

111TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To provide an extension of highway programs authorized under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

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IN THE SENATE OF THE UNITED STATES

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\_\_\_\_\_ introduced the following bill; which was read twice  
and referred to the Committee on \_\_\_\_\_

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**A BILL**

To provide an extension of highway programs authorized under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

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. SHORT TITLE.**

4 This Act may be cited as the “Surface Transpor-  
5 tation Extension Act of 2009”.

6 **SEC. 2. FEDERAL-AID HIGHWAYS.**

7 (a) IN GENERAL.—Except as provided in this Act,  
8 requirements, authorities, conditions, eligibilities, limita-  
9 tions, and other provisions authorized under titles I, V,

1 and VI of the Safe, Accountable, Flexible, Efficient Trans-  
2 portation Equity Act: A Legacy for Users (119 Stat.  
3 1144), the SAFETEA-LU Technical Corrections Act of  
4 2008 (122 Stat. 1572), and title 23, United States Code,  
5 which would otherwise expire on or cease to apply after  
6 September 30, 2009, are incorporated by reference and  
7 shall continue in effect until March 31, 2011.

8 (b) AUTHORIZATION OF APPROPRIATIONS.—Except  
9 as provided in section 3, there are authorized to be appro-  
10 priated out of the Highway Trust Fund (other than the  
11 Mass Transit Account)—

12 (1) for fiscal year 2010, a sum equal to the  
13 total amount authorized to be appropriated for pro-  
14 grams, projects, and activities for fiscal year 2009  
15 under titles I, V, and VI of the Safe, Accountable,  
16 Flexible, Efficient Transportation Equity Act: A  
17 Legacy for Users (119 Stat. 1144), and title 23,  
18 United States Code; and

19 (2) for the period beginning on October 1,  
20 2010, and ending on March 31, 2011, a sum equal  
21 to  $\frac{1}{2}$  of the total amount authorized for programs,  
22 projects, and activities for fiscal year 2009 under ti-  
23 tles I, V, and VI of the Safe, Accountable, Flexible,  
24 Efficient Transportation Equity Act: A Legacy for

1 Users (119 Stat. 1144), and title 23, United States  
2 Code.

3 (c) USE OF FUNDS.—

4 (1) FISCAL YEAR 2010.—Except as otherwise  
5 expressly provided in this Act, funds authorized to  
6 be appropriated under subsection (b)(1) for fiscal  
7 year 2010 shall be distributed, administered, limited,  
8 and made available for obligation in the same man-  
9 ner and at the same level as funds authorized to be  
10 appropriated for fiscal year 2009 to carry out pro-  
11 grams, projects, activities, eligibilities, and require-  
12 ments under the Safe, Accountable, Flexible, Effi-  
13 cient Transportation Equity Act: A Legacy for  
14 Users (119 Stat. 1144), the SAFETEA-LU Tech-  
15 nical Corrections Act of 2008 (122 Stat. 1572), and  
16 title 23, United States Code.

17 (2) FISCAL YEAR 2011.—Except as otherwise  
18 expressly provided in this Act, funds authorized to  
19 be appropriated under subsection (b)(2) for the pe-  
20 riod beginning on October 1, 2010, and ending on  
21 March 31, 2011, shall be distributed, administered,  
22 limited, and made available for obligation in the  
23 same manner and at the same level as  $\frac{1}{2}$  of the  
24 total amount of funds authorized to be appropriated  
25 for fiscal year 2009 to carry out programs, projects,

1 activities, eligibilities, and requirements under the  
2 Safe, Accountable, Flexible, Efficient Transportation  
3 Equity Act: A Legacy for Users (119 Stat. 1144),  
4 the SAFETEA-LU Technical Corrections Act of  
5 2008 (122 Stat. 1572), and title 23, United States  
6 Code.

7 (3) CALCULATION.—The amounts authorized to  
8 be appropriated under subsection (b) shall be cal-  
9 culated without regard to any rescission or cancella-  
10 tion of funds or contract authority for fiscal year  
11 2009 under the Safe, Accountable, Flexible, Effi-  
12 cient Transportation Equity Act: A Legacy for  
13 Users (119 Stat. 1144) or any other law.

14 (4) CONTRACT AUTHORITY.—

15 (A) IN GENERAL.—Except as provided in  
16 subparagraph (B), funds authorized to be ap-  
17 propriated under this section shall be—

18 (i) available for obligation, and shall  
19 be administered, in the same manner as if  
20 such funds were apportioned under chapter  
21 1 of title 23, United States Code; and

22 (ii) subject to a limitation on obliga-  
23 tions for Federal-aid highways and high-  
24 way safety construction programs de-  
25 scribed in paragraph (5).

1 (B) EXCEPTIONS.—A limitation on obliga-  
2 tions described in subparagraph (A)(ii) shall  
3 not apply to any obligation under—

4 (i) section 125 of title 23, United  
5 States Code; or

6 (ii) section 105 of title 23, United  
7 States Code—

8 (I) for fiscal year 2010, only in  
9 an amount equal to \$639,000,000;  
10 and

11 (II) for the period beginning on  
12 October 1, 2010, and ending on  
13 March 31, 2011, only in an amount  
14 equal to \$319,500,000.

15 (5) LIMITATION ON OBLIGATIONS.—Notwith-  
16 standing any other provision of law—

17 (A) for fiscal year 2010, funds authorized  
18 to be appropriated under subsection (c) or this  
19 subsection shall be subject to the limitation on  
20 obligations for fiscal year 2009 under section  
21 1102 of the Safe, Accountable, Flexible, Effi-  
22 cient Transportation Equity Act: A Legacy for  
23 Users (119 Stat. 1157); and

24 (B) for the period beginning on October 1,  
25 2010, and ending on March 31, 2011, funds

1 authorized to be appropriated under subsection  
2 (c) or this subsection shall be subject to a limi-  
3 tation on obligations equal to  $\frac{1}{2}$  of the limita-  
4 tion on obligations for fiscal year 2009 under  
5 section 1102 of the Safe, Accountable, Flexible,  
6 Efficient Transportation Equity Act: A Legacy  
7 for Users (119 Stat. 1157).

8 (d) EXTENSION AND FLEXIBILITY FOR CERTAIN AL-  
9 LOCATED PROGRAMS.—

10 (1) FISCAL YEAR 2010.—Notwithstanding any  
11 other provision of law, for fiscal year 2010, the por-  
12 tion of the share of funds of a State under sub-  
13 section (b)(1) determined by the amount that the  
14 State received for fiscal year 2009 to carry out sec-  
15 tions 1301, 1302, 1307, 1702, and 1934 of the  
16 Safe, Accountable, Flexible, Efficient Transportation  
17 Equity Act: A Legacy for Users (119 Stat. 1198,  
18 1204, 1217, 1256, and 1485), and section 144(g)(1)  
19 of title 23, United States Code, shall be—

20 (A) made available to States for programs  
21 apportioned under sections 104(b) and 144 of  
22 title 23, United States Code, and in the same  
23 proportion for each such program that—



1                   (i) the amount apportioned to the  
2                   State for that program for fiscal year  
3                   2009; bears to

4                   (ii) the amount apportioned to the  
5                   State for fiscal year 2009 for all programs  
6                   apportioned under such sections of such  
7                   Code; and

8                   (B) administered in the same manner and  
9                   with the same period of availability as such  
10                  funding is administered under such sections.

11                  (3) ADDITIONAL FUNDS.—

12                  (A) IN GENERAL.—No additional funds  
13                  shall be provided for any project or activity  
14                  under subsection (c), or paragraph (1) or (2) of  
15                  this subsection, that the Secretary of Transpor-  
16                  tation determines was sufficiently funded before  
17                  or during fiscal year 2009 to achieve the au-  
18                  thorized purpose of the project or activity.

19                  (B) RESERVATION AND REDISTRIBUTION  
20                  OF FUNDS.—Funds made available in accord-  
21                  ance with paragraph (1) or (2) of subsection (c)  
22                  or paragraph (1) or (2) of this subsection for  
23                  a project or activity described in subparagraph  
24                  (A) shall be—

1 (i) reserved by the Secretary of  
2 Transportation; and

3 (ii) redistributed to each State in ac-  
4 cordance with paragraph (1) or (2) of sub-  
5 section (e), or paragraph (1) or (2) of this  
6 subsection, as appropriate, for use in car-  
7 rying out other highway projects and ac-  
8 tivities extended by subsection (e) or this  
9 subsection, in the proportion that—

10 (I) the total amount of funds  
11 made available for fiscal year 2009 for  
12 projects and activities described in  
13 subparagraph (A) in the State; bears  
14 to

15 (II) the total amount of funds  
16 made available for fiscal year 2009 for  
17 those projects and activities in all  
18 States.

19 (e) EXTENSION OF AUTHORIZATIONS UNDER TITLE  
20 V OF SAFETEA-LU.—

21 (1) IN GENERAL.—The programs authorized  
22 under paragraphs (1) through (5) of section 5101(a)  
23 of the Safe, Accountable, Flexible, Efficient Trans-  
24 portation Equity Act: A Legacy for Users (119 Stat.  
25 1779) shall be continued—

1 (A) for fiscal year 2010, at the funding  
2 levels authorized for those programs for fiscal  
3 year 2009; and

4 (B) for the period beginning on October 1,  
5 2010, and ending on March 31, 2011, at  $\frac{1}{2}$  the  
6 levels authorized for those programs for fiscal  
7 year 2009.

8 (2) DISTRIBUTION OF FUNDS.—Funds for pro-  
9 grams continued under paragraph (1) shall be dis-  
10 tributed to major program areas under those pro-  
11 grams in the same proportions as funds were allo-  
12 cated for those program areas for fiscal year 2009,  
13 except that designations for specific activities shall  
14 not be required to be continued for—

15 (A) fiscal year 2010; or

16 (B) the period beginning on October 1,  
17 2010, and ending on March 31, 2011.

18 (3) ADDITIONAL FUNDS.—

19 (A) IN GENERAL.—No additional funds  
20 shall be provided for any project or activity  
21 under this subsection that the Secretary of  
22 Transportation determines was sufficiently  
23 funded before or during fiscal year 2009 to  
24 achieve the authorized purpose of the project or  
25 activity.

1 (B) RESERVATION AND REDISTRIBUTION  
2 OF FUNDS.—Funds made available in accord-  
3 ance with paragraph (1) or (2) for a project or  
4 activity described in subparagraph (A) shall  
5 be—

6 (i) reserved by the Secretary of  
7 Transportation; and

8 (ii) redistributed to each State in ac-  
9 cordance with paragraph (2), for use in  
10 carrying out other highway projects and  
11 activities extended by this subsection, in  
12 the proportion that—

13 (I) the total amount of funds  
14 made available for fiscal year 2009 for  
15 projects and activities described in  
16 subparagraph (A) in the State; bears  
17 to

18 (II) the total amount of funds  
19 made available for fiscal year 2009 for  
20 those projects and activities in all  
21 States.

22 (4) LIMITATION ON OBLIGATIONS.—Notwith-  
23 standing any other provision of law—

24 (A) for fiscal year 2010, funds authorized  
25 to be appropriated under this subsection shall

1 be subject to the limitation on obligations for  
2 fiscal year 2009 under section 5102 of the Safe,  
3 Accountable, Flexible, Efficient Transportation  
4 Equity Act: A Legacy for Users (119 Stat.  
5 1780); and

6 (B) for the period beginning on October 1,  
7 2010, and ending on March 31, 2011, funds  
8 authorized to be appropriated under this sub-  
9 section shall be subject to a limitation on obli-  
10 gations equal to  $\frac{1}{2}$  of the limitation on obliga-  
11 tions for fiscal year 2009 under section 5102 of  
12 the Safe, Accountable, Flexible, Efficient  
13 Transportation Equity Act: A Legacy for Users  
14 (119 Stat. 1780).

15 **SEC. 3. ADMINISTRATIVE EXPENSES.**

16 (a) AUTHORIZATION OF CONTRACT AUTHORITY.—  
17 Notwithstanding any other provision of this Act or any  
18 other law, there are authorized to be appropriated from  
19 the Highway Trust Fund (other than the Mass Transit  
20 Account) for administrative expenses of the Federal-aid  
21 highway program—

22 (1) \$415,396,000 for fiscal year 2010; and

23 (2) \$213,422,000 for the period beginning on  
24 October 1, 2010, and ending on March 31, 2011.

1           (b) CONTRACT AUTHORITY.—Funds authorized to be  
2 appropriated by this section shall be—

3                   (1) available for obligation, and shall be admin-  
4 istered, in the same manner as if such funds were  
5 apportioned under chapter 1 of title 23, United  
6 States Code; and

7                   (2) subject to a limitation on obligations for  
8 Federal-aid highways and highway safety construc-  
9 tion programs, except that such funds shall remain  
10 available until expended.