

University Transportation Centers (UTCs)			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Authorizes \$195 million over 6 years.	Authorizes funds over 6 years, derived from both the Highway Account and the Mass Transit Account of the Highway Trust Fund (HTF).	Authorizes \$429.5 million over 6 years, derived \$381.5 million from the Highway Account of the HTF, \$6.4 million from the Mass Transit Account of the HTF and \$41.6 million from the General Fund. [5101, 3034]	Authorizes \$42,238,302 per year over FYs 2005-2009, derived from the Highway Account of the HTF. Additional funding authorized from the Mass Transit Account and the General Fund under the Public Transportation title of the bill. [2001, 6036]
Provides grant funding to establish and operate programs of education, research, and technology transfer at 33 UTCs.	Changes the existing University Transportation Center program into a new University-Industry-Government Partnerships program.	Provides grant funding to establish and operate programs of education, research, and technology at 5 national and 30 other UTCs. [5301-5302]	Provides grant funding to establish and operate 40 University Transportation Centers (10 regional and 30 others) to address transportation design, management, research, development, and technology, especially education and training of more transportation professionals. [2101]

University Transportation Centers (UTCs)			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Authorizes the establishment of 33 University Transportation Centers, 23 of which are named in the Act, and calls for the competitive selection of 10 regional centers.	Program to be competitively awarded and subject to peer review as part of process to encourage research and educational partnerships in more than one mode of transportation. University must partner with at least one private sector and one non-Federal government public sector partner. Special attention to increasing the number of highly skilled individuals in the field of transportation.	Secretary to fund 5 national university transportation centers at up to \$3.5 million per year to advance transportation research on critical national transportation issues and to expand the workforce of transportation professionals. Secretary to competitively select and provide grants to 30 Centers: 10 regional centers at up to \$3.5M per year, 10 Tier I centers at \$1M per year, and 10 Tier II centers at up to \$1M per year (for FYs 2005-2009 only). [5301-5302]	Regional centers are to be selected competitively. Describes selection process for regional centers for 3-year term. Secretary selects in consultation with FHWA, RSPA and FTA. One UTC in each standard Federal region. The remaining 30 centers are earmarked in 3 different groups each with its own funding schemes. The bill includes placeholder language where the earmarked universities will be named. [2101]
	Program to be competitively awarded and subject to peer review.	Earmarks the 5 national centers and describes a competitive selection process for other centers. [5301-5302]	Provides general requirements for all centers, including requirement that all reports produced by the centers must be peer reviewed and posted on DOT and UTC web sites. Failure to comply with requirements can lead to forfeiture of a grant. [2101]

University Transportation Centers (UTCs)			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
	All grantees are required to conduct technology transfer activities to disseminate the results of their research.	All grantees must provide assurance that the research and education activities of the UTC will support the national strategy for surface transportation research identified in the report, Highway Research and Technology: The Need for Greater Investment, and the programs of the National Research and Technology Program of the Federal Transit Administration. [5302]	All grantees are required to carry out an ongoing technology transfer program to disseminate the results of their research, and must contribute at least \$250,000 annually to the operation and maintenance of the center. Requires peer review and internet publication for all reports funded under UTC program. [2101]
The Federal share of costs under an individual grant may not exceed 50 percent of costs, and the non-Federal share may include Technology Deployment and State Planning and Research funds.	Same as current law.	The Federal share of costs under an individual grant may not exceed 50 percent of costs, and the non-Federal share may include Technology Deployment, Local Technical Assistance Program, and State Planning and Research funds.	The Federal share is 80%.
Funds made available for this program have an availability of three fiscal years.	Same as current law.	Same as current law.	Same as current law.

ITS Research Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003 Section 5501-5508	House H.R. 3 as Passed House TEA-LU Section 5601-5608	Senate H.R. 3 as Passed Senate SAFETEA of 2005 Section 2201
Funded as a separate authorization in the Research title; funds subject to obligation limitation; available for 3 years	Same as current law	Same as current law	Same as current law; funded at \$605 M over 5 years. [2001(a)(4)]
Consultation with Federal Officials	Adds requirement to consult with Department of Homeland Security	General statement - does not specify other departments and agencies to consult with	Similar to Administration bill
Goals: establishes 5 goals for ITS program	Same as current law	Same as current law	Same as current law
Purposes: · expedite deployment & integration of ITS · consideration in planning process · regional cooperation · innovative use of private resources · develop workforce · complete CVISN deployment by 2003	Similar to current law, but adds-- · vehicle-based safety enhancing systems · application of ITS that support commercial vehicle operations	Similar to Administration bill, but adds-- · continuing support for operations and maintenance of ITS	Similar to current law, but adds-- · architecture and standards · advance commercial vehicle operations components · cost/benefit evaluation · improved conditions and performance data collection (as part of Archived Data User Service/BTS) · accessibility Expands definition of ITS to specifically include "photonics."
Priority research areas: (1)traffic management (2)crash avoidance/in-vehicle protection; (3)human factors research; (4)integration of intell. infra; (5)incorporate research on impact of environ.	Redefines priority research: (1)enhance mobility & productivity [traffic management, etc]; (2)enhance safety [crash avoidance/notif./CVO,etc.]; (3)enhance security; (4)facilitate integration of intelligent infrastructure	Similar to Administration bill, but does not include security, and adds interdisciplinary traffic management strategies.	Provides extensive list of 15 priority areas - builds on current law; does not align with Administration bill.

ITS Research Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Advisory Committees - authorizes the Secretary to use advisory committees	same as current law	Requires Secretary to establish an Advisory Committee with no more than 20 members, representing 11 specified interests, balanced between metro and rural. Committee to provide input into ITS strategic plan, review research areas. Report required by Feb. 1 each year following enactment.	Requires Secretary to designate a public-private organization as the Federal Advisory Committee authorized by TEA-21; \$1.4 M/year of funds may be used for advisory committees [2201, sec 524]
Information Clearinghouse - Sec'y may delegate to an entity outside DOT	Similar delegation authority to current law	Same as Administration bill	No delegation authority
National ITS Program Plan - Secretary to maintain and update plan as part of Surface Transportation R&D Strategic Plan.	TEA-21 provision repealed; no new provision included	Same as Administration bill	Requires update of 2000 Plan, in consultation with stakeholders. Defines scope
National Architecture - requires development, implementation, and maintenance of architecture and standards; Secretary must adopt	Similar to current law, but eliminates reference to adoption by Secretary. Provisions relating to critical standards eliminated, as this requirement has been completed.	Similar to Administration bill, but also requires the Secretary to designate a panel of experts	Similar to current law, except eliminates provision allowing Secretary to authorize exception for upgrade or expansion of ITS in existence at time of enactment
Use of funds - Outreach and public relations (\$5M/year), infrastructure development, life cycle cost analysis, innovative financing	Similar to current law - continues outreach and public relations limit, infrastructure development; does not continue life cycle cost analysis, innovative financing provision	No comparable provision	Continues outreach and public relations limit at \$5 million/year. Does not continue infrastructure development, life cycle cost analysis, innovative financing [2201, sec 529]

ITS Research Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
Federal share 100%, except operational tests and demos, not to exceed 80%.	Same as current law	Same as current law	Same as current law
Commercial Vehicle ITS Infrastructure Deployment; no separate funding	Establishes Commercial Vehicle Information Systems and Networks (CVISN) program, sec. 1704, with stand-alone authorization of \$25M/year to complete core development and encourage deployment <i>See separate CVISN section.</i>	Included in Motor Carrier title (4109)	Includes Commercial Vehicle Intelligent Transportation System Infrastructure program [2201, sec 527], funded as a takedown of not less than \$28.2 M/year from ITS Research [2001(c)(6)] <i>Note: CVISN authorization also in Title VI [7271]; provides \$25 M/year for 2006-2009. [7103(b)(4)]</i>
	No comparable provision	No comparable provision	Setaside from ITS Research funds totaling \$54.4 M over 5 years for grants to I-95 Corridor Coalition for transportation system management and operations in I-95 Corridor [2101,sec 511]
	No comparable provision	Setaside from ITS Research funds of \$4 M/year for Road Weather R&D Program to improve road weather information and technologies. [5607]	No comparable provision

ITS Research Program			
Current Law	Administration Proposal H.R. 2088 & S. 1072 as Modified SAFETEA of 2003	House H.R. 3 as Passed House TEA-LU	Senate H.R. 3 as Passed Senate SAFETEA of 2005
	No comparable provision	Setaside from ITS Research funds of \$1M in 2005 and \$2M in 2006 for Rural Interstate Corridor Communications Study of feasibility of installing fiber optic cabling and wireless communication infrastructure along multistate Interstate corridors for improved communications services to rural communities. [5609]	No comparable provision