

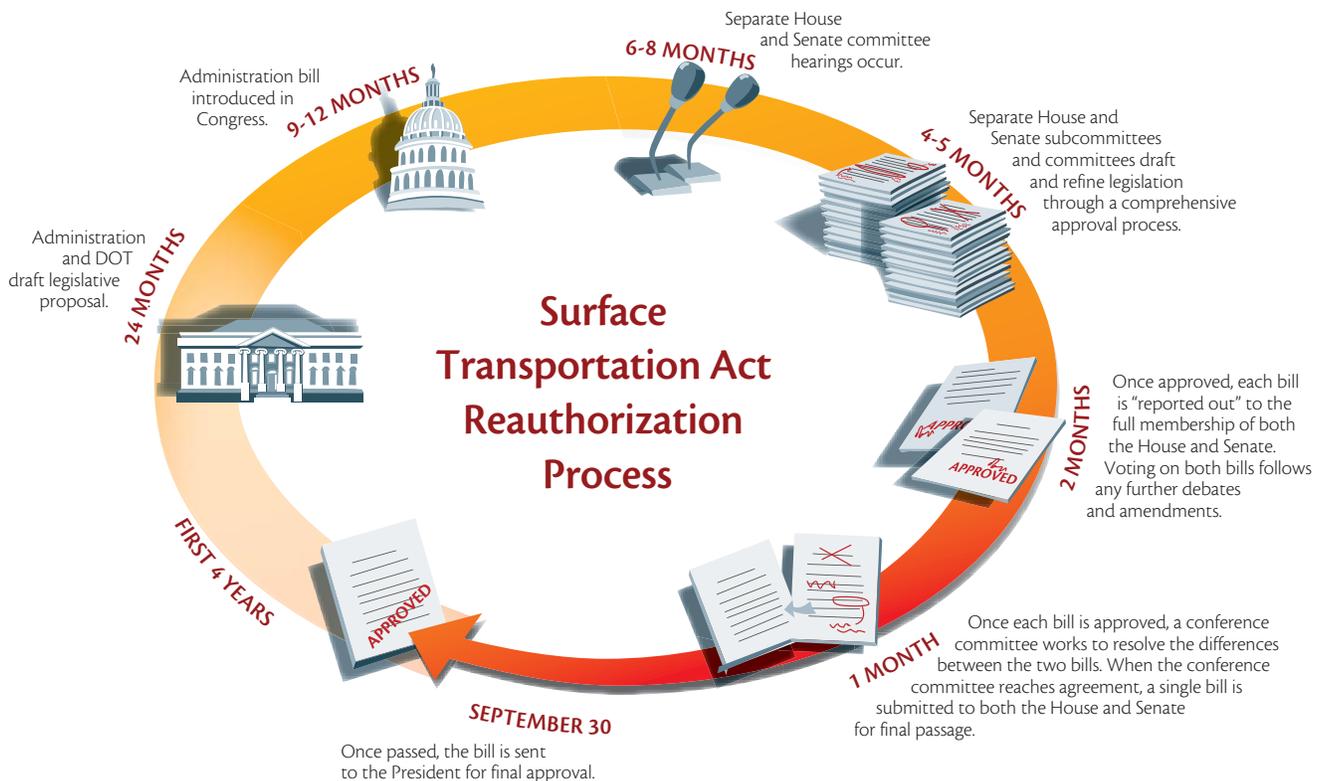


Surface Transportation Authorization Process

Funding and policy guidance for Federal highway, highway safety, and transit programs are established in multi-year authorization acts passed by Congress and signed by the President. Authorization acts are normally in place for periods of six years, but also may be extended until work on the next authorization act has been completed.

Preparing a new authorization act is a lengthy and complex process. It begins with the Administration developing a legislative proposal to reauthorize highway and other surface transportation programs. The U.S. Department of Transportation (DOT) leads this process, with assistance from its operating administrations, including the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). Work on the draft legislation usually begins two years before the previous act expires, which provides the Administration the opportunity to respond to transportation needs and to incorporate its positions on a wide variety of strategic areas, such as congestion relief, equity, safety, and the environment, among others.

The Administration bill is usually introduced in Congress nine months to a year prior to the expiration of the previous act. Several different authorizing committees and subcommittees work independently to prepare separate versions of the bill in both the House of Representatives and the Senate. This process begins with committee hearings on various aspects of the legislation during the winter and spring prior to the expiration of the previous act. This gives interested organizations, citizens, and the executive branch the opportunity to present their views on key issues. >





Following the hearings, the various Congressional subcommittees involved begin to prepare draft legislation. In the House, the Committee on Transportation and Infrastructure addresses all transportation related aspects of the authorization act, while the Ways and Means Committee addresses Highway Trust Fund and other financial matters. In the Senate, the process is more complex and involves the Committee on Environment and Public Works, which is responsible for highway issues; the Housing and Urban Affairs Committee, which has jurisdiction over mass transit; the Commerce, Science and Transportation Committee which is responsible for safety; and the Finance Committee, which addresses financial and Highway Trust Fund issues.

A first draft of the legislation is written by subcommittees, each of which works on its portions of the bill until a majority agrees that the drafts are ready for submittal to their parent committees. The full committees then go through their own mark-up sessions and once a majority has approved them, their sections of the bill are sent to other committees with jurisdiction over any aspect of the authorization act. Once all committees have approved all sections of the draft legislation, the bill is “reported out” to the full membership of both the House and the Senate with a report that explains the goals and rationale for the legislation. Voting follows any further debates and amendments.

Once the House and Senate versions of the bill have been approved, a conference committee works to resolve the differences between the two bills. The conference committee is usually comprised of members of committees that prepared the legislation. Once the conference committee reaches agreement, a single bill and report are returned to both chambers for final passage. The entire conference bill must be voted on exactly as presented. Once it has passed, the bill is sent to the President for final approval.

Ideally, the House and Senate bills are prepared in May and June of the year the Authorization Act expires and both houses of Congress approve their final versions prior to Congress’ annual August recess. The conference bill would then be prepared in September and sent to the President for approval before the previous act expires on September 30.

It often is not possible to complete the legislative process prior to the expiration of the previous bill. In such cases, Congress usually votes to extend the previous act while it works out the details of the new one. The Transportation Equity Act for the 21st Century (TEA-21) was extended 23 months from its September 30, 2003 expiration until final agreement was reached on the successor bill, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, which was signed into law by President Bush on August 10, 2005. The legislation is over 830 pages long and includes 11 separate section or “titles.” Often called SAFETEA-LU, the 2005 bill provides \$244.1 billion in funding before it expires on September 30, 2009. Many observers believe that the proximity of the expiration of SAFETEA-LU to the 2008 election of a new administration has the potential to delay the passage of the next authorization act. ::