

TITLE I—FEDERAL-AID HIGHWAYS

Sec. 1001. Amendments to title 23, United States Code. Provides that all language in title I is amendatory to title 23 U.S.C. unless otherwise stated.

Subtitle A—Programs and Funding Authorizations

Sec. 1101. Authorization of appropriations. Contains blank spaces for dollar amounts for each of fiscal years 2010-2015 for the Critical Asset Investment Program, the Surface Transportation Program, the Congestion Mitigation and Air Quality Program, the Highway Safety Improvement Program, the Freight Improvement Program, the Appalachian Development Highway System program, the Recreational Trails Program, the Federal and Tribal Lands, Puerto Rico, and Territorial Highway Program, the National Scenic Byways Program, the Ferry Program, the High Priority Projects program, and the Safe Routes to School program.

Sec. 1102. Obligation ceiling. Left blank, to be supplied later.

Sec. 1103. Apportionment. Amends 23 U.S.C. 104 to authorize the appropriation of blank dollar amounts for annual FHWA administrative expenses, and provide for the apportionment of formula programs to states via formulas that are not yet contained in the bill (to be supplied later). The percentage set-aside for metropolitan planning is left blank as well.

Sec. 1104. Equity adjustment. Left blank, to be supplied later.

Sec. 1105. Freight improvement program. Replaces the text of 23 U.S.C. 119 (Interstate maintenance) with a new sec. 119 establishing a freight improvement program. Funds may be used for publicly owned highway freight transportation projects that provide community and highway benefits by addressing economic, congestion, security, and safety issues associated with freight transportation. Projects must be on the NHS, the National Network, or a designated secondary freight route. Requires each state DOT to come up with a state freight plan, and projects must be on that plan to receive funding. Directs each state to submit a list of secondary freight routes to USDOT, which shall review the lists and designate roads with substantial economic or freight significance as secondary freight routes. Allows funding to be given to freight corridor coalitions.

Sec. 1106. Surface transportation program. Amends 23 U.S.C. 133(b) to make tunnels and previously ineligible bridge activities eligible for STP funding and striking (b)(12) relating to accident-prone intersections. Requires STP funds sub-allocated to MPOs to have a 10 percent enhancement set-aside. Shifts the percentage of post-enhancement-takedown STP funds that are suballocated based on population from the current 62.5 percent to 80 percent. Allows an administrative takedown for administration of enhancements by FHWA.

Sec. 1107. Ferry program. Amends 23 U.S.C. 147 to strike the current set-aside from the ferry program for certain states and adds a requirement for a National Ferry Database.

Sec. 1108. Highway safety improvement program. Amends 23 U.S.C. 148 to add a set of definitions for HSIP. Requires states to develop HSIP investment plans and makes funding for FY 2012 and after contingent on the implementation of that plan. Requires DOT to establish quantifiable HSIP performance targets for each state, including (blank) percentage reductions in fatalities and serious injuries. Provides for a (blank) annual set-aside for high-risk rural roads. Sets the federal cost share of all SHIP projects at 90 percent unless otherwise required by 23 U.S.C. 130.

Sec. 1109. Congestion mitigation and air quality improvement program. Amends 23 U.S.C. 149(b) to lessen the Secretary's discretion to allow CMAQ funds to be used in areas that are in Clean Air Act attainment. Allows CMAQ funds to be used for HOV lane construction. Allows states to fund projects for areas in ozone and CO and PM-10 nonattainment without regard to DOT ambient air quality standards addressed by the project. Allows states to use CMAQ funds to purchase public transportation buses (but they must be clean fuel buses). Rewrites formula weightings with numbers to be provided later.

Sec. 1110. Critical asset investment program. Adds a new 23 U.S.C. 150 to establish the Critical Asset Investment Program. Eligible projects are for any highway on the NHS or any bridge on a federal-aid highway if the project is for preservation, rehabilitation, protection or replacement and is consistent with the state's investment strategy. Allows a state to spend up to x percent of its CAI apportionment on overhead costs such as inspections and training. Requires DOT to establish performance targets for the CAI including an x percent reduction in deficient bridges and an x percent reduction in lane-miles rated as being in poor condition. Sets an interim definition of "poor condition" as having a roughness index over 170 ("fair condition" is between 94 and 170). Requires states to submit CAI plans to USDOT for approval. States must meet performance targets but USDOT is allowed to lower the targets due to insufficient funding being provided to the state or to emergencies. Starting in 2012, if the Secretary determines that a project is inconsistent with a state's investment strategy in the plan, the Secretary can withhold

funds for the project. Allows the transfer of existing NHS, Bridge and Interstate Maintenance apportionments to CAI. Requires a new rulemaking on performance measures for highway condition and structural adequacy within 18 months.

Sec. 1111. Safe routes to school program. Amends 23 U.S.C. 152 to establish the Safe routes to school program. Requires that between 10 and 30 percent of each state's apportionment be used for non-infrastructure activities like outreach, public awareness, and student sessions on bicycle and pedestrian safety. The federal share of all project costs is 100 percent.

Sec. 1112. National scenic byways program. Amends 23 U.S.C. 162 to add a permanent funding set-aside for the America's Byways Resource Center (in chairman Oberstar's home town of Duluth, MN) at a 100 percent federal share.

Sec. 1113. Federal and tribal lands, Puerto Rico, and territorial highway program. Amends 23 U.S.C. 201 and 204 to consolidate the various federal lands highway programs (public lands highways, forest development roads and trails, forest highways, park roads and parkways, and Indian reservation roads), the territorial highway program, and the Puerto Rico highway program into a single "lands program" under sec. 204. No dollar amounts or allocation percentages for individual subprograms are given. Amends sec. 204(k) to make transit facilities located in wildlife refuges eligible for refuge road funding. Requires a rulemaking within 2 years of enactment to review if DOT's formula for allocating territorial highway funds is fair.

Sec. 1114. Recreational trails program. Amends 23 U.S.C. 206(h) to direct DOT to encourage states to enter into contracts and agreements with youth conservation and service corps to perform work on recreational trails.

Sec. 1115. Nonmotorized transportation pilot program. Amends sec. 1807 of SAFETEA-LU to allow statistical information on improved pedestrian and cyclist safety to be gathered and to provide for an orderly wrap-up and summary of the program.

Sec. 1116. Appalachian development highway system. Directs ADHS funds to be apportioned via the latest cost-to-complete estimate and guarantees each state a minimum one percent share and a maximum 25 percent share. Caps the federal share of cost-to-complete corridor X-1 in Alabama at \$500 million. Rescinds all unobligated ADHS balances apportioned before the end of FY 2009 on September 30, 2013. Amends 40 U.S.C. 14501(a) to lower the total amount of local access roads in the ADHS from 1,400 miles to 1,000 miles. Repeals the Shuster corridor O-1 designation from sec. 1117(d) of TEA21.

Sec. 1117. Delta Region transportation development program. Reauthorizes the Delta Region transportation development program in sec. 1308 of SAFETEA-LU (with no dollar amounts given).

Sec. 1118. Grant program to prohibit racial profiling. Amends sec. 1906 of SAFETEA-LU to extend authorization for the racial profiling grant program through FY 2015 (with no dollar amounts given.)

Sec. 1119. Technical amendments. Repeals 23 U.S.C. 126 (uniform transferability) and sec. 1310 of SAFETEA-LU (Interstate Oasis program).

Subtitle B—Intermodal and Organizational Innovations

Sec. 1201. Intermodalism. Amends 49 U.S.C. 102 to establish an Under Secretary of Transportation for Intermodalism (nominated by the President, confirmed by the Senate) who shall rank fourth behind the Secretary, the Deputy Secretary, and the Under Secretary for Transportation Policy, and who shall "coordinate Federal policy on intermodal transportation and initiate policies to promote efficient intermodal transportation in the United States." Amends 49 U.S.C. 5502 to create a Council on Intermodalism within OST, whose voting members shall be the Secretary, the Under Secretary, and all DOT modal administrators, and whose non-voting members shall be the USACE Chief of Engineers and the Commandant of the Coast Guard, or their designees. The Council shall meet monthly and shall have the ability to override the Under Secretary's funding decisions: "The Council shall review and may approve or disapprove or modify the recommendations of the Under Secretary of Transportation for Intermodalism." Amends 49 U.S.C. 5503 to create an Office of Intermodalism within OST, to be headed by the Under Secretary and a Director who shall be appointed in the competitive service who shall carry out duties and powers prescribed by the Under Secretary. Provides numerous responsibilities and duties for the Under Secretary to coordinate modal administrations and to specifically oversee the Metropolitan Mobility and Access program, the Projects of National Significance program, and the development and implementation of the criteria and rules and project selection for those programs (subject to approval by the Council). The Director of the Office shall develop the national transportation strategic plan. Authorizes an undetermined amount of money to fund the Office.

Sec. 1202. Office of Expedited Project Delivery. Adds a new 23 U.S.C. 330 creating an Office of Expedited Project Delivery within FHWA headed by a Director appointed by the Secretary. The Director shall "shall provide

national leadership to enhance the speed of delivery of highway construction projects, with particular focus on significant highway construction projects and substantially delayed projects.” This section appears to limit his duties to a coordinating capacity and does not give him the ability to cut statutory steps or deadlines. The Director can designate projects as “substantially delayed”, report those projects to Congress, and utilize conflict resolution techniques.

Sec. 1203. Office of Livability. Adds a new 23 U.S.C. 331 creating an Office of Livability within FHWA to “provide leadership and support for policies and decision-making at all levels of government that increase modal choice and enhance livability and sustainable modes of transportation”, to be headed by a Director appointed by the Secretary. The Director will administer the safe routes to school program, the nonmotorized transportation pilot program, transportation enhancements, the recreational trails program, the national scenic byways program, and the new U.S. bicycle route program. “The Director shall promote and support policies that advance livable communities, modal choice, and sustainable modes of transportation.” Perhaps most significantly, “The Director shall develop quantifiable national mode share targets for sustainable modes of transportation, develop a timeline for achievement of these targets, and support projects, programs, and activities within the Department of Transportation and nationally in support of these targets.” The Director shall try to expedite project delivery and shall gather statistical data on livability projects. The Director shall encourage the adoption of comprehensive street design policies and conduct a study of the rights of cyclists and pedestrians under state and local laws. Sec. 331(k) establishes a U.S. bicycle route system “to provide for the establishment and support of an interconnected, intercity network of bicycle facilities of all classes, to improve and enhance mobility, modal choice, economic development, and quality of life.” The federal share of all projects to construct the system is 80 percent but no dollar amount is supplied.

Sec. 1204. Office of Public Benefit. Adds a new 23 U.S.C. 611 creating an Office of Public Benefit within FHWA, to be headed by a Director appointed by the Secretary. The Director shall look to protect the public interest in relation to toll and PPP projects, compile best practices in this regard, and assist states and localities in implementing such practices. The Director shall administer toll agreements under 23 U.S.C. 129 (see below) and shall monitor PPP compliance with 23 U.S.C. 112 (see below) and shall report to Congress thereon.

Sec. 1205. Metropolitan mobility and access program. Adds a new chapter 7 at the end of title 23 U.S.C. Sec. 701 creates a new Metropolitan mobility and access program (MMA) “to provide multimodal transportation funding and financing authority directly to metropolitan planning organizations, thereby allowing MPOs broad multi-modal flexibility in planning and implementing programs of surface transportation projects to reduce vehicular congestion, to maximize mobility and access of people and goods, and to improve safety, environmental sustainability, and livability in large urbanized areas.” The Transportation Research Board of the National Academy of Sciences shall provide recommendations to DOT for selection and evaluation criteria. Within 18 months of enactment, the Secretary shall issue a rule to carry out this section. Eligible MPOs must have a population of at least 500,000; must submit a proper application form, have a USDOT-approved metropolitan mobility plan in effect, demonstrate legal, financial and technical capacity, carry out a congestion management process; and demonstrate to DOT local cost management strategies and systems. There will be two types of grants: tier one (for populations over 1 million with substantial time delays, with 40 percent of the funding) and tier two (other, with 60 percent of the funding). No more than ten tier one grants can be issued. Tier two grants shall be geographically equitably distributed. DOT shall enter into full funding grant agreements with grant recipients establishing the terms of multi-year assistance. Any tolls in the program of projects must be approved by the Office of Public Benefit. DOT shall set performance management targets for recipients. The federal cost share shall be 80 percent of any individual project, which must be otherwise eligible under title 23 or chapter 53 of title 49, U.S.C. The use of metropolitan infrastructure banks and tolls is approved.

Sec. 1206. Projects of national significance. Adds a new 23 U.S.C. 702 establishing a projects of national significance program (PNS) to provide federal support for high-cost infrastructure facilities that cannot easily be addressed through regular state apportionments. Eligible project cost must be at least the lesser of \$500 million or 75 percent of a state’s annual formula apportionment. Eligible projects include: anything otherwise eligible under title 23 or chapter 53 of title 49; international bridges and tunnels; public or private freight rail facilities providing public benefits; intermodal freight transfer facilities; means of access to freight facilities; service improvements to freight facilities; or a series of such related projects. Port projects are only eligible if directly facilitating intermodal freight transfer. There must be an “acceptable level” of non-federal funding for a project. The Secretary shall establish selection criteria and carry out a national solicitation and award grants on a competitive basis. Some criteria are provided by this section. DOT shall issue letters of intent to selected projects, then enter into full funding grant agreements and early work agreements. The total amount of contingent commitment authority is

capped at the total of the last three years worth of funding provided for the program. The federal share of project cost is 80 percent unless the grant recipient requests a lower percentage.

Sec. 1207. National transportation strategic plan. Adds a new 23 U.S.C. 703 to require a solicitation for states to submit projects to be included in the national transportation strategic plan. The Under Secretary for Intermodalism shall review submissions and shall select projects to be included in the plan. The plan shall identify nationally significant projects, regionally significant projects, shall provide for interconnectivity, and shall provide cost estimates for projects. DOT shall use 20-year demographic and economic projections in defining the plan.

Subtitle C—Finance

Sec. 1301. Toll roads, bridges, tunnels, and ferries. Amends 23 U.S.C. 129 to require the Office of Public Benefit to administer all toll agreements and requiring that all toll revenues be used first for debt service or reasonable return on investments and for operational costs of the toll facility. After that, any remaining toll revenues can be used only for projects that are eligible under title 23 or chapter 53 of title 49 and transit operating costs of nearby transit agencies. Public authorities may not enter into noncompete agreements with private toll operators as part of an agreement. DOT shall review the rate schedules of all proposed tolls before implementation. Allows federal participation in HOV projects where hybrids or low-emission single-occupant vehicles pay a toll in order to use the facility. Allows states to use HOV tolls to pay for operating costs of transit in the same operating corridor. Allows federal participation in variable tolls as part of the MMA program. Directs DOT to issue a rulemaking to establish a national standard for interoperable electronic toll collection devices.

Sec. 1302. Transportation Infrastructure Finance and Innovation Act amendments. Authorizes a yet-to-be-determined amount of funding for the TIFIA program through FY 2015. Makes passenger rail projects under 49 U.S.C. 24405(a) eligible for TIFIA assistance. Increases the maximum amount of a secured loan from 33 percent of total project cost to 49 percent.

Sec. 1303. State infrastructure banks. Reauthorizes the SIB program in 23 U.S.C. 610 through the end of FY 2015.

Sec. 1304. Metropolitan infrastructure banks. Adds a new 23 U.S.C. 612 to allow the creation of metropolitan infrastructure banks to provide federal credit assistance for programs of projects within individual metropolitan areas participating in the MMA program. Allows DOT to enter into cooperative agreements with MPOs to create the MIBs. The Secretary may permit an eligible MPO that has established a MIB pursuant to a cooperative agreement to deposit into the bank not to exceed x percent of the funds available to the MPO for a fiscal year under the MMA program to capitalize the MIB. Loans and other credit assistance can only be made to projects eligible under title 23 or capital projects under sec. 5302 of title 49. At least x percent of the amount of each capitalization grant must come from non-federal sources. MIBs must maintain investment-grade ratings on their bonds. All title 23 and 49 requirements apply to projects funded by MIBs.

Subtitle D—High Priority Projects

Left blank - reserved for later.

Subtitle E—Miscellaneous

Sec. 1501. Project approval and oversight. Amends 23 U.S.C. 106(h) to add a project delivery schedule to the list of megaproject requirements. Amends 23 U.S.C. 106(i) to add a project delivery schedule to the requirements for projects over \$100 million.

Sec. 1502. Standards. Amends 23 U.S.C. 109(a)(1) to require federal project standards to be consistent with comprehensive street design policies and principles and practical design standards. Substitutes “shall” for “may” in sec. 109(c) to require NHS projects to take environmental and aesthetic considerations into account. The

Sec. 1503. Revenue aligned budget authority. Left blank - reserved for later.

Sec. 1504. Public-private partnership agreements. Adds a new subsection (h) to 23 U.S.C. 112 requiring DOT to impose minimum requirements on all public-private partnerships that require a federal funding element. Those requirements include a value-for-money assessment, transparency requirements, and opportunity for public comment. All contracts awarded shall require PPP agreements to prohibit closing of the facility except in specially enumerated circumstances, and may allow truck lane prohibition at certain times, may restrict motorcycle and bicycle access, and shall allow the public authority to retake and reopen a highway if the private party closes it. Contracts may not include noncompete agreements and shall allow early termination with fair market compensation.

Sec. 1505. Prevailing rate of wage. Amends 23 U.S.C. 113 to clarify that 113 applies to all projects funded under title 23, not just highway projects, and eliminates the existing 113(b).

Sec. 1506. Emergency relief. Amends 23 U.S.C. 120 to change the definition of comparable bridge facility, Amends 23 U.S.C. to cap project cost at the amount of repair or reconstruction of a comparable facility. Makes debris removal eligible for ER funds only if it's not eligible under the Stafford Act. Allows temporary ferry or additional transit service as an eligible expense while a highway facility is under repair. Continues the authorization for general funds as necessary if ER costs exceed \$100 million per year. Requires a rulemaking to update the ER rules within six months of enactment.

Sec. 1507. Highway-rail crossings. Amends 23 U.S.C. 130 to require that a state's survey of grade crossings is consistent with its strategic highway safety plan and the HSIP investment and, as applicable, the grade crossing safety plan under the RSIA section 202. Extends the protective device set-aside in sec. 130(e)(1) at an undetermined dollar amount, but only for FYs 2010 and 2011.

Sec. 1508. Metropolitan planning. Amends 23 U.S.C. 134(a) to add decreased reliance of foreign oil, environmental impacts, greenhouse gas emissions, and livability and sustainability to the policy goals. Amends 23 U.S.C. 134(b) to define rural planning organization. Increases the minimum population for a designated MPO from 50,000 to 100,000. Amends 23 U.S.C. 134(f) to "require", not "encourage", state governors to coordinate with multistate MPOs. Amends 23 U.S.C. 134(k) to exclude the Critical Asset Investment program and the Freight Improvement program from TIP requirements and requiring the transportation planning process to address greenhouse gas emissions through reduction targets and strategies. Adds a new requirement as 134(q) requiring DOT to certify MPO compliance with law every four years. Failure to pass certification means the withholding of federal funds. Creates a national MPO database.

Sec. 1509. Statewide planning. Amends 23 U.S.C. 135(a)(3) to require consultation with the state bicycle and pedestrian coordinator and the state safe-routes-to-schools coordinator. Adds decreased reliance of foreign oil, environmental impacts, greenhouse gas emissions, public health, and livability and sustainability to the policy goals. Requires a 20-year state long-term strategic transportation plan that provides for the development and implementation of the intermodal interconnected transportation system of the state. Provides for greenhouse gas emission reductions and targets as part of the plan. Requires the implementation of state performance management systems.

Sec. 1510. Project delivery. Amends 23 U.S.C. 108(c)(2)(G) to eliminate the need for the EPA Administrator's concurrence. Authorizes DOT to encourage states and localities to acquire right-of-way for long-term transportation needs, with capacity for expansion over 50 or 100 years. Adds a definition of "planning product" to 23 U.S.C. 139(a). Allows a draft notice in the *Federal Register* to satisfy the requirement of 23 U.S.C. 139(e). Adds a new sec. 139(m) to integrate planning and environmental review to allow certain planning decisions to be incorporated by reference. Adds a new sec. 139(n) directing DOT to issue a record of decision and advance the project to final design within 120 days after the final EIS is completed. Amends 23 U.S.C. 327(b) to extend the surface transportation project delivery pilot program to all states (not just five).

Sec. 1511. Disadvantaged business enterprise program. Reauthorizes the 10 percent DBE set-aside.

Sec. 1512. Highway bridge inventories, standards, and inspections. Amends 23 U.S.C. 144 to focus the section on the National Bridge Inventory and the national bridge inspection standards, requiring annual inspections of structurally deficient bridges and fracture critical members, and biennial inspections of other bridges. Prohibits the obligation of funds for a bridge project unless the state is complying with the inspection regime. Requires state inspection of privately owned or operated border bridges. Establishes a process for assigning risk-based priorities to bridge replacement. Requires a GAO study of the effectiveness of the bridge rating system.

Sec. 1513. National tunnel inspection program. Amends 23 U.S.C. 151 to establish national tunnel inspection standards within 2 years of enactment and to establish minimum requirements for inspection standards. Establishes a National Tunnel Inventory.

Sec. 1514. Safety provisions. Amends 23 U.S.C. 153 to remove references to motorcycle helmets and eliminate the stand-alone seat belt grant program while retaining the financial penalties for states that don't have primary seat belt laws. Amends 23 U.S.C. 154(c) to remove the ability of states to use impounded funds for hazard elimination. Requires DOT to withhold 10 percent of a state apportionment if the state fails to suspend the drivers licenses of drug offenders in FY 2010 or thereafter. Amends 23 U.S.C. 163 to eliminate the stand-alone grant program for states with certain DUI laws but retains the penalties if they don't comply.

Sec. 1515. HOV facilities. Amends 23 U.S.C. 166(b) to extend the allowance for low-emission vehicles through the end of FY 2015 and allows DOT to withhold some state apportionments if the state allows HOT lanes or low-emission vehicles in HOV lanes to degrade road quality.

Sec. 1516. Enforcement of primary seat belt laws. Amends 23 U.S.C. 157 to eliminate the stand-alone grant program for states with primary seat belt laws and replace it with an escalating series of apportionment withholding penalties.

Sec. 1517. Use of ignition interlock devices to prevent repeat intoxicated driving. Adds a new 23 U.S.C. 167 to require states to pass laws forcing each first-time DUI offender to have an ignition interlock device installed in their car for 6 months after the conviction. Penalties for noncompliance start at one percent of a state's apportionment in FY 2013 and rising to five percent in FY 2015 and thereafter.

Sec. 1518. Buy America. Amends 23 U.S.C. 313 to add a new (g) making Buy America for bridge projects apply to all contracts under the scope of the NEPA record of decision.

Sec. 1519. Workforce development. Left blank - reserved for later.

Sec. 1520. Roadway, bicycle and pedestrian, work zone, and highway-rail grade crossing safety. Directs DOT to make grants to national nonprofit organizations for activities to improve roadway, bicycle and pedestrian, work zone, and highway-rail grade crossing safety. Authorizes an as-yet-undetermined amount of money for the grants at a 100 percent federal share.

Sec. 1521. Budget justification. Requires all DOT modal administrations to submit their budget justifications to the House Transportation and Infrastructure, Senate Environment and Public Works, and Senate Banking Committees at the same time they are submitted to the Appropriations Committees.

Sec. 1522. Extension of public transit vehicle exemption from axle weight restrictions. Amends sec. 1023(h)(1) of ISTEA to extend the aforementioned exemption through the end of FY 2015.

Sec. 1523. Technical amendments. Makes various technical and conforming amendments.

Sec. 1524. Definitions. Amends 23 U.S.C. 101(a) to add definitions for various public lands roads.

TITLE II—HIGHWAY SAFETY

Sec. 2001. Amendments to title 23, United States Code. Provides that all language in title II is amendatory to title 23 U.S.C. unless otherwise stated.

Sec. 2002. Authorization of appropriations. Contains blank spaces for dollar amounts for each of fiscal years 2010-2015 for the Highway Safety Programs, the Highway Safety R&D programs, the State Traffic Safety Information System Improvements, the National Driver Register, the High Visibility Enforcement Program, and NHTSA Administrative Expenses.

Sec. 2003. Highway safety programs. Amends 23 U.S.C. 402 to better organize the section but leaves funding apportionments and allocations blank. Sets aside x percent of a state's apportionment under sec. 402 for motorcycle safety. Establishes performance management targets to be incorporated into each state's highway safety plan. Beginning in FY 2011, requires states to submit highway safety plans in order to receive safety funds.

Sec. 2004. High visibility enforcement program. Requires NHTSA to establish and administer a program under which not more than 5 high-visibility traffic safety law enforcement campaigns will be carried out for the purposes of drunk driving reduction or increase seat belt usage in each of years 2010 through 2015.

Sec. 2005. National Driver Register. Requires DOT, within one year of enactment, to ensure that states enter information into the National Driver Register within 31 days of a conviction, verify the accuracy of records, and determine unique identifiers. Requires annual reporting to Congress on NDR accuracy. Requires DOT to modernize and increase the capacity of the NDR. Establishes a National Driver Register Advisory Committee. Gives DOT the authority to collect fees for requests for NDR information, which shall be deposited into the Highway Account of the Highway Trust Fund.

TITLE III—PUBLIC TRANSPORTATION

Sec. 3001. Short title; amendments to title 49, United States Code. Cites title III as the Public Transportation Act of 2009 and specifies that all references are to title 49 U.S.C. unless otherwise noted.

Sec. 3002. Policies and purposes. Amends 49 U.S.C. 5301 to insert new policies and goals.

Sec. 3003. Definitions. Amends 49 U.S.C. 5302 to add definitions for clean fuel vehicles and rural area (less than 50,000 population).

Sec. 3004. Metropolitan planning. Amends 49 U.S.C. 5303 to add decreased reliance of foreign oil, environmental impacts, greenhouse gas emissions, and livability and sustainability to the policy goals, define rural planning organization, and increases the minimum population for a designated MPO from 50,000 to 100,000. Provides for

greenhouse gas emission reductions and targets. Requires DOT to certify MPO compliance with law every four years. Failure to pass certification means the withholding of federal funds.

Sec. 3005. Statewide planning. Amends 49 U.S.C. 5304 to require consultation with the state bicycle and pedestrian coordinator and the state safe-routes-to-schools coordinator. Adds decreased reliance of foreign oil, environmental impacts, greenhouse gas emissions, public health, and livability and sustainability to the policy goals. Requires a 20-year state long-term strategic transportation plan that provides for the development and implementation of the intermodal interconnected transportation system of the state. Provides for greenhouse gas emission reductions and targets as part of the plan. Requires the implementation of state performance management systems.

Sec. 3006. Urbanized area formula grants. Amends 49 U.S.C. 5307(a) to add a definition of “state of good repair investment plan”. Amends 49 U.S.C. 5307(b) to allow areas with a population between 200,000 and 500,000 to use up to 20 percent of their annual apportionment on operating expenses, to allow areas between 500,000 and 1,000,000 to use up to 10 percent of their annual apportionment on operating expenses, and allow areas with a population over 1 million to use up to 5 percent of their annual apportionment on operating assistance. Adds a new sec. 5307(m) requiring performance management standards. Adds a new sec. 5307(n) requiring state of good repair investment plans.

Sec. 3007. Intermodal and energy efficient transit facilities grants. Replaces the clean fuels grant program in 49 U.S.C. 5308 with a new intermodal and energy efficient transit facilities grant program in sec. 5308. Grants can fund capital projects to construct, replace, and rehabilitate an intermodal passenger facility to directly connect transit users to at least one other mode or a public transportation facility that will assist in reducing greenhouse gas emissions. Grants shall be subject to the requirements of sec. 5307 or 5311, as applicable. Lays out selection criteria for the grants and sets the federal cost share at 80 percent.

Sec. 3008. Capital investment grants. Rewrites 49 U.S.C. 5309 to eliminate references to alternatives analysis and to integrate the small starts program (with the threshold moved from \$75 million to \$100 million) into the section. Shortens the evaluation criteria to eliminate any references to cost-benefit analysis. Sets the federal share of a capital investment grant at 80 percent. The draft bill does not clarify how much of the program is set aside for small starts. Prohibits DOT from using any form of cost-effectiveness index to judge projects and prohibits the use of a transportation system user benefit calculation to evaluate any benefit other than mobility. Directs DOT to develop and utilize special warrants to advance projects.

Sec. 3009. Coordinated access and mobility program formula grants. Amends 49 U.S.C. 5310 to combine the existing elderly/disabled transit program and the job access and reverse commute program into a new coordinated access and mobility program formula grant program. 60 percent of the funds shall be apportioned to urbanized areas (over 200,000 population), 20 percent shall be apportioned to states in the ratio that the number of elderly/disabled/low-income/welfare persons in areas less than 200,000 in population bears to the nation total, and 20 percent shall be apportioned to states in the ratio that the ratio that the number of elderly/disabled/low-income/welfare persons in areas less than 50,000 in the state bears to the national total. Sets performance standards for grant recipients. The federal share of all grants for capital projects shall be 80 percent (operating assistance grants have a 50 percent federal share except for sliding-scale federal lands states where it’s 62.5 percent).

Sec. 3010. Rural area formula grants. Amends 49 U.S.C. 5311 to rename the program “rural area formula grants” and establish new program goals. Allows DOT to include a state’s unsubsidized capital costs of private-sector intercity-bus service as an in-king matching share for operating costs of connecting rural intercity feeder bus service. Establishes performance management standards for the program.

Sec. 3011. Transit research grants. Amends 49 U.S.C. 5312 to make funds available under sec. 5338(d) available for research grants and to set aside up to 25 percent of the program for special demonstration initiatives at the discretion of the Secretary. Adds a new 5312(d) for the national fuel cell bus technology development program.

Sec. 3012. Bus testing facility. Amends 49 U.S.C. 5318 to add a new (f) requiring retesting of bus models if the model is modified after completion and DOT determines that the modification may have materially affected the testing results.

Sec. 3013. Transit in the parks grants. Replaces the language in 49 U.S.C. 5320 with a new transit in the parks grant program, removing the cooperative requirement with the Secretary of the Interior, and providing for expedited project delivery.

Sec. 3014. Workforce development programs. Amends 49 U.S.C. 5322 to rename the human resource programs “workforce development programs” and to establish a National Joint Workforce Development Council

Sec. 3015. General provisions. Amends 49 U.S.C. 5323 to set the federal cost share for ADA compliance, Clean Air Act compliance, and clean fuel vehicles at 90 percent and to change the rules for cost share of vanpool projects. Amends 49 U.S.C. 5323(j) to require advance written justification of FTA Buy America waivers.

Sec. 3016. Contract requirements. Amends 49 U.S.C. 5325(h) to incorporate this Act's requirements into the contract requirements.

Sec. 3017. Office of Expedited Project Delivery. Adds a new 49 U.S.C. 5326 to establish within FTA a new Office of Expedited Project Delivery headed by a Director appointed by the Secretary. The Director shall "shall provide national leadership to enhance the speed of delivery of public transportation construction projects, with particular focus on new starts projects and substantially delayed projects." This section appears to limit his duties to a coordinating capacity and does not give him the ability to cut statutory steps or deadlines. The Director can designate projects as "substantially delayed", report those projects to Congress, and utilize conflict resolution techniques.

Sec. 3018. Program. Repeals 49 U.S.C. 5328(c) ("program of interrelated projects").

Sec. 3019. National Transit Database. Amends 49 U.S.C. 5335(a) to add asset condition to the factors listed in the National Transit Database.

Sec. 3020. Apportionment of appropriations for formula grants. Left blank, to be supplied later.

Sec. 3021. Fixed guideway modernization formula grants. Rewrites 49 U.S.C. 5337 to declare program goals and remove the formulas and the project-related provisions already in the section.

Sec. 3022. Authorizations. Left blank, to be supplied later.

Sec. 3023. Repeals. Repeals 49 U.S.C. 5339 (alternatives analysis) and 5340 (growing states/high-density states apportionment factors).

Sec. 3024. Over-the-road bus accessibility program. Reauthorizes the program in sec. 3038(g) of TEA21 through the end of FY 2012.

Sec. 3025. Obligation limits. Left blank, to be supplied later.

Sec. 3026. Transportation fringe benefits. Amends sec. 3049(a)(1) of SAFETEA-LU to make the transportation fringe benefit program permanent in all places served by fixed route public transportation and by placing in the statute a definition of the maximum benefit level as being the maximum amount that can be excluded from gross income for employer-provided parking.

Sec. 3027. Streetcar categorical exclusion. Requires DOT, one year after enactment, to complete a rulemaking regarding light rail streetcars that travel within existing right-of-way and which have categorical exclusions from NEPA.

Sec. 3028. SAFETEA-LU repeals. Repeals sections 3009(i), 3011(c), 3012(b), 3045 and 3046 of SAFETEA-LU.

TITLE IV—COMMERCIAL MOTOR VEHICLE SAFETY

Sec. 4001. Short title. Cites title IV as the Motor Carrier Safety Enhancement Act of 2009.

Sec. 4002. Amendments to title 49, United States Code. Provides that all language in title IV is amendatory to title 49 U.S.C. unless otherwise stated.

Subtitle A—Authorization of Appropriations

Sec. 4011. Motor carrier safety grants. Authorizes unspecified dollar amounts of funding for motor carrier safety grants in each of FYs 2010-2015 with an unspecified percentage deduction for administrative expenses under 49 U.S.C. 31102. Authorizes unspecified dollar amounts for program administrative expenses. Replaces the high priority program in 49 U.S.C. 31104(k) with a new incentive grant program for states that show significant improvement in reducing CMV-related crashes and fatalities (funded as a 10 percent set-aside from the main grant program). Authorizes the withholding of up to 5 percent of a state's primary highway apportionment for failure to comply with section 31102.

Sec. 4012. Grant programs. Authorizes undetermined dollar amounts for each of FYs 2010-2015 for the Commercial Driver's License program implementation grants, the Commercial Vehicle Information Systems and Networks Deployment program, and the Commercial Motor Vehicle Operator Safety Grants program.

Subtitle B—General Authority and State Grants

Sec. 4021. Motor carrier safety assistance program. Rewrites 49 U.S.C. 31102 to establish program goals. Plans must include maintenance of effort requirements. Requires the Secretary to establish performance measures,

including a national goal for CMV-related crash and fatality reductions. The Secretary shall require plans in the second fiscal year after enactment to include state fatality and crash reductions. Grants can only be made to states with approved plans in effect.

Sec. 4022. Commercial driver's license program. Amends 49 U.S.C. 31309 to require states to use the system to receive and submit conviction and disqualification data. Requires states to require information from the drug and alcohol clearinghouse before granting a CMV and to ensure that the state's CDL database will be compatible with federal standards. Requires an expedited rulemaking within 180 days of critical requirements for an effective state CDL program. Adds a new 31309(e) to require states to develop and submit plans to the Secretary for compliance with 31309 through September 30, 2015. Provides for public comparison of state levels of compliance and amends 49 U.S.C. 31312 to declare states in noncompliance. Amends 49 U.S.C. 31313(a) to rewrite the CDL Program Implementation grants.

Sec. 4023. National clearinghouse for records relating to alcohol and controlled substances testing of commercial motor vehicle operators. Adds a new 49 U.S.C. 31306(a) to require DOT to establish (within one year of enactment) and maintain a system to serve as a national clearinghouse for records relating to the alcohol and controlled substances testing program applicable to operators of commercial motor vehicles under section 31306. Requires checks with the clearinghouse in order to allow persons to perform safety-sensitive functions. Allows both state DMVs and private employers access to the clearinghouse information, with privacy safeguards. Allows DOT to collect fees for requests for clearinghouse information. Authorizes a \$5 million set-aside from administrative expenses in 2010 to establish the clearinghouse and \$2 million per year through 2015 to operate it.

Sec. 4024. Performance and registration information systems management program. Amends 49 U.S.C. 31109 to rewrite the rules for the PRISM program. Requires states to participate in the program by September 30, 2013 and allows grant funds made to the state under sec. 4126 of SAFETEA-LU to meet the requirements of this section.

Sec. 4025. Commercial vehicle information systems and networks deployment grants. Amends sec. 4126 of SAFETEA-LU to reauthorize the grant program through FY 2013 at a 100 percent federal share.

Sec. 4026. Amendments to compliance review process. Requires DOT, within one year of enactment, to revise its safety fitness determination methodology to reflect Safety Recommendation H-99-6 of the NTSB.

Sec. 4027. New entrant carriers. Amends 49 U.S.C. 31144(g)(1) to require new entrants to undergo a safety review within the first 18 months (with an accelerated schedule for new entrants who carry passengers and/or hazmat).

Sec. 4028. Motor carrier registration. Amends 49 U.S.C. 13902 to add a requirement that applicants demonstrate, through successful completion of a proficiency examination to be developed by the Secretary, knowledge of the requirements and regulations described in 13902(a)(1)(A) and has disclosed common ownership, management, or familial connection with other motor carriers during the preceding three years.

Sec. 4029. Reincarnated carriers. Amends 49 U.S.C. 13905(d) to allow DOT to revoke licenses and certificates of reincarnated carriers that reorganized to avoid the effects of prior penalties and judgments. Prohibits two or more employers from using common ownership, control, or familial relationships to avoid compliance.

Sec. 4030. Commercial motor vehicle operator training. Requires that DOT issue rules establishing minimum training requirements for CMV operators within two years of enactment. Establishes specific criteria for the training requirements. Amends 49 U.S.C. 31308 to require minimum standards for CMV issuance. Establishes a grant program for driving schools or other providers to provide training to CMV operators in accordance with the new standards.

Sec. 4031. Improved oversight of motor carriers of passengers. Amends 49 U.S.C. 31444 to add a new subsection (h) requiring DOT, by the end of FY 2005, to determine the safety fitness of each owner, and each operator, of a commercial motor vehicle designed or used to transport passengers who the Secretary registers under secs. 13902 or 31134 and assign a safety fitness rating to each one. Allows DOT to carry out targeted enforcement of CMV safety regulations.

Sec. 4032. Commercial driver's license passenger endorsement requirements. Requires that, within 2 years of enactment, DOT review and assess the current knowledge and skill testing requirements for a CDL passenger endorsement to determine any necessary improvements to the knowledge test or examination of driving skills in order ensure the safe operation of commercial motor vehicles designed or used to transport passengers.

Sec. 4033. Commercial motor vehicle safety inspection programs. Amends 49 U.S.C. 31142(b) to require DOT to prescribe regulations for federal standards for inspection of CMVs and retention by employers of inspection records.

Sec. 4034. Driver medical qualifications. Amends 49 U.S.C. 31149 to change the requirements for doctors serving as examiners of CMV applicants and requiring a report to Congress on the feasibility of requiring doctors to submit the results of such exams directly to the state DMV.

Sec. 4035. Requirement for registration and USDOT number. Adds a new 49 U.S.C. 31134 to require any employer subject to federal regulation under that chapter of title 49 to be registered by DOT and have a DOT registration number before operating a CMV in interstate commerce.

Sec. 4036. Electronic on-board recorders. Requires a rulemaking within one year of enactment to require that all CMVs owned or operated by carriers subject to hours-of-service regulations to be equipped with electronic on-board recorders. The rule shall set performance standards for the recorders.

Sec. 4037. Motor Carrier Safety Advisory Committee. Amends sec. 4144(b)(1) of SAFETEA-LU to add nonprofit labor organizations to the MCSAC.

TITLE V—RESEARCH

Left blank - reserved for later.

TITLE VI—RAIL TRANSPORTATION

Sec. 6001. High-speed rail assistance. Amends 49 U.S.C. 26101 to increase the maximum federal share of a corridor development project from 50 percent to 80 percent and remove right-of-way acquisition from the list of eligible expenses. Eliminates many of the criteria from sec. 26101. Authorizes blank dollar amounts to be appropriated from the general fund for the program. Amends 49 U.S.C. 26102 to authorize blank dollar amounts to be appropriated from the general fund for the program. Amends 49 U.S.C. 26104 to make it the new definitions section and give a series of new definitions. Moves the existing sec. 26106 (added by last year's Amtrak bill) to sec. 26105 and adds provisions relating to letters of intent and cooperative agreements. Reserves the "funding" section for the newly numbered sec. 26105 until a later date. Adds a new sec. 26106, "Statutory construction" which clarifies that Secretary retains the ability to select rail corridors in effect the day before enactment.

Sec. 6002. Capital grants for rail line relocation projects. Amends 49 U.S.C. 20154 to allow political subdivisions of states, and government-sponsored authorities and corporations, to enter into cooperative agreements and extend authorization for the program through FY 2015.

Sec. 6003. Technical corrections to Public Law 110-432. Makes a series of technical corrections to last year's rail safety/Amtrak authorization law.

Sec. 6004. Capital grants for class II and class III railroads. Amends 49 U.S.C. 22301(g) to authorize appropriations from the general fund of up to \$50 million per year for each of FYs 2010-2015 for the class II/III grant program.

Sec. 6005. Railroad rehabilitation and improvement financing. Amends sec. 502(e) of the Railroad Revitalization and Regulatory Reform Act of 1976 to allow DOT to lower the interest rate to be paid on direct RRIF loans for the sole purpose of installing a positive train control system. Amends sec. 502(f) to allow DOT to require borrowers to buy bond insurance. Authorizes the appropriation of such sums as necessary over FYs 2010-2015 to carry out this section.

Sec. 6006. Amtrak domestic buying preference. Amends 49 U.S.C. 24305(f) to require the Secretary to give advance notification, with explanation, of Amtrak's waivers of its Buy America requirements.

Sec. 6007. Separation requirements. Requires DOT to submit a study to Congress within 18 months of enactment that determines the optimum separation requirements between locomotives and railroad cars containing hazardous materials.

Sec. 6008. Reports on railroad conditions and performance. Adds a new 49 U.S.C. 10103 requiring quadrennial reports to Congress starting by December 31, 2010 on conditions and performance of the freight and intercity passenger rail system.

TITLE VII—HAZARDOUS MATERIAL TRANSPORTATION

Sec. 7001. Short title. Cites this title as the Hazardous Materials Transportation Safety Act of 2009.

Sec. 7002. Amendment of title 49, United States Code. Provides that all language in title VII is amendatory to title 49 U.S.C. unless otherwise stated.

Subtitle A—Strengthening Emergency Response Capabilities and Information

Sec. 7003. Minimum standards for emergency response information services. Requires DOT, within 18 months of enactment, to prescribe minimum standards for persons who provide hazmat transportation emergency information services.

Sec. 7004. Training for emergency responders. Amends 49 U.S.C. 5116 to require states and tribes to certify that first responders receiving hazmat training are able to protect nearby persons and property from hazmat spills and makes training grants contingent on such ability.

Sec. 7005. Assessment of volunteer firefighter training capabilities. Requires DOT, within 18 months of enactment, to conduct an assessment of the training capabilities of volunteer fire departments to respond to hazmat fires. Authorizes a pilot program to improve volunteer firefighter hazmat training after the assessment is complete.

Sec. 7006. National Hazardous Materials Fusion Center. Adds a new 49 U.S.C. 5128 establishing a national hazardous materials fusion center to serve as a data and information network for emergency response providers, Federal, State, and local government agencies, and for-profit and nonprofit organizations that are engaged in hazardous material response.

Sec. 7007. Emergency response to accidents and incidents involving alternative technologies. Requires DOT to conduct research to develop appropriate techniques, training, and equipment necessary for public sector employees to respond to accidents and incidents involving the transportation or use in transportation of alternative technologies that utilize hazardous material, including biofuels, hybrid fuel cells, lithium batteries, and hydrogen fuel cells.

Sec. 7008. Collection and sharing of commodity flow data. Adds a new 49 U.S.C. 5129 directing DOT to establish, within 12 months of enactment, a system to collect data on the volume of hazmat transported throughout the U.S. over all modes.

Sec. 7009. Paperless hazard communications pilot program. Authorizes DOT to conduct 3 pilot projects, at least one of which shall be in a rural area, to evaluate the feasibility and effectiveness of using paperless hazard communication systems.

Subtitle B—Strengthening Hazardous Material Safety

Sec. 7010. Transportation of lithium cells and batteries. Adds a new 49 U.S.C. 5111 directing PHMSA, in coordination with the FAA, to come up with regulations within 24 months of enactment governing the transportation of lithium cells and batteries that may create a heat or fire hazard.

Sec. 7011. Requirements relating to external product piping on cargo tanks transporting hazardous material. Adds a new 49 U.S.C. 5118 prohibiting the transportation of hazmat in external product piping of all cargo tank vehicles manufactured after 2 years from the date of enactment. Prohibits all hazmat transport in external product piping after December 31, 2020.

Sec. 7012. Commercial motor vehicle operators registered to operate in Mexico or Canada. Amends 49 U.S.C. 5103a(h)(2) to require TSA to perform background checks that include criminal histories in Canada and Mexico where appropriate.

Sec. 7013. Improving data collection, analysis, and reporting. Creates a working group to improve collection and analysis of data from hazmat accidents, to consist of representatives from FAA, FMCSA, FRA, MARAD, and PHMSA. The working group shall develop an action plan.

Subtitle C—Strengthening Enforcement

Sec. 7020. Hazardous material enforcement training program. Directs DOT to carry out a hazmat enforcement training program and to develop guidelines for qualifications, best practices and standards, and standard protocols.

Sec. 7021. Inspections and investigations. Amends 49 U.S.C. 5121 to provide training on how to deal with perishable hazmat items and the proper closure of packaging. Makes safety, along with security, a grant objective in sec. 5121(g)(1) and adds a 5121(i) allowing designated officers or agents to investigate hazmat transportation accidents, enter property, subpoena witnesses, require document production, issue oaths, and take testimony.

Sec. 7022. Civil penalties for denial of entry. Amends 49 U.S.C. 5123 to add a subsection (h) to allow DOT to impose a civil penalty on a person who obstructs or prevents DOT from carrying out investigations or inspections.

Sec. 7023. Inspector staffing. Directs DOT to increase the total number of FTE positions for hazmat safety inspectors at PHMSA by a fixed number per year (but the numbers are left blank).

Subtitle D—Miscellaneous

Sec. 7030. Hazardous material research and development program. Authorizes DOT to conduct research and development to reduce risks associated with hazmat transport and to identify new technologies. Authorizes blank dollar amounts for the program.

Sec. 7031. Uniform hazardous material State registration and permit program. Amends 49 U.S.C. 5119 to require DOT to “establish and carry out a program to develop uniform forms and procedures for States to register, and issue permits to, persons who transport, or cause to be transported, hazardous material by motor vehicle” in accordance with federal law. However, it gives DOT up to six years to implement the regulations to carry out the program..

Sec. 7032. Implementation of the Hazardous Material Safety Permit Program. Requires a GAO report on the implementation of the hazmat safety permit program under 49 U.S.C. 5109.

Sec. 7033. Authorization of appropriations. Dollar amounts left blank.

TITLE VIII—TRANSPORTATION DISCRETIONARY SPENDING GUARANTEE

Left blank – reserved for later.

TITLE IX—MISCELLANEOUS

Sec. 9001. Denali Commission. Left blank – reserved for later.