

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4305

To amend title 23, United States Code, relating to establishment of the National Transportation System.

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IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 1994

Mr. BORSKI introduced the following bill; which was referred to the Committee on Public Works and Transportation

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## A BILL

To amend title 23, United States Code, relating to establishment of the National Transportation System.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. NATIONAL TRANSPORTATION SYSTEM.**

4 Section 103 of title 23, United States Code, is  
5 amended by adding the following:

6 “(j) NATIONAL TRANSPORTATION SYSTEM.—

7 “(1) PURPOSE.—The purpose of the National  
8 Transportation System is to provide a unified and  
9 interconnected system of transportation facilities  
10 that will move people and goods efficiently to pro-

1 mote mobility, economic productivity, congestion re-  
2 lief, energy conservation, and air quality improve-  
3 ment.

4 “(2) COMPONENTS.—The National Transpor-  
5 tation System shall consist of the following:

6 “(A) Public transportation corridors and  
7 systems.

8 “(B) Intercity public and private transpor-  
9 tation corridors and systems.

10 “(C) Major bus corridors.

11 “(D) Major rail systems.

12 “(E) The National Highway System.

13 “(F) Airports.

14 “(G) Ports and inland waterways.

15 “(H) Passenger terminals.

16 “(I) Ferry systems.

17 “(J) Other major intermodal transpor-  
18 tation facilities.

19 “(3) DESIGNATION.—

20 “(A) BY SECRETARY.—Not later than 2  
21 years after the date of the enactment of this  
22 subsection, the Secretary shall submit to Con-  
23 gress the designation of the National Transpor-  
24 tation System. The submitted designation shall  
25 be the National Transportation System unless

1 modified in accordance with this subsection or  
2 by law.

3 “(B) BASIS.—The proposed system sub-  
4 mitted by the Secretary shall be based on des-  
5 ignations submitted to the Secretary by the  
6 States and the metropolitan planning organiza-  
7 tions under sections 134(g)(2) and 135(e) of  
8 this title.

9 “(C) LIMITATIONS.—

10 “(i) NONATTAINMENT AREAS.—No  
11 proposed new route or facility shall be in-  
12 cluded on the National Transportation  
13 System in any area that is in nonattain-  
14 ment area for ozone or carbon monoxide  
15 under the Clean Air Act until it has been  
16 included in a metropolitan or State long-  
17 range plan and transportation improve-  
18 ment program that has been demonstrated  
19 to be in conformity with a State implemen-  
20 tation plan developed pursuant to the  
21 Clean Air Act.

22 “(ii) NHS SEGMENT.—A segment of  
23 the National Highway System shall not be  
24 a part of the National Transportation Sys-  
25 tem until it has been included in a metro-

1           politan or State long-range plan and trans-  
2           portation improvement program that has  
3           been demonstrated to be in conformity  
4           with a State implementation plan devel-  
5           oped pursuant to the Clean Air Act.

6           “(D) MODIFICATION.—States or metropoli-  
7           tan planning organizations may request the ad-  
8           dition or deletion of National Transportation  
9           System components. The Secretary shall make  
10          such modifications at least once every 2 years  
11          unless they are determined not to be in the  
12          public interest or promote the goals of the Na-  
13          tional Transportation System.

14          “(4) GRANTS.—The Secretary is authorized to  
15          make grants to pay 80 percent of the costs of devel-  
16          opment and implementation of processes and proce-  
17          dures that facilitate the goals of the National Trans-  
18          portation System, including operating agreements,  
19          public-private partnerships, information technologies  
20          such as traveler information systems, and intelligent  
21          vehicle highway and transit systems.”.

22 **SEC. 2. METROPOLITAN PLANNING.**

23          Section 134(g)(2)(A) of title 23, United States Code,  
24 is amended—

1 (1) by inserting after “transit,” the following:  
2 “airport, port, inland waterway, railroad,”; and

3 (2) by inserting after the first sentence the fol-  
4 lowing: “Such transportation system shall serve as  
5 the National Transportation System in that metro-  
6 politan area, unless the Secretary determines that  
7 designating all or any portion of such identified sys-  
8 tem as a part of the National Transportation Sys-  
9 tem would not be in the public interest or promote  
10 the goals of the National Transportation System.”.

11 **SEC. 3. STATEWIDE PLANNING.**

12 Section 135(e) of title 23, United States Code, is  
13 amended by inserting after the first sentence the follow-  
14 ing: “The plan shall, at a minimum, identify transpor-  
15 tation facilities (including major roadways, transit, air-  
16 port, port, inland waterway, railroad, and multimodal and  
17 intermodal facilities) that should function as an integrated  
18 State transportation system, giving emphasis to those fa-  
19 cilities that serve important national and regional trans-  
20 portation functions. Such transportation system shall  
21 serve as the National Transportation System in that  
22 State, unless the Secretary determines that designating all  
23 or any portion of such identified system as a part of the  
24 National Transportation System would not be in the pub-

1 lic interest or promote the goals of the National Transpor-  
2 tation System.”.

3 **SEC. 4. FUNDING FROM NHS APPORTIONMENTS.**

4 Section 104(c) of title 23, United States Code, is  
5 amended to read as follows:

6 “(c) SET-ASIDES AND TRANSFERABILITY OF NHS  
7 APPORTIONMENTS.—

8 “(1) SET-ASIDE FOR GRANT PROGRAM.—On  
9 October 1 of each fiscal year, the Secretary, after  
10 making the deduction authorized by subsection (a)  
11 of this section, shall set aside, for the purpose of  
12 making grants under section 103(j)(4), not to exceed  
13 1 percent of the remaining funds authorized to be  
14 appropriated for expenditure upon the National  
15 Highway System.

16 “(2) SET-ASIDE FOR CONNECTIONS TO NTS.—

17 “(A) GENERAL RULE.—Except if the Sec-  
18 retary provides otherwise, each State shall set-  
19 aside 10 percent of each apportionment made to  
20 the State under section 104(b)(1) for the Na-  
21 tional Highway System to provide intermodal  
22 connections to the National Highway System or  
23 connections between the National Highway Sys-  
24 tem and other components of the National  
25 Transportation System.

1           “(B) NEW CAPACITY FOR SINGLE-OCCU-  
2           PANT PASSENGER VEHICLES.—No funds set-  
3           aside by a State pursuant to this paragraph  
4           may be obligated for any project which adds  
5           new capacity for single-occupant passenger ve-  
6           hicles (other than for facilities which are part  
7           of a system to reduce the use of such vehicles).

8           “(3) TRANSFERABILITY.—Subject to para-  
9           graphs (4) and (5), a State may transfer not to ex-  
10          ceed 50 percent of the State’s apportionment under  
11          subsection (b)(1) to the apportionment of the State  
12          under subsection (b)(3). A State may transfer not to  
13          exceed 90 percent of the State’s apportionment  
14          under subsection (b)(1) to the apportionment of the  
15          State under subsection (b)(3) if the State requests  
16          to make such transfer and the Secretary approves  
17          such transfer as being in the public interest, after  
18          providing notice and sufficient opportunity for public  
19          comment.

20          “(4) DIVISION BETWEEN URBANIZED AREAS OF  
21          OVER 50,000 POPULATION AND OTHER AREAS.—

22          “(A) GENERAL RULE.—Except as provided  
23          in subparagraph (C), after the set-aside under  
24          paragraph (2), at least 75 percent of the re-  
25          maining 90 percent of the funds apportioned to

1 a State under section 104(b)(1) for a fiscal year  
2 shall be obligated—

3 “(i) in the urbanized areas of the  
4 State with an urbanized area population of  
5 more than 50,000 that are transportation  
6 management areas designated under sec-  
7 tion 134(i) of this title or areas that are in  
8 nonattainment for ozone or carbon mon-  
9 oxide under the Clean Air Act; and

10 “(ii) the other areas of the State;  
11 in proportion to their relative share of the  
12 State’s population. The remaining 25 percent  
13 may be obligated in any area of the State.

14 “(B) SPECIAL RULE FOR RURAL AREAS.—  
15 Of the amounts required to be obligated under  
16 subparagraph (A)(ii), the State shall obligate in  
17 areas of the State (other than urban areas with  
18 a population greater than 5,000) an amount  
19 which is not less than 110 percent of the funds  
20 apportioned to the State for the Federal-aid  
21 secondary system for fiscal year 1991.

22 “(C) NONAPPLICABILITY TO NONATTAIN-  
23 MENT AREAS.—Subparagraph (A) shall not  
24 apply to any State for which the entire geo-  
25 graphic area of the State is in nonattainment

1 for ozone or carbon monoxide under the Clean  
2 Air Act.

3 “(D) LIMITATION ON EXPANDING CAPAC-  
4 ITY.—No funds apportioned under section  
5 104(b)(1) for the National Highway System  
6 may be obligated for any project which expands  
7 capacity by adding one or more new travel  
8 lanes, other than auxiliary lanes or high occu-  
9 pancy vehicle lanes, if any National Highway  
10 System facility in that State is maintained in  
11 poor condition as defined in the most recent re-  
12 port to Congress under section 307(h) of this  
13 title unless the Governor certifies that such ob-  
14 ligation is in the public interest and the Sec-  
15 retary approves.

16 “(5) ALLOCATION OF OBLIGATION AUTHOR-  
17 ITY.—A State which is required to obligate in an ur-  
18 banized area with an urbanized area population of  
19 over 200,000 under paragraph (4) funds appor-  
20 tioned to it under section 104(b)(1) shall allocate  
21 during the 3-fiscal-year period 1995 through 1997  
22 an amount of obligation authority distributed to the  
23 State for Federal-aid highways and highway safety  
24 construction for use in such area determined by mul-  
25 tiplying—

1           “(A) the aggregate amount of funds which  
2           the State is required to obligate in such area  
3           under paragraph (4) during such period; by

4           “(B) the ratio of the aggregate amount of  
5           obligation authority distributed to the State for  
6           Federal-aid highways and highway safety con-  
7           struction during such period to the total sums  
8           apportioned to the State for Federal-aid high-  
9           ways and highway safety construction (exclud-  
10          ing sums not subject to an obligation limita-  
11          tion) during such period.”.

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