

SAFETEA-LU Provisions – Compiled by National Association of Regional Councils

Funding

- The total amount of guaranteed funds over the **five** years from fiscal year 2005-2009 is \$241.4 billion.
- If fiscal year 2004 were included, the total six-year funding level would have been \$286.4 billion.
- Of this amount, 79% is provided for highway programs, 18.5% is provided for transit, and the remaining 2.5% is for behavioral safety grants and enforcement under the jurisdiction of DOT agencies other than FHWA and FTA.
- MPOs receive 1.25% of takedowns.
- In fiscal year 2005, the minimum guarantee is 90.5% (same as under TEA 21); in fiscal years 2006&2007 the minimum guarantee rises to 91.5%; and in fiscal years 2008&2009 the minimum guarantee is 92.0%.
- In addition to the minimum rate-of-return, States are also guaranteed a minimum real dollar increase over TEA 21 funding levels.
- The **minimum** increase rises 1% each year from +17% in fiscal year 2005 to +21% in fiscal year 2009. The **average** increase for all States is about 31%.

Selected Provisions of Interest

- **RABA (Sec. 1105)** - The Revenue-Aligned Budget Authority rule, which annually adjusts guaranteed funding levels, is modified to eliminate reductions in guaranteed funding provided the balance in the highway account of the Highway Trust Fund exceeds \$6 billion.
- **Congestion Relief (Sec. 1201)** - Requires the Secretary to establish a real-time system management information program in provide the capability to monitor real-time traffic and travel conditions on major highways. The purpose is to identify longer range real-time needs and develop plans for meeting needs and provide the capability to share information to the traveling public. Original section 1201 which we opposed does not appear to be in this bill.
- **Projects (Sec. 1301, 1302, 1702, 1934)** - Earmarks at least 5,700 projects (not including transit title) totaling nearly \$20 billion. Most of these projects are in Section 1702. However, several high value projects of national and regional significance and corridor improvements are found in Section 1301 and 1302.
- **Truck Parking (Sec. 1305)** - Secretary shall establish a pilot program to address the shortage of long-term parking of commercial motor vehicles on the National Highway System funded at \$6,250,000 each year from fiscal year 2006-2009.
- **Highway Safety Improvement Program (Sec. 1401)** - A comprehensive \$5.1 billion roadway safety program is created under this section. Up to 10% may be transferred to carry out safety projects under another section only if the State has met all needs related to highway safety improvement projects and rail-hwy crossings. Each year \$90 million of this program is set aside for high risk rural roads.

- 10% of Highway Safety was repealed from the STP program – essentially upping the possible STP for Urban and rural communities by 10%.
- **Highways for LIFE (Sec. 1502)** - A new program, to be applied in all States to the maximum extent feasible, to encourage state-of-the art technology, elevated performance stands, and new business practices in highway construction to improve safety, speed construction, reduce congestion, improve quality, and satisfy users. Allows up to 20%, but not more than \$5 million for a project and allows that these funds be applied to the non-Federal share of the cost of construction.

Tolling (Sec. 1604)

- Reauthorizes the Value Pricing Program at \$11 million in FY 05, \$12 million for each year from FY 2006-2009. Reserves \$3 million of the funds from FY 2006-2009 for non-toll projects.
- Authorizes new Express Lanes Demonstration Program. Creates 15 demonstration projects on facilities. Eligible facilities include currently tolled roads, roads that current have HOV lanes, roads that are modified to provide new tolled lane capacity, or untolled roads where new, tolled capacity is added. Excess toll revenue may be used for highway and transit projects, provided that the tolled facility is adequately operated and maintained. Express tolls must be completed automated.
- Interstate System Construction Toll Pilot Program. Allows up to 3 facilities on the Interstate system to impose tolls for the purposes of constructing Interstate highways. Interstate maintenance funds may not be used on such a facility.

CMAQ Eligibility (Sec. 1808)

- Expands eligibility of congestion mitigation and air quality funds for advanced truck stop electrification systems, transportation systems management and operations that reduce congestion and improve air quality, and the purchase of diesel retrofits in most cases.

NHTSA Safety Program Authorizations (Sec. 2001)

- Authorizes funds for highway safety program grants including the general program (Sec. 402), research and development, occupant protection incentives, safety belt performance grants, State traffic safety information system improvements, alcohol-impaired driving countermeasures, national driver register, high visibility enforcement, motorcyclist safety programs, child safety and booster seat grants, and administrative expenses. No new sanctions are created under the bill, which as previously proposed would withhold funds from States that do not pass prescribed safety laws.
- The programs in the preceding paragraph are described in detail in Sections 2001-2022. Of particular interest to motorcycling members is Sec. 2010, which creates a number of motorcyclist safety programs including grants for motorcycle rider training courses, motorcyclists awareness programs, programs to reduce fatalities and crashes involving motorcycles, and reduce motorcyclists' impaired driving.

Household Goods Transportation Subtitle (Section 4201-4216)

- Establishes oversight and enforcement of interstate household movers consumer protection laws.

ITS Research (Section 5301-5310)

- Reauthorizes and expands ITS research programs.

Motorcycle Crash Causation Study (Section 5511)

- \$1.4 million is provided in fiscal years 2006 and 2007 for grants to conduct a motorcycle crash causation study.

Planning (Section 6001)

- Includes new provisions and restates existing provisions, and includes some of the new planning mandates.

Streamlining (Section 6002)

- 6002(c) & (d) defines lead agency and participating agency responsibilities
6002(f) clarifies the roles of the lead and participatory agencies in determining the Purpose and Need for a project and the alternatives analysis.
6002(g) gives the lead agency authority to plan public and agency coordination and scheduling timelines and establishing deadlines for project reviews.
6002(h) creates a mechanism for dispute resolution, including elevation of disagreements.

Section 6003

- Creates pilot programs for States to assume any of the Secretary of Transportation responsibilities for environmental reviews for recreational trails and transportation enhancement projects.

Section 6004

- Allows States to apply to assume the Secretary's responsibilities for determining the eligibility of projects that are categorically excluded from environmental assessments and environmental impact statements.

Section 6005

- Allows 5 States (Alaska, California, Ohio, Oklahoma, and Texas) to participate in a pilot program that allows the State to assume responsibilities of the Secretary of Transportation for project reviews, under certain circumstances.

Section 6007

- Exempts the Interstate Highway System from consideration as a historic site under Section 4(f). Individual elements that possess national or exceptional historic significance are considered historic

Section 6008

- Mandates the integration of natural resource concerns into transportation planning.

Section 6009

- Exempts de minimis impacts to parks, historic sites, wildlife and waterfowl refuges from alternatives analysis under Section 4(f).

Section 6011

- Sets a new cycle for clear air act conformity determinations and sets the horizon year for air quality modeling in transportation improvement plans.
- Retains the 4 year TIP Update cycle
- Shortens Conformity Horizons to ten years
- Allows for TCM Substitutions