



H.R. 1195 - To amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.

FLOOR SITUATION

H.R. 1195 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. The House previously passed H.R. 1195, which was introduced by Representative James Oberstar (D-MN), by voice vote on March 26, 2007. The Senate amended the House-passed version and then passed the bill by a vote of 88 to 2 on April 17, 2008. ([Record Vote 108](#)).

H.R. 1195 is expected to be considered on the floor of the House on April 30, 2008.

BACKGROUND

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (PL 109-59) was signed into law by President Bush on August 10, 2005. This legislation (SAFETEA-LU) was a re-authorization of surface transportation programs.

During the 109th Congress, Transportation and Infrastructure Chairman Don Young (R-AK) introduced H.R. 5689, which provided technical changes to P.L. 109-59. This legislation passed the House of Representatives by voice vote on June 28, 2006, but was never considered by the full Senate (although the Senate Committee on Environment and Public Works did pass the bill with a substitute amendment).

Representative Don Young (R-AK) later introduced H.R. 6233, which was based on H.R. 5689 and provided additional technical changes to P.L. 109-59. This legislation was passed in the House of Representatives by voice vote on September 29, 2006, but was never considered by the Senate.

Transportation and Infrastructure Chairman James Oberstar (D-MN) introduced H.R. 1195 on February 27, 2007. The Committee reported the bill favorably by voice vote on March 1, 2007, along with a manager's amendment.

After House passage, the House and Senate worked together to develop a comprehensive corrections bill that include Senate provisions. This bill, H.R. 3248, was passed by the House on August 1, 2007, by a vote of 422-1. The Senate included the agreements that were a part of H.R. 3248, along with a few additional provisions, as an amendment to H.R. 1195. (The Senate chose to use H.R. 1195 as the legislative vehicle because the Senate Environment and Public Works Committee had favorably reported H.R. 1195, but had not yet marked up H.R. 3248.) The Senate amendment in the nature of a substitute to H.R. 1195 was filed on March 6, 2008, and passed the Senate as amended 88-2 on April 17, 2008.

**Note: On April 14, 2008, the White House issued a Statement of Administration Policy that highlighted their opposition to the bill, but did not contain a veto threat, and encouraged the Senate to "restrict the bill to true technical changes." ([SAP for H.R. 1195](#))*

SUMMARY

Senate Additions Include



Magnetic Transportation Levitation (MAGLEV) Deployment Program: H.R. 1195 creates contract authority for this program and would amend the authorization to \$45 million for each of fiscal years 2008 and 2009. Each year's funding is split between a MAGLEV project to the east of the Mississippi River and the MAGLEV project between Las Vegas, Nevada, and Anaheim, California.

**Note: The original House-passed version of H.R. 1195 provided contract authority for this program, but did not specifically allocate funding for a certain MAGLEV project.*

Transit Technical Corrections: The bill requires that the Department of Transportation "give comparable, but not necessarily equal, numerical weight to each project justification criteria in calculating the overall project rating," for the New Starts program.

**Note: According to the Statement of Administration Policy for the Senate amendment to H.R. 1195, which does not contain a veto threat, "the proposed approach is extremely problematic, because several of the criteria are extremely difficult to quantify." ([SAP for H.R. 1195](#), 4/14/2008)*

Highway Safety: The bill establishes that no state shall receive less than 0.75 percent of total State and Community Highway Safety Grants. The change is effective October 1, 2007.

**Note: SAFETEA-LU established this percentage at 0.5 percent of total grants.*

Coconut Road Earmark: H.R. 1195 requires the Department of Justice to review the circumstances surrounding the inclusion of an earmark for Coconut Road interchange on I-75.

**Note: According to allegations, the earmark for Coconut Road was altered after House and Senate passage of the Conference Report to accompany the Safe, Accountable, Flexible, Efficient Transportation Equity Act (P.L. 109-59), but prior to the President signing the bill. The bill was signed into law on August 10, 2005.*

Summary of H.R. 3248 which passed the House on August 1, 2007

**Note: H.R. 3248 was the latest iteration of the Highway Technical Corrections Bill. (H.R. 1195 was the first version to pass the House during the 110th Congress.)*

Title I of the bill makes technical corrections to the highway provisions in SAFETEA-LU. Some of these programs that are corrected include:

- Surface Transportation provisions;
- Magnetic Levitation program;
- Projects for national and regional significance and national corridor infrastructure improvements;
- 386 changes or modifications are made to projects authorized under section 1702 of SAFETEA-LU;
- Nonmotorized transportation pilot program;
- Interstate and National Highway System Designations program;
- Future of Transportation System program;
- 25 changes or modifications are made to projects under the Transportation Improvements provision;



- Highway design and research;
- Increases the rescission of unobligated balances of highway contract authority on September 30, 2009, by \$117 million.
- Modifies the definition of Repeat Intoxicated Driver Law; and
- Future Interstate Design.

Title II of the bill makes technical corrections to the transit provisions of SAFETEA-LU.

Title III of the bill makes technical corrections to other surface transportation provisions. Some of the programs that are corrected include:

- Motor Carrier Safety;
- Hazardous materials transportation; and,
- Highway Safety.

Title IV includes miscellaneous provisions, including:

- The conveyance of the GSA Fleet management center to the Alaska Railroad Corporation; and,
- The conveyance of the retained interest in St. Joseph Memorial Hall.

Title V of the bill makes a technical correction to an environmental infrastructure authorization in the Water Resources Development Act of 2007 and adds a new Senate provision directing the Department of Justice to review allegations of impropriety regarding item 462 in section 1034(c) of SAFETEA-LU to ascertain if a violation of Federal criminal law has occurred.

COST

The Congressional Budget Office has not scored this version of H.R. 1195.

STAFF CONTACT

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