

107TH CONGRESS  
2D SESSION

# S. 3134

To amend titles 23 and 49, United States Code, to encourage economic growth in the United States by increasing transportation investments in rural areas, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 17, 2002

Mr. BAUCUS (for himself, Mr. CRAPO, and Mr. CRAIG) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend titles 23 and 49, United States Code, to encourage economic growth in the United States by increasing transportation investments in rural areas, and for other purposes.

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 “Maximum Economic  
5 Growth for America Through Rural Transportation In-  
6 vestment Act” or the “MEGA Rural Act”.

1 **SEC. 2. ASSISTANCE IN OVERCOMING ECONOMIC AND DE-**  
 2 **MOGRAPHIC BARRIERS.**

3 (a) IN GENERAL.—Title 23, United States Code, is  
 4 amended by inserting after section 138 the following:

5 **“§ 139. Assistance in overcoming economic and demo-**  
 6 **graphic barriers**

7 “(a) DEFINITIONS.—In this section:

8 “(1) HIGH-GROWTH STATE.—The term ‘high-  
 9 growth State’ means a State that has a population  
 10 according to the 2000 Census that is at least 25  
 11 percent greater than the population for the State ac-  
 12 cording to the 1990 Census.

13 “(2) HIGH-POPULATION-DENSITY STATE.—The  
 14 term ‘high-population-density State’ means a State  
 15 in which the number of individuals per principal ar-  
 16 terial mile is greater than 75 percent of the number  
 17 of individuals per principal arterial mile in the 50  
 18 States and the District of Columbia, as determined  
 19 using population according to the 2000 Census.

20 “(3) HIGHWAY STATISTICS.—

21 “(A) IN GENERAL.—The term ‘Highway  
 22 Statistics’ means the Highway Statistics pub-  
 23 lished by the Federal Highway Administration  
 24 for the most recent calendar or fiscal year for  
 25 which data are available, which most recent cal-  
 26 endar or fiscal year shall be determined as of

1 the first day of the fiscal year for which any  
2 calculation using the Highway Statistics is  
3 made.

4 “(B) TERMS.—Any reference to a term  
5 that is used in the Highway Statistics is a ref-  
6 erence to the term as used in the Highway Sta-  
7 tistics as of September 30, 2002.

8 “(4) LOW-INCOME STATE.—The term ‘low-in-  
9 come State’ means a State that, according to Table  
10 PS-1 of the Highway Statistics, has a per capita in-  
11 come that is less than the national average per cap-  
12 ita income.

13 “(5) LOW-POPULATION-DENSITY STATE.—The  
14 term ‘low-population-density State’ means a State in  
15 which the number of individuals per principal arte-  
16 rial mile is less than 75 percent of the number of  
17 individuals per principal arterial mile in the 50  
18 States and the District of Columbia, as determined  
19 using population according to the 2000 Census.

20 “(6) NATIONAL AVERAGE PER CAPITA IN-  
21 COME.—The term ‘national average per capita in-  
22 come’ means the average per capita income for the  
23 50 States and the District of Columbia, as specified  
24 in the Highway Statistics.

1           “(7) PRINCIPAL ARTERIAL MILES.—The term  
2           ‘principal arterial miles’, with respect to a State,  
3           means the principal arterial miles (including Inter-  
4           state and other expressway or freeway system miles)  
5           in the State, as specified in Table HM–20 of the  
6           Highway Statistics.

7           “(8) STATE.—The term ‘State’ means each of  
8           the 50 States.

9           “(9) STATE WITH EXTENSIVE ROAD OWNER-  
10          SHIP.—The term ‘State with extensive road owner-  
11          ship’ means a State that owns more than 80 percent  
12          of the total Federal-aid and non-Federal-aid mileage  
13          in the State according to Table HM–14 of the High-  
14          way Statistics.

15          “(b) ESTABLISHMENT.—There is established a pro-  
16          gram to assist States that face certain economic and de-  
17          mographic barriers in meeting transportation needs.

18          “(c) ALLOCATION OF FUNDS.—For each of fiscal  
19          years 2004 through 2009, funds made available to carry  
20          out this section shall be allocated as follows:

21                 “(1) LOW-INCOME STATES.—For each fiscal  
22                 year, each low-income State shall receive an alloca-  
23                 tion under this paragraph that is equal to the prod-  
24                 uct obtained by multiplying—

25                         “(A) \$600,000,000; and

- 1 “(B) the ratio that—
- 2 “(i) the difference between—
- 3 “(I) the national average per
- 4 capita income; and
- 5 “(II) the per capita income of the
- 6 low-income State; bears to
- 7 “(ii) the sum of the differences deter-
- 8 mined under clause (i) for all low-income
- 9 States.
- 10 “(2) HIGH-GROWTH STATES.—For each fiscal
- 11 year, each high-growth State shall receive an alloca-
- 12 tion under this paragraph that is equal to the prod-
- 13 uct obtained by multiplying—
- 14 “(A) \$75,000,000; and
- 15 “(B) the ratio that—
- 16 “(i) the percentage by which the pop-
- 17 ulation of the high-growth State according
- 18 to the 2000 Census exceeds the population
- 19 of the high-growth State according to the
- 20 1990 Census; bears to
- 21 “(ii) the sum of the percentages deter-
- 22 mined under clause (i) for all high-growth
- 23 States.
- 24 “(3) LOW-POPULATION-DENSITY STATES.—

1           “(A) IN GENERAL.—Subject to subpara-  
 2 graph (B), for each fiscal year, each low-popu-  
 3 lation-density State shall receive an allocation  
 4 under this paragraph that is equal to the prod-  
 5 uct obtained by multiplying—

6                   “(i) \$625,000,000; and

7                   “(ii) the ratio that—

8                         “(I) the quotient obtained by  
 9 dividing—

10                           “(aa) the number of prin-  
 11 cipal arterial miles in the State;  
 12 by

13                           “(bb) the population of the  
 14 low-population-density State ac-  
 15 cording to the 2000 Census;  
 16 bears to

17                         “(II) the sum of the quotients  
 18 determined under subclause (I) for all  
 19 low-population-density States.

20           “(B) MAXIMUM ALLOCATION.—

21                   “(i) IN GENERAL.—If the allocation  
 22 for a low-population-density State under  
 23 subparagraph (A) is greater than  
 24 \$35,000,000, the allocation of the low-pop-

1                   ulation-density State shall be reduced to  
2                   \$35,000,000.

3                   “(ii) USE OF EXCESS ALLOCATIONS.—

4                   “(I) REALLOCATION.—Subject to  
5                   subclause (II), the funds in addition  
6                   to the \$35,000,000 that would have  
7                   been allocated to a low-population-  
8                   density State but for clause (i) shall  
9                   be reallocated among the low-popu-  
10                  lation-density States that were allo-  
11                  cated less than \$35,000,000 under  
12                  subparagraph (A) in accordance with  
13                  the proportionate shares of those low-  
14                  population-density States under sub-  
15                  paragraph (A).

16                  “(II) ADDITIONAL REALLOCA-  
17                  TIONS.—If a reallocation under sub-  
18                  clause (I) would result in the receipt  
19                  by any low-population-density State of  
20                  an amount greater than \$35,000,000  
21                  under this paragraph—

22                               “(aa) the allocation for the  
23                               low-population-density State shall  
24                               be reduced to \$35,000,000; and

1                   “(bb) the amounts in excess  
 2                   of \$35,000,000 shall be subject  
 3                   to 1 or more further reallocations  
 4                   in accordance with that subclause  
 5                   so that no low-population-density  
 6                   State is allocated more than  
 7                   \$35,000,000 under this para-  
 8                   graph.

9                   “(4) HIGH-POPULATION-DENSITY STATES.—

10                   “(A) IN GENERAL.—Subject to subpara-  
 11                   graph (B), for each fiscal year, each high-popu-  
 12                   lation-density State shall receive an allocation  
 13                   under this paragraph that is equal to the prod-  
 14                   uct obtained by multiplying—

15                                   “(i) \$625,000,000; and

16                                   “(ii) the ratio that—

17                                           “(I) the quotient obtained by  
 18                   dividing—

19                                                   “(aa) the population of the  
 20                   high-population-density State ac-  
 21                   cording to the 2000 Census; by

22                                                           “(bb) the number of prin-  
 23                   cipal arterial miles in the State;  
 24                   bears to



1                   “(II) the sum of the quotients  
2                   determined under subclause (I) for all  
3                   high-population-density States.

4                   “(B) MAXIMUM ALLOCATION.—

5                   “(i) IN GENERAL.—If the allocation  
6                   for a high-population-density State under  
7                   subparagraph (A) is greater than  
8                   \$35,000,000, the allocation of the high-  
9                   population-density State shall be reduced  
10                  to \$35,000,000.

11                  “(ii) USE OF EXCESS ALLOCATIONS.—

12                  “(I) REALLOCATION.—Subject to  
13                  subclause (II), the funds in addition  
14                  to the \$35,000,000 that would have  
15                  been allocated to a high-population-  
16                  density State but for clause (i) shall  
17                  be reallocated among the high-popu-  
18                  lation-density States that were allo-  
19                  cated less than \$35,000,000 under  
20                  subparagraph (A) in accordance with  
21                  the proportionate shares of those  
22                  high-population-density States under  
23                  subparagraph (A).

24                  “(II) ADDITIONAL REALLOCA-  
25                  TIONS.—If a reallocation under sub-

1 clause (I) would result in the receipt  
2 by any high-population-density State  
3 of an amount greater than  
4 \$35,000,000 under this paragraph—

5 “(aa) the allocation for the  
6 high-population-density State  
7 shall be reduced to \$35,000,000;  
8 and

9 “(bb) the amounts in excess  
10 of \$35,000,000 shall be subject  
11 to 1 or more further reallocations  
12 in accordance with that subclause  
13 so that no high-population-den-  
14 sity State is allocated more than  
15 \$35,000,000 under this para-  
16 graph.

17 “(5) STATES WITH EXTENSIVE ROAD OWNER-  
18 SHIP.—For each fiscal year, each State with exten-  
19 sive road ownership shall receive an allocation under  
20 this paragraph that is equal to the product obtained  
21 by multiplying—

22 “(A) \$75,000,000; and

23 “(B) the ratio that—

24 “(i) the total Federal-aid and non-  
25 Federal-aid mileage owned by each State

1 with extensive road ownership according to  
2 Table HM-14 of the Highway Statistics;  
3 bears to

4 “(ii) the sum of the mileages deter-  
5 mined under clause (i) for all States with  
6 extensive road ownership.

7 “(d) TREATMENT OF ALLOCATED FUNDS.—

8 “(1) IN GENERAL.—Subject to paragraph (2),  
9 funds allocated to a State under this section for a  
10 fiscal year shall be treated for program administra-  
11 tive purposes as if the funds—

12 “(A) were funds apportioned to the State  
13 under sections 104(b)(1), 104(b)(2), 104(b)(3),  
14 104(b)(4), and 144; and

15 “(B) were apportioned to the State in the  
16 same ratio that the State is apportioned funds  
17 under the sections specified in paragraph (1)  
18 for the fiscal year.

19 “(2) PROGRAM ADMINISTRATIVE PURPOSES.—  
20 Program administrative purposes referred to in  
21 paragraph (1)—

22 “(A) include—

23 “(i) the Federal share;

24 “(ii) availability for obligation; and

1 “(iii) except as provided in subpara-  
2 graph (B), applicability of deductions; and

3 “(B) exclude—

4 “(i) calculation of the minimum guar-  
5 antee under section 105; and

6 “(ii) applicability of the deduction for  
7 the future strategic highway research pro-  
8 gram under section 104(m).”.

9 (b) ASSISTANCE IN OVERCOMING ECONOMIC AND  
10 DEMOGRAPHIC BARRIERS.—For the program to provide  
11 assistance in overcoming economic and demographic bar-  
12 riers under section 139 of title 23, United States Code,  
13 there is authorized to be appropriated out of the Highway  
14 Trust Fund (other than the Mass Transit Account)  
15 \$2,000,000,000 for each of fiscal years 2004 through  
16 2009.

17 (c) CONFORMING AMENDMENT.—The analysis for  
18 subchapter I of chapter 1 of title 23, United States Code,  
19 is amended by inserting after the item relating to section  
20 138 the following:

“139. Assistance in overcoming economic and demographic barriers.”.

21 **SEC. 3. RURAL LOCAL ROADS SAFETY PILOT PROGRAM.**

22 (a) DEFINITIONS.—In this section:

23 (1) IN GENERAL.—

24 (A) ELIGIBLE ACTIVITY.—

1 (i) IN GENERAL.—The term “eligible  
2 activity” means a project or activity that—

3 (I) is carried out only on public  
4 roads that are functionally classified  
5 as rural local roads or rural minor  
6 collectors (and is not carried out on a  
7 Federal-aid highway); and

8 (II) provides a safety benefit.

9 (ii) INCLUSIONS.—The term “eligible  
10 activity” includes—

11 (I) a project or program such as  
12 those described in section 133(d)(1) of  
13 title 23, United States Code;

14 (II) road surfacing or resur-  
15 facing;

16 (III) improvement or mainte-  
17 nance of local bridges;

18 (IV) road reconstruction or im-  
19 provement;

20 (V) installation or improvement  
21 of signage, signals, or lighting;

22 (VI) a maintenance activity that  
23 provides a safety benefit (including re-  
24 pair work, striping, surface marking,  
25 or a similar safety precaution); or

1 (VII) acquisition of materials for  
2 use in projects described in any of  
3 subclauses (I) through (VI).

4 (B) PROGRAM.—The term “program”  
5 means the rural local roads safety pilot pro-  
6 gram established under subsection (b).

7 (C) STATE.—The term “State” does not  
8 include the District of Columbia or Puerto  
9 Rico.

10 (2) OTHER TERMS.—Except as otherwise pro-  
11 vided, terms used in this section have the meanings  
12 given those terms in title 23, United States Code.

13 (b) ESTABLISHMENT.—The Secretary shall establish  
14 a rural local roads safety pilot program to carry out eligi-  
15 ble activities.

16 (c) ALLOCATION OF FUNDS WITH RESPECT TO  
17 STATES.—For each fiscal year, funds made available to  
18 carry out this section shall be allocated by the Secretary  
19 to the State transportation department in each of the  
20 States in the ratio that—

21 (1) the relative share of the State under section  
22 105 of title 23, United States Code, for a fiscal year;  
23 bears to

24 (2) the total shares of all 50 States under that  
25 section for the fiscal year.

1 (d) ALLOCATION OF FUNDS WITHIN STATES.—Each  
2 State that receives funds under subsection (c) shall allo-  
3 cate those funds within the State as follows:

4 (1) COUNTIES.—Except as provided in para-  
5 graph (2) and subject to paragraph (3), a State  
6 shall allocate to each county in the State an amount  
7 in the ratio that—

8 (A) the public road miles within the county  
9 that are functionally classified as rural local  
10 roads or rural minor collectors; bears to

11 (B) the total of all public road miles within  
12 all counties in the State that are functionally  
13 classified as rural local roads or rural minor  
14 collectors.

15 (2) ALTERNATIVE FORMULA FOR ALLOCA-  
16 TION.—Paragraph (1) shall not apply to a State if  
17 the State transportation department certifies to the  
18 Secretary that the State has in effect an alternative  
19 formula or system for allocation of funds received  
20 under subsection (c) (including an alternative for-  
21 mula or system that permits allocations to political  
22 subdivisions or groups of political subdivisions, in  
23 addition to individual counties, in the State) that—

24 (A) was developed under the authority of  
25 State law; and

1 (B) provides that funds allocated to the  
2 State transportation department under this sec-  
3 tion will be allocated within the State in accord-  
4 ance with a program that includes selection by  
5 local governments of eligible activities funded  
6 under this section.

7 (3) ADMINISTRATIVE EXPENSES.—Before allo-  
8 cating amounts under paragraph (1) or (2), as ap-  
9 plicable, a State transportation department may re-  
10 tain not more than 10 percent of an amount allo-  
11 cated to the State transportation department under  
12 subsection (c) for administrative costs incurred in  
13 carrying out this section.

14 (e) PROJECT SELECTION.—

15 (1) BY COUNTY.—If an allocation of funds  
16 within a State is made under subsection (d)(1),  
17 counties within the State to which the funds are al-  
18 located shall select eligible activities to be carried  
19 out using the funds.

20 (2) BY STATE ALTERNATIVE.—If an allocation  
21 of funds within a State is made under subsection  
22 (d)(2), eligible activities to be carried out using the  
23 funds shall be selected in accordance with the State  
24 alternative.



1 (f) FEDERAL SHARE.—The Federal share of the cost  
2 of an eligible activity carried out under this section shall  
3 be 100 percent.

4 (g) REPORT.—Not later than January 1, 2009, after  
5 providing States, local governments, and other interested  
6 parties an opportunity for comment, the Secretary shall  
7 submit to the Committee on Environment and Public  
8 Works of the Senate and the Committee on Transpor-  
9 tation and Infrastructure of the House of Representatives  
10 a report that—

11 (1) describes progress made in carrying out the  
12 program; and

13 (2) includes recommendations as to whether the  
14 program should be continued or modified.

15 (h) CONTRACT AUTHORITY.—Funds made available  
16 to carry out this section shall be available for obligation  
17 in the same manner as if the funds were apportioned  
18 under chapter 1 of title 23, United States Code, except  
19 that the Federal share of the cost of an eligible activity  
20 under this section shall be determined in accordance with  
21 this section.

22 (i) AUTHORIZATION OF APPROPRIATIONS.—There is  
23 authorized to be appropriated out of the Highway Trust  
24 Fund (other than the Mass Transit Account) to carry out

1 this section \$200,000,000 for each of fiscal years 2004  
2 through 2009.

3 **SEC. 4. MINIMUM LEVEL OF FUNDING FOR ELDERLY AND**  
4 **DISABLED PROGRAM.**

5 Section 5310 of title 49, United States Code, is  
6 amended—

7 (1) in subsection (b), in the first sentence, by  
8 striking the period at the end and inserting the fol-  
9 lowing: “, provided that, for fiscal years 2004, 2005,  
10 and 2006, each State shall receive annually, of the  
11 amounts apportioned under this section, a minimum  
12 of double the amount apportioned to the State in fis-  
13 cal year 2003 or \$1,000,000, whichever is greater,  
14 and that for fiscal years 2007, 2008, and 2009, each  
15 State shall receive annually, of the amounts appor-  
16 tioned under this section, a minimum equal to the  
17 minimum required to be apportioned to the State for  
18 fiscal year 2006 plus \$500,000.”; and

19 (2) by adding at the end the following:

20 “(k) AMOUNTS FOR OPERATING ASSISTANCE.—

21 Amounts made available under this section may be used  
22 for operating assistance.

23 “(l) AVAILABLE FUNDS.—Notwithstanding any other  
24 provision of law, of the aggregate amounts made available  
25 by and appropriated under this chapter, the amount made

1 available to provide transportation services to elderly indi-  
2 viduals and individuals with disabilities under this section  
3 in each of fiscal years 2004 through 2009, shall be not  
4 less than the amount necessary to match the minimum  
5 apportionment levels required by subsection (b).”.

6 **SEC. 5. MINIMUM LEVEL OF FUNDING FOR RURAL PRO-**  
7 **GRAM.**

8 Section 5311 of title 49, United States Code, is  
9 amended—

10 (1) in subsection (c), in the first sentence, by  
11 striking the period at the end and inserting the fol-  
12 lowing: “, provided that none of the 50 States shall  
13 receive, from the amounts annually apportioned  
14 under this section, an apportionment of less than  
15 \$5,000,000 for each of fiscal years 2004, 2005, and  
16 2006, and \$5,500,000 for each of fiscal years 2007,  
17 2008, and 2009.”; and

18 (2) by adding at the end the following:

19 “(k) AMOUNTS.—Notwithstanding any other provi-  
20 sion of law, of the aggregate amounts made available by  
21 and appropriated under this chapter, the amount made  
22 available for the program established by this section in  
23 each of fiscal years 2004 through 2009 shall be not less  
24 than the sum of—

1           “(1) the amount made available for all States  
2           for such purpose for fiscal year 2003; and

3           “(2)(A) for each of fiscal years 2004, 2005, and  
4           2006, the amount equal to the difference between  
5           \$5,000,000 and the apportionment for fiscal year  
6           2003, for each of those individual States that were  
7           apportioned less than \$5,000,000 under this section  
8           for fiscal year 2003; or

9           “(B) for each of fiscal years 2007, 2008, and  
10          2009, the amount equal to the difference between  
11          \$5,500,000 and the apportionment for fiscal year  
12          2003, for each of those individual States that were  
13          apportioned less than \$5,500,000 under this section  
14          for fiscal year 2003.”.

15 **SEC. 6. ESSENTIAL BUS SERVICE.**

16          (a) IN GENERAL.—Chapter 53 of title 49, United  
17 States Code, is amended by adding at the end the fol-  
18 lowing:

19 **“§ 5339. Essential bus service**

20          “(a) IN GENERAL.—The Secretary shall establish a  
21 program under which States shall provide essential bus  
22 service between rural areas and primary airports, as de-  
23 fined in section 47102, and between rural areas and sta-  
24 tions for intercity passenger rail service, and appropriate  
25 intermediate or nearby points.

1       “(b) ELIGIBLE ACTIVITIES.—Eligible activities under  
2 the program established by this section shall include—

3           “(1) planning and marketing for intercity bus  
4 transportation;

5           “(2) capital grants for intercity bus shelters,  
6 park and ride facilities, and joint use facilities;

7           “(3) operating grants, including direct assist-  
8 ance, purchase of service agreements, user-side sub-  
9 sidies, demonstration projects, and other means; and

10          “(4) enhancement of connections between bus  
11 service and commercial air passenger service and  
12 intercity passenger rail service.

13       “(c) AVAILABILITY OF FUNDS.—Amounts made  
14 available pursuant to this section shall remain available  
15 until expended.

16       “(d) RELATIONSHIP TO SECTION 5311.—Amounts  
17 for the program established by this section shall be appor-  
18 tioned to the States in the same proportion as amounts  
19 apportioned to the States under section 5311. Section  
20 5311(j) applies to this section.

21       “(e) FUNDS.—Notwithstanding any other provision  
22 of law, of the aggregate amounts made available by and  
23 appropriated under this chapter—

1           “(1) for fiscal years 2004, 2005, and 2006,  
2           \$30,000,000 of the total for each fiscal year shall be  
3           for the implementation of this section; and

4           “(2) for fiscal years 2007, 2008, and 2009,  
5           \$35,000,000 of the total for each fiscal year shall be  
6           for the implementation of this section.”.

7           (b) **TECHNICAL AND CONFORMING AMENDMENT.**—  
8           The table of sections for chapter 53 of title 49, United  
9           States Code, is amended by adding at the end the fol-  
10          lowing:

          “5339. Essential bus service.”.

11       **SEC. 7. MINIMUM LEVEL OF FUNDING FOR URBANIZED**  
12                               **AREAS WITH A POPULATION OF LESS THAN**  
13                               **200,000.**

14           (a) **MINIMUM APPORTIONMENT.**—Section 5336(a)(1)  
15           of title 49, United States Code, is amended by striking  
16           “mile; and” and inserting the following: “mile,

17           provided that the apportionments under this para-  
18           graph shall be modified to the extent required so  
19           that urbanized areas that are eligible under this  
20           paragraph and are located in a State in which all ur-  
21           banized areas in the State eligible under this para-  
22           graph collectively receive apportionments totaling  
23           less than \$5,000,000 in any of fiscal years 2004,  
24           2005, or 2006, or less than \$5,500,000 in any of fis-  
25           cal years 2007, 2008, or 2009, shall each have their

1       apportionments increased, proportionately, to the ex-  
2       tent that, collectively, all of the urbanized areas in  
3       the State that are eligible under this paragraph re-  
4       ceive, of the amounts apportioned annually under  
5       this paragraph, \$5,000,000 for each of fiscal years  
6       2004, 2005, and 2006, and \$5,500,000 for each of  
7       fiscal years 2007, 2008, and 2009; and”.

8       (b) FUNDS.—Section 5307 of title 49, United States  
9       Code, is amended by adding at the end the following:

10       “(o) FUNDS.—Notwithstanding any other provision  
11       of law, of the aggregate amounts made available by and  
12       appropriated under this chapter, in each of fiscal years  
13       2004 through 2009, the amount made available for the  
14       program established by this section shall be not less than  
15       the sum of—

16               “(1) the amount made available for such pur-  
17       pose for fiscal year 2003; and

18               “(2) the amount equal to the sum of the in-  
19       crease in apportionments for that fiscal year over  
20       fiscal year 2003, to urbanized areas with a popu-  
21       lation of less than 200,000, in affected States, at-  
22       tributable to the operation of section 5336(a)(1).”.

1 **SEC. 8. LEVEL PLAYING FIELD FOR GOVERNMENT SHARE.**

2 (a) IN GENERAL.—Chapter 53 of title 49, United  
3 States Code (as amended by section 6) is amended by add-  
4 ing at the end the following:

5 **“§ 5340. Government share**

6 “With respect to amounts apportioned or otherwise  
7 distributed for fiscal year 2004 and each subsequent fiscal  
8 year, the Government share of eligible transit project costs  
9 or eligible operating costs, shall be the greater of—

10 “(1) the share applicable under other provisions  
11 of this chapter; or

12 “(2) the share that would apply, in the State in  
13 which the transit project or operation is located, to  
14 a highway project under section 133 of title 23.”.

15 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
16 The table of sections for chapter 53 of title 49, United  
17 States Code, is amended by adding at the end the fol-  
18 lowing:

“5340. Government share.”.

19 **SEC. 9. INTEREST CREDITED TO MASS TRANSIT ACCOUNT.**

20 Section 9503(f)(2) of the Internal Revenue Code of  
21 1986 (relating to the Highway Trust Fund) is amended  
22 by striking the period at the end and inserting the fol-  
23 lowing: “, provided that after September 30, 2003, inter-



- 1 est accruing on the balance in the Mass Transit Account
- 2 shall be credited to such account.”.

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