

“(G) the development of new nondestructive bridge evaluation technologies and techniques.”  
 Subsec. (c). Pub. L. 109–59, § 5203(b)(1), added subsec. (c).  
 Subsec. (d). Pub. L. 109–59, § 5203(c)(1), added subsec. (d).  
 Subsec. (e). Pub. L. 109–59, § 5203(d), added subsec. (e).

HIGH PERFORMING STEEL BRIDGE RESEARCH AND TECHNOLOGY TRANSFER

Pub. L. 109–59, title V, § 5202(c), Aug. 10, 2005, 119 Stat. 1786, provided that:

“(1) IN GENERAL.—The Secretary [of Transportation] shall carry out a program to demonstrate the application of high-performing steel in the construction and rehabilitation of bridges.

“(2) FUNDING.—Of the amounts made available by section 5101(a)(1) of this Act [119 Stat. 1779], \$4,100,000 for each of fiscal years 2006 through 2009 shall be available to carry out this subsection.”

STEEL BRIDGE TESTING

Pub. L. 109–59, title V, § 5202(d), Aug. 10, 2005, 119 Stat. 1787, provided that:

“(1) IN GENERAL.—The Secretary [of Transportation] shall carry out a program to test steel bridges using a nondestructive technology that is able to detect growing cracks, including subsurface flaws as small as 0.010 inches in length or depth, in the bridges.

“(2) FUNDING.—Of the amounts made available by section 5101(a)(1) of this Act [119 Stat. 1779], \$1,250,000 for each of fiscal years 2006 through 2009 shall be available to carry out this subsection.

“(3) FEDERAL SHARE.—The Federal share of the cost of activities carried out in accordance with this subsection shall be 80 percent.”

**§ 504. Training and education**

(a) NATIONAL HIGHWAY INSTITUTE.—

(1) IN GENERAL.—The Secretary shall operate in the Federal Highway Administration a National Highway Institute (in this subsection referred to as the “Institute”). The Secretary shall administer, through the Institute, the authority vested in the Secretary by this title or by any other law for the development and conduct of education and training programs relating to highways.

(2) DUTIES OF THE INSTITUTE.—In cooperation with State transportation departments, United States industry, and any national or international entity, the Institute shall develop and administer education and training programs of instruction for—

(A) Federal Highway Administration, State, and local transportation agency employees;

(B) regional, State, and metropolitan planning organizations;

(C) State and local police, public safety, and motor vehicle employees; and

(D) United States citizens and foreign nationals engaged or to be engaged in surface transportation work of interest to the United States.

(3) COURSES.—

(A) IN GENERAL.—The Institute shall—

(i) develop or update existing courses in asset management, including courses that include such components as—

(I) the determination of life-cycle costs;

(II) the valuation of assets;

(III) benefit-to-cost ratio calculations;

and

(IV) objective decisionmaking processes for project selection; and

(ii) continually develop courses relating to the application of emerging technologies for—

(I) transportation infrastructure applications and asset management;

(II) intelligent transportation systems;

(III) operations (including security operations);

(IV) the collection and archiving of data;

(V) expediting the planning and development of transportation projects; and

(VI) the intermodal movement of individuals and freight.

(B) ADDITIONAL COURSES.—In addition to the courses developed under subparagraph (A), the Institute, in consultation with State transportation departments, metropolitan planning organizations, and the American Association of State Highway and Transportation Officials, may develop courses relating to technology, methods, techniques, engineering, construction, safety, maintenance, environmental mitigation and compliance, regulations, management, inspection, and finance.

(C) REVISION OF COURSES OFFERED.—The Institute shall periodically—

(i) review the course inventory of the Institute; and

(ii) revise or cease to offer courses based on course content, applicability, and need.

(4) SET-ASIDE; FEDERAL SHARE.—Not to exceed ½ of 1 percent of the funds apportioned to a State under section 104(b)(3) for the surface transportation program shall be available for expenditure by the State transportation department for the payment of not to exceed 80 percent of the cost of tuition and direct educational expenses (excluding salaries) in connection with the education and training of employees of State and local transportation agencies in accordance with this subsection.

(5) FEDERAL RESPONSIBILITY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), education and training of employees of Federal, State, and local transportation (including highway) agencies authorized under this subsection may be provided—

(i) by the Secretary at no cost to the States and local governments if the Secretary determines that provision at no cost is in the public interest; or

(ii) by the State through grants, cooperative agreements, and contracts with public and private agencies, institutions, individuals, and the Institute.

(B) PAYMENT OF FULL COST BY PRIVATE PERSONS.—Private agencies, international or foreign entities, and individuals shall pay the full cost of any education and training received by them unless the Secretary determines that a lower cost is of critical importance to the public interest.

(6) TRAINING FELLOWSHIPS; COOPERATION.—The Institute may—

(A) engage in training activities authorized under this subsection, including the granting of training fellowships; and

(B) carry out its authority independently or in cooperation with any other branch of the Federal Government or any State agency, authority, association, institution, for-profit or nonprofit corporation, other national or international entity, or other person.

(7) COLLECTION OF FEES.—

(A) GENERAL RULE.—In accordance with this subsection, the Institute may assess and collect fees solely to defray the costs of the Institute in developing or administering education and training programs under this subsection.

(B) LIMITATION.—Fees may be assessed and collected under this subsection only in a manner that may reasonably be expected to result in the collection of fees during any fiscal year in an aggregate amount that does not exceed the aggregate amount of the costs referred to in subparagraph (A) for the fiscal year.

(C) PERSONS SUBJECT TO FEES.—Fees may be assessed and collected under this subsection only with respect to—

(i) persons and entities for whom education or training programs are developed or administered under this subsection; and

(ii) persons and entities to whom education or training is provided under this subsection.

(D) AMOUNT OF FEES.—The fees assessed and collected under this subsection shall be established in a manner that ensures that the liability of any person or entity for a fee is reasonably based on the proportion of the costs referred to in subparagraph (A) that relate to the person or entity.

(E) USE.—All fees collected under this subsection shall be used to defray costs associated with the development or administration of education and training programs authorized under this subsection.

(8) RELATION TO FEES.—The funds made available to carry out this subsection may be combined with or held separate from the fees collected under paragraph (7).

(b) LOCAL TECHNICAL ASSISTANCE PROGRAM.—

(1) AUTHORITY.—The Secretary shall carry out a local technical assistance program that will provide access to surface transportation technology to—

(A) highway and transportation agencies in urbanized and rural areas;

(B) contractors that perform work for the agencies; and

(C) infrastructure security staff.

(2) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—The Secretary may make grants and enter into cooperative agreements and contracts to provide education and training, technical assistance, and related support services to—

(A) assist rural, local transportation agencies and tribal governments, and the consultants and construction personnel working for the agencies and governments, to—

(i) develop and expand expertise in road and transportation areas (including pavement, bridge, concrete structures, intermodal connections, safety management systems, intelligent transportation systems, incident response, operations, and traffic safety countermeasures);

(ii) improve roads and bridges;

(iii) enhance—

(I) programs for the movement of passengers and freight; and

(II) intergovernmental transportation planning and project selection; and

(iv) deal effectively with special transportation-related problems by preparing and providing training packages, manuals, guidelines, and technical resource materials;

(B) develop technical assistance for tourism and recreational travel;

(C) identify, package, and deliver transportation technology and traffic safety information to local jurisdictions to assist urban transportation agencies in developing and expanding their ability to deal effectively with transportation-related problems (particularly the promotion of regional cooperation);

(D) operate, in cooperation with State transportation departments and universities—

(i) local technical assistance program centers designated to provide transportation technology transfer services to rural areas and to urbanized areas; and

(ii) local technical assistance program centers designated to provide transportation technical assistance to tribal governments; and

(E) allow local transportation agencies and tribal governments, in cooperation with the private sector, to enhance new technology implementation.

(3) FEDERAL SHARE.—The Federal share of the cost of activities carried out by the tribal technical assistance centers under paragraph (2)(D)(ii) shall be 100 percent.

(c) RESEARCH FELLOWSHIPS.—

(1) GENERAL AUTHORITY.—The Secretary, acting either independently or in cooperation with other Federal departments, agencies, and instrumentalities, may make grants for research fellowships for any purpose for which research is authorized by this chapter.

(2) DWIGHT DAVID EISENHOWER TRANSPORTATION FELLOWSHIP PROGRAM.—The Secretary shall establish and implement a transportation research fellowship program for the purpose of attracting qualified students to the field of transportation. The program shall be known as the “Dwight David Eisenhower Transportation Fellowship Program”.

(d) GARRETT A. MORGAN TECHNOLOGY AND TRANSPORTATION EDUCATION PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish the Garrett A. Morgan Technology and Transportation Education Program to improve the preparation of students, particularly

women and minorities, in science, technology, engineering, and mathematics through curriculum development and other activities related to transportation.

(2) **AUTHORIZED ACTIVITIES.**—The Secretary shall award grants under this subsection on the basis of competitive peer review. Grants awarded under this subsection may be used for enhancing science, technology, engineering, and mathematics at the elementary and secondary school level through such means as—

(A) internships that offer students experience in the transportation field;

(B) programs that allow students to spend time observing scientists and engineers in the transportation field; and

(C) developing relevant curriculum that uses examples and problems related to transportation.

(3) **APPLICATION AND REVIEW PROCEDURES.**—

(A) **IN GENERAL.**—An entity described in subparagraph (C) seeking funding under this subsection shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. Such application, at a minimum, shall include a description of how the funds will be used to serve the purposes described in paragraph (2).

(B) **PRIORITY.**—In making awards under this subsection, the Secretary shall give priority to applicants that will encourage the participation of women and minorities.

(C) **ELIGIBILITY.**—Local educational agencies and State educational agencies, which may enter into a partnership agreement with institutions of higher education, businesses, or other entities, shall be eligible to apply for grants under this subsection.

(4) **DEFINITIONS.**—In this subsection, the following definitions apply:

(A) **INSTITUTION OF HIGHER EDUCATION.**—The term “institution of higher education” has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(B) **LOCAL EDUCATIONAL AGENCY.**—The term “local educational agency” has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(C) **STATE EDUCATIONAL AGENCY.**—The term “State educational agency” has the meaning given that term in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(e) **SURFACE TRANSPORTATION WORKFORCE DEVELOPMENT, TRAINING, AND EDUCATION.**—

(1) **FUNDING.**—Subject to project approval by the Secretary, a State may obligate funds apportioned to the State under sections 104(b)(1), 104(b)(2), 104(b)(3), 104(b)(4), and 144(e) for surface transportation workforce development, training, and education, including—

(A) tuition and direct educational expenses, excluding salaries, in connection with the education and training of employees of State and local transportation agencies;

(B) employee professional development;

(C) student internships;

(D) university or community college support; and

(E) education activities, including outreach, to develop interest and promote participation in surface transportation careers.

(2) **FEDERAL SHARE.**—The Federal share of the cost of activities carried out in accordance with this subsection shall be 100 percent.

(3) **SURFACE TRANSPORTATION WORKFORCE DEVELOPMENT, TRAINING, AND EDUCATION DEFINED.**—In this subsection, the term “surface transportation workforce development, training, and education” means activities associated with surface transportation career awareness, student transportation career preparation, and training and professional development for surface transportation workers, including activities for women and minorities.

(f) **TRANSPORTATION EDUCATION DEVELOPMENT PILOT PROGRAM.**—

(1) **ESTABLISHMENT.**—The Secretary shall establish a program to make grants to institutions of higher education that, in partnership with industry or State departments of transportation, will develop, test, and revise new curricula and education programs to train individuals at all levels of the transportation workforce.

(2) **SELECTION OF GRANT RECIPIENTS.**—In selecting applications for awards under this subsection, the Secretary shall consider—

(A) the degree to which the new curricula or education program meets the specific needs of a segment of the transportation industry, States, or regions;

(B) providing for practical experience and on-the-job training;

(C) proposals oriented toward practitioners in the field rather than the support and growth of the research community;

(D) the degree to which the new curricula or program will provide training in areas other than engineering, such as business administration, economics, information technology, environmental science, and law;

(E) programs or curricula in nontraditional departments that train professionals for work in the transportation field, such as materials, information technology, environmental science, urban planning, and industrial technology; and

(F) the commitment of industry or a State’s department of transportation to the program.

(3) **LIMITATIONS.**—The amount of a grant under this subsection shall not exceed \$300,000 per year. After a recipient has received 3 years of Federal funding under this subsection, Federal funding may equal not more than 75 percent of a grantee’s program costs.

(g) **FREIGHT CAPACITY BUILDING PROGRAM.**—

(1) **ESTABLISHMENT.**—The Secretary shall establish a freight planning capacity building initiative to support enhancements in freight transportation planning in order to—

(A) better target investments in freight transportation systems to maintain efficiency and productivity; and

(B) strengthen the decisionmaking capacity of State transportation departments and local transportation agencies with respect to freight transportation planning and systems.

(2) AGREEMENTS.—The Secretary shall enter into agreements to support and carry out administrative and management activities relating to the governance of the freight planning capacity initiative.

(3) STAKEHOLDER INVOLVEMENT.—In carrying out this section, the Secretary shall consult with the Association of Metropolitan Planning Organizations, the American Association of State Highway and Transportation Officials, and other freight planning stakeholders, including the other Federal agencies, State transportation departments, local governments, nonprofit entities, academia, and the private sector.

(4) ELIGIBLE ACTIVITIES.—The freight planning capacity building initiative shall include research, training, and education in the following areas:

(A) The identification and dissemination of best practices in freight transportation.

(B) Providing opportunities for freight transportation staff to engage in peer exchange.

(C) Refinement of data and analysis tools used in conjunction with assessing freight transportation needs.

(D) Technical assistance to State transportation departments and local transportation agencies reorganizing to address freight transportation issues.

(E) Facilitating relationship building between governmental and private entities involved in freight transportation.

(F) Identifying ways to target the capacity of State transportation departments and local transportation agencies to address freight considerations in operations, security, asset management, and environmental excellence in connection with long-range multimodal transportation planning and project implementation.

(5) FEDERAL SHARE.—The Federal share of the cost of an activity carried out under this section shall be up to 100 percent, and such funds shall remain available until expended.

(6) USE OF FUNDS.—Funds made available for the program established under this subsection may be used for research, program development, information collection and dissemination, and technical assistance. The Secretary may use such funds independently or make grants or to<sup>1</sup> and enter into contracts and cooperative agreements with a Federal agency, State agency, local agency, federally recognized Indian tribal government or tribal consortium, authority, association, nonprofit or for-profit corporation, or institution of higher education, to carry out the purposes of this subsection.

(Added Pub. L. 105-178, title V, § 5104, June 9, 1998, 112 Stat. 429; amended Pub. L. 109-59, title V, § 5204(a)(1), (b), (d)(1), (e), (h)(1), Aug. 10, 2005, 119 Stat. 1790, 1792-1794.)

<sup>1</sup> So in original.

#### PRIOR PROVISIONS

A prior section 504, added Pub. L. 90-495, § 30, Aug. 23, 1968, 82 Stat. 831, related to Federal reimbursement for highway relocation assistance, prior to repeal by Pub. L. 91-646, title II, § 220(a)(10), Jan. 2, 1971, 84 Stat. 1903.

#### AMENDMENTS

2005—Subsec. (a)(3). Pub. L. 109-59, § 5204(a)(1), reenacted heading without change and amended text of par. (3) generally. Prior to amendment, text read as follows: “The Institute may develop and administer courses in modern developments, techniques, methods, regulations, management, and procedures relating to surface transportation, environmental mitigation and compliance, acquisition of rights-of-way, relocation assistance, engineering, safety, construction, maintenance and operations, contract administration, motor carrier safety activities, inspection, and highway finance.”

Subsec. (b). Pub. L. 109-59, § 5204(b), reenacted heading without change and amended text of subsec. (b) generally, substituting provisions relating to authority to carry out a local technical assistance program, authority to make grants and enter into cooperative agreements and contracts, and Federal share of the cost of activities carried out by tribal technical assistance centers, consisting of pars. (1) to (3), for provisions relating to authority to carry out a local technical assistance program and authority to make grants and enter into cooperative agreements and contracts, consisting of pars. (1) and (2).

Subsec. (d). Pub. L. 109-59, § 5204(d)(1), added subsec. (d).

Subsecs. (e), (f). Pub. L. 109-59, § 5204(e), added subsecs. (e) and (f).

Subsec. (g). Pub. L. 109-59, § 5204(h)(1), added subsec. (g).

#### CENTER FOR TRANSPORTATION ADVANCEMENT AND REGIONAL DEVELOPMENT

Pub. L. 109-59, title V, § 5504, Aug. 10, 2005, 119 Stat. 1822, provided that:

“(a) ESTABLISHMENT.—The Secretary [of Transportation] shall establish a Center for Transportation Advancement and Regional Development (referred to in this section as the ‘Center’) to assist, through training, education, and research, in the comprehensive development of small metropolitan and rural regional transportation systems that are responsive to the needs of businesses and local communities.

“(b) ACTIVITIES.—In carrying out this section, the Center shall—

“(1) provide training, information, and professional resources for small metropolitan and rural regions to pursue innovative strategies to expand the capabilities, capacity, and effectiveness of a region’s transportation network, including activities related to freight projects, transit system upgrades, roadways and bridges, and intermodal transfer facilities and operations;

“(2) assist local officials, rural transportation and economic development planners, officials from State departments of transportation and economic development, business leaders, and other stakeholders in developing public-private partnerships to enhance their transportation systems; and

“(3) promote the leveraging of regional transportation planning with regional economic and business development planning to assure that appropriate transportation systems are created.

“(c) PROGRAM ADMINISTRATION.—To carry out this section, the Secretary [of Transportation] shall make a grant to, or enter into a cooperative agreement or contract with the National Association of Development Organizations.

“(d) FUNDING.—

“(1) IN GENERAL.—Of the amounts made available by section 5101(a)(1) of this Act [119 Stat. 1779], \$625,000 shall be available for each of fiscal years 2006 through 2009 to carry out this section.

“(2) FEDERAL SHARE.—The Federal share of the cost of activities carried out in accordance with this subsection shall be 100 percent.”

TRANSPORTATION SCHOLARSHIP OPPORTUNITIES PROGRAM

Pub. L. 109-59, title V, §5505, Aug. 10, 2005, 119 Stat. 1822, provided that:

“(a) IN GENERAL.—

“(1) ESTABLISHMENT OF PROGRAM.—The Secretary [of Transportation] may establish and implement a scholarship program for the purpose of attracting qualified students for transportation-related critical jobs.

“(2) PARTNERSHIP.—The Secretary may establish the program in partnership with appropriate non-governmental institutions.

“(b) PARTICIPATION.—An operating administration of the Department and the Office of Inspector General may participate in the scholarship program.

“(c) FUNDING.—Notwithstanding any other provision of law, the Secretary [of Transportation] may use funds available to an operating administration or from the Office of Inspector General of the Department for the purpose of carrying out this section.”

**§ 505. State planning and research**

(a) GENERAL RULE.—Two percent of the sums apportioned to a State for fiscal year 1998 and each fiscal year thereafter under section 104 (other than sections 104(f) and 104(h)) and under section 144 shall be available for expenditure by the State, in consultation with the Secretary, only for the following purposes:

(1) Engineering and economic surveys and investigations.

(2) The planning of future highway programs and local public transportation systems and the planning of the financing of such programs and systems, including metropolitan and statewide planning under sections 134 and 135.

(3) Development and implementation of management systems under section 303.

(4) Studies of the economy, safety, and convenience of surface transportation systems and the desirable regulation and equitable taxation of such systems.

(5) Research, development, and technology transfer activities necessary in connection with the planning, design, construction, management, and maintenance of highway, public transportation, and intermodal transportation systems.

(6) Study, research, and training on the engineering standards and construction materials for transportation systems described in paragraph (5), including the evaluation and accreditation of inspection and testing and the regulation and taxation of their use.

(7) The conduct of activities relating to the planning of real-time monitoring elements.

(b) MINIMUM EXPENDITURES ON RESEARCH, DEVELOPMENT, AND TECHNOLOGY TRANSFER ACTIVITIES.—

(1) IN GENERAL.—Subject to paragraph (2), not less than 25 percent of the funds subject to subsection (a) that are apportioned to a State for a fiscal year shall be expended by the State for research, development, and technology transfer activities described in subsection (a), relating to highway, public transportation, and intermodal transportation systems.

(2) WAIVERS.—The Secretary may waive the application of paragraph (1) with respect to a

State for a fiscal year if the State certifies to the Secretary for the fiscal year that total expenditures by the State for transportation planning under sections 134 and 135 will exceed 75 percent of the funds described in paragraph (1) and the Secretary accepts such certification.

(3) NONAPPLICABILITY OF ASSESSMENT.—Funds expended under paragraph (1) shall not be considered to be part of the extramural budget of the agency for the purpose of section 9 of the Small Business Act (15 U.S.C. 638).

(c) FEDERAL SHARE.—The Federal share of the cost of a project carried out using funds subject to subsection (a) shall be 80 percent unless the Secretary determines that the interests of the Federal-aid highway program would be best served by decreasing or eliminating the non-Federal share.

(d) ADMINISTRATION OF SUMS.—Funds subject to subsection (a) shall be combined and administered by the Secretary as a single fund and shall be available for obligation for the period described in section 118(b)(2).

(Added Pub. L. 105-178, title V, §5105, June 9, 1998, 112 Stat. 432; amended Pub. L. 109-59, title V, §5205, Aug. 10, 2005, 119 Stat. 1795.)

PRIOR PROVISIONS

A prior section 505, added Pub. L. 90-495, §30, Aug. 23, 1968, 82 Stat. 831, related to highway relocation assistance payments, prior to repeal by Pub. L. 91-646, title II, §220(a)(10), Jan. 2, 1971, 84 Stat. 1903.

AMENDMENTS

2005—Subsec. (a)(7). Pub. L. 109-59, §5205(1), added par. (7).

Subsec. (d). Pub. L. 109-59, §5205(2), substituted “for the period described in section 118(b)(2)” for “for the same period as funds apportioned under section 104(b)(1)”.

ALASKA HIGHWAY STUDY

Pub. L. 87-866, §13, Oct. 23, 1962, 76 Stat. 1149, as amended by Pub. L. 97-449, §2(a), Jan. 12, 1983, 96 Stat. 2439, provided that:

“(a) The Secretary of Transportation, in cooperation with the State of Alaska, is hereby authorized to make engineering studies and estimates and planning surveys relative to a highway construction program for the State of Alaska, and, in accordance with treaties or other agreements to be negotiated with Canada by the Secretary of State in consultation with the Secretary of Transportation, engineering studies, estimates, and planning surveys relative to connecting Alaskan roads with Canadian roads at the International boundary.

“(b) On or before May 15, 1964, the Secretary of Transportation shall submit a report to the Congress which shall include—

“(1) an analysis of the adequacy of the Federal-aid highway program to provide for a satisfactory program in both the populated and the undeveloped areas in Alaska;

“(2) specific recommendations as to the construction of roads through undeveloped areas of Alaska and connection of such roads with Canadian roads at the International boundary; and

“(3) a feasible program for implementing such specific recommendations, including cost estimates, recommendations as to the sharing of cost responsibilities, and other pertinent matters.

“(c) From time to time, either before or after submission of the report provided for in subsection (b) of this section, the Secretary of Transportation may submit recommendations to the Congress with respect to the