

# Summary of SAFETEA-LU

Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users

## **AIR QUALITY PLANNING AND OPERATIONS**

**Program Title:** *Addition to Congestion Mitigation Air Quality (CMAQ) - Eligible Projects*

**Section Number:** 1808

**New or Existing Program:** Existing program

**Funding Amount:** N/A

**Program Features:** CMAQ project eligibility is changed in the following ways:

- A project must have a high level of effectiveness in reducing air pollution in order to be eligible. If possible, a database should be developed to compare the effectiveness of projects.
- Advanced truck stop electrification systems are now eligible for CMAQ funds.
- Projects that improve transportation systems management and operation that mitigate congestion and improve air quality are now eligible for CMAQ funds.
- The purchase of integrated, interoperable emergency communications equipment is now eligible for CMAQ funds.
- The purchase of diesel retrofits for motor vehicles or non-road vehicles or engines used in construction projects is now eligible for CMAQ funds, as are outreach activities to promote and provide technical assistance to owners and operators of diesel equipment and vehicles regarding such retrofits.
- Priority for CMAQ projects will be for diesel retrofits and other cost-effective emission reduction activities, taking into consideration air quality and health effects.

States and Metropolitan Planning Organizations (MPOs) will now be encouraged to consult with state and local air quality agencies in nonattainment areas on estimated emission reductions from proposed CMAQ programs and projects. The Environmental Protection Agency (EPA) Administrator and Department of Transportation (DOT) Secretary will assess a representative sample of CMAQ-funded projects to determine impacts on air quality and congestion and ensure effective implementation, with the results being disseminated to interested parties.

**Any Necessary Rulemaking:** Guidance will be issued listing diesel retrofit technologies that are certified by the EPA or the California Air Resources Board, technologies that may be certified within 18 months, and available information regarding the emission reduction effectiveness and cost effectiveness of such technologies.

**Action Timeline:** No timeline for guidance listed.

**NCTCOG Action Required:** Evaluate any newly eligible projects within the Dallas-Fort Worth area. Guidance or rulemaking will be needed to assess the impact of the priority to diesel retrofits.

**NCTCOG Lead:** Chris Klaus, Christie Jestis

**Program Title:** *Road User Fees*

**Section Number:** 1919

**New or Existing Program:** New program

**Funding Amount:** \$12.5 million for Fiscal Years (FYs) 2006-2009

**Program Features:** The Public Policy Center of the University of Iowa will conduct a study of highway use fees based on actual mileage driven. The study will specifically look at linking such a vehicle-based computer system to satellites to calculate highway mileage traversed; having the system compute the appropriate highway use fees; having the data downloaded periodically to a collection center; and ensuring privacy of road users.

**Any Necessary Rulemaking:** none

**Action Timeline:** The study will consist of two years of preparation and three years of field testing. A report on the results, findings, and recommendations will be due to Congress by July 1, 2007.

**NCTCOG Action Required:** Monitor the study's report and the implementation of any recommendations.

**NCTCOG Lead:** Carrie Reese, Dan Lamers, Christie Jestis

**Program Title:** *Clean Fuels Grant Program*

**Section Number:** 3010

**New or Existing Program:** Existing program

**Funding Amount:** See attached table.

**Program Features:** Projects will now only be eligible for these funds in nonattainment and maintenance areas. Repowers and retrofits of pre-1993 bus engines are no longer eligible projects. A project may be eligible for funding if it achieves equal or greater emission reductions than existing technology. Funding allowed for clean diesel buses is reduced to 25 percent (down from 35 percent) of total program funds. Funds will now remain available for two years (up from one year) after they are made available.

**Any Necessary Rulemaking:** none

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor whether the new provisions will affect any projects in the Dallas-Fort Worth area.

**NCTCOG Lead:** Carrie Reese

**Program Title:** *Alternative Fuels Study*

**Section Number:** 3016

**New or Existing Program:** New program

**Funding Amount:** N/A

**Program Features:** A new program to study the actions necessary to facilitate the purchase of increasing amounts of alternative fuels for public transportation. The focus will be on necessary incentives. The study will consider the environmental benefits of increased use of alternative fuels in transit vehicles; existing opportunities available to transit system operators that encourage the purchase of alternative fuels; existing barriers to transit system operators that discourage the purchase of alternative fuels; and the necessary levels and type of support to encourage additional use of alternative fuels for transit vehicle operation. The study will also make recommendations on regulatory and legislative alternatives

**Any Necessary Rulemaking:** none

**Action Timeline:** A report on the results will be due to Congress by August 2006.

**NCTCOG Action Required:** Monitor the results of the study for implementation of recommendations.

**NCTCOG Lead:** Mindy Mize

**Program Title:** *Projects for Bus and Bus-Related Facilities and Clean Fuels Grant Program*

**Section Number:** 3044

**New or Existing Program:** Existing program

**Funding Amount:** Varies for each project – see attached list of Dallas-Fort Worth projects.

**Program Features:** Lists bus and bus-related facilities and clean fuels grant program projects with authorized funding amounts.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Make sure projects are placed in the long-range plan and the TIP, monitor project implementation.

**NCTCOG Lead:** Mindy Mize

**Program Title:** *National Fuel Cell Bus Technology Development Program*

**Section Number:** 3045

**New or Existing Program:** New program

**Funding Amount:** See attached table.

**Program Features:** A new program to facilitate the development of commercially viable fuel cell technology and related infrastructure. Grants, contracts, and cooperative agreements will be made with three geographically diverse nonprofit organizations to conduct projects. Priority in making grants will be given to organizations that have managed a transportation technology project for five years.

**Any Necessary Rulemaking:** none

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor the results of the research for possible implementation in the Dallas-Fort Worth area.

**NCTCOG Lead:** Mindy Mize

**Program Title:** *Transportation Conformity*

**Section Number:** 6011

**New or Existing Program:** Existing program

**Funding Amount:** N/A

**Program Features:** The following changes are made to the Transportation Conformity process:

- MPOs will now have two years to redetermine conformity following a finding of an adequate motor vehicle emissions budget; an approval of an implementation plan that established a motor vehicle emissions budget if that budget has not yet been determined to be adequate; or a promulgation of an implementation plan that establishes or revises a motor vehicle emissions budget.
- Conformity determinations will now be performed every four years (Instead of every three years) unless the MPO elects to redetermine conformity more frequently or if the MPO is required to redetermine conformity because of a new motor vehicle emissions budget.
- Each conformity determination for a long-range transportation plan will require a determination of conformity for a period ending on the final year of the transportation plan. If the MPO consults with the air pollution control agency, and after receiving and considering public comments, the conformity determination may be made for a different time period. The time period could be the first 10-year period of the transportation plan; the latest year in the implementation plan for the area that contains a motor vehicle emissions budget; or the year after the completion date of a regionally significant project if it is included in the Transportation Improvement Program (TIP) or if the project requires approval before the subsequent conformity determination.
- A regional emissions analysis for the last year of the transportation plan and any year that exceeded emissions budgets in a prior analysis must accompany a conformity determination.
- If an area has a revision to an implementation plan and the EPA Administrator has found the budgets to be adequate, the determination of conformity only needs to be completed through the last year of the implementation after the required consultation and public comment process.

- Transportation Control Measures (TCMs) in an implementation plan may be added or replaced with alternate TCMs without requiring a revision of the implementation plan if the substitute TCMs achieve equal or greater emission reductions than those replaced; are implemented on a similar schedule to the replaced TCMs, or if the TCM deadline has already passed then implemented as soon as possible; are developed in a collaborative process and if there is adequate personnel, funding, and authority to implement, monitor, and enforce the TCMs.
- Transportation plans will now lapse 12 months (as opposed to immediately) after failing a conformity determination if emissions from motor vehicles can't be sufficiently reduced during that time.

**Any Necessary Rulemaking:** Revised regulations will be issued on the implementation of changes.

**Action Timeline:** Regulations must be issued by August 2007.

**NCTCOG Action Required:** Monitor regulations and adjust transportation conformity procedures appropriately.

**NCTCOG Lead:** David Jodray

**Program Title:** *Air Quality Monitoring*

**Section Number:** 6013

**New or Existing Program:** Existing program

**Funding Amount:** N/A

**Program Features:** Rules will be changed related to air quality monitoring that is affected by an exceptional event. An exceptional event is one that affects air quality; is not reasonably controllable or preventable; is an event caused by human activity that is unlikely to recur at a particular location or a natural event; and is determined by the EPA Administrator to be an exceptional event.

**Any Necessary Rulemaking:** Proposed regulations for review and handling of air quality monitoring data influenced by exceptional events will be issued.

**Action Timeline:** The proposed regulations will be published in the Federal Register by March 1, 2006. The public comment period will be open for one year following the publication of the proposed regulations.

**NCTCOG Action Required:** Monitor the proposed regulations and provide comments, if necessary.

**NCTCOG Lead:** Carrie Reese

**Program Title:** *Clean School Bus Program*

**Section Number:** 6015

**New or Existing Program:** New program

**Funding Amount:** \$110 million for FY 2006-2007, then such sums as may be necessary for FY 2008-2010

**Program Features:** A new program to award grants to eligible recipients (any entity that provides school bus service) for replacement, retrofit, or purchase of alternative fuels for existing school buses. Efforts should be made to balance the types of projects funded. Priority will be given to replacing pre-1977 buses or retrofitting 1991 or newer buses, and buses must remain operating in the fleet for at least five years. Retrofit grants may be awarded for 100 percent of the retrofit and installation cost. Grants for replacements may be awarded for either 50 percent or 25 percent of costs including fueling infrastructure, depending on the emissions levels for the new buses. If a grant is requested for an Ultra Low Sulfur Diesel (ULSD) bus that is model year 2005 or 2006, the grant recipient must document the availability of ULSD fuel and a commitment to use such fuel. No state will receive more than 10 percent of available grant funds.

**Any Necessary Rulemaking:** None

**Action Timeline:** An annual report on the number and types of grants will be due to Congress by January 31 each year. An outreach program will be developed by the EPA Administrator within 90 days to promote and explain the grant program.

**NCTCOG Action Required:** Monitor the amount of funding that will be available in Dallas-Fort Worth and alert school districts to the future funding source.

**NCTCOG Lead:** Mindy Mize

\*Also see Development, Freight, and Aviation (Sec. 1412) and Department-wide Issues (Sec. 3046 and 5309)

## **CONGESTION MANAGEMENT, SAFETY, AND SECURITY**

**Program Title:** *Temporary Traffic Control Devices*

**Section Number:** 1110

**New or Existing Program:** New program

**Funding Amount:** N/A

**Program Features:** New requirements are put in place so that no funds may be expended for highway and railroad grade crossings or drawbridges unless proper temporary traffic control devices are in place.

**Any Necessary Rulemaking:** Regulations will be developed for the use and funding of temporary traffic control devices.

**Action Timeline:** No timeline given for issuing regulations.

**NCTCOG Action Required:** Monitor implementation of the program for potential implications in Dallas-Fort Worth.

**NCTCOG Lead:** Sonya Jackson

**Program Title:** *Real-time System Management Information Program*

**Section Number:** 1201

**New or Existing Program:** New program

**Funding Amount:** None specifically provided.

**Program Features:** The program is established to give all states capability to monitor in real-time traffic and travel conditions on major highways. A data exchange format will be developed to allow this information to be shared among states to improve security, address congestion, improve response to events and incidents, and facilitate national traveler information. In addition, state and local governments will be required to address real-time information needs when developing or updating regional ITS architectures.

**Any Necessary Rulemaking:** Unknown

**Action Timeline:** The data exchange format will be developed by the DOT Secretary by August 2007.

**NCTCOG Action Required:** Monitor implementation of the program and participate as necessary.

**NCTCOG Lead:** Natalie Bettger

**Program Title:** *Highway Safety Improvement Program*

**Section Number:** 1401

**New or Existing Program:** New program (previously a set-aside from STP funding)

**Funding Amount:** See attached table.

**Program Features:** A new core formula program is established to significantly reduce fatalities and serious injuries on public roads. States will be required to develop a State Strategic Highway Safety Plan that identifies and analyzes safety problems and opportunities; produce a

program of projects or strategies to reduce identified problems; evaluate the plan on a regular basis to ensure accurate data and prioritize proposed improvements; and submit an annual report describing the five percent of locations within the State with the most severe safety needs and assessing potential remedies to hazardous locations, estimated costs of the remedies, and impediments other than cost. Funding will be available for safety improvements on public roads or public-owned bicycle/pedestrian facilities, and specific funding is set aside for high-risk rural roads and railway-highway crossings. Funding will be distributed to states based on lane miles, vehicle miles traveled, and number of fatalities.

**Any Necessary Rulemaking:** Unknown

**Action Timeline:**

- States will submit the annual report listed above for the State Strategic Highway Safety Plan. No date is specified.
- States will submit an annual report describing progress made to implement projects, assess the effectiveness of those projects, and the extent to which the projects are actually improving safety. No date is specified.
- DOT Secretary will submit a biennial report to Congress, with the first report due April 1, 2006.
- Each State must develop a State Strategic Highway Safety Plan by October 1, 2007, in order to continue receiving funds.

**NCTCOG Action Required:** Coordinate with TxDOT on the development of the State Strategic Highway Safety Plan as it relates to the Dallas-Fort Worth area, develop and submit projects to be funded.

**NCTCOG Lead:** Natalie Bettger

**Program Title:** *Worker Injury Prevention and Free Flow of Vehicular Traffic*

**Section Number:** 1402

**New or Existing Program:** New program

**Funding Amount:** N/A

**Program Features:** Regulations will be issued requiring workers whose duties place them on or in close proximity to a Federal-aid highway to wear high visibility garments in order to decrease the likelihood of worker injury and maintain the free flow of vehicular traffic.

**Any Necessary Rulemaking:** Regulations for workers near highway traffic to wear high visibility garments

**Action Timeline:** Regulations due by August 10, 2006.

**NCTCOG Action Required:** Monitor regulations.

**NCTCOG Lead:** Sonya Jackson

**Program Title:** *Toll Facility Workplace Study*

**Section Number:** 1403

**New or Existing Program:** New program

**Funding Amount:** \$500,000 for FY 2006

**Program Features:** The DOT Secretary will perform a study on the safety of toll facilities including items such as the effect of design or construction of facilities on the likelihood of vehicle collisions with the facilities, the extent of the enforcement of speed limits, and the use of warning devices to alert drivers approaching the facilities, among other activities.

**Any Necessary Rulemaking:** None

**Action Timeline:** A report will be due to Congress by August 10, 2006, with the results of the study and recommendations to improve safety.

**NCTCOG Action Required:** Monitor results and recommendations of the study for potential implementation in the Dallas-Fort Worth area

**NCTCOG Lead:** Sonya Jackson

**Program Title:** *Roadway Safety Improvements for Older Drivers and Pedestrians*  
**Section Number:** 1405  
**New or Existing Program:** New program  
**Funding Amount:** Such sums as may be necessary are authorized for FY 2005-2009.  
**Program Features:** A program is established to improve traffic signs and pavement markings based on specific FHWA recommendations.  
**Any Necessary Rulemaking:** None  
**Action Timeline:** N/A  
**NCTCOG Action Required:** Monitor implementation of new safety features  
**NCTCOG Lead:** Natalie Bettger

**Program Title:** *Improvement or Replacement of Highway Features on National Highway System*  
**Section Number:** 1408  
**New or Existing Program:** Existing program  
**Funding Amount:** N/A  
**Program Features:** The DOT Secretary, along with the American Association of State Highway and Transportation Officials (AASHTO), will update the implementation policy for the report entitled "NCHRP Report 350 – Recommended Procedures for the Safety Performance Evaluation of Highway Features. The DOT Secretary and AASHTO will also update guidance related to replacement of highway features.  
**Any Necessary Rulemaking:** Update of implementation policy, update of guidance.  
**Action Timeline:** no timeline specified.  
**NCTCOG Action Required:** Monitor new implementation policy and guidance.  
**NCTCOG Lead:** Sonya Jackson

**Program Title:** *Work Zone Safety Grants*  
**Section Number:** 1409  
**New or Existing Program:** New program  
**Funding Amount:** \$20 million for FY 2005-2009  
**Program Features:** A new program is established to provide grants to nonprofit organizations for training to prevent or reduce work zone fatalities and injuries. Grants will be made for the following activities: training for construction craft workers on the prevention of injuries and fatalities in construction; development of guidelines; and training for State and local government transportation agencies that will implement the guidelines.  
**Any Necessary Rulemaking:** None  
**Action Timeline:** N/A  
**NCTCOG Action Required:** Monitor the guidelines developed by any nonprofit organizations that participate in the program  
**NCTCOG Lead:** Sonya Jackson

**Program Title:** *National Work Zone Safety Information Clearinghouse*  
**Section Number:** 1410  
**New or Existing Program:** New Program  
**Funding Amount:** \$4 million for FY 2005-2009  
**Program Features:** A new program to make grants to a national nonprofit organization for operation of the National Work Zone safety Information Clearinghouse for assembling and disseminating information relating to improvement of roadway work zone safety.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor the information disseminated by the clearinghouse

**NCTCOG Lead:** Sonya Jackson

**Program Title:** *Roadway Safety*

**Section Number:** 1411

**New or Existing Program:** New program

**Funding Amount:** \$2 million for FY 2005-2009

**Program Features:** Funding will be provided to a national nonprofit organization working on roadway safety for activities such as improving the quality of data; developing and carrying out a public awareness campaign; and promoting public road safety research and technology transfer activities.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor activities related to roadway safety

**NCTCOG Lead:** Natalie Bettger

**Program Title:** *Highway Safety Programs*

**Section Number:** 2002

**New or Existing Program:** Existing program

**Funding Amount:** See attached table.

**Program Features:** Two changes are made to programs that may be included for funding:

- Programs to reduce unsafe driving behavior-related accidents caused by aggressive, fatigued, or distracted drivers will now be eligible for funding.
- Informing the public of the benefits of vehicles with airbags is removed as an eligible program.

In addition, a state highway safety program must implement activities to support the goal of reducing motor vehicle related fatalities and reflect the primary crash factors within the states. States will also be required to encourage all law enforcement agencies within the state to follow published guidelines on vehicular pursuits.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor implementation of the new program requirements

**NCTCOG Lead:** Natalie Bettger

**Program Title:** *On-scene Motor Vehicle Collision Causation*

**Section Number:** 2003

**New or Existing Program:** New program

**Funding Amount:** N/A

**Program Features:** The National Academy of Sciences will conduct a review of research, design, methodology, and implementation of a survey to be nationally representative to collect on-scene motor vehicle collision data and determine crash causation.

**Any Necessary Rulemaking:** None

**Action Timeline:** A report on the results of the study will be due to Congress by August 2007.

**NCTCOG Action Required:** Monitor study results.

**NCTCOG Lead:** Sonya Jackson



**Program Title:** *Research on Distracted, Inattentive, and Fatigued Drivers*

**Section Number:** 2003

**New or Existing Program:** New demonstration program

**Funding Amount:** N/A

**Program Features:** Two demonstration projects will be carried out to evaluate new and innovative means of combating problems caused by distracted, inattentive, or fatigued drivers.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor results of the demonstration projects

**NCTCOG Lead:** Sonya Jackson

**Program Title:** *Pedestrian Safety*

**Section Number:** 2003

**New or Existing Program:** New program

**Funding Amount:** N/A

**Program Features:** A comprehensive report on pedestrian safety will be developed that builds on current knowledge by identifying the most effective advanced technology and intelligent transportation systems that could potentially mitigate the crash forces on pedestrians in the event of a crash. The report will also include recommendations on how new technological developments could be incorporated into education and enforcement efforts.

**Any Necessary Rulemaking:** None

**Action Timeline:** The report will be due to Congress by August 2007.

**NCTCOG Action Required:** Monitor the report for any applicable safety techniques that could be implemented in the Dallas-Fort Worth area.

**NCTCOG Lead:** Natalie Bettger, Alicia Hopkins

**Program Title:** *Refusal of Intoxication Testing*

**Section Number:** 2003

**New or Existing Program:** New program

**Funding Amount:** N/A

**Program Features:** A study will be conducted on the frequency with which persons arrested for the offense of DUI or DWI refuse to take a blood alcohol level test and the effects such refusals have on the ability of states to prosecute such persons for those offenses. Governors, Attorneys General, and the United States Sentencing Commission will be consulted for the study.

**Any Necessary Rulemaking:** None

**Action Timeline:** A report on the results of the study will be due to Congress by August 2007.

**NCTCOG Action Required:** Monitor results of the study.

**NCTCOG Lead:** Sonya Jackson

**Program Title:** *Impaired Motorcycle Driving*

**Section Number:** 2003

**New or Existing Program:** New program

**Funding Amount:** N/A

**Program Features:** A study will be conducted on educational, public information, and other activities to reduce accidents and fatalities when a motorcycle operator is impaired.

**Any Necessary Rulemaking:** None

**Action Timeline:** A report on the study results including data collected, statistics compiled, and recommendations will be due to Congress by August 2007.

**NCTCOG Action Required:** Monitor results of the study.

**NCTCOG Lead:** Sonya Jackson

**Program Title: *Reducing Impaired Driving Recidivism***

**Section Number:** 2003

**New or Existing Program:** New program

**Funding Amount:** N/A

**Program Features:** A study will be conducted on reducing alcohol related crashes and fatalities through vehicle-based alcohol detection systems.

**Any Necessary Rulemaking:** None

**Action Timeline:** A report on the study results will be due to Congress by August 2007.

**NCTCOG Action Required:** Monitor results of the study.

**NCTCOG Lead:** Sonya Jackson

**Program Title: *Safety Belt Performance Grants***

**Section Number:** 2005

**New or Existing Program:** New program

**Funding Amount:** See attached table.

**Program Features:** Grants will be made to states to encourage enactment and enforcement of laws requiring vehicle passengers to wear seat belts. States will be eligible for the grant if a primary seat belt law is in effect by December 31, 2002, or if after December 31, 2005, the State has a seat belt use rate of 85 percent for the 2 years immediately preceding the grant.

For FY 2006, the grant amount will be 475 percent of the amount apportioned to the State for highway safety programs in FY 2003. If the grant funds provided total more than the amount available, priority will be given in the order in which states enacted primary seat belt laws or reached the 85 percent usage rate. The grants can be used for a number of safety projects including intersection improvements, railway-highway crossing safety, safety-conscious planning, and pavement and shoulder widening, among others.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor the appropriation of funds to Texas for possible safety projects in the Dallas-Fort Worth area.

**NCTCOG Lead:** Natalie Bettger

**Program Title: *State Traffic Safety Information System Improvements***

**Section Number:** 2006

**New or Existing Program:** New program

**Funding Amount:** See attached table.

**Program Features:** A new program to establish a state traffic safety improvement system improvements grant. The goal of the program is to improve safety data that is needed to identify priorities for traffic safety programs, evaluate the effectiveness of efforts to make such improvements, link state data systems with other data systems in the states, and improve the compatibility and interoperability of the data systems of the state with national data systems to enhance the ability to observe and analyze national trends.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor the improvement in data collection and analysis.

**NCTCOG Lead:** Natalie Bettger

**Program Title:** *Alcohol-impaired Driving Countermeasures*

**Section Number:** 2007

**New or Existing Program:** Existing program

**Funding Amount:** See attached table.

**Program Features:** The maximum period of eligibility is removed from this program. Eligibility for grant funding can now be based either on a fatality rate of 0.5 or less per 100 million vehicle miles traveled or the adoption of an increasing number of programs (3 out of 8 in FY 2006, 4 out of 8 in FY 2007, and 5 out of 8 in FY 2008 and 2009). The programs mentioned above include police check point; saturation patrol program; prosecution and adjudication outreach program; testing of blood alcohol concentration; high-risk drivers; programs for effective alcohol rehabilitation and DWI courts; underage drinking program; administrative license revocation; and self sustaining impaired driving prevention program. Grant funds may be used to defray costs such as costs for high visibility statewide law enforcement campaigns, costs of publication for sobriety checkpoint campaigns, or law enforcement training, among other activities.

**Any Necessary Rulemaking:** Guidelines will be issued by NHTSA on the data that States should collect relating to drivers who are arrested or convicted for violation of laws prohibiting the impaired operation of motor vehicles.

**Action Timeline:** Guidelines must be issued by August 2006

**NCTCOG Action Required:** Monitor the state's development and implementation of programs

**NCTCOG Lead:** Sonya Jackson

**Program Title:** *High Visibility Enforcement Program*

**Section Number:** 2009

**New or Existing Program:** New program

**Funding Amount:** N/A

**Program Features:** A new program to establish two high-visibility traffic safety law enforcement campaigns for each fiscal year 2006-2009. The purpose of the campaigns will be reducing alcohol-impaired or drug-impaired operation of motor vehicles and/or increasing the use of seat belts by occupants of motor vehicles. Consideration will be given to advertising directed at non-English speaking populations, including those who listen to, read, or watch nontraditional media.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor the implementation of the advertising campaign

**NCTCOG Lead:** Sonya Jackson

**Program Title:** *Motorcyclist Safety*

**Section Number:** 2010

**New or Existing Program:** New program

**Funding Amount:** Not specified

**Program Features:** A new program to make grants to states implementing programs to reduce crashes involving motorcycles. Grants will be in an amount between \$100,000 and 25 percent of the Highway Safety Program funds for a fiscal year. To be eligible for a grant in the first year a state must meet one criterion (listed below), and in subsequent years a state must meet two criteria. The criteria include motorcycle rider training course; motorcyclist awareness program; reduction of fatalities and crashes involving motorcycles; impaired driving program; reduction of fatalities and accidents involving impaired motorcyclists; fees collected from motorcyclists. Grant funds may be used for improvements to motorcyclist safety training curricula; improvements in program delivery of motorcycle training; measures designed to increase the recruitment or retention of instructors; or public awareness to enhance driver awareness of motorcyclists.

**Any Necessary Rulemaking:** Model language will be developed on the importance of sharing the road with motorcyclists that will be provided to drivers.

**Action Timeline:** Model language will be developed by August 2006

**NCTCOG Action Required:** Monitor the implementation of criteria by the State and use of grant funding.

**NCTCOG Lead:** Sonya Jackson

**Program Title:** *Child Safety and Child Booster Seat Incentive Grants*

**Section Number:** 2011

**New or Existing Program:** New program

**Funding Amount:** Not specified

**Program Features:** A new program to make grants to states that are enforcing a law requiring that any child who is too large to be secured in a child safety seat be secured in a child booster seat. Up to 50 percent of allocated funds can be used to purchase safety seats and other restraints for low-income families. Remaining funds can be used to establish programs to support enforcement of child restraint laws and training on all aspects of the use of child safety seats and child restraints.

**Any Necessary Rulemaking:** None

**Action Timeline:** States must submit an annual report on programs that were funded through the grant. No date is specified for the report.

**NCTCOG Action Required:** Monitor the implementation of this program in the Dallas-Fort Worth area.

**NCTCOG Lead:** Sonya Jackson

**Program Title:** *Drug-impaired Driving Enforcement*

**Section Number:** 2013

**New or Existing Program:** New program

**Funding Amount:** \$4.8 million for FY 2006-2009 – set aside from Highway Safety Research & Development

**Program Features:** A report will be created by the DOT Secretary in consultation with other federal agencies addressing driving under the influence of a drug including research on prevention, detection, and prosecution measures. The report will include an assessment of methodologies and technologies for measuring driver impairment; effective and efficient methods for training law enforcement personnel to detect or measure the level of driver impairment; a description of the role of drugs as causal factor in traffic crashes; a description of laws relating to drug-impaired driving; recommendations for addressing the problem; and recommendations for developing a model statute relating to drug-impaired driving.

**Any Necessary Rulemaking:** A model statute will be developed, which may include threshold levels of impairment for illicit drugs; practicable methods for detecting the presence of illicit drugs; and penalties for drug-impaired driving.

**Action Timeline:** Model statute will be due by August 2006.

**NCTCOG Action Required:** Monitor the report results and recommendations and the model statute.

**NCTCOG Lead:** Sonya Jackson

**Program Title:** *First Responder Vehicle Safety Program*

**Section Number:** 2014

**New or Existing Program:** New program

**Funding Amount:** Such sums as may be necessary are authorized.

**Program Features:** A new program to develop and implement a program to promote compliance with laws intended to increase the safe and efficient operation of first responder

vehicles; compile a list of such best practices; analyze such laws; and develop model legislation to increase the safe and efficient operation of first responder vehicles.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor the implementation of this program in the Dallas-Fort Worth area.

**NCTCOG Lead:** Natalie Bettger

**Program Title:** *Older Driver Safety*

**Section Number:** 2017

**New or Existing Program:** New program

**Funding Amount:** \$6.8 million for FY 2006-2009 – set aside from Highway Safety Research and Development

**Program Features:** A new program to conduct a study and demonstration project to improve traffic safety related to older drivers. The components of the program are providing guidelines to various groups on enhancing the safety of older drivers; improving scientific basis of medical standards and screening strategies used in licensing of drivers; conducting field tests to assess the safety benefits and mobility impacts of different licensing strategies; and assessing the value and improving the safety potential of driver retraining courses. An older driver traffic safety plan will be developed.

**Any Necessary Rulemaking:** none

**Action Timeline:** The older driver traffic safety plan will be due to Congress in August 2006.

**NCTCOG Action Required:** Monitor the results of the study for possible implementation of results in the Dallas-Fort Worth area.

**NCTCOG Lead:** Sonya Jackson

**Program Title:** *Traffic Signal Preemption Transmitters*

**Section Number:** 2018

**New or Existing Program:** New program

**Funding Amount:** N/A

**Program Features:** Anyone who now sells a traffic signal preemption device to a non-qualified user could face a one year imprisonment or a fine. Any non-qualified user who purchases a traffic signal preemption device now could face a six months imprisonment or a fine.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor whether this new penalty improves intersection safety.

**NCTCOG Lead:** Sonya Jackson

**Program Title:** *Presidential Commission on Alcohol-impaired Driving*

**Section Number:** 2020

**New or Existing Program:** New program

**Funding Amount:** N/A

**Program Features:** Congress urges the President to establish a Commission on Alcohol-Impaired Driving made up of representatives from a variety of groups.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor whether this commission is established.

**NCTCOG Lead:** Sonya Jackson

**Program Title: *National Intelligent Transportation Systems Program Plan***

**Section Number:** 5301

**New or Existing Program:** New program

**Funding Amount:** N/A

**Program Features:** A new program to develop a national Intelligent Transportation Systems (ITS) five-year program plan in consultation with stakeholders. The plan will specify goals, objectives, and milestones for research and deployment of ITS in various areas; specify how the goals, objectives, and milestones will be achieved; identify activities to ensure interoperability of ITS technologies; and establish a cooperative process with state and local governments to determine desired surface transportation system performance levels and develop plans for accelerating the incorporation of ITS.

**Any Necessary Rulemaking:** None

**Action Timeline:** The plan must be completed by August 2006 and will be updated biennially.

**NCTCOG Action Required:** Monitor the plan for potential impacts to the Dallas-Fort Worth area.

**NCTCOG Lead:** Natalie Bettger

**Program Title: *Use of Funds for ITS Activities***

**Section Number:** 5302

**New or Existing Program:** New program

**Funding Amount:** \$250,000 per fiscal year set-aside from ITS funds

**Program Features:** Funding will be set aside each year for outreach, public relations, displays, tours, and brochures highlighting ITS.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor the distribution of such materials in the Dallas-Fort Worth area.

**NCTCOG Lead:** Natalie Bettger

**Program Title: *ITS Program General Authorities and Requirements***

**Section Number:** 5305

**New or Existing Program:** New program

**Funding Amount:** N/A

**Program Features:** A new program to research, develop, and operationally test ITS and provide technical assistance in implementation. This program will encourage public-private partnerships for investment in such projects. Funding may be provided to incorporate ITS and management and operations into metropolitan and state transportation planning. An information clearinghouse and an advisory committee will also be established.

**Any Necessary Rulemaking:** None

**Action Timeline:** An annual report on recommendations of the advisory committee and actions taken by the DOT Secretary will be due to Congress by February 1 of each year.

**NCTCOG Action Required:** Monitor the recommendations and implementation for possible impact to the Dallas-Fort Worth area.

**NCTCOG Lead:** Natalie Bettger

**Program Title: *ITS Research and Development***

**Section Number:** 5306

**New or Existing Program:** New program

**Funding Amount:** N/A

**Program Features:** A new program to carry out research, development, and operational testing on intelligent vehicles and infrastructure systems. Priority will be given to projects that

enhance mobility and productivity through improved traffic management, incident management, transit management, toll collection, traveler information, or highway operations systems and remote sensing products; utilize interdisciplinary approaches to develop traffic management strategies and tools to address multiple impacts of congestion concurrently; address traffic management, incident management, transit management, toll collection traveler information, or highway operations systems; incorporate research on the impact of environmental, weather, and natural conditions on ITS; enhance intermodal use of ITS for diverse groups; enhance safety through improved crash avoidance and protection, crash and other notification, commercial motor vehicle operations, and infrastructure-based or cooperative safety systems; and facilitate the integration of intelligent infrastructure, vehicle, and control technologies.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor research results.

**NCTCOG Lead:** Natalie Bettger

**Program Title:** *National ITS Architecture and Standards*

**Section Number:** 5307

**New or Existing Program:** New program

**Funding Amount:** N/A

**Program Features:** A new program to develop, implement, and maintain a national architecture and supporting standards or protocols for use and evaluation of ITS technology. The national architecture should promote interoperability of ITS systems. A panel of experts will make recommendations on developing the standards, but if that development will delay achievement of objectives, the DOT Secretary may establish a provisional standard.

**Any Necessary Rulemaking:** None

**Action Timeline:** Recommendations by the panel of experts will be due by September 30, 2007.

**NCTCOG Action Required:** Monitor the development and implementation of ITS standards.

**NCTCOG Lead:** Natalie Bettger

**Program Title:** *Transportation Safety Information Management System Project*

**Section Number:** 5501

**New or Existing Program:** Existing program

**Funding Amount:** \$2 million for FY 2006-2007

**Program Features:** A project will be carried out to further the development of a comprehensive transportation safety information management system (TSIMS). The purpose of the program is to further the development of a software application to provide for the collection, integration, management, and dissemination of safety data from and for use among state and local safety and transportation agencies. The funding provided is intended to be supplemental to funding states are already spending.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor the implementation of TSIMS

**NCTCOG Lead:** Natalie Bettger

**Program Title:** *Surface Transportation Congestion Relief Solutions Research Initiative*

**Section Number:** 5502

**New or Existing Program:** New program

**Funding Amount:** \$39 million for FY 2006-2009

**Program Features:** A new program that establishes a surface transportation congestion solutions research initiative. One research project will cover improved surface transportation

congestion management system measures, and the other will cover analytical techniques for action on surface transportation congestion. The program is designed to develop information to assist state departments of transportation and MPOs measure and address surface transportation congestion problems.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor the implementation of the research program for possible benefits to the Dallas-Fort Worth area.

**NCTCOG Lead:** Natalie Bettger

\*Also see Department-wide Issues (Sec. 3005, 3046, 5309, and 6001)

## **COMMUNITY OUTREACH**

\*See Department-wide Issues (Sec. 3005, 3006, and 6001).

## **DEVELOPMENT, FREIGHT, AND AVIATION**

**Program Title:** *Transportation, Community, and System Preservation Program*

**Section Number:** 1117

**New or Existing Program:** New program (formerly a pilot program)

**Funding Amount:** \$270 million for FY 2005-2009

**Program Features:** Makes the Transportation, Community, and System Preservation Program a permanent program. State, tribal, regional, and local governments are eligible to receive funding to improve the efficiency of the transportation system; reduce the impacts of transportation on the environment; reduce the need for costly future investments in public infrastructure; provide efficient access to jobs, services, and centers of trade; and examine community development patterns to identify strategies to encourage private sector development. Any highway or public transportation project will be eligible for funding, especially corridor preservation for transit-oriented development plans or traffic calming.

**Any Necessary Rulemaking:** Unknown, none required

**Action Timeline:** Funding is immediately available for projects

**NCTCOG Action Required:** Develop and submit eligible projects for funding

**NCTCOG Lead:** Alicia Hopkins

**Program Title:** *Truck Parking Facilities*

**Section Number:** 1305

**New or Existing Program:** New pilot program

**Funding Amount:** \$25 million for FY 2006-2009

**Program Features:** A program is established to allocate funding to States, MPOs, and local governments to coordinate on addressing the shortage of commercial vehicle parking on the National Highway System. Projects could include construction of safety rest areas, opening facilities such as weigh stations to commercial vehicle parking, or construction turnouts, among other projects. Priority will be given to corridors with a severe parking shortage; ongoing stakeholder consultation; and positive effects of the project on safety, congestion, or air quality.

**Any Necessary Rulemaking:** none

**Action Timeline:** A report will be due to Congress in August 2008 on the results of the pilot program

**NCTCOG Action Required:** Develop and submit projects for funding

**NCTCOG Lead:** Greg Royster



**Program Title: *Freight Intermodal Distribution Pilot Grant Program***

**Section Number:** 1306

**New or Existing Program:** New pilot program

**Funding Amount:** \$24 million for FY 2006-2009 – all funding earmarked for projects outside Texas

**Program Features:** A new program is established to facilitate and support intermodal freight facilities to improve congestion and safety and to provide capital funding to address the needs at inland ports and intermodal freight facilities. Priority will be given to projects that reduce congestion at international ports, increase the likelihood that freight container movements are moving goods, or establish or expand facilities that encourage development of inland freight distribution centers.

**Any Necessary Rulemaking:** none

**Action Timeline:** A report will be due to Congress in August 2008 on the results of the pilot program

**NCTCOG Action Required:** Monitor program for potential Dallas-Fort Worth projects in future authorizations

**NCTCOG Lead:** Greg Royster

**Program Title: *Safe Routes to Schools***

**Section Number:** 1404

**New or Existing Program:** New program

**Funding Amount:** See attached table.

**Program Features:** The program is established 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. Funds will be allocated to states based on elementary and middle school enrollment. Infrastructure projects such as sidewalk improvements and off-street bicycle and pedestrian facilities will account for 70-90 percent of funds, while noninfrastructure activities such as public awareness campaigns will account for 10-30 percent of funds. States will be required to hire a Safe Routes to Schools Coordinator. A task force of health, transportation, and education leaders will develop strategies for advancing these programs nationwide.

**Any Necessary Rulemaking:** None

**Action Timeline:** A report will be due to Congress by March 31, 2006, on the results of the task force study and strategy development and information on the use of program funds.

**NCTCOG Action Required:** Develop and submit projects for funding

**NCTCOG Lead:** Alicia Hopkins

**Program Title: *Bicycle and Pedestrian Safety Grants***

**Section Number:** 1411

**New or Existing Program:** New program

**Funding Amount:** \$2.3 million for FY 2005-2009

**Program Features:** Funding will be made available to a national nonprofit organization working on bicycle and pedestrian safety for activities such as operating a national bicycle and pedestrian clearinghouse; developing information and educational programs; and disseminating techniques and strategies for improving bicycle and pedestrian safety.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor safety techniques and strategies disseminated by the nonprofit organization

**NCTCOG Lead:** Alicia Hopkins

**Program Title:** *Idling Reduction Facilities in Interstate Rights-of-way*

**Section Number:** 1412

**New or Existing Program:** New program

**Funding Amount:** N/A

**Program Features:** States may permit electrification or other idle reduction facilities for commercial motor vehicles to be placed in rest stops or recreation areas on Interstate rights-of-way if doing so will not reduce the number of parking spaces. States may charge a fee or permit a fee to be charged for use of parking spaces providing power.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor implementation to determine potential benefit to the region

**NCTCOG Lead:** Greg Royster, Carrie Reese

**Program Title:** *Nonmotorized Transportation Pilot Program*

**Section Number:** 1807

**New or Existing Program:** New pilot program

**Funding Amount:** \$100 million for FY 2005-2009 – all funding specified for projects outside of Texas

**Program Features:** A new program to create a system of bicycle and pedestrian facilities in four communities in order to see how much of the transportation load in those communities can be carried by walking and bicycling.

**Any Necessary Rulemaking:** None

**Action Timeline:** An interim report will be due to Congress by September 30, 2007, and a final report will be due by September 30, 2010.

**NCTCOG Action Required:** Monitor program for possible correlations with Dallas-Fort Worth and possible future projects

**NCTCOG Lead:** Alicia Hopkins

**Program Title:** *Community Enhancement Study*

**Section Number:** 1925

**New or Existing Program:** New program

**Funding Amount:** \$2 million for FY 2006-2007 set-aside from the Transportation, Community, and System Preservation Program

**Program Features:** A study will be conducted on well-designed transportation projects' abilities to promote economic development; protect public health, safety, and the environment; enhance architectural design and the planning of communities and the positive benefits of such projects. The study will be carried out by a national organization representing architects.

**Any Necessary Rulemaking:** none

**Action Timeline:** A report on the study results will be due to Congress by September 20, 2007.

**NCTCOG Action Required:** Monitor the study's report for application in the Dallas-Fort Worth area.

**NCTCOG Lead:** Alicia Hopkins

**Program Title: *Freight Capacity Building Program***

**Section Number:** 5204

**New or Existing Program:** New program

**Funding Amount:** \$3.5 million for FY 2006-2009

**Program Features:** A new program to establish a freight planning capacity building initiative to support enhancements in freight transportation planning. AMPO, along with other national transportation organizations, will be consulted as stakeholders. Activities of the program will include identification and dissemination of best practices; providing opportunities for peer exchanges; refinement of data and analysis tools used in conjunction with assessing freight transportation needs; technical assistance to state departments of transportation and local transportation agencies reorganizing to address freight transportation issues; facilitating relationship building between government and private entities; and identifying ways to target the capacity of state departments of transportation and local transportation agencies to address freight considerations in all elements of the planning process.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor the implementation of the program for possible participation and education for planning efforts in the Dallas-Fort Worth area.

**NCTCOG Lead:** Greg Royster

**Program Title: *National Cooperative Freight Transportation Research Program***

**Section Number:** 5209

**New or Existing Program:** New program

**Funding Amount:** \$15 million for FY 2006-2009

**Program Features:** A new national cooperative freight transportation research program is established, and will be administered by the National Academy of Sciences. An advisory committee will be appointed from a cross-section of freight stakeholders. Research activities will include techniques for estimating and quantifying public benefits derived from freight transportation projects; alternative approaches to calculating the contribution of truck and rail traffic to congestion on specific highway segments; the feasibility of consolidating origins and destinations for freight movement; methods for incorporating estimates of international trade into landside transportation planning; the use of technology applications to increase capacity of highway lanes dedicated to truck-only traffic; development of physical and policy alternatives for separating car and truck traffic; ways to synchronize infrastructure improvements with freight transportation demand; and the effect of changing patterns of freight movement on transportation planning decisions relating to rest areas.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor research results for application in the Dallas-Fort Worth area.

**NCTCOG Lead:** Greg Royster

**Program Title: *High-speed Rail Corridor Development***

**Section Number:** 9001

**New or Existing Program:** Existing program

**Funding Amount:** \$560 million for FY 2006-2013 for corridor development, and \$240 million for FY 2006-2013 for technology improvements.

**Program Features:** New projects are added to the list of projects eligible to receive funding: acquisition of locomotives, rolling stock, track, and signal equipment.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor potential projects in the Dallas-Fort Worth area for funding.

**NCTCOG Lead:** Mike Sims

**Program Title:** *Capital Grants for Rail Line Relocation Projects*

**Section Number:** 9002

**New or Existing Program:** New program

**Funding Amount:** \$1.4 billion for FY 2006-2009

**Program Features:** A new program to provide grants for local rail line relocation and improvement projects. States will be eligible for grants if a proposed project is carried out for the purpose of mitigating the adverse effects of rail traffic on safety, motor vehicle traffic flow, community quality of life, or economic development or involves a lateral or vertical relocation of any portion of the rail line. Half of all funds will be awarded for grants of \$20 million or less, with that cut-off level being adjusted each year for inflation. Seeking contributions from private entities will be considered in proportion to the expected benefits likely to accrue to such entities.

**Any Necessary Rulemaking:** Regulations will be issued on how to implement the grant program.

**Action Timeline:** Temporary regulations will be issued by April 1, 2006, and final regulations will be issued by October 1, 2006.

**NCTCOG Action Required:** Monitor the regulations and prepare for possible projects in the Dallas-Fort Worth area.

**NCTCOG Lead:** Mike Sims

**Program Title:** *Impact on Public Safety of Train Travel in Communities Without Grade Separation*

**Section Number:** 9003

**New or Existing Program:** New program

**Funding Amount:** N/A

**Program Features:** A study will be conducted on the impact of blocked highway-rail grade crossings on the ability of emergency responders to perform their duties.

**Any Necessary Rulemaking:** None

**Action Timeline:** A report on the results and recommendations of the study will be due to Congress by August 2006.

**NCTCOG Action Required:** Monitor the results of the study for possible inclusion of recommendations in the Dallas-Fort Worth area.

**NCTCOG Lead:** Greg Royster

**Program Title:** *Study of Rail Transportation and Regulation*

**Section Number:** 9007

**New or Existing Program:** New program

**Funding Amount:** \$1.8 million for FY 2006-2007

**Program Features:** A study will be conducted on the nation's railroad system. The study will address and make recommendations on the performance of the nation's major railroads regarding service levels, service quality, and rates; the projected demand for freight transportation over the next two decades and the constraints limiting the railroads' ability to meet that demand; the effectiveness of public policy in balancing the need for railroads to earn adequate returns with those of shippers for reasonable rates and adequate service; and the future role of the Surface Transportation Board in regulating railroad rates, service levels, and

the railroads' common carrier obligations, particularly as railroads may become revenue adequate.

**Any Necessary Rulemaking:** None

**Action Timeline:** The study must be arranged with the National Academy of Sciences by February 6, 2006. A report on the results and recommendations of the study will be due to Congress one year after the study commences.

**NCTCOG Action Required:** Monitor the results of the study for potential application to the Dallas-Fort Worth area.

**NCTCOG Lead:** Mike Sims

\*Also see Congestion Management, Safety, and Security (Sec. 2003) and Department-wide Issues (Sec. 3005, 3006, 3046, and 6001)

## **FISCAL MANAGEMENT AND TRANSIT OPERATIONS**

**Program Title:** *Metropolitan Planning (funding)*

**Section Number:** 1107

**New or Existing Program:** Existing program

**Funding Amount:** 1.25 percent set-aside from the five core programs per year

**Program Features:** The funding for MPOs is increased to 1.25 percent (up from 1.0 percent) of the five core programs (Interstate Maintenance, National Highway System, Bridge Program, CMAQ, Surface Transportation Program). Unused MPO funds may be returned to the state for Statewide Planning and Research. States will now be required to distribute funds to MPOs within 30 days after the MPO submits a request for reimbursement.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor the funding level that will be provided to the Dallas-Fort Worth region and the promptness of TxDOT reimbursement.

**NCTCOG Lead:** Dan Kessler

**Program Title:** *Transportation Development Credits*

**Section Number:** 1905

**New or Existing Program:** Existing program

**Funding Amount:** N/A

**Program Features:** If federal funds have been used on a toll project, toll credits may now be used, but will be reduced by the percentage of the total cost of the facility derived from federal funds.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor the availability of toll credits for use in Dallas-Fort Worth area projects.

**NCTCOG Lead:** Ken Kirkpatrick

**Program Title:** *Formula Grants for Special Needs of Elderly Individuals and Individuals with Disabilities*

**Section Number:** 3012

**New or Existing Program:** Existing program

**Funding Amount:** See attached table.

**Program Features:** Grants made under this section will no longer follow requirements of the Capital Investment Grant program but will now follow requirements of the Urbanized Area

Formula Grants program. In order to receive funding, grant recipients must certify that the project has been coordinated with private nonprofit providers of service. In FY 2007, grant recipients will have to certify that the projects selected were derived from a locally developed, coordinated public transit-human services transportation plan and that the plan was developed through a process that included representatives of public, private, and nonprofit transportation and human services providers and participation by the public.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Continue work with coordination of transportation and human services.

**NCTCOG Lead:** Michelle Bloomer

**Program Title:** *Elderly Individuals and Individuals with Disabilities Pilot Program*

**Section Number:** 3012

**New or Existing Program:** New pilot program

**Funding Amount:** N/A

**Program Features:** A new pilot program for seven states (three are not designated in the bill) to use up to one-third of Section 5310 funds for operation costs of transit for elderly individuals and individuals with disabilities. Selection of the remaining states may be based on good coordination between transportation and health and human services.

**Any Necessary Rulemaking:** None

**Action Timeline:** A report on the results of the pilot program will be due to Congress by August 2007. The pilot program expires on September 30, 2009.

**NCTCOG Action Required:** Work with TxDOT to see if Texas could qualify for participation in the pilot program

**NCTCOG Lead:** Michelle Bloomer

**Program Title:** *National Technical Assistance Center for Senior Transportation*

**Section Number:** 3016

**New or Existing Program:** New program

**Funding Amount:** N/A

**Program Features:** A new program to make grants to a national nonprofit for the establishment and maintenance of a national technical assistance center. Grant funds may be used to gather best practices and provide such practices to local communities implementing senior transportation programs; work with teams to identify how the communities are successfully meeting the transportation needs of senior citizens; provide resources on ways to pay for senior transportation services; create a Web site to publicize and circulate information on senior transportation programs; establish a clearinghouse for print, video, and audio resources; and administer a demonstration grant program. The demonstration grants can be made to local transportation organizations, state agencies, local governments, and nonprofit organizations to evaluate the state of transportation services for senior citizens; recognize barriers to mobility; establish partnerships and promote coordination among community stakeholders; identify future transportation needs; and establish strategies to meet the unique needs of healthy and frail senior citizens.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor the results of the pilot program or whether any projects in the Dallas-Fort Worth area may be eligible for a demonstration grant.

**NCTCOG Lead:** Michelle Bloomer

**Program Title:** *Job Access and Reverse Commute*

**Section Number:** 3018

**New or Existing Program:** Existing program

**Funding Amount:** See attached table.

**Program Features:** The Job Access Reverse Commute Program will now be a formula grant program (instead of a discretionary program) based on the number of low-income individuals and individuals on welfare. Funds will be apportioned within states to both urban and nonurban areas. Recipients of funds in urbanized areas will undertake an areawide solicitation in consultation with the MPO for grants to recipients and subrecipients. The federal funding share will be 80 percent for capital costs and 50 percent for operating costs.

**Any Necessary Rulemaking:** None

**Action Timeline:** A report evaluating the grant program will be submitted to Congress by the Comptroller General by August 2007 and then biennially. A report on the effectiveness of the grant program and the effectiveness of recipients making grants to subrecipients will be submitted to Congress by August 2008.

**NCTCOG Action Required:** Monitor the implementation of the new requirements in the Dallas-Fort Worth area

**NCTCOG Lead:** Michelle Bloomer

**Program Title:** *New Freedom Initiative*

**Section Number:** 3019

**New or Existing Program:** New program

**Funding Amount:** See attached table.

**Program Features:** A new program to make grants for new public transportation services and alternatives beyond Americans with Disabilities Act requirements to assist individuals with disabilities with transportation, including to and from jobs and employment support services. Funding is distributed to large urbanized areas, small urbanized areas, and states using a formula based on the number of individuals with disabilities in that area (large urbanized areas get 60 percent of the funding). Large urbanized areas must conduct an areawide solicitation in consultation with the MPO for grants to recipients and subrecipients. Beginning in FY 2007, a grant recipient must certify that the projects selected were derived from a locally developed, coordinated public transit-human services transportation plan and that the plan was developed through a participation process that included representatives of public, private, and nonprofit transportation and human services providers as well as the public. The federal funding share will be 80 percent for capital costs and 50 percent for operating costs.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor the implementation of this program and MPO funding level in the Dallas-Fort Worth area.

**NCTCOG Lead:** Michelle Bloomer

**Program Title:** *Cooperative Procurement*

**Section Number:** 3048

**New or Existing Program:** New program

**Funding Amount:** N/A

**Program Features:** The DOT Secretary will undertake a 30-day review of efforts to use cooperative procurement to see whether benefits are sufficient to formally incorporate the process into the transit program.

**Any Necessary Rulemaking:** None

**Action Timeline:** The review must begin by February 2006.

**NCTCOG Action Required:** Monitor the results of the study for impacts to Dallas-Fort Worth area projects.

**NCTCOG Lead:** Ken Kirkpatrick

\*Also see Transportation Project Programming (Sec. 3034 and 3036); and Department-wide Issues (Sec. 3046)

## **INFORMATION SYSTEMS**

**Program Title:** *Transportation Research and Development Strategic Plan*

**Section Number:** 5208

**New or Existing Program:** New program

**Funding Amount:** N/A

**Program Features:** A five-year transportation research and development strategic plan will be developed. The plan will include a description of the primary purposes of the transportation research and development program including reducing congestion, improving mobility, promoting safety, protecting and enhancing the environment, preserving the existing transportation system, and improving the durability of transportation infrastructure; for each purpose, the primary research and development topics that the Department intends to pursue as well as the anticipated annual funding levels and information expected to be gained from the topics.

**Any Necessary Rulemaking:** None

**Action Timeline:** The plan must be completed by August 2006. An annual report describing the amount spent in the last completed fiscal year on transportation research and development and the amount proposed in the current budget will be submitted to Congress in conjunction with the President's budget each February.

**NCTCOG Action Required:** Monitor the development of the strategic plan to get an indication of future research projects.

**NCTCOG Lead:** Dan Kessler

**Program Title:** *Transportation Analysis Simulation System (TRANSIMS) Deployment*

**Section Number:** 5512

**New or Existing Program:** Existing program

**Funding Amount:** \$10.5 million for FY 2006-2009

**Program Features:** The deployment of TRANSIMS will be accelerated. Funds will be used to provide funding to state departments of transportation and MPOs to implement TRANSIMS; develop methods to demonstrate a wide spectrum of TRANSIMS applications to support local, metropolitan, and statewide planning activities; provide training and technical assistance with respect to the implementation and application of TRANSIMS; and further develop TRANSIMS for additional applications.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor the implementation of TRANSIMS in the Dallas-Fort Worth area.

**NCTCOG Lead:** Ken Cervenka



## **TRANSPORTATION PLANNING**

**Program Title:** *HOV Facilities*

**Section Number:** 1121

**New or Existing Program:** New program

**Funding Amount:** N/A

**Program Features:** High Occupancy Vehicle (HOV) facilities must require a minimum vehicle occupancy of two persons, except in the following cases:

- Motorcycles and bicycles are allowed in HOV lanes unless it would create a safety hazard. Before motorcycles and bicycles can be restricted from using HOV lanes the state must certify that a safety hazard exists and the certification must be published in the Federal Register for public comments.
- Public transportation vehicles are allowed in HOV lanes if they are marked as such.
- High Occupancy Toll (HOT) vehicles will be allowed once a state develops an enrollment program and a plan to collect tolls electronically, manage demand by varying the tolls, and enforce violations.
- Low emission and energy efficient vehicles:
  - Inherently low emission vehicles will be allowed to use HOV lanes once the EPA Administrator certifies such vehicles and develops a labeling system. These vehicles will not be permitted to use HOV lanes after September 30, 2009.
  - Other low emission or energy efficient vehicles will be allowed to use HOV lanes for a toll (the toll may be lower than the toll for HOT vehicles) once the EPA Administrator certifies such vehicles and develops a labeling system. The state must also develop a program to select vehicles that may use HOV lanes and enforce the restrictions. These vehicles will not be permitted to use HOV lanes after September 30, 2009.

HOV facilities on the Interstate System may collect tolls from HOT and clean vehicle users. Priority consideration for excess toll revenue collected on HOV facilities should be to developing alternatives to Single Occupancy Vehicles or safety projects. If states allow HOT or clean vehicles to use HOV facilities the state must certify that it has a program to manage the system, that the facility is being operated correctly, and that the facility's operation is not degraded by the presence of those vehicles.

**Any Necessary Rulemaking:** Final Rule on certification requirements for low emission and energy efficient vehicles and a labeling system (EPA); Guidelines for making vehicle comparisons and performance calculations for low emission and energy efficient vehicles (EPA)

**Action Timeline:** Final Rule and Guidelines due by February 6, 2006.

**NCTCOG Action Required:** Work with HOV facility operators to determine if it is appropriate to let any of the newly eligible categories of vehicles to use HOV lanes in the Dallas-Fort Worth area. Monitor rulemaking and guidelines on clean vehicles. Determine whether access to HOV facilities could encourage the purchase of clean vehicles.

**NCTCOG Lead:** Dan Lamers

**Program Title:** *High Priority Corridors on the National Highway System*

**Section Number:** 1304

**New or Existing Program:** Existing program

**Funding Amount:** Such sums as may be necessary are authorized.

**Program Features:** Several corridors throughout the nation are added to the list of High Priority Corridors, including one in Texas: Interstate 20 from Interstate 35E in Dallas County, east to Interstate 635, north to Interstate 30, then northeast on Interstate 30 outside of the Dallas-Fort Worth region.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor regulations for potential Dallas-Fort Worth projects in future authorizations.

**NCTCOG Lead:** Mike Burbank

**Program Title:** *Highways for LIFE Pilot Program*

**Section Number:** 1502

**New or Existing Program:** New pilot program

**Funding Amount:** See attached table.

**Program Features:** A new program is established to advance longer-lasting highways using innovative technologies and practices to accomplish the fast construction of efficient and safe highways and bridges. Priority will be given to projects that achieve high standards for quality, safety, and speed of construction; deliver and deploy innovative technology or practices; will be ready for construction within one year of project proposal. Funding can be provided for 15 projects each fiscal year, and there will be an attempt to fund at least one project in each state. In addition, the DOT Secretary will conduct a technology transfer and ensure that the information gained from this pilot program is made available to the transportation community and to the public.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor results of the technology transfer to see how the innovative technologies and practices could be applied in Dallas-Fort Worth.

**NCTCOG Lead:** Mike Burbank

**Program Title:** *Design Build*

**Section Number:** 1503

**New or Existing Program:** Existing program

**Funding Amount:** N/A

**Program Features:** The cost requirement for design-build projects is removed.

**Any Necessary Rulemaking:** Revised regulations that allow State departments of transportation or local agencies to issue requests for proposals, award design-build contracts, or issue notices to proceed with preliminary design work before receiving environmental clearance if approved by the DOT Secretary.

**Action Timeline:** Revised regulations due by November 8, 2005

**NCTCOG Action Required:** Monitor regulations for impact to Dallas-Fort Worth

**NCTCOG Lead:** Jeff Neal

**Program Title:** *State Infrastructure Banks*

**Section Number:** 1602

**New or Existing Program:** New program

**Funding Amount:** No specific funding provided, but states may deposit up to 10 percent of FY 2005-2009 apportioned National Highway System, Surface Transportation Program, Interstate Maintenance, Bridge, and Equity Bonus funds into a State Infrastructure Bank (SIB) account. In addition, 10 percent of FY 2005-2009 capital transit project or rail funding may be deposited into separate transit and rail accounts.

**Program Features:** States may establish SIBs to make loans and other forms of assistance to public or private entities. When establishing SIBs, states must deposit non-federal funds at 25 percent of the amount of federal funds. Specific requirements are listed for the types of investments SIBs can make.

**Any Necessary Rulemaking:** None  
**Action Timeline:** N/A  
**NCTCOG Action Required:** Monitor implementation of new SIB requirements in Texas.  
**NCTCOG Lead:** Dan Lamers

**Program Title:** *Value Pricing Pilot Program*  
**Section Number:** 1604  
**New or Existing Program:** Existing pilot program  
**Funding Amount:** \$59 million for FY 2005-2009, with \$3 million each fiscal year being set aside for projects not involving tolls  
**Program Features:** Funding is increased for the pilot program and money is set aside for projects not involving tolls  
**Any Necessary Rulemaking:** None  
**Action Timeline:** N/A  
**NCTCOG Action Required:** Monitor program for projects that may be eligible in Dallas-Fort Worth  
**NCTCOG Lead:** Jeff Neal

**Program Title:** *Interstate System*  
**Section Number:** 1604  
**New or Existing Program:** New pilot program  
**Funding Amount:** N/A  
**Program Features:** A new program for a state or group of states to collect a toll on an Interstate. Three projects will be authorized if the tolls are reasonable, local interests have been considered, an electronic toll collection system will be used, and preference is given to a public toll agency with demonstrated capability to build, operate, and maintain the project. Toll revenue may be used for debt service, return on private investment, or maintenance and operation. During the period of participation, the facility being tolled may not receive any Interstate Maintenance funds.  
**Any Necessary Rulemaking:** None  
**Action Timeline:** States have 10 years to apply for the pilot program  
**NCTCOG Action Required:** Determine if any projects in Dallas-Fort Worth are candidate pilot projects.  
**NCTCOG Lead:** Dan Lamers

**Program Title:** *Value Pricing Pilot Program*  
**Section Number:** 1604  
**New or Existing Program:** Existing pilot program  
**Funding Amount:** \$59 million for FY 2005-2009, with \$3 million each fiscal year being set aside for projects not involving tolls.  
**Program Features:** Funding is increased for the pilot program and money is set aside for projects not involving tolls  
**Any Necessary Rulemaking:** None  
**Action Timeline:** N/A  
**NCTCOG Action Required:** Monitor program for projects that may be eligible in Dallas-Fort Worth  
**NCTCOG Lead:** Jeff Neal

**Program Title:** *Project Approval and Oversight*

**Section Number:** 1904

**New or Existing Program:** Existing program

**Funding Amount:** N/A

**Program Features:** States will be required to perform a value engineering analysis for federal-aid highway projects with an estimated cost of \$25 million or more, bridge projects with an estimated cost of \$20 million or more, and any other project that the DOT Secretary determines should have such analysis. A value engineering analysis is a process of review and analysis during the concept and design phases by a multidisciplinary team not involved with the project to provide recommendations on meeting safety and reliability goals at the lowest possible cost, improving value, and reducing time to complete the project. For projects with an estimated cost over \$500 million, more than one analysis may be required, and funding recipients must submit a project management plan and an annual financial plan. Projects between \$100-500 million must submit an annual financial plan. An oversight program is established to monitor the effectiveness and efficiency in project delivery.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor if these requirements will affect Dallas-Fort Worth area projects

**NCTCOG Lead:** Jeff Neal

**Program Title:** *National Surface Transportation Policy and Revenue Study Commission*

**Section Number:** 1909

**New or Existing Program:** New commission

**Funding Amount:** \$2.8 million for FY 2006-2007

**Program Features:** The commission will conduct a comprehensive study of the current conditions and future needs of the surface transportation system; short-term sources and long-term alternatives for the Highway Trust Fund; and whether current revenue is likely to increase, decrease, or remain constant. In addition, the commission will develop a conceptual plan to ensure that the United States transportation needs will be met and consult with federal and state departments of transportation. Specific items for the commission to study include condition and performance of the Interstate System; the future of the Interstate System based on a range of legislative and policy approaches for various timeframes; the expected demographics and business uses that impact the transportation system; changing vehicle types; identification of needs; the potential for expansion, upgrades, or changes; the improvement of emergency preparedness; alternatives for addressing environmental concerns; the current and future capability for conducting system-wide real-time performance data collection and analysis; policy and legislative alternatives for addressing future needs; the advantages and disadvantages of alternative revenue sources; recommendations concerning the most promising revenue sources; development of a broad transition strategy to move to new funding mechanisms; recommendations for additional research needed; and the extent to which revenues should reflect the relative use of the highway system.

**Any Necessary Rulemaking:** None

**Action Timeline:** All commission members must be appointed by December 8, 2005, and the Commission must meet before January 7, 2006. A report of detailed findings and conclusions and recommendations for legislation and administrative actions will be due to Congress by July 1, 2007. The commission will terminate 180 days following the report's submission to Congress.

**NCTCOG Action Required:** Monitor the commission's report and the implementation of any recommendations.

**NCTCOG Lead:** Dan Lamers

**Program Title: *Public Transportation Capital Projects***

**Section Number:** 3004

**New or Existing Program:** Existing program

**Funding Amount:** N/A

**Program Features:** The definition of a capital project is modified to include the following activities:

- Construction, renovation, and improvement of intercity bus and intercity rail stations and terminals.
- Crime prevention and security activities including emergency response plans, emergency response drills, and security training for employees, among others.
- Establishment of a debt service reserve.
- Mobility management, including short-range planning and management activities for improving coordination among public transportation and other transportation service providers.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Work with transportation agencies to assess the applicability to projects in the Dallas-Fort Worth area.

**NCTCOG Lead:** Chad Edwards

**Program Title: *Planning Programs (transit title)***

**Section Number:** 3007

**New or Existing Program:** New program

**Funding Amount:** N/A

**Program Features:** A new program to make grants to states, state authorities, MPOs, or local government authorities to develop transportation plans and programs; plan, engineer, design, and evaluate a public transportation project; and conduct technical studies relating to public transportation. The main feature is the distribution formula of Metropolitan Transportation Planning and Private Enterprise Planning funds. The distribution will be based on the percentage of population living within a state, but no state will receive less than 0.5 percent of the allocated funds. States will be required to allocate these funds to MPOs within 30 days of the funds being apportioned to states using a formula that considers the population of each urbanized area, provides an appropriate distribution for urbanized areas to carry out the required processes, and is developed in cooperation with MPOs. Statewide Planning and Research funds will also be distributed in a similar fashion, and states may use a portion of these funds to supplement MPO funds. Of all funds authorized for planning under title 49, 82.72 percent will be distributed to metropolitan areas, and 17.28 percent will go to states.

**Any Necessary Rulemaking:** None

**Action Timeline:** Any funds apportioned for planning activities must be obligated within three fiscal years or the funds will be reapportioned among the states.

**NCTCOG Action Required:** Monitor the implementation of this program and MPO funding level in the Dallas-Fort Worth area.

**NCTCOG Lead:** Dan Kessler

**Program Title: *Urbanized Area Formula Grants***

**Section Number:** 3009

**New or Existing Program:** Existing program

**Funding Amount:** See attached table.

**Program Features:** The list of eligible uses for such grant funds is expanded to now include planning and transit enhancements. Operating costs for urbanized areas with populations between 200,000 and 225,000 are only eligible if the urbanized area is in more than one state, the portion of the urbanized area includes only one state, the population of the portion of the

urbanized area is less than 30,000, or the grant will not be used outside the portion of the urbanized area. Urbanized areas over 200,000 may continue to receive grants for operating costs of equipment and facilities only if the urbanized area had a population of less than 200,000 in the 1990 Census, a portion of the urbanized area was a separate urbanized area with a population of less than 200,000 in the 1990 Census, the area was not designated as an urbanized area in the 1990 Census, or a portion of the area was not designated as an urbanized area in the 1990 Census and it received assistance under Formula Grants for Other than Urbanized Areas. The funding for such areas will decrease over the next three fiscal years and expire in FY 2008.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor whether these provisions impact any Dallas-Fort Worth transit operators

**NCTCOG Lead:** Michelle Bloomer, Christie Jestis

**Program Title:** *Capital Investment Grants*

**Section Number:** 3011

**New or Existing Program:** Existing program

**Funding Amount:** See attached table.

**Program Features:** Funding from this section can no longer be provided for capital costs of coordination of transit with other transportation modes, introduction of new technology, or projects for needs of the elderly or persons with disabilities. Grants are now separated into two categories: Major Capital Investment Grants of \$75 Million or More and Capital Investment Grants Less Than \$75 Million. Following are provisions for major capital projects:

- Major new fixed guideway capital projects will be carried out under a Full Funding Grant Agreement (FFGA). FFGAs will be issued for projects authorized for Final Design and Construction and with a rating of medium, medium-high, or high.
- Projects must be based on the results of an alternatives analysis and preliminary engineering, justified based on a comprehensive review, and supported by an acceptable degree of local financial commitment.
- In order for a project to be found to be justified, the DOT Secretary will examine two new factors: the results of the alternatives analysis and preliminary engineering, and the reliability of the forecasting methods used to estimate costs and utilization.
- If priority is given to projects proposing greater than the required local match, equal weight must be given to the fiscal capacity of state and local governments to do so.

Provisions for small capital investment grants are below:

- The selection criteria are the same as major capital projects.
- In order for a project to be justified, the DOT Secretary will look at a smaller number of criteria.
- The local financial commitment and rating process are the same as major capital projects.

New requirements will not apply to any projects that have already received a letter of intent for an FFGA. Grant recipients will now be required to conduct before and after studies that describe and analyze the impacts of the new fixed guideway capital project on transit services and transit ridership, evaluates the consistency of predicted and actual project characteristics and performance, and identify sources of differences between predicted and actual outcomes. As part of an application for an FFGA, a grant recipient must submit a plan for collecting data and analyzing the impacts of a project. Additionally, if a project was completed with a significantly lower cost than the original estimate, then other eligible project costs that weren't included in the originally defined project can be included in the project cost. A higher federal share than was requested may be paid if the project cost is not more than 10 percent higher than the estimated cost at the time the project was approved for preliminary engineering and if ridership is not less than 90 percent of the estimated ridership at that same time. Major capital

project funding for alternatives analysis and preliminary engineering will be limited to no more than 8 percent of the total allocation for this section. The following amounts are set aside from this section's funding for the specific projects listed:

- \$49 million to fund the Fuel Cell Bus Program for FY 2006-2009. The 5.5 percent set-aside for nonurban bus projects remains in effect.
- \$140 million to fund intermodal terminal projects, including intercity bus portion for FY 2006-2009.
- \$12 million to fund bus testing for FY 2006-2009.

**Any Necessary Rulemaking:** Guidance will be issued on new review and evaluation process criteria for major capital projects, and public comments on that guidance will be received. Guidance for new small capital project evaluation and ratings process will be issued.

**Action Timeline:** Guidance for major capital projects due by December 8, 2005, and will be updated whenever significant changes are made, but at least every two years. Guidance on small capital projects will be issued by April 7, 2006. A report on the proposed methodology on evaluating land use and economic development impacts of fixed and nonfixed guideways including qualitative and quantitative differences will be due to Congress by December 8, 2005. The before and after studies required will be compiled and reported to Congress by the first Monday in August each year. A report on consistency and accuracy of cost and ridership estimates made by contractors will be due to Congress by February 6, 2006, and then annually. A report on the use of performance incentive awards for public transportation contractors for work completed under the estimated cost will be due to Congress by February 6, 2006.

**NCTCOG Action Required:** Monitor the impacts on projects in the Dallas-Fort Worth area.

**NCTCOG Lead:** Dan Lamers

**Program Title:** *Public-Private Partnership Pilot Program*

**Section Number:** 3011

**New or Existing Program:** New pilot program

**Funding Amount:** N/A

**Program Features:** A new pilot program to demonstrate the advantages and disadvantages of public-private partnerships for new fixed guideway projects. Three public-private partnerships may be established. Proposed projects must be permitted by state and local laws for all project phases, not be advancing because recipient is unable to do so because of fiscal constraints, and have a justifiable plan for implementation.

**Any Necessary Rulemaking:** None

**Action Timeline:** A report on the costs, benefits, and efficiencies of public-private partnerships will be due to Congress by August 2007.

**NCTCOG Action Required:** Monitor whether any projects in the Dallas-Fort Worth area are eligible for the pilot program.

**NCTCOG Lead:** Chad Edwards

**Program Title:** *Railroad Corridor Preservation*

**Section Number:** 3024

**New or Existing Program:** New program

**Funding Amount:** N/A

**Program Features:** The DOT Secretary may now assist in acquisition of railroad right-of-way before environmental reviews are complete. Development may not begin until environmental reviews are complete.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor whether this provision is applicable in Dallas-Fort Worth

**NCTCOG Lead:** Chad Edwards

**Program Title: *Design-build Transit Projects***

**Section Number:** 3025

**New or Existing Program:** New program

**Funding Amount:** N/A

**Program Features:** Federal funds may now be used for capital costs of design-build projects.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor whether this will affect any projects in the Dallas-Fort Worth area.

**NCTCOG Lead:** Chad Edwards

**Program Title: *Alternatives Analysis Program***

**Section Number:** 3037

**New or Existing Program:** New program

**Funding Amount:** \$37.8 million for FY 2006-2007 – all funds earmarked for projects outside of Texas.

**Program Features:** A new program to make grants to states, state authorities, MPOs, and local authorities to develop alternatives analyses. Funds made available for this program will remain available for three fiscal years.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor this program for possible future funding in Dallas-Fort Worth.

**NCTCOG Lead:** Chad Edwards

**Program Title: *Project Authorizations for New Fixed Guideway Capital Projects***

**Section Number:** 3043

**New or Existing Program:** Existing program

**Funding Amount:** Varies for each project – see attached list of Dallas-Fort Worth projects

**Program Features:** Lists transit projects authorized for Full Funding Grant Agreements, Final Design and Construction, Preliminary Engineering, and funding levels for Project Authorizations

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Make sure projects are placed in the long-range plan and the TIP, monitor project implementation

**NCTCOG Lead:** Dan Lamers

**Program Title: *Long-term Bridge Performance Program***

**Section Number:** 5202

**New or Existing Program:** New program

**Funding Amount:** \$31 million for FY 2006-2009

**Program Features:** A new program to carry out a 20-year long-term bridge program to monitor, material-test, and evaluate test bridges; analyze the data obtained; and prepare products to fulfill program objectives and meet future bridge technology needs.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor the results of the study for application in the Dallas-Fort Worth area.

**NCTCOG Lead:** Jeff Neal



**Program Title:** *Future Strategic Highway Research Program*

**Section Number:** 5210

**New or Existing Program:** New program

**Funding Amount:** \$205 million for FY 2006-2009

**Program Features:** The future strategic highway research program is established in cooperation with AASHTO that will be administered through the National Research Council. The program priorities will be an analysis of renewal of aging highway infrastructure with minimal impact to users of the facilities; driving behavior and likely crash causal factors to support improved countermeasures; reducing highway congestion due to nonrecurring congestion; and planning and designing new road capacity to meet mobility, economic, environmental, and community needs. Practicing engineers will receive the results of the research.

**Any Necessary Rulemaking:** None

**Action Timeline:** A report on the results and recommendations will be due to Congress by February 1, 2009.

**NCTCOG Action Required:** Monitor research results for possible application in the Dallas-Fort Worth area.

**NCTCOG Lead:** Dan Lamers

**Program Title:** *Efficient Environmental Reviews for Project Decision-making*

**Section Number:** 6002

**New or Existing Program:** New program

**Funding Amount:** N/A

**Program Features:** A new program that specifies that the Department of Transportation (DOT) is the federal lead agency in the environmental review process. Other federal agencies can act as joint lead agencies. In this role, the DOT will identify early on other agencies that may have an interest in the project and invite them to participate in the review process. States or local governments receiving federal funds on a project will be a joint lead agency for preparing environmental documents. If guidance is issued by the DOT on how to prepare such environmental documents, states and local governments may prepare the documents, and the DOT will review them. In addition, as early as possible in the environmental review process, participating agencies and the public should be involved with defining the purpose and need. The lead agency will then define the purpose and need for the project, which will include objectives of the project. Also, participating agencies and the public should have an opportunity to help determine the range of alternatives to be considered as early in the process as possible, and then the lead agency will determine the range of alternatives. The lead agency will also determine the level of detail required and methodology to be used for analysis of each alternative. The preferred alternative may be developed to a higher level of detail to facilitate the development of mitigation measures or concurrent compliance with other laws if it will not prevent the agency from making an impartial decision as to whether to accept another alternative. A coordination plan for the environmental review process will be developed by the lead agency and will include a schedule based on available resources and complexity of the project. Comment deadlines are established: 60 days for agency and public comment on the Draft Environmental Impact Statement after Federal Register publication, and 30 days for all other requests for agency or public comments. Additionally, new rules require the lead agency and participating agencies to cooperate to resolve any issues that could delay or deny a project. A procedure for issue resolution is set, including procedures for when there is an inability to resolve issues. A program will be developed to measure and report on progress toward improving and expediting planning and environmental review processes. Other agencies may now request funding for participating in an environmental review for staffing, training, information gathering and mapping, and development of programmatic agreements. The existing regulations on Environmental Streamlining are repealed.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor how this process will affect projects in the Dallas-Fort Worth area.

**NCTCOG Lead:** Dan Lamers

**Program Title:** *State Assumption of Responsibilities for Certain Programs and Projects*

**Section Number:** 6003

**New or Existing Program:** New program

**Funding Amount:** N/A

**Program Features:** A new pilot program for five states during FY 2006-2008 to assume the DOT Secretary's responsibility for environmental reviews, consultation, or decision-making for Recreational Trails and Transportation Enhancements. To participate, a state must have a law authorizing the state to carry out these responsibilities. A memorandum of understanding (MOU) will be signed between the DOT and the state for a period of three years and also may be renewed for three-year increments. Before entering into a MOU, notice must be placed in the Federal Register and public comments received.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor whether Texas will participate in the pilot program.

**NCTCOG Lead:** Dan Lamers

**Program Title:** *State Assumption of Responsibility for Categorical Exclusions*

**Section Number:** 6004

**New or Existing Program:** New program

**Funding Amount:** N/A

**Program Features:** A new program that allows the DOT Secretary to assign responsibility to states for determining whether certain designated activities are categorically excluded from requirements of environmental review. If a state assumes Categorical Exclusion responsibility, the state may also assume responsibilities for environmental review, consultation, or other related actions for projects classified as Categorical Exclusions. After public notice and comment of the transfer of responsibilities, the DOT Secretary and the state will sign a three-year memorandum of understanding, which can be renewed.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor whether Texas assumes responsibility for Categorical Exclusions.

**NCTCOG Lead:** Dan Lamers

**Program Title:** *Surface Transportation Project Delivery Pilot Program*

**Section Number:** 6005

**New or Existing Program:** New pilot program

**Funding Amount:** N/A

**Program Features:** A new pilot program to allow the DOT Secretary and a state to sign a memorandum of understanding for the state to assume responsibility for one or more highway projects in the state under the National Environmental Policy Act. If a state participates, it will not have responsibility for conformity determinations or responsibility over metropolitan or statewide transportation planning. Texas is named as one of the states eligible to participate. States must submit a notice of intent for public comment 30 days before submitting an application to participate.

**Any Necessary Rulemaking:** Regulations on requirements for applications to the pilot program will be issued.

**Action Timeline:** Regulations on application requirements due by May 7, 2006. Semi-annual audits for the first two years, and annual audits following will be performed and made available to the public for comments, as well as submitted to Congress. The program will terminate in August 2011.

**NCTCOG Action Required:** Monitor the implementation of the pilot program for any impacts to projects in the Dallas-Fort Worth area.

**NCTCOG Lead:** Dan Lamers

**Program Title:** *National Surface Transportation Infrastructure Financing Commission*

**Section Number:** 11142

**New or Existing Program:** New program

**Funding Amount:** N/A

**Program Features:** A commission will be established to study a wide range of topics related to the future of transportation financing. The commission will be asked to make recommendations on what levels of revenue are required by the Federal Highway Trust Fund in order for it to meet needs to maintain and improve the condition and performance of the nation's highway and transit systems; what levels of revenue is required by the Federal Highway Trust Fund in order to ensure that Federal levels of investment in highways and transit do not decline in real terms; and the extent, if any, to which the Highway Trust Fund should be augmented by other mechanisms or funds as a federal means of financing highway and transit infrastructure investments.

**Any Necessary Rulemaking:** None

**Action Timeline:** Once all eight members are appointed, the commission must meet within 90 days. The commission must submit a report to Congress within two years of its first meeting.

**NCTCOG Action Required:** Monitor study results.

**NCTCOG Lead:** Dan Lamers

\*Also see Air Quality (Sec. 1919) and Department-wide Issues (Sec. 3005, 3006, 3046, and 6001)

## **TRANSPORTATION PROJECT PROGRAMMING**

**Program Title:** *Authorization of Appropriations (highway title)*

**Section Number:** 1101

**New or Existing Program:** Existing program

**Funding Amount:** Varies by programs authorized.

**Program Features:** Lists the authorized funding amounts for FY 2005-2009 for Federal-Aid Highway programs. See attached table for specific funding amounts.

**Any Necessary Rulemaking:** None

**Action Timeline:** Each fiscal year's funding will have to be appropriated in a future appropriations bill before funding can be distributed.

**NCTCOG Action Required:** Monitor appropriations bills and program correct level of funding.

**NCTCOG Lead:** Christie Jestis

**Program Title: *Obligation Ceiling (highway title)***

**Section Number:** 1102

**New or Existing Program:** Existing program

**Funding Amount:** The total Obligation Limitation shall not exceed \$189,484,000,001 over Fiscal Years 2005-2009.

**Program Features:** Lists the Obligation Ceiling for FY 2005-2009, and specifies certain exemptions, such as a portion of the Equity Bonus. This section also describes the Obligation Authority distribution formula.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor appropriations bills and program correct level of funding.

**NCTCOG Lead:** Christie Jestis

**Program Title: *Apportionments (highway title)***

**Section Number:** 1103

**New or Existing Program:** Existing program

**Funding Amount:** N/A

**Program Features:** The formula for CMAQ Apportionment has been changed: funding will increase for air quality maintenance areas; "nonattainment areas in general" are now eligible for funding if they are designated as nonattainment for ozone; and additional funding will be provided for areas in nonattainment for both ozone and carbon monoxide. In addition, an annual report submitted to Congress on all obligated funds will now be made available to the public. This section specifies that metropolitan transportation planning funds will not apply to the calculation of the Equity Bonus.

**Any Necessary Rulemaking:** N/A

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor how the new CMAQ apportionment will affect funding to the Dallas-Fort Worth area.

**NCTCOG Lead:** Christie Jestis

**Program Title: *Equity Bonus Program***

**Section Number:** 1104

**New or Existing Program:** Existing program (formerly called Minimum Guarantee)

**Funding Amount:** \$2.639 billion each Fiscal Year 2005-2009.

**Program Features:** For FY 2005-2009, no state will receive a percentage of the total apportionment for formula programs less than 90.5 percent for FY 2005-2006, 91.5 percent for FY 2007, and 92 percent for FY 2008-2009. The programs included in the calculation are Interstate Maintenance, National Highway System; Bridge Program; Surface Transportation Program; Highway Safety Improvement Program; CMAQ; Metropolitan Transportation Planning; High Priority Projects; Equity Bonus; Appalachian Development Highway System; Recreational Trails; Safe Routes to Schools, Rail-highway Grade Crossing; and Coordinated Border Infrastructure Program. The percentage is based on the total contributions to the Highway Trust Fund from a state. In addition, all states are guaranteed to receive Equity Bonus apportionments greater than Minimum Guarantee apportionments during FY 1998-2003 in the following percents: 117 percent for FY 2005, 118 percent for FY 2006, 119 percent for FY 2007, 120 percent for FY 2008, and 121 percent for FY 2009.

**Any Necessary Rulemaking:** N/A

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor the funding distribution to Texas based on the new calculation.

**NCTCOG Lead:** Christie Jestis

**Program Title:** *Revenue Aligned Budget Authority*

**Section Number:** 1105

**New or Existing Program:** Existing program

**Funding Amount:** N/A

**Program Features:** Revenue Aligned Budget Authority (RABA) provisions are extended through 2007, and if there is a balance in the Highway Trust Fund greater than \$6 billion, no negative RABA calculation will be made in that fiscal year. The new core program, the Highway Safety Improvement Program, is included in the list of programs in the allocation calculation. If there is a positive RABA calculation in FY 2007, the DOT Secretary will determine the amount needed to bring all states up to a 92 percent rate of return, and then allocate either that amount or the state's total RABA amount for FY 2007 multiplied by the state's portion of all states' increase in RABA, whichever is lower. If there are excess RABA funds in FY 2007 after the above allocation, those funds will be distributed by the normal RABA formula.

**Any Necessary Rulemaking:** N/A

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor the RABA calculations and program appropriate amounts.

**NCTCOG Lead:** Christie Jestis

**Program Title:** *Transfer of Highway and Transit Funds*

**Section Number:** 1108

**New or Existing Program:** Existing program

**Funding Amount:** N/A

**Program Features:** Highway funds can be transferred to transit projects and administered under the transit title, but the federal share from the highway title will still apply. The reverse is true with transit funds. A state will be allowed to transfer its funds to another state, but the transfer will not affect any state's apportionment of Equity Bonus or Bridge Program funds. In addition, Surface Transportation Program funds allocated to urban areas may only be transferred if the MPO for that area agrees.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor the transfer of funds within Texas.

**NCTCOG Lead:** Christie Jestis

**Program Title:** *Surface Transportation Program*

**Section Number:** 1113

**New or Existing Program:** Existing program

**Funding Amount:** See attached table.

**Program Features:** Two changes are made to the Surface Transportation Program (STP).

- Previously, 10 percent of STP funding was set aside for safety projects. This set-aside was removed as of October 1, 2005 because a new core safety program, the Highway Safety Improvement Program, was established by SAFETEA-LU.
- Another STP set-aside, the Transportation Enhancements (TE) program will be slightly changed due to the funding change made to STP based on the removal of safety funds. For Fiscal Years 2006-2009, the set-aside (which previously was 10 percent of STP funding) will be the greater of 10 percent of STP funding or the FY 2005 TE set-aside amount.

**Any Necessary Rulemaking:** None

**Action Timeline:** Provisions take effect on October 1, 2005.

**NCTCOG Action Required:** Monitor new funding amounts for STP and TE set-aside.

**NCTCOG Lead:** Christie Jestis

**Program Title:** *Highway Bridge Program*

**Section Number:** 1114

**New or Existing Program:** Existing program

**Funding Amount:** See attached table.

**Program Features:** Several factors for determining funding amount to each state have been slightly changed. In addition, the 35 percent upper funding limit on replacement or rehabilitation of off-highway bridges has been removed, but the 15 percent lower limit is retained unless a state can show that there is not a need for that level of spending on off-highway bridges. The final change allows bridges on the Interstate System to receive a federal share of 90 percent.

**Any Necessary Rulemaking:** None

**Action Timeline:** Unknown

**NCTCOG Action Required:** Monitor bridge projects to see if eligibility has changed or if projects will receive a higher percent of federal funds.

**NCTCOG Lead:** Christie Jestis

**Program Title:** *Definitions (highway title)*

**Section Number:** 1122

**New or Existing Program:** Existing program

**Funding Amount:** N/A

**Program Features:** Two projects are added to the listing of eligible projects that may be funded with Transportation Enhancement funds: acquisition of historic battlefields and inventory, control, and removal of outdoor advertising.

**Any Necessary Rulemaking:** None

**Action Timeline:** Effective immediately.

**NCTCOG Action Required:** Monitor whether there are any such projects in the Dallas-Fort Worth area that should be funded.

**NCTCOG Lead:** Christie Jestis

**Program Title:** *Projects of National and Regional Significance*

**Section Number:** 1301

**New or Existing Program:** New program

**Funding Amount:** See attached table – all funding earmarked for projects outside of Texas.

**Program Features:** Because of the many high-cost significant transportation improvements that are needed throughout the nation, a new grant program is established to provide funding for projects with a total cost of \$500 million or 75 percent of a state's federal highway funding from the last fiscal year. Major focuses of the program are on corridors that will promote economic development, improve safety, and garner non-Federal financial commitments. Procedures for requesting participation in the program are specified, but all funding through FY 2009 is earmarked for 25 projects.

**Any Necessary Rulemaking:** Regulations on the evaluation of potential projects.

**Action Timeline:** Regulations due by February 6, 2006.

**NCTCOG Action Required:** Monitor regulations for potential Dallas-Fort Worth projects in future authorizations.

**NCTCOG Lead:** Christie Jestis

**Program Title:** *National Corridor Infrastructure Improvement Program*

**Section Number:** 1302

**New or Existing Program:** New program (formerly a portion of the Border and Corridor Program)

**Funding Amount:** See attached table – all funding earmarked for projects outside of Dallas-Fort Worth.

**Program Features:** A new program is established to allocate funding to states for highway construction in corridors of national significance to promote economic development and international/interregional trade. Priority will be given to projects on the Interstate System that can be completed within five years of the funding allocation. The selection factors are listed, but all funding through FY 2009 is earmarked for 35 projects.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor regulations for potential Dallas-Fort Worth projects in future authorizations.

**NCTCOG Lead:** Christie Jestis

**Program Title:** *Transportation Infrastructure Finance and Innovation Act Amendments*

**Section Number:** 1601

**New or Existing Program:** Existing program

**Funding Amount:** N/A

**Program Features:** An expanded number and type of freight projects are eligible to receive Transportation Infrastructure Finance and Innovation Act (TIFIA) loans. The minimum project cost is reduced to \$50 million (from \$100 million) or one-third of the State's Federal-aid highway assistance from the last fiscal year. The minimum project cost for ITS projects is reduced to \$15 million (from \$30 million). In addition, TIFIA loans may now be used to refinance long-term obligations if doing so will lead to additional funding capacity for other eligible projects. Several changes are also made to the way loans can be secured and repaid.

**Any Necessary Rulemaking:** None

**Action Timeline:** A report to Congress will be due on June 1, 2006, and then biennially related to the program.

**NCTCOG Action Required:** Monitor new program requirements for possible eligible projects in the Dallas-Fort Worth area.

**NCTCOG Lead:** Christie Jestis

**Program Title:** *Use of Excess Funds and Funds for Inactive Projects*

**Section Number:** 1603

**New or Existing Program:** New program

**Funding Amount:** N/A

**Program Features:** Funds for a specific transportation project that were allocated before FY 1991 that have not been used may be made available to the State to use on any project eligible to receive STP funds. The funds may be retained for the original project if a report is submitted with the status of the project and the estimated completion date. The re-obligated funds will remain available for three fiscal years.

**Any Necessary Rulemaking:** None

**Action Timeline:** An annual report to Congress will be due in August on any activity that has taken place within the previous year.

**NCTCOG Action Required:** Monitor inactive projects that may have funds eligible for re-obligation to other projects

**NCTCOG Lead:** Christie Jestis

**Program Title: *High Priority Projects***

**Section Number:** 1701

**New or Existing Program:** Existing program

**Funding Amount:** See attached table.

**Program Features:** For each high priority project, 20 percent of the authorized funding may be obligated for that project each FY 2005-2009.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Program funding for Dallas-Fort Worth projects into the TIP.

**NCTCOG Lead:** Christie Jestis

**Program Title: *Project Authorizations***

**Section Number:** 1702

**New or Existing Program:** Existing program

**Funding Amount:** Varies for each project – see attached list of Dallas-Fort Worth projects.

**Program Features:** Lists high priority projects and authorized funding amounts.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Make sure projects are placed in the long-range plan and the TIP, monitor project implementation.

**NCTCOG Lead:** Christie Jestis, Dan Lamers

**Program Title: *Authorization of Appropriations (highway safety title)***

**Section Number:** 2001

**New or Existing Program:** Existing program

**Funding Amount:** Varies by programs authorized.

**Program Features:** Lists the authorized funding amounts for FY 2005-2009 for Federal-Aid Highway programs. See attached table for specific funding amounts.

**Any Necessary Rulemaking:** None

**Action Timeline:** Each fiscal year's funding will have to be appropriated in a future appropriations bill before funding can be distributed.

**NCTCOG Action Required:** Monitor appropriations bills and program correct level of funding.

**NCTCOG Lead:** Christie Jestis

**Program Title: *Apportionments of Formula Grants***

**Section Number:** 3034

**New or Existing Program:** Existing program

**Funding Amount:** N/A

**Program Features:** Beginning in FY 2006, of the funds made available for urbanized areas to carry out Section 5307, 1 percent will be apportioned for small, transit-intensive cities. In addition, a study will be conducted to assess the feasibility and appropriateness of developing and implementing an incentive funding system for urbanized and nonurbanized area formula grants for public transportation operators.

**Any Necessary Rulemaking:** None

**Action Timeline:** A report on the study will be due to Congress by August 2007.

**NCTCOG Action Required:** Monitor the effect of the funding diversion and the study results.

**NCTCOG Lead:** Christie Jestis, Michelle Bloomer



**Program Title: *Authorizations (transit title)***

**Section Number:** 3036

**New or Existing Program:** Existing program

**Funding Amount:** Varies by programs authorized.

**Program Features:** Lists the authorized funding amounts for FY 2005-2009 for transit programs. See attached table for specific funding amounts.

**Any Necessary Rulemaking:** None

**Action Timeline:** Each fiscal year's funding will have to be appropriated in a future appropriations bill before funding can be distributed.

**NCTCOG Action Required:** Monitor appropriations bills and program correct level of funding.

**NCTCOG Lead:** Christie Jestis, Michelle Bloomer

**Program Title: *Apportionments Based on Growing States and High Density State Formula Factors***

**Section Number:** 3038

**New or Existing Program:** New program

**Funding Amount:** See attached table.

**Program Features:** Specific funds are set aside from the urbanized area and nonurbanized area formula grant funds, and 50 percent will be allocated to high growth states, and 50 percent will be allocated to high density states. High growth states will be determined based on the 15-year population projects for the state compared with the nation. High density states are those with a population density of 370 or greater persons per square mile.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor whether Texas will receive funds as a high growth state.

**NCTCOG Lead:** Christie Jestis

**Program Title: *Obligation Ceiling (transit title)***

**Section Number:** 3040

**New or Existing Program:** Existing program

**Funding Amount:** The total Obligation Limitation shall not exceed \$45,313,000,000 over FY 2005-2009, of which, not more than \$37,165,710,000 will come from the Mass Transit Account.

**Program Features:** Lists the Obligation Ceiling for FY 2005-2009.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor appropriations bills and program correct level of funding.

**NCTCOG Lead:** Christie Jestis

**Program Title: *Authorization of Appropriations (research title)***

**Section Number:** 5101

**New or Existing Program:** Existing program

**Funding Amount:** Varies by programs authorized.

**Program Features:** Lists the authorized funding amounts for FY 2005-2009 for research programs. See attached table for specific funding amounts.

**Any Necessary Rulemaking:** None

**Action Timeline:** Each fiscal year's funding will have to be appropriated in a future appropriations bill before funding can be distributed.

**NCTCOG Action Required:** Monitor appropriations bills and program correct level of funding.

**NCTCOG Lead:** Christie Jestis

**Program Title: *Discretionary Spending Limits for the Highway and Mass Transit Categories***

**Section Number:** 8001

**New or Existing Program:** Existing program

**Funding Amount:** The total outlays from the highway category may not exceed \$181,962,000,000 for FY 2005-2009. The total new budget authority from the mass transit category may not exceed \$8,146,292,000, and the total outlays from the mass transit category may not exceed \$40,075,000,000.

**Program Features:** Lists the discretionary spending limits for outlays from the highway and mass transit categories and the new budget authority for the mass transit category.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor appropriations bills and program correct level of funding.

**NCTCOG Lead:** Christie Jestis

**Program Title: *Adjustments to Align Highway Spending with Revenues***

**Section Number:** 8002

**New or Existing Program:** Existing program

**Funding Amount:** N/A

**Program Features:** Lists the formula that will be used to adjust funding for the highway category. In addition, this section estimates the level of highway receipts for FY 2005-2009, which is a factor in the formula.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor appropriations bills and program correct level of funding based on any adjustments.

**NCTCOG Lead:** Christie Jestis

**Program Title: *Level of Obligation Limitations***

**Section Number:** 8003

**New or Existing Program:** Existing program

**Funding Amount:** The total Obligation Limitation shall not exceed \$195,139,892,001 over FY 2005-2009 for the highway category and \$45,313,000,000 for the mass transit category.

**Program Features:** Lists the Obligation Limitation for FY 2005-2009.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor appropriations bills and program correct level of funding.

**NCTCOG Lead:** Christie Jestis

\*Also see Air Quality (Sec. 1808 and 1919); Fiscal Management and Transit Operations (Sec. 3009); and Department-wide Issues (Sec. 3005, 3006, 5309, and 6001)

## DEPARTMENT-WIDE ISSUES

**Program Title:** *Metropolitan Transportation Planning*

**Section Number:** 3005 (title 49), 6001 (title 23)

**New or Existing Program:** Existing program

**Funding Amount:** N/A

**Program Features:** The following changes are made to the Metropolitan Planning Organization (MPO) planning process:

- MPOs will now be encouraged to consult with local officials responsible for activities affected by transportation during development of the Transportation Improvement Program (TIP) and long-range plan or coordinate the planning process with those planning activities. The groups include officials responsible for State and local planned growth, economic development, environmental protection, airport operations, and freight movements. (Dan Lamers, Christie Jestis)
- The scope of the metropolitan planning process is expanded to include promotion of consistency between transportation improvements and State and local planned growth and economic development patterns. (Dan Lamers, Alicia Hopkins)
- The long-range plan must be updated at least every four years (instead of every three years) in nonattainment and maintenance areas, but an MPO may elect to update the plan more frequently. (Dan Lamers)
- Long-range plans must now contain the following features:
  - Intermodal connectors are added to the list of transportation facilities that need to be identified in the long-range plan. (Dan Lamers, Greg Royster)
  - A discussion of potential environmental mitigation activities and potential areas to carry out those activities, including activities with the greatest potential to restore or maintain environmental functions affected by the plan, must be included. MPOs must coordinate this activity with Federal, State, and Tribal wildlife, land management, and regulatory agencies. (Dan Lamers)
  - Management and operations strategies to improve performance of existing transportation facilities to relieve congestion and maximize safety and mobility of people and goods. (Dan Lamers)
  - Capital investments to preserve existing and future infrastructure and provide needed capacity increases. (Dan Lamers)
  - Transit enhancements. (Dan Lamers)
- When developing the long-range plan or the TIP, MPOs must consult with State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation. This includes comparison of transportation plans with conservations maps or natural or historic resources. (Dan Lamers, Christie Jestis)
- Two new groups are added that must be given an opportunity to provide comments on the development of a long-range plan or the TIP. These groups are representatives of users of bicycle and pedestrian facilities and representatives of persons with disabilities. (Dan Lamers, Christie Jestis, Lara Rodriguez)
- A public participation plan must be developed in consultation with all interested parties and must provide that all interested parties have reasonable opportunities to comment on contents of the long-range plan. (Lara Rodriguez)
- MPOs will now be required to hold any public meetings at convenient and accessible locations and times; employ visualization techniques to describe plans; and make public information available in electronically accessible format and means as appropriate to afford reasonable opportunity for consideration of public information. (Lara Rodriguez)
- Long-range plans should be made available electronically once they are approved. (Lara Rodriguez)

- The TIP must be updated at least every four years (instead of every two years) and cover a four-year period. (Christie Jestis)
- Projects listed in the TIP must include sufficient details such as type of work, termini, length, and other similar factors so as to identify the project. (Christie Jestis)
- Federal investment in bicycle and pedestrian facilities must be included in the annual listing of projects. (Christie Jestis)
- The Congestion Management System is renamed as the Congestion Management Process. The process must now be based on a cooperatively developed and implemented metropolitan-wide strategy. New TMAs will have one year to comply with the Congestion Management Process. (Natalie Bettger)
- Certification of TMAs will now occur every four years (instead of every three years). (Dan Kessler)

**Any Necessary Rulemaking:** Regulations will be issued on the types of data that need to be included in the annual listing of projects. Guidance will be issued on an implementation schedule.

**Action Timeline:** Annual listing of projects data regulations due by February 6, 2006. No timeframe is given for the implementation schedule guidance. All changes made to metropolitan transportation planning will take effect on July 1, 2007.

**NCTCOG Action Required:** Action will vary based on the program. Monitor guidance published on implementation of various provisions.

**NCTCOG Lead:** Various (see Program Features)

**Program Title:** *Statewide Transportation Planning*

**Section Number:** 3006 (title 49), 6001 (title 23)

**New or Existing Program:** Existing program

**Funding Amount:** N/A

**Program Features:** The following changes are made to the state planning process:

- The scope of the statewide planning process is expanded to include supporting the economic vitality of nonmetropolitan areas and promoting consistency between transportation improvements and State and local planned growth and economic development patterns. (Dan Lamers, Alicia Hopkins)
- Long-range plans must now contain the following features:
  - A discussion of potential environmental mitigation activities and potential areas to carry out those activities, including activities with the greatest potential to restore or maintain environmental functions affected by the plan. States must coordinate this activity with Federal, State, and Tribal wildlife, land management, and regulatory agencies. (Dan Lamers)
  - Management and operations strategies to improve performance of existing transportation facilities to relieve congestion and maximize safety and mobility of people and goods. (Dan Lamers)
- When developing the statewide long-range plan or the Statewide Transportation Improvement Program (STIP), States must consult with State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation. This includes comparison of transportation plans with conservation maps or natural or historic resources. (Dan Lamers, Christie Jestis)
- Two new groups are added that must be given an opportunity to provide comments on the development of a statewide long-range plan or the STIP. These groups are representatives of users of bicycle and pedestrian facilities and representatives of persons with disabilities. (Dan Lamers, Christie Jestis, Lara Rodriguez)
- States will now be required to hold any public meetings at convenient and accessible locations and times; employ visualization techniques to describe plans; and make public

information available in electronically accessible format and means as appropriate to afford reasonable opportunity for consideration of public information. (Lara Rodriguez)

- States must publish the statewide long-range plan and make every attempt to have the document be available electronically. (Lara Rodriguez)
- The STIP must be updated at least every four years (up from every two years) and cover a four-year period, unless the Governor elects to update it more frequently. (Christie Jestis)
- States will work with MPOs and transit operators to publish an annual listing of projects funded in the previous year in each metropolitan area. (Christie Jestis)

**Any Necessary Rulemaking:** Guidance will be issued on an implementation schedule.

**Action Timeline:** No timeframe is given for the implementation schedule guidance. All changes made to statewide transportation planning will take effect on July 1, 2007.

**NCTCOG Action Required:** Monitor the guidance and statewide implementation.

**NCTCOG Lead:** Various (see Program Features)

**Program Title:** *Allocations for National Research and Technology Programs*

**Section Number:** 3046

**New or Existing Program:** New research program

**Funding Amount:** Varies for each project.

**Program Features:** The following research projects will be carried out:

- **Public Transportation National Security Study:** An agreement will be carried out with the National Academy of Sciences by February 2006 to conduct a study on the value of major public transportation systems in providing security and the ability to accommodate the evacuation of people to or from critical locations in the time of an emergency. A report on the results will be due to Congress within two years after signing the agreement. For FY 2006-2007 \$500,000 will be allocated. (Natalie Bettger)
- **Center for Transit-Oriented Development:** A center will be established to develop standards and definitions for transit-oriented development adjacent to public transportation facilities; to develop system planning guidance, performance criteria, and modeling techniques for MPOs and transit agencies to maximize ridership through land-use planning; and to provide research support and technical assistance. For FY 2006-2009 \$4 million will be allocated. (Alicia Hopkins)
- **Transportation Equity Research Program:** Research will be conducted on the impacts of transportation planning, investment, and operations on low-income and minority populations that are transit dependent. Activities could include developing strategies to advance economic and community development in low-income and minority communities and developing training programs that promote the employment of low-income and minority community residents. For FY 2006-2009 \$4 million will be allocated. (Michelle Bloomer)
- **Pilot Program for Remote Infrared Audible Signs:** A pilot program will be carried out to study remote infrared wayfinding signs. A report will be due to Congress by September 30, 2009. For FY 2006-2009 \$2 million will be allocated. (Natalie Bettger)
- **Hydrogen Fuel Cell Shuttle Deployment Demonstration Project:** A demonstration project will be carried out on the utility of hydrogen fuel cell vehicles in daily shuttle service. For FY 2006-2007 \$1.6 million will be allocated. (Mindy Mize)
- **Human Services Transportation Coordination:** A national nonprofit will be selected to manage a program to improve and enhance coordination of health and human services transportation with the Department of Transportation. Activities may include establishing an advisory panel; preparing an inventory of human service transportation agencies; preparing an inventory of Federal transportation spending; developing a program of technical assistance and training; and preparing an annual report on activities under this program. For FY 2006-2009 \$6.4 million will be allocated. (Michelle Bloomer)

- **Public Transportation Participation Pilot Program:** A pilot program will be developed to support planning and public participation activities related to public transportation projects. Such activities will include improving data collection analysis and transportation access for all transit users; supporting public participation through project development phases; using innovative techniques to improve coordination of transportation alternatives; enhancing the coordination of public transportation benefits and services; contracting with stakeholders to focus on the delivery of transportation plans and programs; and measuring and reporting on the annual performance of the transportation systems. For FY 2006-2009 \$4 million will be allocated. (Michelle Bloomer)
- Funding is also awarded to various universities for research.

**Any Necessary Rulemaking:** None

**Action Timeline:** N/A

**NCTCOG Action Required:** Monitor the results of the research programs.

**NCTCOG Lead:** Various (see Program Features)

**Program Title:** *Centers for Surface Transportation Excellence*

**Section Number:** 5309

**New or Existing Program:** New program

**Funding Amount:** \$15 million for FY 2006-2009

**Program Features:** A new program to establish four centers of surface transportation excellence:

- **Center for Environmental Excellence:** This center will provide technical assistance, sharing of best practices, and training in the use of tools and decision-making processes that can assist States in planning and delivering environmentally sound surface transportation projects. (Jeff Neal)
- **Center for Surface Transportation Safety:** This center will develop and disseminate advanced transportation safety techniques and innovations. (Natalie Bettger)
- **Center for Rural Safety** (Natalie Bettger)
- **Center for Project Finance:** This center will provide support to State departments of transportation in the development of finance plans and project oversight tools and to develop and offer training in state-of-the-art financing methods to advance projects and leverage funds. (Christie Jestis)

**Any Necessary Rulemaking:** None

**Action Timeline:** Each center will develop a strategic plan and submit it to the DOT Secretary by January 1 of each year.

**NCTCOG Action Required:** Monitor information provided by the centers that may benefit the Dallas-Fort Worth area.

**NCTCOG Lead:** Various (see Program Features section)