



On June 22, 2009, Chairman James Oberstar (D-MN), House Transportation and Infrastructure Committee, introduced the plan for a new approach to surface transportation authorization at approximately \$500 billion dollars over 6 years, "[The Surface Transportation Authorization Act of 2009: A Blueprint for Investment and Reform.](#)"

On June 24, 2009, the Highways and Transit Subcommittee of the House Transportation and Infrastructure Committee approved, by voice vote, the 775-page draft surface transportation reauthorization bill. The Committee would like to have a full committee markup in late July, but that is contingent on a financing and revenue deal being reached with the Ways and Means Committee, the Democratic leadership, and the Obama Administration. **The full text of the legislation can be found [here](#).**

This legislation is this Committee's successor to the Safe, Affordable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), which expires on September 30, 2009. This Blueprint for a six-year, approximately \$500 billion bill is designed to overhaul the U.S. Department of Transportation, expedite projects, coordinate planning for different modes of transportation and tie federal funds to measurable benchmarks.

Sections of importance to NARC members:

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| <p>Sec. 1101. Authorization of Appropriations.
 Sec. 1103. Apportionment.
 Sec. 1105. Freight Improvement Program.
 Sec. 1106. Surface Transportation Program.
 Sec. 1108. Highway Safety Improvement Program.
 Sec. 1109. CMAQ.

 Sec. 1110. Critical Asset Investment Program.
 Sec. 1111. Safe Routes to Schools Program.
 Sec. 1115. Nonmotorized Transportaiton Pilot Program
 Sec. 1116. Appalachian Development Highway System.

 Sec. 1201. Intermodalism.
 Sec. 1202. Office of Expedited Project Delivery.
 Sec. 1203. Office of Livability.
 Sec. 1204. Office of Public Benefit.
 Sec. 1205. Metropolitan Mobility and Access Program.
 Sec. 1206. Projects of National Significance.
 Sec. 1207. National Transportation Strategic Plan.</p> | <p>Sec. 1301. Toll roads, bridges, tunnels, and ferries.
 Sec. 1302. TIFIA amendments.
 Sec. 1303. State Infrastructure Banks.
 Sec. 1304. Metropolitan Infrastructure Banks.

 Sec. 1503. Revenue Aligned Budget Authority.
 Sec. 1508. Metropolitan Planning
 Sec. 1509. Statewide Planning.
 Sec. 1510. Project Delivery: Integration of Planning and Environmental Review.

 Sec. 3006. Urbanized Area Formula Grants.
 Sec. 3007. Intermodal and Energy Efficient Transit Facility Grants.
 Sec. 3008. Capital Investment Grants.
 Sec. 3009. Coordinated Access and Mobility Program Grants.
 Sec. 3010. Rural Area Formula Grants.

 Sec. 6001. High-Speed Rail Assistance.
 Sec. 6002. Capital Grants for Rail Line Relocation Projects.</p> |
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SURFACE TRANSPORTATION AUTHORIZATION ACT OF 2009

Topic	House Bill – HR – (introduced June 22, 2009) <small>Page Numbers pertain to Thomas.gov printable version</small>
GENERAL PROVISIONS	
Amdts to Title 23, USC	"Surface Transportation Authorization Act of 2009" Amendments made by this legislation affect Title 23, unless otherwise noted.
PROGRAMS AND FUNDING AUTHORIZATIONS	
Authorization of Appropriations and Obligation Ceiling; pgs 7-14	* All Amounts "To Be Supplied"
Apportionment; pgs 14-25	<ul style="list-style-type: none"> • To be Authorized from the Highway Trust Fund • Amounts for all programs "To Be Supplied"



	<ul style="list-style-type: none"> • Metropolitan Planning – funded through a TBD percentage takedown from the following programs: <ul style="list-style-type: none"> ○ Critical Asset Investment Program ○ Surface Transportation Program ○ Congestion Mitigation and Air Quality Improvement Program ○ Highway Safety Improvement Program ○ Freight Improvement ○ Other programs to be identified • Metropolitan Planning funds will be distributed to States in a manner that is TBD, and will be made available to the MPO. • Any unused funds by the MPO may be made available to the State for use in carrying out statewide planning. • Distribution of funds within the States is currently TBD. • States must reimburse an MPO within 30 days of receipt of reimbursement request. • The Secretary shall submit to Congress a report each fiscal year detailing <ul style="list-style-type: none"> ○ the amount obligated, by each State, for Federal-aid highways and highway safety construction programs during the prior fiscal year; ○ the balance, as of the last day of the prior fiscal year, of the unobligated apportionment of each State by fiscal year under this section; ○ the balance of unobligated sums available for expenditure at the discretion of the Secretary for such highways and programs for the fiscal year; and ○ the rates of obligation of funds apportioned or set aside under this section and section 133, according to— <ul style="list-style-type: none"> ▪ program; ▪ funding category or subcategory; ▪ type of improvement; ▪ State; and ▪ Sub-State geographic area, including urbanized and rural areas, on the basis of the population of each such area. • Funds apportioned or allocated to a State under the Surface Transportation Program and attributed to an urbanized area of a State with a population of over 200,000 individuals under section 133(d)(3) may be transferred by the Secretary only if the MPO designated for the area concurs, in writing, with the transfer request.
<p>Freight Improvement Program; pgs. 26-50</p>	<ul style="list-style-type: none"> • Consolidates: portions of the National Highway System program; Truck Parking Facilities program. • Purpose: <ul style="list-style-type: none"> ○ improve the operations of the existing freight system; ○ add physical capacity to the freight system in places where investment makes economic sense; ○ strengthen the ability of rural communities to access national and international trade markets; and ○ support regional economic development. • A State may obligate funds apportioned to it for freight transportation projects, that provide community and highway benefits by addressing economic, congestion, security, and safety issues associated with freight transportation. • Eligible Projects include: <ul style="list-style-type: none"> ○ a project to construct, reconstruct, or make operational improvements to— <ul style="list-style-type: none"> ▪ a highway supporting local, interregional, interstate, or international freight movement; ▪ a highway that improves access to freight-related facilities, including intermodal access to ports and distribution centers; ▪ a highway that improves freight transportation to or from an international gateway, including ports, airports, and border crossings;



- a highway that provides or improves access, continuity, and emergency capabilities for movements of military personnel and equipment; or
 - a facility that provides for long-term truck parking;
 - a project located on:
 - National Highway System;
 - National Network;
 - A secondary freight route; and
 - Be consistent with the freight plan of a State in which the project is located.
 - A State may obligate an amount TBD for:
 - MPO or Statewide freight-related transportation planning;
 - Establishing an advisory committee;
 - Developing a freight plan;
 - Environmental abatement;
 - Conducting inventories of secondary freight routes.
- **Freight Advisory Committee (FAC):** A State must establish a FAC within 1 year that includes representation and participation from the following:
 - public and private sector freight stakeholders;
 - the State's transportation department,
 - local governments, and
 - representatives of employee organizations.
 - the role of the FAC is to:
 - advise the State on freight-related priorities, issues, projects, and funding needs;
 - serve as a forum for discussion for State transportation decisions affecting freight mobility;
 - communicate and coordinate regional priorities with other organizations;
 - promote the cross-sharing of information between private and public sectors on freight issues; and
 - participate in the development of the State's freight plan.
- **State Freight Plan.** Each State shall develop a freight plan that provides a comprehensive overview of the State's current and long-range freight planning activities and investments including:
 - an identification of significant freight system trends, needs, and issues within the State;
 - a description of the freight policies, strategies, and performance measures that will guide the State's freight-related transportation investment decisions;
 - evidence that secondary routes, conditions and heavy vehicle routes were considered and performance measures will be reached.
 - *A State's Freight plan may either be separate from or incorporated within the statewide transportation plan required by section 135.*
- The Secretary shall establish within 6 months of enactment, performance measures for the speed and reliability of freight movement within a State.
 - A State must report annually, and submit to the Secretary, on how they are progressing toward the performance measures established by this section.
- Programming and expenditure of funds for projects under this section shall be consistent with the requirements of sections 134 and 135.
- A State shall inventory its secondary freight route system within a year of enactment; in cooperation with counties and other local governments, and inventory all those public roads that are not located on the National Highway System and are of substantial economic or freight-related significance, and submit the results of the inventory to the Secretary.



	<ul style="list-style-type: none"> ○ The Secretary shall designate as secondary freight routes only those public roads that are of substantial economic or freight significance. ○ A State at anytime may petition the Secretary to remove the designation of a public road as a secondary freight route. The Secretary may remove the designation only with the written agreement of the local officials with jurisdiction over the public road. ● Freight Corridor Coalitions. The Secretary may designate and make grants to freight corridor coalitions in accordance with this subsection. <ul style="list-style-type: none"> ○ A freight corridor coalition shall be composed of, at a minimum, one or more individuals representing each of the following: <ul style="list-style-type: none"> ▪ The State DOT for each of the States in which a portion of the corridor is located. ▪ Every TMA in which a portion of the corridor is located. ▪ Each major mode of freight-related surface transportation that operates within the corridor. ▪ Any major public port located within the corridor. ▪ A representative cross-section of private sector freight stakeholders. ○ In order to receive funding (80% Federal share) (TBD), the coalitions must prepare a corridor analysis of the role of the freight corridor in the national freight network and the benefits of their proposed actions and what capacity the organization has to support the proposed action. ○ The Secretary may designate up to 10 corridor coalitions within 1yr of enactment, and may also remove that designation should the coalition not complete the corridor plan. ○ The plans developed by the coalition must have consistency and interconnectivity with the State long-range plans and the metropolitan Transportation Improvement Plans or with any Metropolitan Mobility plan. ○ Nothing in this section shall be construed to interfere with the authority, under any State or Federal law in effect on the date of enactment of this section, of a public agency with multimodal transportation responsibilities to— <ul style="list-style-type: none"> ▪ develop the transportation plan and ▪ transportation improvement program for a metropolitan planning area as required by sect. 134, or a statewide plan required by sect. 135.
<p>Surface Transportation Program; pgs. 50-55</p>	<ul style="list-style-type: none"> ● Consolidates: portions of the National Highway System program ● Transportation Enhancements: For each fiscal year, 10 percent of the funds to be obligated in an area of a State shall be available only for transportation enhancement activities. The funds can be used for: <ul style="list-style-type: none"> ○ assessing and documenting the use of transportation enhancement funding; ○ providing technical assistance and best practices related to the use of transportation enhancement funding; ○ conducting research and data collection related to transportation enhancements; and ○ conducting outreach, information-sharing, and training related to transportation enhancements. ● Distributed by population: Changes the formula for distribution to regions within the State by overall population, and increases substate allocations to 80% to areas by population, and to 20% to any area of the state. ● A State shall consult with <u>rural planning organizations</u> (where they exist) in the distribution of these funds. ● Obligation authority continues to be extended to sub-state metropolitan regions in this program.
<p>Highway Safety Improvement Program; pgs</p>	<ul style="list-style-type: none"> ● Consolidates: Bicycle and Pedestrian Safety program; High Risk Rural Roads; National Work Zone Safety Information Clearinghouse; Operation Lifesaver program;



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Railway-Highway Grade Crossing program; Road Safety program; Work Zone Safety program.

- **Federal Share.** The Federal share of the cost of a highway safety improvement project carried out with HSIP funds shall be 90%.
- **Purpose:**
 - achieve a significant reduction in traffic fatalities and serious injuries on all public roads.
- **State Eligibility:**
 - For FY10 and FY11, in order to obligate funds in this program, a State must have a Highway Safety Improvement Program in place.
 - For FY12 and beyond, in order to obligate funds in this program, a State must have an HSIP program that:
 - develops and implements a strategic highway safety plan that identifies and analyzes highway safety problems and opportunities (the qualities of which are defined on pages 68-71);
 - develops and implements a HSIP investment plan and updates the HSIP plan;
 - produces a program of activities, projects, or strategies to reduce identified safety problems;
 - evaluates the State's strategic highway safety plan (every 4 yrs) and HSIP investment plan (biennially or due to emergency declarations) and updates HSIP plans on a regular basis.
 - Eligible Projects:
 - any highway safety improvement project on any public road or publicly owned bicycle or pedestrian pathway or trail;
 - as provided in subsection (e) of the Act which has yet to be supplied, other safety projects; and
 - to fund a full-time position of coordinator under subsection (c)(5).
 - Performance Targets:
 - Every 6yrs, the State will report on performance targets established by the Secretary to reflect a reduction in highway fatalities and injuries.
 - HSIP Investment Plan. Updated biennially or due to emergency declaration, and require:
 - A 6yr investment planning horizon and describes how the State will allocate its resources to achieve the HSIP.
 - Is developed in consultation with the parties (which include local governments) listed on pages 64-66;
 - Strategies to improve the safety of the State system;
 - The Secretary shall review the State's HSIP plans and determine whether or not the plan should be approved, if it is not approved, the plan returns to the State DOT for the State to address the concerns expressed by the Secretary.
 - **High Risk Rural Roads.** After making an apportionment for the highway safety program for FY 2010 and 2011, the Secretary shall ensure, from amounts made available to carry out this section for such fiscal year, that a TBD total is set aside by the States, for use only for construction and operational improvements on high risk rural roads.
 - Activities and projects funded under this subsection shall be consistent with the State's strategic highway safety plan approved under this section.
 - Enforcement:
 - The Secretary may withhold funds and obligation approvals if the State has not shown that the use of the funds is consistent with its HSIP investment strategy.
- **Applicability of Planning Requirements.** Nothing in this section shall be construed as



	<p>limiting the applicability of the metropolitan and statewide planning sections for activities and projects carried out under this section.</p> <ul style="list-style-type: none">• NEPA Review. A decision by the Secretary concerning an HSIP investment plan and any update under this section shall not be considered to be a Federal action subject to review under such Act.
<p>Congestion Mitigation and Air Quality Improvement Act; pgs 92-102</p>	<ul style="list-style-type: none">• Eligible Projects:<ul style="list-style-type: none">○ A State may obligate funds apportioned to the State for a transportation project or program if the project or program meets the following requirements:<ul style="list-style-type: none">▪ is for an area in the State that—<ul style="list-style-type: none">• is or was designated as a nonattainment area for ozone, carbon monoxide, or particulate matter under section 107(d) of the Clean Air Act;• is or was designated as a nonattainment area under such section 107(d) after December 31, 1997; or• is required to prepare, and file with the Administrator of the Environmental Protection Agency, a maintenance plan under section 175A of the Clean Air Act (42 U.S.C. 7505a)▪ The Secretary, after consulting with the EPA Administrator, determines that—<ul style="list-style-type: none">• on the basis of Clean Air Act information published by the Environmental Protection Agency, the project or program is likely to contribute to—<ul style="list-style-type: none">○ the attainment of a national ambient air quality standard; or○ the maintenance of a national ambient air quality standard in a maintenance area; and• the project or program is part of a program, method, or strategy described in section 108(f)(1)(A) of the Clean Air Act.▪ The project or program is included in<ul style="list-style-type: none">• a State implementation plan that has been approved pursuant to the Clean Air Act and the project will have air quality benefits.▪ The Secretary, after consulting with the Administrator, determines that the project or program is likely to contribute to the attainment of a national ambient air quality standard.• Special Rules:<ul style="list-style-type: none">○ State may obligate funds for a project that results in the construction of new capacity for a single occupant vehicles only if the project consists of a high occupancy vehicle facility available to single occupant vehicles only at other than peak travel times.○ State may obligate funds for a project or program for an area that is nonattainment for either/or ozone and carbon monoxide, and for PM-10 resulting from transportation activities, without regard to any limitation of the Department of Transportation relating to the type of ambient air quality standard such project or program addresses.○ A State may use the funds in this section to acquire clean fuel, public transportation vehicles• Allocation of apportioned funds:<ul style="list-style-type: none">○ The Chairman's bill weighs the apportionment formula by population in nonattainment and maintenance areas, but the population threshold is TBD;○ The legislation extends obligation authority the funds appropriated in this section within the first 9months of the fiscal year by multiplying:<ul style="list-style-type: none">▪ the aggregate amount of funds that the State is required to



	<ul style="list-style-type: none">• the State's total deck area of highway bridges located on the Interstate System and National Highway System and rated, by the Secretary, as structurally deficient;• the State's lane miles on the Interstate System and National Highway System that are rated as being in both fair and poor, and separately poor condition, as determined by the Secretary and based on a broadly-accepted measure of the condition or structural adequacy of the highway.• State CAI plans:<ul style="list-style-type: none">○ A state shall develop and submit to the Secretary a CAI plan within 4 months of establishing the performance targets and update the plans on a biennial basis, or sporadically in response to an emergency declaration.○ Plan requirements:<ul style="list-style-type: none">▪ The plan and any update shall include<ul style="list-style-type: none">• documentation on the condition of NHS highways; and Federal-aid highway bridges located in the State;• an investment strategy that covers 6 years and describes factors listed on page 109-110 of the legislation;• the mixture of funding sources used in the projects on the plan;• the number of lane miles and highway deck bridges the money will address;• the rationale for investment.○ The Secretary shall determine within 2 months after reviewing the plan whether or not it is approved. If the plan is disapproved, the Secretary shall notify the State of the reasons for disapproval and require the State to resubmit the plan with modifications the Secretary determines. Funds will not be obligated by the Secretary until a plan is approved. The Secretary has 30 days to approve or disapprove a resubmitted plan.○ A state shall report annually on the use of the apportionment of funds under this section.○ <u>Applicability of Planning Requirements.</u> Nothing in this section shall be construed as limiting the applicability of either statewide or metropolitan planning to projects carried out under this section.
Safe Routes to School Program; pgs. 123-133	<ul style="list-style-type: none">• Federal share shall be 100 percent, however a State may permit non federal sources of money to be used in carrying out this program.• Purpose:<ul style="list-style-type: none">○ to enable and encourage children, including those with disabilities, to walk and bicycle to school;○ to make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age; and○ to facilitate the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools.• Eligible Recipients:<ul style="list-style-type: none">○ Administered by the State to provide financial assistance to State, local, tribal, and regional agencies, including nonprofit organizations;• Eligible Projects; funds may be used for:<ul style="list-style-type: none">○ planning, design, and construction of infrastructure-related projects carried out on any public road or any bicycle or pedestrian pathway or trail in the vicinity of schools that will substantially improve the ability of students to walk, bicycle, and use other modes of nonmotorized transportation to travel to and from school.



	<ul style="list-style-type: none"> ○ noninfrastructure-related activities (authorized to be 10 and 30% of apportioned funds each fiscal year) to encourage walking, bicycling, and using other modes of nonmotorized transportation to travel to and from school. ○ Amounts apportioned to a State may be used for developing State plans for implementing projects and activities, including noninfrastructure related activities, under the State's safe routes to school program. • The legislation provides for comprehensive data collection and advancing innovative techniques to measure participation in the program. • The Secretary shall report to Congress each fiscal year on aspects required by the legislation. <ul style="list-style-type: none"> ○ Within 1yr after enactment, the Secretary will issue guidance on best practices to facilitate the timely implementation of infrastructure-related projects under this section. • A State DOT receiving an apportionment of these funds shall adopt best practices to comply with the guidance developed by the Secretary, avoid unnecessary delays in implementing projects, and ensure the effective use of the funds.
<p>Nonmotorized transportation pilot program; pgs. 167-168</p>	<ul style="list-style-type: none"> • Federal share is 100%. • Authorizes a TBD amount, and extends the nonmotorized transportation and pilot program through 2012, which includes bicycle and pedestrian and other design features of benefit in fulfilling the purposes of the program. • Requires a report to Congress by the Secretary to make recommendations as to whether the program should continue as an on-going and national approach or program.
<p>Appalachian Development Highway System; pgs 168-171</p>	<ul style="list-style-type: none"> • The legislation continues separate authority for the Appalachian Development Highway System, and authorizes it at a TBD amount. • The draft makes several changes affecting the ADHS, including: <ul style="list-style-type: none"> ○ Capping the federal share of Corridor X-1 in Alabama at \$500 million (as opposed to \$2 billion in the most recent cost estimate); ○ directs the Commission to revise the cost estimate in light of the lower federal share of X-1, and ○ creates a floor of 1% and a ceiling of 25% for the distribution of ADHS funds (this is what the formula currently does). • The measure also reduces the authorization for access roads from 1400 miles to 1000 (it is currently 956 miles). • It gives states 4 years to spend any ADHS funds that are unobligated as of September 30 of this year; otherwise, those funds will be rescinded in 2013. • It appears that new ADHS funds would be subject to normal Federal Highway rules that require re-apportionment of unspent funds after three years. • The Commission would be required to submit a report to Congress in 2014 concerning unobligated funds. • The bill repeals the statutory designation of Corridor O-1 in Pennsylvania.
<p>INTERMODAL AND ORGANIZATIONAL INNOVATIONS</p>	
<p>Intermodalism; pgs. 173-184</p>	<ul style="list-style-type: none"> • Creation of an Under Secretary of Transportation for Intermodalism <ul style="list-style-type: none"> ○ Purpose: <ul style="list-style-type: none"> ▪ Coordinate Federal policy on intermodal transportation and initiate policies to promote efficient intermodal transportation; ▪ Act for the Secretary when the Secretary, the Deputy Secretary, and the Under Secretary of Transportation for Policy are absent or unable to serve, or when the offices of Secretary, Deputy Secretary, and Under Secretary of Transportation for Policy are vacant. • Creation of a Council on Intermodalism <ul style="list-style-type: none"> ○ Housed within the Office of the Secretary, and shall be comprised of: <ul style="list-style-type: none"> ▪ Voting-Members



- Secretary, who shall serve as Chairman,
- the Under Secretary of Transportation for Intermodalism, who shall serve as chairman in the absence of the Secretary, and
- the Administrators of—
 - Federal Highway Administration;
 - Federal Aviation Administration;
 - Maritime Administration;
 - Federal Railroad Administration;
 - Federal Transit Administration;
 - Federal Motor Carrier Safety Administration;
 - National Highway Traffic Safety Administration;
 - Research and Innovative Technology Administration;
 - Pipeline and Hazardous Materials Safety Administration; and
 - Saint Lawrence Seaway Development Corporation.
- Non-voting Members.—
 - The Chief of Engineers, or the designee of the Chief of Engineers; and
 - Commandant of the Coast Guard, or the designee of the Commandant, shall serve as non-voting members of the Council.
- Duties and Powers:
 - The Council shall provide recommendations for carrying out the duties of the Secretary;
 - Council shall review and may approve or disapprove or modify the recommendations of the Under Secretary of Transportation for Intermodalism.
 - The Council shall meet at least monthly, and shall make its meeting records available to the public in electronically accessible format and means, as appropriate.
 - A voting member of the Council may not send a designee on his or her behalf to meetings of the Council.
- **Office of Intermodalism**
 - Purpose:
 - Within the Office of the Secretary is the Office of Intermodalism, which is authorized to encourage and promote:
 - development of a national intermodal transportation system that is economically efficient and environmentally sound;
 - provides the foundation for the United States to compete in the global economy; and
 - moves individuals and property in an energy efficient manner.
 - Organization:
 - The Office shall be comprised of the Under Secretary of Transportation for Intermodalism, and shall also have a Director, appointed in the competitive service by the Secretary, with the approval of the President. The Director shall carry out duties and powers prescribed by the Under Secretary.
 - Duties and Powers include:
 - Coordinate and lead the development of Federal policy on intermodal transportation;
 - Lead the development of the national transportation strategic plan;
 - In the absence of the Secretary, preside over the Council on Intermodalism;



	<ul style="list-style-type: none"> ▪ Facilitate and improve collaboration; among operating administrations to address barriers that inhibit intermodal transportation; ▪ Coordinate transportation safety activities among operating administrations; ▪ In coordination with the Office of Climate Change and Environment of the Department of Transportation, carry out strategies and actions to reduce energy usage and greenhouse gas emissions related to the nation's transportation system; ▪ Oversee the establishment of the metropolitan mobility and access program; ▪ Oversee the establishment of the projects of national significance program; ▪ Oversee the development of selection criteria and issuance of rules under such sections; and ▪ Lead the implementation of programs, including <ul style="list-style-type: none"> • the solicitation and review of applications; • the selection of activities and projects for funding; and • the development of letters of intent, full funding grant agreements, and early system work agreements for activities and projects. ○ Approval by Council on Intermodalism: <ul style="list-style-type: none"> ▪ Neither Metropolitan Mobility projects, nor the Projects of National Significance shall receive Federal assistance until: <ul style="list-style-type: none"> • the Under Secretary has presented to the Council on Intermodalism recommendations that the projects or activities be funded; and • the Council on Intermodalism has approved the recommendations. ○ National Transportation Strategic Plan <ul style="list-style-type: none"> ▪ The Director shall lead and coordinate the development of the national transportation strategic plan; ▪ Within 2yrs of enactment, the Comptroller General shall conduct a review of the Department of Transportation's intermodal transportation activities regarding the establishment of: <ul style="list-style-type: none"> • Under Secretary of Transportation for Intermodalism; • Council on Intermodalism; • Office of Intermodalism; and • the extent to which the Under Secretary, Council, and Office have enabled or facilitated the Department's activities in relation to intermodal transportation. ▪ The Comptroller General shall report to Congress within 2yrs on: <ul style="list-style-type: none"> • a description of barriers that inhibit intermodal transportation; • an evaluation of any actions that the Department of Transportation has taken to address these barriers; and • recommendations on any additional actions that the Department could take to better address any remaining barriers to intermodal transportation.
<p>Office of Expedited Project Delivery; pgs 184-199</p>	<ul style="list-style-type: none"> • Purpose: <ul style="list-style-type: none"> ○ Establish an Office of Expedited Project Delivery within FHWA to enhance the speed of project delivery for highway construction projects; ○ Headed by a Director, who is appointed by the Secretary to; <ul style="list-style-type: none"> ▪ Enhance the speed of delivery of highway construction projects, with particular focus on significant highway construction projects and



	<ul style="list-style-type: none"> substantially delayed projects; ▪ monitor the project throughout the project delivery process; ▪ monitor if headquarters offices, Federal-aid division offices, other Federal agencies, and other relevant parties are fully implementing and complying with section 139 (relating to efficient environmental reviews for project decisionmaking) and assist such parties in reaching full compliance if necessary; ▪ participate in the development of any schedule for completion of the environmental review process for the project; ▪ assist the State in the development of a project delivery schedule. ▪ promote and assist in the use of practices and techniques that enhance the speed of project delivery when suitable and allowable under Federal, State, and local law. The list of practices and techniques is on page 186 of the draft legislation: ▪ coordinating the activities of relevant parties and encouraging the parties to collaborate throughout the phases of the project delivery process; and ▪ working with the designated points of contact to expedite the project's delivery and to monitor the projects progress. ○ If a project is substantially delayed, the Director must report the delay to Congress, and recommend ways in which the project delay could be resolved through data monitoring and reports; ○ The Office shall coordinate with the Office of Expedited Project Delivery at FTA when projects have both highway and public transportation elements and in developing techniques and best practices to enhance the speed of project delivery that are applicable to both highway and public transportation projects.
<p>Office of Livability; pgs 199-220</p>	<ul style="list-style-type: none"> • Consolidates: Transportation Enhancements; Recreational Trails; Scenic Byways; and the U.S. Bicycle Route System • Establishment: <ul style="list-style-type: none"> ○ The Secretary shall establish within FHWA an office, to be known as the 'Office of Livability', 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. • Office of the Director: <ul style="list-style-type: none"> ○ The Office shall be headed by a Director who shall be known as the 'Director of the Office of Livability' and who shall be appointed by the Secretary and shall: <ul style="list-style-type: none"> ▪ provide leadership nationally and within DOT to <ul style="list-style-type: none"> • increase surface transportation options, and advance sustainable modes of transportation; • promote the intersection of surface transportation and quality of life through comprehensive planning, access to modal choices, enhanced environmental quality, and improved public health; • provide support for livable communities and sustainable modes of transportation by developing and conducting research, data collection and analyses, and outreach to Federal, State, regional, and local governmental entities and Indian tribes involved in the provision of transportation and to the public. ▪ Administer the following programs: <ul style="list-style-type: none"> • safe routes to school program; • nonmotorized transportation pilot program; • Transportation enhancements; • recreational trails program;



	<ul style="list-style-type: none"> • national scenic byways program; and • U.S. bicycle route system program. • Collaboration: <ul style="list-style-type: none"> ○ Within DOT, the Director shall ensure the implementation of projects and programs by offices within FHWA and FTA under the following: <ul style="list-style-type: none"> ▪ section 134, relating to metropolitan planning; ▪ section 135, relating to statewide transportation planning; ▪ the Transit in the Parks Program of section 5320, title 49; ▪ section 5309 of Title 49, capital investment grants; ▪ any other transportation programs relating to livability. ○ Within the Executive Branch, the Director shall work with the <u>HUD, EPA, Department of the Interior, and the Centers for Disease Control and Prevention</u> to exchange information, carry out joint planning and research, and other activities that promote the development of livable communities, access to transportation alternatives, and an improved environment, public health, and quality of life. ○ To support modal share concepts, the Director shall: <ul style="list-style-type: none"> ▪ 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 DOT and nationally in support of these targets. ○ To support expedited project delivery, the Director shall compile, disseminate, support, and coordinate best practices on expediting project delivery in the area of nonmotorized transportation alternatives; ○ The Director shall encourage the adoption and implementation by States and regional and local governmental entities and Indian tribes of comprehensive street design policies and principles and practical design standards • U.S. Bicycle Route Network. The Director shall establish a U.S. bicycle route system and a program for the award of grants under this section for activities or projects that are on or are related to portions of the U.S. bicycle route system that have been approved by the Secretary. <ul style="list-style-type: none"> ○ The Federal share is 80%. ○ The designation of a US Bicycle Route System includes grants to States and Indian tribes for the purpose of implementing and enhancing a U.S. bicycle route system in accordance with the regulations issued under paragraph ○ Selection Criteria will include factors such as the diversity of the investors, working with stakeholders including local governments, and the safety of the system to the users. ○ Eligible Activities: <ul style="list-style-type: none"> ▪ activities that are on or are related to portions of the U.S. bicycle route system: <ul style="list-style-type: none"> • Planning; • Mapping; • Signage; • Development of informational or promotional materials; • Construction of components of the system (no more than 50% of the funds may be used for construction). ○ The Director shall compile information and provide technical assistance, training, and best practices to States and MPOs to assist in their compliance with livability and sustainability requirements and performance targets under sections 134, 135, and 701.
Office of Public	<ul style="list-style-type: none"> • Establishment:



<p>Benefit; pgs. 201-228</p>	<ul style="list-style-type: none"> ○ Authorized to provide for the protection of the public interest in relation to highway toll projects and public-private partnership agreements on Federal-aid highways; ○ Office shall be headed by a Director to do the following: <ul style="list-style-type: none"> ▪ ensure the protection of the public interest in relation to highway toll projects and public-private partnership agreements on Federal-aid highways; ▪ compile and promote the use of policies, practices, and techniques for protecting the public interest in relation to highway toll projects and public-private partnership agreements on Federal-aid highways; and ▪ upon request, assist State and local transportation departments, elected officials, and other public officials in implementing such policies, practices, and techniques; ▪ administer toll agreements, including <ul style="list-style-type: none"> • reviewing and approving or disapproving proposed toll rate schedules; • reviewing and approving or disapproving any substantial proposed change to such toll rate schedules; and • any other activities that the Secretary deems necessary ▪ monitor the compliance of public authorities with the requirements applicable to toll agreements; ▪ administer and monitor the compliance of States, and of other public authorities to examine if: <ul style="list-style-type: none"> • the use of a PPP agreements, as proposed for the potential project, provides value compared with traditional public delivery methods; • make available to the public key terms of the contract to be awarded; and • offer interested parties a reasonable opportunity to comment on the proposed agreement. • includes provisions to prohibit the closing of the highway facility or portions thereof to vehicular traffic except in specifically enumerated circumstances; • does not include any provision under which the State is prevented from improving or expanding the capacity of public roads in the same travel corridor as the highway facility; • includes provisions to allow the public authority the option of reclaiming ownership of the highway facility prior to the end of the term of the PPP agreement; and • sets forth standards that the highway facility must meet or must be brought up to by the private partner at the end of the term of the PPP agreement. • Reporting: <ul style="list-style-type: none"> ○ Within 1yr of enactment, the Secretary shall report to Congress on the activities of the Director of this Office.
<p>Metropolitan Mobility and Access Program; pgs 228-256 \$50 billion</p>	<ul style="list-style-type: none"> • Federal Share: 80% • Availability of Funds: Available for 3 years after its awarded • Purpose: <ul style="list-style-type: none"> ○ to provide multimodal transportation funding and financing authority directly to MPOs, 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.

- **Programs of Projects:**

- A program of surface transportation projects carried out using Federal financial assistance made available under the metropolitan mobility and access program shall include an outcome-based system operations and management improvements, travel demand strategies, and, if necessary, new highway and transit capacity for an urbanized area that:
 - maximizes mobility and access of people and goods in the urbanized area;
 - provides for the implementation of outcome-based plans and strategies to address travel time delays and travel time reliability in the urbanized area; and
 - improves safety and environmental sustainability in the urbanized area and the livability of the urbanized area.

- **Independent Review of Selection Criteria and Plans:**

- Within 3 months of enactment, TRB will be directed to provide recommendations to the Secretary for processes and procedures for developing selection and evaluation criteria to carry out this section, including a methodology for calculating travel time delay.
- Within 9 months of enactment, TRB will submit recommendations to the Secretary and Congress.

- **Regulations.** Within 18 months of enactment, the Secretary shall create regulations to carry out the Metropolitan Mobility and Access Program, including requirements for:

- the eligibility of an MPO to receive funding under this section;
- the eligibility of a project to receive funding under this section;
- the requirements for metropolitan mobility plans under this section;
- the allocation of grants to eligible recipients under this section; and
- the identification of performance areas, establishment of performance measures, and implementation of performance-based transportation planning processes under this section.

- **Eligibility.** To receive federal money for this program, an entity shall:

- In General:
 - be an MPO with a population of more than 500,000 individuals;
 - submit an application that contains information as the Secretary may require;
 - have in effect an approved metropolitan mobility plan;
 - demonstrate and certify to the Secretary that the entity, or eligible subrecipient of the entity, has, the legal, financial, and technical capacity to carry out the metropolitan mobility plan;
 - carry out a congestion management process that, complies with the requirements of section 134(k)(3); and
 - demonstrate to the Secretary that the entity has implemented low cost traffic management strategies and systems; or
 - certify to the Secretary that the entity has identified funding and intends to implement these strategies and systems before completing the projects or activities for which assistance is sought.
- Tier 1 Grant Eligibility:
 - No more than 10 grants are to be awarded, and are allocated 40% of the total funding;
 - In addition to the general eligibility requirements above, an entity must have a population of more than 1,000,000 individuals; and
 - experience substantial travel time delays, as determined by the regulations promulgated by the Secretary.
- Tier II Grant Eligibility:



- The Secretary will ensure a geographic distribution of grant awardees, and no more than 60% of the total funding.
- In addition to the general eligibility requirements above, an entity shall not have received a tier 1 grant under this section.
- **Eligible Projects** (Subject to sections 5502(c)(2) and 5503(c)(4) of title 49):
 - The Secretary must determine that
 - the project or activity is eligible for funding under this title or chapter 53 of title 49, or both;
 - the project or activity is included in a metropolitan mobility plan of the eligible recipient that has been approved by the Secretary under subsection (h); and
 - the project or activity is part of an approved transportation plan and program of projects required under section 134 or 135 for the urbanized area served by the eligible recipient
 - Money may not be used to carry out the low cost traffic management strategies and systems as required by the general eligibility requirements of this section.
- **Metropolitan Mobility Plans**
 - Within 6 months of issuing the final regulations a recipient eligible for this program shall develop, and submit to the Secretary for approval, a metropolitan mobility plan that identifies projects that proposes to address surface transportation congestion and its impacts within the urbanized area served by the eligible recipient.
 - Plan Requirements (shall contain at a minimum):
 - a certification that the recipient has low cost traffic management and strategies;
 - an assessment of the congestion, mobility, access, and livability challenges facing the surface transportation systems and facilities in the urbanized area served by the eligible recipient;
 - a range of low-cost congestion reduction and mobility, access, and livability improvement activities and projects proposed to be implemented in the urbanized area within 2 fiscal years;
 - additional congestion reduction and mobility, access, and livability improvement measures the eligible recipient, proposes to implement within 6 fiscal years;
 - an analysis of the effects that the measures will have on the challenges described; and
 - an analysis of any additional beneficial effects that the proposed measures will have on the urbanized area, including energy and environmental benefits, economic development benefits, reductions in transportation costs, and benefits resulting from land use policies and future growth patterns.
 - Regional Coordination: The plan must be developed in coordination with the State and local transit agencies.
 - Review of Plans. The Secretary shall review and either approve or disapprove each of the metropolitan mobility plans. In the review, the Secretary shall consider, at a minimum:
 - The extent of the urbanized area's roadway congestion delays, including—
 - annual total hours of travel delays;
 - annual hours of delay per peak period driver; and
 - total annual cost of congestion.
 - Within the urbanized area, how the metropolitan mobility plan will:
 - increase the speed, reliability, and accessibility of passenger



- and freight movement within the area;
- reduce congestion, including reductions in incident-based delays, and its impact in the area;
- generate economic benefits, including creating jobs, expanding business opportunities, enhancing productivity, and impacting the gross domestic product;
- improve surface transportation safety in the area, including reducing transportation crashes, serious injuries, and fatalities; and
- improve environmental sustainability and quality of life.
- The population of the urbanized area served.
- The size and usage of the urbanized area's surface transportation system, including the urbanized area's:
 - total vehicle miles traveled on Federal-aid highways; and
 - annual public transportation revenue miles, vehicle route-miles, and passenger miles.
- The Office of Public Benefit shall review and approve, or disapprove, any portion of a metropolitan mobility plan that requires Federal toll authority or involves a public private partnership agreement on a Federal-aid highway.
- **Allocation of funding.** A grant recipient may suballocate the funding to an eligible subrecipient.
- **Full Funding Grant Agreements (FFGA):**
 - The Secretary may enter into a FFGA with the eligible recipient to:
 - establish the terms of participation by the Government;
 - establish the maximum Government financial assistance for the plan;
 - incorporate the performance targets established in the agreement;
 - cover the period of time for implementing the plan;
 - make management of the plan easier; and
 - enter into an agreement between the Secretary and the eligible recipient for the collection and analysis of information that includes the impacts of each project and activity for which Federal assistance is provided in relation to the performance targets established in the agreement.
 - 21 days before entering into a metropolitan mobility plan FFGA, the Secretary shall communicate as such to the appropriate Congressional committees.
- **Performance Management:**
 - As part of an FFGA, the Secretary shall identify performance areas, within the urbanized area, for the eligible recipient entering into the agreement, including—
 - reducing delay hours on highways, arterials, and public transportation systems;
 - improving travel time reliability;
 - reducing transportation-related fatalities, serious injuries, and crashes;
 - improving the ability to accommodate commercial vehicles;
 - improving regional productivity;
 - improving public transportation access;
 - reducing vehicle emissions, noise, and other environmental impacts; and
 - reducing of travel made by single occupancy vehicles;
 - the Secretary shall establish quantifiable performance measures for the eligible recipient for each performance area; and
 - the eligible recipient shall carry out a performance-based transportation



	<p>planning process to develop a metropolitan mobility plan and shall track progress for each performance area identified.</p> <ul style="list-style-type: none"> ○ Annual Report: Beginning in 2012, and annually thereafter, the recipient shall submit to the Secretary a report which includes the following information: <ul style="list-style-type: none"> ▪ A description of the activities during the fiscal year under its metropolitan mobility plan; ▪ A description of the impact of the activities contained in the metropolitan mobility plan in relation to the federal objectives; ▪ In any case in which the Federal assistance is provided under a full funding grant agreement in the report: <ul style="list-style-type: none"> • evaluates the degree to which performance targets are met in the first fiscal year; and • provides a rationale for failure to achieve one or more of such performance targets. ▪ Within 2 months of receipt of the Annual Report, the Secretary shall review the plan to determine if the recipient has met the performance goals. If the plan has not met its goals, the Secretary will require a resubmission of the plan itself to determine appropriate actions, and will withhold any project approvals until the resubmitted plan is approved. ● Metropolitan Infrastructure Bank: <ul style="list-style-type: none"> ○ An eligible recipient with an approved metropolitan mobility plan may enter into a cooperative agreement with the Secretary for the establishment of a metropolitan infrastructure bank to make loans and provide other forms of credit assistance to public and private entities carrying out or proposing to carry out projects and activities described in the eligible recipient's metropolitan mobility plan. ● Use of Tolls: <ul style="list-style-type: none"> ○ Notwithstanding section 301, the Secretary may permit Federal participation under this section in a toll facility in an urbanized area that is subject to metropolitan mobility plan approved under this section. ● Reports on Metropolitan Mobility Program: <ul style="list-style-type: none"> ○ Annual Report ○ Annual GAO review of the program
<p>Projects of National Significance; pgs. 256-282</p> <p>\$25 billion</p>	<ul style="list-style-type: none"> ● Consolidates: Coordinated Border Infrastructure program; National Corridor Infrastructure Improvement program; Projects of National and Regional Significance. ● Establishment: <ul style="list-style-type: none"> ○ Amends Title 49 to establish a grant program to States for projects of national significance ● Purpose: <ul style="list-style-type: none"> ○ provide Federal assistance to critical high-cost transportation infrastructure facilities that— <ul style="list-style-type: none"> ▪ generate national economic and mobility benefits, including improving economic productivity by facilitating international trade, relieving congestion, and improving transportation safety by facilitating passenger and freight movement; and ▪ can not easily be addressed or funded through State apportionments of Federal surface transportation funds; ○ maximize the benefits of Federal investment in such projects by encouraging States to supplement Federal grant assistance with other funding sources and methods of finance; and ○ strengthen the connection between the use of Federal surface transportation funding and the accomplishment of national performance outcomes.



- **Project Cost.** To be eligible:
 - A project must cost at least \$500,000,000;
 - If the project is in a single State, 75 percent of the amount apportioned to the State for the most recent fiscal year; or if the project is in more than one State, 75 percent of the greatest amount apportioned to any one of such States for the most recent fiscal year.
- **Project Type.** To be an eligible capital project, it must be:
 - Eligible for Federal assistance under this title or chapter 53 of title 49;
 - An international bridge or tunnel for which an international entity authorized under Federal or State law is responsible;
 - For a public freight rail facility or a private freight rail facility providing public benefit for highway users (or for a means of access, or service improvement);
 - For an intermodal freight transfer facility (or for a means of access or service improvement);
 - That comprises a series of projects described in above with the common objective of improving the flow of goods.
 - Port Projects.—A project located within
 - the boundaries of a port terminal may only be eligible for assistance under this section if the project is for such surface transportation infrastructure modifications necessary to allow for direct intermodal interchange, transfer, and access into and out of the port.
- **Project Funding:**
 - The **Federal share** for a project is 80% of the cost, but priority will be given to projects where the non-federal share is higher.
 - The non-Federal share of the cost may be a combination of public and private financing.
 - The Secretary must determine that the project could not be funded without federal financial support.
 - A project must be supported by non-federal financial commitments, and must be able to demonstrate that the recipient has the funding to construct, maintain, and operate the infrastructure.
 - Evaluation of Project:
 - The proposed project plan must be able to cover unanticipated cost increases; and
 - Each proposed non-Federal source of capital and operating financing must be stable, reliable, and available within the proposed project timetable.
 - Considerations. To determine the stability, reliability, and availability of proposed sources of non-Federal financing, the Secretary shall consider:
 - existing financial commitments;
 - the degree to which financing sources are dedicated to the project;
 - any debt obligation that exists or is proposed by the recipient for the project; and
 - the extent to which the project has a non-Federal financial commitment that exceeds the required non-Federal share of the cost of the project.
 - Consistency with Plans. To be eligible for assistance, the project must:
 - In one or more States, be consistent with both the Statewide Transportation Plan and the State Freight Plan;
 - In a metropolitan region, be consistent with the metropolitan transportation plans.
 - Along a designated freight corridor, be consistent with the freight corridor plans developed by this Act.
 - The National Strategic Transportation Plan developed by this Act.
 - Application Process:



- Each State seeking a grant for a project shall submit an application and include, at a minimum, a project delivery schedule that meets the requirements of this Act.
- In the case of a project in multiple States, the application for the project may be submitted by all States, with one State acting as the lead.
- The Secretary shall encourage States to collaborate with other public and private entities with an interest in the project for which the State is seeking Federal assistance, including regional and local governments, shippers, carriers, and freight-related associations, as appropriate.
- Competitive Grant Selection and Criteria for Grants
 - The Secretary shall establish criteria for selecting among projects that meet the eligibility requirements specified in this Act and conduct a national solicitation for applications, rate and evaluate each application submitted and award grants on a competitive basis.
 - In selecting a project under this section, the Secretary shall consider the extent to which the project—
 - is located within, or will otherwise beneficially impact, a corridor or region that experiences high volumes of passenger or freight traffic and related traffic congestion.
 - is projected to reduce congestion and increase the speed, reliability, and accessibility of passenger or freight movement, including impacts in the State, region, and Nation;
 - is projected to generate national economic benefits;
 - will facilitate regional mobility, accessibility, and economic growth and development in areas underserved by existing highway infrastructure;
 - is projected to improve transportation safety, including reducing transportation accidents, injuries, and fatalities;
 - is projected to otherwise enhance the national transportation system;
 - uses new technologies to enhance the efficiency of the project;
 - helps maintain or protect the environment;
 - will be supported by other sources of funding and methods of finance, including—
 - any other source of Federal transportation funding;
 - a contribution from a State, regional, or local governmental entity or a private organization; and
 - nongrant assistance, including a loan or other credit assistance or direct user charges.
- Reports
 - The Secretary shall submit annually to Congress on project evaluations and ratings, and any recommendations the Secretary may have for improvements to this program.
 - The Secretary shall submit to the committees annually a report containing a summary of the results of the studies conducted as required by this Act.
 - Independent Reviews
 - Within 6 months after the awards are made, TRB will conduct an independent review of the process and procedures by which the Secretary has evaluated, rated, and funded projects of national significance.
 - Within 18 months after the awards are made, TRB shall submit a report on the results of its review to the Secretary.



<p>National Transportation Strategic Plan; pgs. 282-289</p>	<ul style="list-style-type: none"> • Development <ul style="list-style-type: none"> ○ Within 60 days of enactment, the Under Secretary of Transportation for Intermodalism will publish a solicitation for States to submit projects to be included in the national transportation strategic plan. ○ Within 60 days after receiving State submissions, the Under Secretary shall review each submission, and select projects described in the submissions for inclusion in the national transportation strategic plan. <ul style="list-style-type: none"> ▪ In selecting projects for inclusion in the national transportation strategic plan, the Under Secretary shall consider, at a minimum: <ul style="list-style-type: none"> • the recommendations submitted by States; • the ability of projects to generate national economic benefits, including: <ul style="list-style-type: none"> ○ improvements to economic productivity through congestion relief; and ○ improvements to passenger and freight movement; ○ the ability of projects to improve mobility by increasing transportation options for passengers and freight; and ○ the degree to which projects create intermodal links between different modes of transportation, including passenger or freight rail, transit, airports, seaports, and navigable inland waterways. ○ Elements of the Plan <ul style="list-style-type: none"> ▪ The National Strategic Transportation Plan shall be modeled after the statewide strategic long-range plans developed pursuant to section 135(f) and shall include, at a minimum, the following: <ul style="list-style-type: none"> • identify transportation projects that facilitate the development of a multi-modal national transportation system, giving emphasis to those facilities that serve important national and regional transportation functions; • identify transportation projects that facilitate the development of an integrated regional transportation system, giving emphasis to those projects that serve important national and regional transportation functions. • The national transportation strategic plan shall provide for a level of interconnectivity among transportation facilities at State borders. • The national transportation strategic plan shall identify potential high-speed passenger rail projects and routes and potential short sea shipping projects and routes. ▪ At least once every 2 years, the Under Secretary, in consultation with State DOTs, shall update the national transportation strategic plan.
<p>FINANCE</p>	
<p>Toll roads, bridges, tunnels, and ferries; pgs.</p>	<ul style="list-style-type: none"> • Administered by the Office of Public Benefit. • 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. <ul style="list-style-type: none"> ○ 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 non-compete agreements with private toll operators as part of an agreement. • DOT shall review the rate schedules of all proposed tolls before implementation of any agreement.



	<ul style="list-style-type: none"> • 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.
<p>Transportation Infrastructure Finance and Innovation Act amendments; pgs.</p>	<ul style="list-style-type: none"> • Authorizes a [TBD] amount of funding for the TIFIA program through FY2015. • Makes passenger rail projects under Title 49 eligible for TIFIA assistance. • Increases the maximum amount of a secured loan from 33% of total project cost to 49%.
<p>State Infrastructure Banks; pgs.</p>	<ul style="list-style-type: none"> • Reauthorizes the SIB program through the end of FY15.
<p>Metropolitan Infrastructure Banks (MIB); pgs 303-312</p>	<ul style="list-style-type: none"> • Definition: <ul style="list-style-type: none"> ○ a Federally-assisted infrastructure bank created, established, capitalized, and administered by a metropolitan planning organization for the purpose of making loans or other forms of credit available to public and private entities for eligible metropolitan mobility projects. • Cooperative agreements: <ul style="list-style-type: none"> ○ Secretary may enter into cooperative agreements with MPOs for the establishment of MIB for making loans and providing other forms of credit assistance to public and private entities carrying out or proposing to carry out projects eligible for assistance. ○ To be eligible to enter into a cooperative agreement, the metropolitan planning organization shall: <ul style="list-style-type: none"> ▪ have in effect a metropolitan mobility plan approved by the Secretary; and ▪ be a recipient of a grant under the metropolitan mobility and access program. • Funding: <ul style="list-style-type: none"> ○ 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 an unspecified percentage of the funds available to the MPO for a fiscal year under the metropolitan mobility and access program. ○ Federal funds deposited into a MIB shall constitute for purposes of this section a capitalization grant for the bank. ○ If the Secretary determines that an MPO is not implementing the organization's metropolitan infrastructure bank in accordance with a cooperative agreement, the Secretary may prohibit the MPO from contributing additional Federal funds to the bank. • Forms of assistance for Metropolitan Infrastructure Banks: <ul style="list-style-type: none"> ○ A MIB may make loans or provide other forms of credit assistance to a public or private entity. The amount of assistance provided for the project may be subordinated to any other debt financing for the project. Initial project assistance provided from Federal funds in a metropolitan infrastructure bank under this section may not be made in the form of a grant. ○ Establishment: In order to establish a MIB, the MPO establishing the bank shall: <ul style="list-style-type: none"> ▪ deposit in cash into the bank from non-Federal sources an amount not less than a TBD percentage, of the amount of each capitalization grant;



	<ul style="list-style-type: none"> ▪ ensure that the bank maintains, on a continuing basis, an investment grade rating on its debt, or has a sufficient level of bond or debt financing instrument insurance, to maintain the viability of the bank; ▪ ensure that investment income derived from funds deposited in the bank are— <ul style="list-style-type: none"> • credited to the bank; • available for use in providing assistance to eligible projects; • invested in United States Treasury securities, bank deposits, or such other financing instruments; ▪ ensure that any loan from the bank will bear interest at or below market interest rates, as determined by the MPO, to make the project that is the subject of the loan feasible; ▪ ensure that repayment of any loan from the bank will begin not later than 5 years after the project has been completed or, in the case of a highway project, the facility has opened to traffic, whichever is later; ▪ ensure that the loan term will not exceed 30 years after the date of the first payment on the loan; and ▪ require the bank to make an annual report to the Secretary on its status not later than September 30 annually and such other reports as the Secretary may require under guidelines issued to carry out this section. ○ Program Administration <ul style="list-style-type: none"> ▪ From FY2010 through FY2015, an MPO may expend more than 2% of the Federal funds contributed to a MIB established by the MPO under this section to pay the reasonable costs of administering the bank.
<p>Revenue Aligned Budget Authority; pg. 316</p>	<ul style="list-style-type: none"> • To be supplied.
<p>Metropolitan Planning; pgs. 333-346</p>	<ul style="list-style-type: none"> • Policy: *changes the policy to read* <ul style="list-style-type: none"> ○ encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and between States and urbanized areas, while reducing transportation-related fuel consumption, reliance on foreign oil, impacts on the environment, surface transportation-related greenhouse gas emissions, and air pollution through metropolitan and statewide transportation planning processes identified in this chapter; ○ encourage the continued improvement and evolution of the metropolitan and statewide transportation planning processes by metropolitan planning organizations, State departments of transportation, and public transit operators as guided by the planning factors identified in subsection (h) and section 135 (d); and ○ encourage and promote the livability and sustainability of all communities, increase coordination among land use, housing, and transportation plans and projects, and increase surface transportation system connectivity and intermodality through metropolitan and statewide transportation planning processes identified in this chapter. • Designation of MPOs: <ul style="list-style-type: none"> ○ Increase the threshold of MPOs to 100,000 from 50,000; while grandfathering in existing MPOs in the range of 50,000-100,000 • Coordination of Multistate Areas: <ul style="list-style-type: none"> ○ Requires the Governor in each state to coordinate with the MPO to coordinate transportation planning process for the metropolitan region;



- **Scope of Planning Process:**
 - Adds “sustainability, and livability, reduce surface transportation-related greenhouse gas emissions, reliance on foreign oil, adapt to the effects of climate change,” after “energy conservation,”; and by inserting “and public health” after “quality of life”.
- **Consultation in the Planning Process:**
 - Adds public health, housing, transportation, to the stakeholders to be consulted with in the transportation planning process
- **Transportation Management Areas:**
 - Excludes MPO authority over projects falling under the Critical Asset Investment and Freight Improvement Programs; which because of the way the programs are consolidated, continues the prohibition of TMA authority over Interstate Maintenance and National Highway System assets in their regions.
- **Certification:**
 - Repeals the current certification section and inserts a new section:
 - TMA’s are required to address emissions reductions and strategies in their transportation planning process.
 - Within 1 year each MPO shall develop emissions reduction targets, and strategies; with multiple TMAs working cooperatively for their regions. These strategies must show progress in stabilizing and reducing transportation-related greenhouse gas emissions. The targets and strategies must:
 - be based on the models and methodologies established in the regulations required under section 841 of the Clean Air Act;
 - address sources of surface transportation-related greenhouse gas emissions and contribute to achievement of the national transportation related greenhouse gas emissions reduction goals;
 - include efforts to increase public transportation ridership; and
 - include efforts to increase walking, bicycling, and other forms of nonmotorized transportation.
 - An MPO must be certified once every 4 years, and if an MPO has failed to develop, submit, or publish its emission reduction targets and strategies, the MPOs planning process will be decertified.
- **Certification, MPO Database, Performance Management:**
 - Certification Requirements. MPOs serving populations in excess of 100,000 are certified based on the following:
 - The transportation planning process complies with the requirements of this section and other applicable requirements of Federal law.
 - There is a TIP for the metropolitan planning area that has been approved by the metropolitan planning organization and the Governor.
 - Voting members of the metropolitan planning organization are represented in proportion to the population of each political subdivision to the total population the metropolitan planning area.
 - The metropolitan planning organization has met or is likely to meet the performance targets and requirements established.
 - Effect of Failure to Certify:
 - the Secretary may withhold up to 20% of the MPO funds for projects.
 - The withheld funds shall be restored to the MPO when the metropolitan planning process is certified by the Secretary.
 - Review of Certification. The Secretary shall provide for public involvement appropriate to the metropolitan area under review.
 - National MPO Database:



- Within 6 months of enactment, the Secretary will create and maintain a publicly available database to include information regarding an MPO's
 - Structural;
 - Financial;
 - Operating;
 - Planning;
 - Programming; and
 - Performance information.
- Performance Management
 - MPOs shall implement a system of performance management to reflect the following, and shall do this within 18 months of enactment:
 - Establishment
 - Within 1 year of enactment, the Secretary, in consultation with MPOs and States, shall establish qualitative and quantitative performance measures for MPOs:
 - Serving regions of 100,000-1 million; and
 - Serving regions 1 million and above.
 - Minimum Requirements. The performance measures established shall be based on :
 - data collected in the MPO Database;
 - best practices of current metropolitan planning organization performance management systems and strategies;
 - measure how the long-range transportation plan reduces congestion, improves mobility and safety, increases the state of good repair of surface transportation assets, decreases surface transportation-related emissions and energy consumption, is consistent with land use plans, and increases the connectivity of and access to the surface transportation system; and
 - any information the Secretary considers appropriate.
 - Additional Requirements for Large Metropolitan Regions. In addition to the minimum requirements, the performance measures for urbanized areas with a population of more than 1,000,000 shall include a measurement of how the long-range transportation plan is developed through an assessment of the following:
 - Land use patterns;
 - An adequate supply of housing;
 - Limited impacts on valuable farmland, natural resources, and air quality;
 - A reduction in greenhouse gas emissions;
 - An increase in water and energy conservation and efficiency;
 - An improvement in the livability of communities.
- Reporting Requirements. Each MPO will publish to the Secretary and general public annually its progress toward these performance goals.
- Special Rules for Small MPOs.
 - MPOs currently in existence that serve populations of between 50,000 and 100,000 will continue to be represented by that MPO.
- **Rural Planning Organizations (pg. 334)**
 - Section 134(b) is amended to define rural planning organizations as such:
 - The term 'rural planning organization' means an organization designated by a State to enhance the planning, coordination, and



	<p>implementation of statewide transportation plans and programs in areas with a population of less than 50,000 individuals, with an emphasis on addressing the needs of such areas of the State.”</p>
<p>Statewide Planning; pgs. 347-358</p>	<ul style="list-style-type: none"> • Scope of Planning Process: <ul style="list-style-type: none"> ○ Like in the metropolitan planning section, the legislation adds “sustainability and livability, reduce surface transportation-related greenhouse gas emissions and reliance on foreign oil, and adapt to the effects of climate change), public health after quality of life to the scope of the Statewide planning process. • Development of Long-Range Plan: <ul style="list-style-type: none"> ○ Each State is required to develop a 20 year long range transportation plan that provides for the development and implementation of the intermodal interconnected transportation system of the State. ○ Strategic Transportation Plan Requirements <ul style="list-style-type: none"> ▪ Identify transportation projects across all modes of transportation in the State that have statewide, regional, and national significance. ▪ If a State has any of the following, then it must be included in their statewide strategic transportation plan: <ul style="list-style-type: none"> • Congested airports; • Congested freight corridors; • Deep draft ports; • Navigable inland waterways; ▪ If a state has more than one rural planning organization, then the statewide strategic transportation plan must be developed in coordination with those organizations. ○ Emissions Reductions Targets: <ul style="list-style-type: none"> ▪ Within 1 year of enactment, a State must develop emissions reductions targets as they pertain to the transportation sector with respect to how the State will address transportation-related greenhouse gas emissions by including emission reduction targets and strategies; ▪ Each State that develops targets and strategies must show progress in stabilizing and reducing transportation-related greenhouse gas emissions in such State. If a State does not demonstrate progress toward developing, submitting, or publishing this information, the Secretary shall not certify its transportation planning process, and may withhold up to 20% of its Section 505 funds. The targets and strategies shall, at a minimum— <ul style="list-style-type: none"> • be based on the models and methodologies established in the final regulations required by the Clean Air Act; • address sources of surface transportation-related greenhouse gas emissions and contribute to achievement of the national transportation- related greenhouse gas emissions reduction goals; • include efforts to increase public transportation ridership; and • include efforts to increase walking, bicycling, and other forms of nonmotorized transportation. ○ Statewide Transportation Improvement Plan <ul style="list-style-type: none"> ▪ If a state has more than one rural planning organization, then the statewide strategic transportation plan must be developed in coordination with those organizations.
<p>Integration of Planning and Environmental Review; pgs.</p>	<ul style="list-style-type: none"> • Purpose. To establish the authority and provide procedures for achieving integrated planning and environmental review processes. • Conditions. Incorporate by reference means that these conditions have been satisfied: <ul style="list-style-type: none"> ○ The planning product was developed through a planning process conducted



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- pursuant to applicable Federal law;
- The planning process included broad multidisciplinary consideration of systems-level or corridor-wide transportation needs and potential effects.
- During the planning process, notice was provided to interested stakeholders, of the planning products that the planning process intends to produce and that are intended to be relied on during NEPA and other environmental reviews, and those parties have been provided an appropriate opportunity to participate in the planning process leading to such planning product.
- Prior to determining the scope of environmental review, the lead agencies have made documentation relating to the planning product available to all parties that may have an interest in the proposed action, and members of the general public.
- There is no significant new information or new circumstance that has a reasonable likelihood of affecting the continued validity or appropriateness of the planning product.
- The planning product is based on reliable and reasonably current data and, in the case of an analysis, is based on reasonable and scientifically acceptable methodologies.
- The planning product is documented in enough detail to support the results of the analysis and to meet requirements for use of the information in the environmental review process.
- The planning product is appropriate for incorporation by reference and use in the environmental review process for the project.
- **In general:**
 - Subject to the conditions above, the Federal lead agency for a project, at the request of the project sponsors, may incorporate by reference and use a planning product in NEPA and any other environmental review of the project.
- The Federal lead agency may incorporate by reference a planning product in its entirety or may select portions for incorporation by reference.
- A determination concerning incorporation by reference of a planning product typically should be made at the time the lead agencies decide the appropriate scope of environmental review for the project, but may occur later.
- **Intent:**
 - This subsection should be should be broadly construed and may be applied to any project, class of projects, or program of projects carried out under this title or chapter 53 of title 49;
 - does not apply NEPA to the transportation planning process conducted under this title or chapter 53 of title 49 and initiation of the NEPA process as a part of, or concurrently with, transportation planning activities does not subject transportation plans and programs to NEPA;
 - does not preclude application of NEPA to the transportation planning process; and
 - does not affect the use of planning products in the NEPA process pursuant to other authorities under law or restrict the initiation of the NEPA process during planning.
- **Applicability:**
 - Planning decisions that may be incorporated by reference pursuant to this subsection include:
 - a purpose and need statement for the project;
 - travel corridor location, including project termini;
 - modal choice;
 - elimination of unreasonable alternatives and selection of the range of reasonable alternatives for detailed study during the NEPA process;
 - basic description of the environmental setting;



- methodologies for analysis; and
- identification of programmatic level mitigation for potential impacts that the Federal lead agency, in consultation with local, tribal, State, and Federal resource agencies, determines are most effectively addressed at a regional or national program level, including:
 - system-level measures to avoid, minimize, or mitigate impacts of transportation investments on environmental resources, including regional ecosystem and water resources; and
 - potential mitigation activities, locations, and investments.
- Planning analyses that may be incorporated by reference include studies of past, current, or predicted future:
 - travel demands;
 - regional development and growth;
 - local land use, growth management, and development;
 - population and employment;
 - natural and built environmental conditions;
 - environmental resources and environmentally sensitive areas;
 - potential environmental effects; and
 - mitigation needs for a proposed action or for programmatic level mitigation for potential effects that the Federal lead agency determines are most effectively addressed at a regional or national program level.
- Effect of Incorporation by Reference.—Any planning product incorporated by reference by the Federal lead agency in accordance with this subsection shall not be reconsidered or made the subject of additional interagency consultation during environmental review of a project unless the Federal lead agency, in consultation with lead agencies, cooperating agencies, and project sponsors as appropriate, determines that there is significant new information or new circumstances that affect the continued validity or appropriateness of the planning product that has been incorporated by reference. Any planning product incorporated by reference by the Federal lead agency in accordance with this subsection may be relied upon and used by other Federal agencies in carrying out their reviews
- **Timeframe for Record of Decision:**
 - Subject to defined allowable delays (below), the Secretary shall issue a record of decision and allow a project to advance to the final design stage within 120 days of the completion of the final environmental impact statement for the project.
 - Allowable Delays:
 - Advancement of a project under the time requirement may be delayed only if:
 - the project sponsor requests; or
 - the Secretary finds, that the project sponsor has not complied substantially with NEPA provisions and those contained within this Act, to the project.
 - Within 10 days of imposing a delay, the Secretary must give the project sponsor a written explanation for the delay and describing actions needed to end the delay.
 - Report. Every 6 months, the Secretary will submit, to the appropriate Congressional Committees, a report describing each situation in which the Secretary has not met the 120 day time requirement or delayed a time requirement. The report shall explain the reasons for the delay and include a plan for achieving timely completion of the Secretary's review.



Federal role in transit; pgs. 475-476	<ul style="list-style-type: none"> Expands the commitment of the federal government to supporting transit services by significantly increasing the number of people using public transportation systems and creating greater mobility in urban areas.
Urbanized area formula grants; pgs 501-513	<ul style="list-style-type: none"> Adds the definition of "state of good repair investment plan". Allows areas with population between 200,000 and 500,000 to use up to 20% of their annual apportionment on operating expenses, to allow areas between 500,000 and 1,000,000 to use up to 10% of their annual apportionment on operating expenses, and allows areas over 1million in population to use up to 5% of their annual apportionment on operating assistance. Adds new performance measurements Adds a new section requiring state of good repai investment plans.
Intermodal and energy efficient transit facilities grants; pgs 513-515	<ul style="list-style-type: none"> Consolidates: partial Bus and Bus Facility program; partial Ferry Boat System program; Intermodal Terminals program Replaces the clean fuels grant program with this program. 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 and 5311. Lays out selection criteria for the grants and sets the federal cost share at 80%.
Capital Investment Grants; pgs. 515-544	<ul style="list-style-type: none"> Eliminates references to alternatives analysis and to integrate the small starts program into this section. It also increases the threshold from \$75 million to \$100 million. Shortens the evaluation criteria to eliminate any references to cost-benefit analysis. Sets the federal share of a capital investment grant at 80%. 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.
Coordinated Access and Mobility Program Formula Grants; pgs 544-564	<ul style="list-style-type: none"> Consolidates: ADA Project Action; Elderly Individuals and Individuals with Disabilities program; Human Services Transportation Coordination program; Job Access and Reverse Commute program; National Technical Assistance Center for Senior Transportation; New Freedom program 60% of funds shall be apportioned to urbanized areas (200,000 or greater), 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% shall be apportioned to states in the ratio that the number of elderly/disabled/low-income/welfare recipients in areas of less than 50,000 in the state bears to the national total. Establishes performance standards for grant recipients and sets the federal share of all grants for capital projects at 80%
Rural area formula grants; pgs. 564-570	<ul style="list-style-type: none"> Consolidates: partial Bus and Bus Facility program; partial Ferry Boat System program; Establishes new program goals. Allows DOT to include a state's unsubsidized capital costs of private-sector intercity-bus service as an in-kind matching share for operating costs of connecting rural intercity feeder bus service. Establishes performance measures.
RAIL TRANSPORTATION	
High-Speed rail assistance; pgs. 701-716	<ul style="list-style-type: none"> Increase the maximum federal share of a corridor development project from 50% to 80% and remove right of way acquisition from the list of eligible expenses. Eliminates many of the criteria from sec. 26101
\$50 billion	
Capital grants for	<ul style="list-style-type: none"> Allow political subdivisions of states and government-sponsored authorities and



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rail line relocation projects; pgs. 716	corporations, to enter into cooperative agreements and extend authorization for the program through FY2015.
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