



Legislative Bulletin.....June 28, 2006

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H.R. 5689—To amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes

H.R. 5689—To amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes—as introduced (Young, R-AK)

Order of Business: The bill is expected to be considered on Wednesday, June 28th under a motion to suspend the rules and pass the bill.

Summary: H.R. 5689 makes numerous technical corrections to federal surface transportation programs authorized by SAFETEA-LU (P.L. 109-59). Below are the *highlights*:

- Provides \$90 million in new contract authority for the magnetic levitation technology program (a mass transit program) or MAGLEV over three years. Under SAFETEA-LU, 50% of this funding is earmarked for a Nevada project and the rest for a project “east of the Mississippi.”
- Annually reduces core highway formula programs by 0.2% for FY 2006-2009 and transfers the contract authority to the F-SHARP highway research program. This transfer would shift roughly \$55-60 million “above the line,” (the exact amount was not available from House T&I) but would not affect the Equity Bonus (EB) calculations, even though some states will lose funding. This is to address the fact that the research programs in Title V of SAFETEA-LU were over-earmarked.
- Provides \$51 million in new contract authority for a “Going-to-the Sun Road” project in Glacier National Park, Montana, ensuring that the project (authorized in SAFETEA-LU) will receive guaranteed funding.
- Makes some 58 changes to the High Priority Projects section in SAFETEA-LU to address certain (“broken”) highway projects, clarifying recipients and increasing certain project funding levels (and decreasing others to achieve budget neutrality). These changes include a marine dry-dock in Ketchikan, Alaska, and a bridge in Miami, Florida. **Note:** The bill does not appear to authorize any new member projects.
- Provides \$27 million in new contract authority for university transportation center research funding.

- Offsets the costs of the bill’s provisions by increasing the scheduled rescission of contract authority on September 30, 2009, under SAFETEA-LU, from \$8.543 billion to \$8.713 billion (an increase of \$170 million). While some conservatives may be concerned that this rescission of contract authority will never materialize, it is important to remember that the obligation limitations, which control the amount of annual transportation spending regardless of what has been authorized, are not being changed. This will ensure that SAFETEA-LU’s “real world” funding will not surpass \$286 billion.
- Amends the requirement that second-offense drunk drivers have their licenses revoked for one year (without states being subject to financial penalty) and instead, allows for either a one year suspension *or* a 45 day suspension followed by a reinstatement period, so long as an ignition interlock device (breathalyzer) is installed on the individual’s vehicle.
- Clarifies that the Federal Highway Administration’s current application of the Buy America test—with regard to it only being applied to components or parts of a bridge project and not the entire bridge project—is inconsistent with congressional intent.
- Makes technical changes to 4 bus/transit projects and clarifies that funding for the hydrogen fuel cell shuttle deployment demonstration project in Allentown, Pennsylvania is for the DaVinci Center.

Background: On August 10, 2005, the President signed the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, P.L. 109-59) into law to provide \$286 billion over five years for all federal surface transportation programs. The bill also included over 6,300 member earmarks, representing 8% of the bill’s overall funding and a substantial increase over the preceding transportation authorization bill’s (TEA-21, 1998-2003) then-record level of 1,850 earmarks.

Cost to Taxpayer: According to CBO, the bill saves \$2 million over five years.

Does the Bill Create New Federal Programs or Rules?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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