

116TH CONGRESS
2D SESSION

H. R. 2

To authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 2020

Mr. DEFAZIO (for himself, Ms. NORTON, and Mr. LIPINSKI) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To authorize funds for Federal-aid highways, highway safety programs, and transit programs, 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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Investing in a New Vision for the Environment and Sur-
6 face Transportation in America Act” or the “INVEST in
7 America Act”.

8 (b) **TABLE OF CONTENTS.**—The table of contents for
9 this Act is as follows:

Sec. 1. Short title; table of contents.

DIVISION A—FEDERAL SURFACE TRANSPORTATION PROGRAMS
FOR FISCAL YEAR 2021

- Sec. 101. Extension of Federal surface transportation programs.
- Sec. 102. Federal Highway Administration.
- Sec. 103. Federal Transit Administration.
- Sec. 104. National Highway Traffic Safety Administration.
- Sec. 105. Federal Motor Carrier Safety Administration.
- Sec. 106. Definitions.

DIVISION B—SURFACE TRANSPORTATION

- Sec. 1001. Applicability of division.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Program Conditions

- Sec. 1101. Authorization of appropriations.
- Sec. 1102. Obligation limitation.
- Sec. 1103. Definitions and declaration of policy.
- Sec. 1104. Apportionment.
- Sec. 1105. Additional deposits into Highway Trust Fund.
- Sec. 1106. Transparency.
- Sec. 1107. Complete and context sensitive street design.
- Sec. 1108. Innovative project delivery Federal share.
- Sec. 1109. Transferability of Federal-aid highway funds.
- Sec. 1110. Tolling.
- Sec. 1111. HOV facilities.
- Sec. 1112. Buy America.

Subtitle B—Programmatic Infrastructure Investment

- Sec. 1201. National highway performance program.
- Sec. 1202. Increasing the resilience of transportation assets.
- Sec. 1203. Emergency relief.
- Sec. 1204. Railway crossings.
- Sec. 1205. Surface transportation program.
- Sec. 1206. Transportation alternatives program.
- Sec. 1207. Bridge investment.
- Sec. 1208. Construction of ferry boats and ferry terminal facilities.
- Sec. 1209. Highway safety improvement program.
- Sec. 1210. Congestion mitigation and air quality improvement program.
- Sec. 1211. Electric vehicle charging stations.
- Sec. 1212. National highway freight program.
- Sec. 1213. Carbon pollution reduction.
- Sec. 1214. Recreational trails.
- Sec. 1215. Safe routes to school program.
- Sec. 1216. Bicycle transportation and pedestrian walkways.

Subtitle C—Project-Level Investments

- Sec. 1301. Projects of national and regional significance.
- Sec. 1302. Community transportation investment grant program.
- Sec. 1303. Grants for charging and fueling infrastructure to modernize and re-connect America for the 21st century.
- Sec. 1304. Community climate innovation grants.

- Sec. 1305. Metro performance program.
- Sec. 1306. Gridlock reduction grant program.
- Sec. 1307. Rebuild rural grant program.
- Sec. 1308. Parking for commercial motor vehicles.
- Sec. 1309. Active transportation connectivity grant program.

Subtitle D—Planning, Performance Management, and Asset Management

- Sec. 1401. Metropolitan transportation planning.
- Sec. 1402. Statewide and nonmetropolitan transportation planning.
- Sec. 1403. National goals and performance management measures.
- Sec. 1404. Transportation demand data and modeling study.

Subtitle E—Federal Lands, Tribes, and Territories

- Sec. 1501. Territorial and Puerto Rico highway program.
- Sec. 1502. Tribal transportation program.
- Sec. 1503. Tribal High Priority Projects program.
- Sec. 1504. Federal lands transportation program.
- Sec. 1505. Federal lands and Tribal major projects program.
- Sec. 1506. Office of Tribal Government Affairs.
- Sec. 1507. Alternative contracting methods.
- Sec. 1508. Divestiture of federally owned bridges.

Subtitle F—Additional Provisions

- Sec. 1601. Toward zero deaths.
- Sec. 1602. Speed limits.
- Sec. 1603. Broadband infrastructure deployment.
- Sec. 1604. Appalachian development highway system funding flexibility.
- Sec. 1605. Stormwater best management practices.
- Sec. 1606. Pedestrian right-of-way.
- Sec. 1607. Highway formula modernization report.
- Sec. 1608. Consolidation of programs.
- Sec. 1609. Student outreach report to Congress.
- Sec. 1610. Task force on developing a 21st century surface transportation workforce.
- Sec. 1611. On-the-job training and supportive services.
- Sec. 1612. Work zone safety.
- Sec. 1613. Transportation education development program.
- Sec. 1614. Working group on construction resources.

TITLE II—PUBLIC TRANSPORTATION

Subtitle A—Federal Transit Administration

- Sec. 2101. Authorizations.
- Sec. 2102. Chapter 53 definitions.
- Sec. 2103. General provisions.
- Sec. 2104. Miscellaneous provisions.
- Sec. 2105. Policies and purposes.
- Sec. 2106. Fiscal year 2022 formulas.

Subtitle B—Improving Frequency and Ridership

- Sec. 2201. Multi-jurisdictional bus frequency and ridership competitive grants.
- Sec. 2202. Incentivizing frequency in the urban formula.
- Sec. 2203. Mobility innovation.

- Sec. 2204. Formula grants for rural areas.
- Sec. 2205. One-stop paratransit program.

Subtitle C—Buy America and Other Procurement Reforms

- Sec. 2301. Buy America.
- Sec. 2302. Bus procurement streamlining.
- Sec. 2303. Bus testing facility.

Subtitle D—Bus Grant Reforms

- Sec. 2401. Formula grants for buses.
- Sec. 2402. Bus facilities and fleet expansion competitive grants.
- Sec. 2403. Zero emission bus grants.
- Sec. 2404. Restoration to state of good repair formula subgrant.

Subtitle E—Supporting All Riders

- Sec. 2501. Low-income urban formula funds.
- Sec. 2502. Rural persistent poverty formula.
- Sec. 2503. Demonstration grants to support reduced fare transit.

Subtitle F—Supporting Frontline Workers and Passenger Safety

- Sec. 2601. National transit frontline workforce training center.
- Sec. 2602. Public transportation safety program.
- Sec. 2603. Automated vehicle transit workforce standards.
- Sec. 2604. Performance-based metrics.

Subtitle G—Transit-Supportive Communities

- Sec. 2701. Transit-supportive communities.
- Sec. 2702. Property disposition for affordable housing.
- Sec. 2703. Affordable housing incentives in capital investment grants.

Subtitle H—Innovation

- Sec. 2801. Mobility innovation sandbox program.
- Sec. 2802. Transit bus operator compartment redesign program.
- Sec. 2803. Federal Transit Administration Every Day Counts initiative.
- Sec. 2804. Technical corrections.

Subtitle I—Other Program Reauthorizations

- Sec. 2901. Reauthorization for capital and preventive maintenance projects for Washington Metropolitan Area Transit Authority.
- Sec. 2902. Other apportionments.

Subtitle J—Streamlining

- Sec. 2911. Fixed guideway capital investment grants.
- Sec. 2912. Rural and small urban apportionment deadline.
- Sec. 2913. Disposition of assets beyond useful life.
- Sec. 2914. Innovative coordinated access and mobility.

TITLE III—HIGHWAY TRAFFIC SAFETY

- Sec. 3001. Authorization of appropriations.
- Sec. 3002. Highway safety programs.

- Sec. 3003. Traffic safety enforcement grants.
- Sec. 3004. Highway safety research and development.
- Sec. 3005. Grant program to prohibit racial profiling.
- Sec. 3006. High-visibility enforcement program.
- Sec. 3007. National priority safety programs.
- Sec. 3008. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.
- Sec. 3009. National priority safety program grant eligibility.

TITLE IV—MOTOR CARRIER SAFETY

Subtitle A—Motor Carrier Safety Grants, Operations, and Programs

- Sec. 4101. Motor carrier safety grants.
- Sec. 4102. Motor carrier safety operations and programs.

Subtitle B—Motor Carrier Safety Oversight

- Sec. 4201. Motor carrier safety advisory committee.
- Sec. 4202. Compliance, safety, accountability.
- Sec. 4203. Terms and conditions for exemptions.
- Sec. 4204. Safety fitness of motor carriers of passengers.

Subtitle C—Commercial Motor Vehicle Driver Safety

- Sec. 4301. Commercial drivers license for passenger carriers.
- Sec. 4302. Alcohol and controlled substances testing.
- Sec. 4303. Entry-level driver training.
- Sec. 4304. Driver detention time.
- Sec. 4305. Truck Leasing Task Force.
- Sec. 4306. Hours of service.
- Sec. 4307. Driver recruitment.

Subtitle D—Commercial Motor Vehicle and School Bus Safety

- Sec. 4401. School bus safety standards.
- Sec. 4402. Illegal passing of school buses.
- Sec. 4403. State inspection of passenger-carrying commercial motor vehicles.
- Sec. 4404. Automatic emergency braking.
- Sec. 4405. Underride protection.
- Sec. 4406. Transportation of horses.

TITLE V—INNOVATION

- Sec. 5001. Authorization of appropriations.

Subtitle A—Research and Development

- Sec. 5101. Highway research and development program.
- Sec. 5102. Materials to reduce greenhouse gas emissions program.
- Sec. 5103. Transportation research and development 5-year strategic plan.
- Sec. 5104. University transportation centers program.
- Sec. 5105. Unsolicited research initiative.
- Sec. 5106. National cooperative multimodal freight transportation research program.
- Sec. 5107. Wildlife-vehicle collision reduction and habitat connectivity improvement.
- Sec. 5108. Research activities.

Subtitle B—Technology Deployment

- Sec. 5201. Technology and innovation deployment program.
- Sec. 5202. Accelerated implementation and deployment of pavement technologies.
- Sec. 5203. Federal Highway Administration Every Day Counts Initiative.

Subtitle C—Emerging Technologies

- Sec. 5301. Safe, efficient mobility through advanced technologies.
- Sec. 5302. Intelligent transportation systems program.
- Sec. 5303. National highly automated vehicle and mobility innovation clearinghouse.
- Sec. 5304. Study on safe interactions between automated vehicles and road users.
- Sec. 5305. Nontraditional and Emerging Transportation Technology Council.
- Sec. 5306. Hyperloop transportation.

Subtitle D—Surface Transportation Funding Pilot Programs

- Sec. 5401. State surface transportation system funding pilots.
- Sec. 5402. National surface transportation system funding pilot.

Subtitle E—Miscellaneous

- Sec. 5501. Ergonomic seating working group.
- Sec. 5502. Repeal of section 6314 of title 49, United States Code.
- Sec. 5503. Reports.

TITLE VI—MULTIMODAL TRANSPORTATION

- Sec. 6001. National multimodal freight policy.
- Sec. 6002. National freight strategic plan.
- Sec. 6003. National multimodal freight network.
- Sec. 6004. State freight advisory committees.
- Sec. 6005. State freight plans.
- Sec. 6006. Study of freight transportation fee.
- Sec. 6007. National Surface Transportation and Innovative Finance Bureau.
- Sec. 6008. Local hire.

TITLE VII—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT

- Sec. 7001. Transportation Infrastructure Finance and Innovation Act.

DIVISION C—HAZARDOUS MATERIALS TRANSPORTATION

- Sec. 8001. Short title.

TITLE I—AUTHORIZATIONS

- Sec. 8101. Authorization of appropriations.

TITLE II—HAZARDOUS MATERIALS SAFETY AND IMPROVEMENT

- Sec. 8201. Repeal of certain requirements related to lithium cells and batteries.
- Sec. 8202. Transportation of liquefied natural gas by rail tank car.
- Sec. 8203. Hazardous materials training requirements and grants.

- Sec. 8204. Study on hazardous materials transported by commercial motor vehicles on highway-rail grade crossings.

DIVISION D—RAIL

- Sec. 9001. Short title.

TITLE I—AUTHORIZATIONS

- Sec. 9101. Authorization of appropriations.
 Sec. 9102. Passenger rail improvement, modernization, and expansion grants.
 Sec. 9103. Consolidated rail infrastructure and safety improvement grants.
 Sec. 9104. Railroad rehabilitation and improvement financing.
 Sec. 9105. Buy America.
 Sec. 9106. Rail network climate change vulnerability assessment.

TITLE II—AMTRAK REFORMS

- Sec. 9201. Amtrak findings, mission, and goals.
 Sec. 9202. Amtrak status.
 Sec. 9203. Board of Directors.
 Sec. 9204. Amtrak preference enforcement.
 Sec. 9205. Use of facilities and providing services to Amtrak.
 Sec. 9206. Prohibition on mandatory arbitration.
 Sec. 9207. Amtrak ADA assessment.
 Sec. 9208. Prohibition on smoking on Amtrak trains.
 Sec. 9209. State-supported routes operated by Amtrak.
 Sec. 9210. Amtrak Police Department.
 Sec. 9211. Amtrak food and beverage.
 Sec. 9212. Clarification on Amtrak contracting out.
 Sec. 9213. Amtrak staffing.
 Sec. 9214. Special transportation.
 Sec. 9215. Disaster and emergency relief program.
 Sec. 9216. Recreational trail access.

TITLE III—INTERCITY PASSENGER RAIL POLICY

- Sec. 9301. Northeast Corridor Commission.
 Sec. 9302. Northeast Corridor planning.
 Sec. 9303. Protective arrangements.
 Sec. 9304. High-speed rail funds.

TITLE IV—COMMUTER RAIL POLICY

- Sec. 9401. Surface Transportation Board mediation of trackage use requests.
 Sec. 9402. Surface Transportation Board mediation of rights-of-way use requests.

TITLE V—RAIL SAFETY

Subtitle A—Passenger and Freight Safety

- Sec. 9501. National Academies study on safety impact of trains longer than 7,500 feet.
 Sec. 9502. GAO study on changes in freight railroad operating and scheduling practices.
 Sec. 9503. FRA safety reporting.
 Sec. 9504. Waiver notice requirements.

Sec. 9505. Notice of FRA comprehensive safety assessments.
 Sec. 9506. FRA accident and incident investigations.
 Sec. 9507. Rail safety improvements.
 Sec. 9508. Annual review of speed limit action plans.
 Sec. 9509. Freight train crew size safety standards.
 Sec. 9510. Safe cross border operations.
 Sec. 9511. Yardmasters hours of service.
 Sec. 9512. Leaking brakes.
 Sec. 9513. Annual report on PTC system failures.
 Sec. 9514. Fatigue reduction pilot projects.
 Sec. 9515. Assault prevention and response plans.
 Sec. 9516. Critical incident stress plans.
 Sec. 9517. Study on safety culture assessments.

Subtitle B—Grade Crossing Safety

Sec. 9551. Grade crossing separation grant.
 Sec. 9552. Rail safety public awareness grant.
 Sec. 9553. Establishment of 10-minute time limit for blocking public grade crossings.
 Sec. 9554. National strategy to address blocked crossings.
 Sec. 9555. Railroad point of contact for blocked crossing matters.

1 **DIVISION A—FEDERAL SURFACE**
 2 **TRANSPORTATION PRO-**
 3 **GRAMS FOR FISCAL YEAR**
 4 **2021**

5 **SEC. 101. EXTENSION OF FEDERAL SURFACE TRANSPOR-**
 6 **TATION PROGRAMS.**

7 (a) EXTENSION OF FEDERAL SURFACE TRANSPOR-
 8 TATION PROGRAMS.—

9 (1) IN GENERAL.—Except as otherwise pro-
 10 vided in this division, the requirements, authorities,
 11 conditions, eligibilities, limitations, and other provi-
 12 sions authorized under the covered laws, which
 13 would otherwise expire on or cease to apply after
 14 September 30, 2020, are incorporated by reference

1 and shall continue in effect through September 30,
2 2021.

3 (2) AUTHORIZATION OF APPROPRIATIONS.—

4 (A) HIGHWAY TRUST FUND.—

5 (i) HIGHWAY ACCOUNT.—

6 (I) IN GENERAL.—Except as pro-
7 vided in subclause (II), there is au-
8 thorized to be appropriated from the
9 Highway Account for fiscal year 2021,
10 for each program under the covered
11 laws with respect to which amounts
12 are authorized to be appropriated
13 from such account for fiscal year
14 2020, an amount equal to the amount
15 authorized for appropriation with re-
16 spect to the program from such ac-
17 count for fiscal year 2020.

18 (II) ADMINISTRATIVE EX-
19 PENSES.—Notwithstanding any other
20 provision of this division, there is au-
21 thorized to be appropriated from the
22 Highway Account for fiscal year
23 2021—

24 (aa) \$502,897,049 for ad-
25 ministrative expenses of the Fed-

1 eral Highway Administration, as
2 described in section 104(a) of
3 title 23, United States Code; and

4 (bb) \$30,086,000 for grant
5 administrative expenses of the
6 National Highway Traffic Safety
7 Administration, as described in
8 section 4001(a)(6) of the FAST
9 Act (Public Law 114–94).

10 (ii) MASS TRANSIT ACCOUNT.—There
11 is authorized to be appropriated from the
12 Mass Transit Account for fiscal year 2021,
13 for each program under the covered laws
14 with respect to which amounts are author-
15 ized to be appropriated from such account
16 for fiscal year 2020, an amount equal to
17 the amount authorized for appropriation
18 with respect to the program from such ac-
19 count for fiscal year 2020.

20 (B) GENERAL FUND.—

21 (i) IN GENERAL.—Except as provided
22 in clause (ii), there is authorized to be ap-
23 propriated for fiscal year 2021, for each
24 program with respect to which amounts
25 are authorized to be appropriated for fiscal

1 year 2020 from an account other than the
2 Highway Account or the Mass Transit Ac-
3 count under the titles described in sub-
4 section (b)(1), an amount not less than the
5 amount authorized for appropriation with
6 respect to the program under such titles
7 for fiscal year 2020.

8 (ii) ADMINISTRATIVE EXPENSES.—

9 Notwithstanding any other provision of
10 this division, there is authorized to be ap-
11 propriated from the general fund of the
12 Treasury for fiscal year 2021
13 \$140,016,543 for administrative expenses
14 of the Federal Transit Administration.

15 (3) USE OF FUNDS.—Except as otherwise pro-
16 vided in this division, amounts authorized to be ap-
17 propriated for fiscal year 2021 with respect to a pro-
18 gram under paragraph (2) shall be distributed, ad-
19 ministered, limited, and made available for obliga-
20 tion in the same manner as amounts authorized to
21 be appropriated with respect to the program for fis-
22 cal year 2020 under the covered laws.

23 (4) OBLIGATION LIMITATION.—A program for
24 which amounts are authorized to be appropriated
25 under paragraph (2)(A) shall be subject to a limita-

1 tion on obligations for fiscal year 2021 in the same
2 amount and in the same manner as the limitation
3 applicable with respect to the program for fiscal year
4 2020 under the Department of Transportation Ap-
5 propriations Act, 2020 (Public Law 116–94), as in
6 effect on December 20, 2019.

7 (b) DEFINITIONS.—In this section, the term “covered
8 laws” means the following:

9 (1) Titles I, III, IV, V, and VI of division A of
10 the FAST Act (Public Law 114–94).

11 (2) Division A, division B, subtitle A of title I
12 and title II of division C, and division E of MAP–
13 21 (Public Law 112–141).

14 (3) Titles I, II, and III of the SAFETEA–LU
15 Technical Corrections Act of 2008 (Public Law 110–
16 244).

17 (4) Titles I, II, III, IV, V, and VI of
18 SAFETEA–LU (Public Law 109–59).

19 (5) Titles I, II, III, IV, and V of the Transpor-
20 tation Equity Act for the 21st Century (Public Law
21 105–178).

22 (6) Titles II, III, and IV of the National High-
23 way System Designation Act of 1995 (Public Law
24 104–59).

1 (7) Title I, part A of title II, title III, title IV,
2 title V, and title VI of the Intermodal Surface
3 Transportation Efficiency Act of 1991 (Public Law
4 102–240).

5 (8) Title 23, United States Code.

6 (9) Sections 116, 117, 330, and 5505 and
7 chapters 53, 139, 303, 311, 313, 701, and 702 of
8 title 49, United States Code.

9 **SEC. 102. FEDERAL HIGHWAY ADMINISTRATION.**

10 (a) **ADDITIONAL AMOUNTS.—**

11 (1) **AUTHORIZATION OF APPROPRIATIONS.—**

12 (A) **IN GENERAL.—**In addition to amounts
13 authorized under section 101, there is author-
14 ized to be appropriated from the Highway Ac-
15 count for fiscal year 2021, for activities under
16 this section, \$14,742,808,640.

17 (B) **CONTRACT AUTHORITY.—**Amounts au-
18 thorized to be appropriated under subparagraph
19 (A) shall be available for obligation as if appor-
20 tioned under chapter 1 of title 23, United
21 States Code.

22 (2) **OBLIGATION CEILING.—**

23 (A) **IN GENERAL.—**Notwithstanding any
24 other provision of law, for fiscal year 2021, ob-

1 ligations for activities authorized under para-
2 graph (1) shall not exceed \$14,742,808,640.

3 (B) DISTRIBUTION OF OBLIGATION AU-
4 THORITY.—

5 (i) IN GENERAL.—Of the obligation
6 authority provided under subparagraph
7 (A), the Secretary shall make available to
8 States, Tribes, Puerto Rico, the territories,
9 and Federal land management agencies,
10 during the period of fiscal year 2021,
11 amounts of obligation authority equal to
12 the amounts described in subparagraphs
13 (A) through (E) of paragraph (3), respec-
14 tively.

15 (ii) FURTHER DISTRIBUTION.—Each
16 State, each Tribe, Puerto Rico, each terri-
17 tory, and each Federal land management
18 agency receiving funds under subpara-
19 graphs (A) through (E) of paragraph (3),
20 respectively, shall receive an amount of ob-
21 ligation authority equal to the funds that
22 it receives under any of such subpara-
23 graphs.

24 (C) REDISTRIBUTION OF UNUSED OBLIGA-
25 TION AUTHORITY.—

1 (i) IN GENERAL.—Notwithstanding
2 subparagraph (B), the Secretary shall,
3 after August 1 of fiscal year 2021—

4 (I) revise a distribution of the ob-
5 ligation authority made available
6 under subparagraph (B) if an amount
7 distributed cannot be obligated during
8 that fiscal year; and

9 (II) redistribute sufficient
10 amounts to those States able to obli-
11 gate amounts in addition to those pre-
12 viously distributed during that fiscal
13 year, giving priority to those States
14 having large unobligated balances of
15 funds apportioned under sections 144
16 (as in effect on the day before the
17 date of enactment of MAP–21 (Public
18 Law 112–141)) and 104 of title 23,
19 United States Code.

20 (ii) ADMINISTRATION.—The Secretary
21 shall administer a redistribution under
22 clause (i) of obligation authority provided
23 under subparagraph (B) in a similar man-
24 ner as the standard August redistribution.

1 (iii) USE OF OBLIGATION AUTHOR-
2 ITY.—A State may use obligation authority
3 that it receives pursuant to this subpara-
4 graph in the same manner that it uses ob-
5 ligation authority that it receives as part of
6 the standard August redistribution.

7 (3) DISTRIBUTION OF FUNDS.—Amounts au-
8 thorized to be appropriated for fiscal year 2021
9 under paragraph (1) shall be distributed as follows:

10 (A) \$14,384,629,710 to the States.

11 (B) \$167,481,814 to Tribes.

12 (C) \$52,400,251 to Puerto Rico.

13 (D) \$13,929,181 to the territories.

14 (E) \$124,367,684 to Federal land manage-
15 ment agencies.

16 (4) STATE FUNDS.—

17 (A) DISTRIBUTION.—

18 (i) IN GENERAL.—Amounts made
19 available under paragraph (3)(A) shall be
20 distributed among the States in the same
21 ratio as total State apportionments under
22 section 104(c)(1) of title 23, United States
23 Code, in fiscal year 2020.

24 (ii) SUBALLOCATION.—

1 (I) IN GENERAL.—Amounts dis-
2 tributed among the States under
3 clause (i) shall be suballocated within
4 the State to areas described in sub-
5 clause (II) in the proportion that—

6 (aa) the total amount of
7 funds suballocated to such areas
8 of the State as described in such
9 subclause for fiscal year 2020;
10 bears to

11 (bb) the total amount of
12 funds apportioned to the State
13 for the Federal-aid highway pro-
14 gram under section 104 of title
15 23, United States Code, for fiscal
16 year 2020.

17 (II) AREAS DESCRIBED.—The
18 areas described in this subclause
19 are—

20 (aa) urbanized areas of the
21 State with an urbanized area
22 population of over 200,000;

23 (bb) areas of the State other
24 than urban areas with a popu-
25 lation greater than 5,000; and

1 (cc) other areas of the State.

2 (B) TREATMENT.—Except as otherwise
3 provided in this paragraph, amounts made
4 available under paragraph (3)(A) shall be ad-
5 ministered as if apportioned under chapter 1 of
6 title 23, United States Code.

7 (C) USE OF FUNDS.—Amounts made avail-
8 able under paragraph (3)(A) may be obligated
9 for—

10 (i) eligible projects described in sec-
11 tion 133(b) of title 23, United States
12 Code, subject to section 133(c) of such
13 title; and

14 (ii) administrative expenses, including
15 salaries and benefits, of—

16 (I) the State department of
17 transportation;

18 (II) a local transportation agen-
19 cy; or

20 (III) a metropolitan planning or-
21 ganization.

22 (5) TRIBAL FUNDS.—

23 (A) TREATMENT.—

24 (i) IN GENERAL.—Except as otherwise
25 provided in this paragraph, amounts made

1 available under paragraph (3)(B) shall be
2 administered as if made available under
3 section 202 of title 23, United States
4 Code.

5 (ii) NONAPPLICABILITY OF CERTAIN
6 PROVISIONS OF LAW.—Subsections (a)(6),
7 (c), (d), and (e) of section 202 of title 23,
8 United States Code, shall not apply to
9 amounts made available under paragraph
10 (3)(B).

11 (B) USE OF FUNDS.—Amounts made
12 available under paragraph (3)(B) may be obli-
13 gated for—

14 (i) activities eligible under section
15 202(a)(1) of title 23, United States Code;
16 and

17 (ii) transportation-related administra-
18 tive expenses, including salaries and bene-
19 fits, of the Tribe.

20 (6) FUNDS FOR PUERTO RICO AND THE TERRI-
21 TORIES.—

22 (A) TREATMENT.—

23 (i) IN GENERAL.—Except as otherwise
24 provided in this paragraph, amounts made
25 available under paragraphs (3)(C) and

1 (3)(D) shall be administered as if allocated
2 under sections 165(b) and 165(c), respec-
3 tively, of title 23, United States Code.

4 (ii) NONAPPLICABILITY OF CERTAIN
5 PROVISIONS OF LAW.—Section 165(b)(2)
6 of title 23, United States Code, shall not
7 apply to amounts made available to Puerto
8 Rico under paragraph (3)(C).

9 (B) USE OF FUNDS.—

10 (i) PUERTO RICO.—Amounts made
11 available to Puerto Rico under paragraph
12 (3)(C) may be obligated for—

13 (I) activities eligible under chap-
14 ter 1 of title 23, United States Code;
15 and

16 (II) transportation related ad-
17 ministrative expenses, including sala-
18 ries and benefits.

19 (ii) TERRITORIES.—Amounts made
20 available to a territory under paragraph
21 (3)(D) may be obligated for—

22 (I) activities eligible under sec-
23 tion 165(c)(6) of title 23, United
24 States Code, subject to section
25 165(c)(7) of such title; and

1 (II) transportation-related ad-
2 ministrative expenses, including sala-
3 ries and benefits.

4 (7) FEDERAL LAND MANAGEMENT AGENCY
5 FUNDS.—

6 (A) DISTRIBUTION.—Amounts made avail-
7 able under paragraph (3)(E) shall be distrib-
8 uted among the Federal land management
9 agencies as follows:

10 (i) \$99,494,147 for the National Park
11 Service.

12 (ii) \$9,949,415 for the United States
13 Fish and Wildlife Service.

14 (iii) \$6,301,296 for the United States
15 Forest Service.

16 (iv) \$8,622,826 to be allocated to the
17 applicable Federal land management agen-
18 cies as described in section 203(b) of title
19 23, United States Code.

20 (B) TREATMENT.—Amounts made avail-
21 able under paragraph (3)(E) shall be adminis-
22 tered as if made available under section 203 of
23 title 23, United States Code.

24 (8) DISADVANTAGED BUSINESS ENTER-
25 PRISES.—Section 1101(b) of the FAST Act (Public

1 Law 114–94) shall apply to additional amounts
2 made available under paragraph (1).

3 (b) SPECIAL RULES FOR FISCAL YEAR 2021.—

4 (1) SUBALLOCATED AMOUNTS.—

5 (A) USE OF FUNDS.—Amounts authorized
6 to be appropriated for fiscal year 2021 with re-
7 spect to a program under section 101(a)(2)(A)
8 that are suballocated pursuant to section
9 133(d)(1)(A) of title 23, United States Code,
10 may be obligated for—

11 (i) eligible projects as described in
12 section 133(b) of title 23, United States
13 Code; or

14 (ii) administrative expenses, including
15 salaries and benefits, of—

16 (I) a local transportation agency;

17 or

18 (II) a metropolitan planning or-
19 ganization.

20 (B) OBLIGATION AUTHORITY.—

21 (i) IN GENERAL.—A State that is re-
22 quired to obligate in an urbanized area
23 with an urbanized area population of over
24 200,000 individuals under section 133(d)
25 of title 23, United States Code, funds ap-

1 portioned to the State under section
2 104(b)(2) of such title shall make available
3 during the period of fiscal years 2016
4 through 2021 an amount of obligation au-
5 thority distributed to the State for Fed-
6 eral-aid highways and highway safety con-
7 struction programs for use in the area that
8 is equal to the amount obtained by multi-
9 plying—

10 (I) the aggregate amount of
11 funds that the State is required to ob-
12 ligate in the area under section
13 133(d) of title 23, United States
14 Code, during the period; and

15 (II) the ratio that—

16 (aa) the aggregate amount
17 of obligation authority distrib-
18 uted to the State for Federal-aid
19 highways and highway safety
20 construction programs during the
21 period; bears to

22 (bb) the total of the sums
23 apportioned to the State for Fed-
24 eral-aid highways and highway
25 safety construction programs (ex-

1 including sums not subject to an
2 obligation limitation) during the
3 period.

4 (ii) JOINT RESPONSIBILITY.—Each
5 State, each affected metropolitan planning
6 organization, and the Secretary shall joint-
7 ly ensure compliance with clause (i).

8 (2) FERRY BOAT PROGRAM.—Amounts author-
9 ized to be appropriated for fiscal year 2021 with re-
10 spect to a program under section 101(a)(2)(A) that
11 are made available for the construction of ferry
12 boats and ferry terminal facilities under section 147
13 of title 23, United States Code, may be obligated—

14 (A) in accordance with sections 129(c) and
15 147 of title 23, United States Code;

16 (B) for administrative expenses, including
17 salaries and benefits, of a ferry boat operator or
18 ferry terminal facility operator eligible for Fed-
19 eral participation under section 129(c) of title
20 23, United States Code; and

21 (C) for operating costs associated with a
22 ferry boat or ferry terminal facility eligible for
23 Federal participation under section 129(c) of
24 title 23, United States Code.

1 (3) **NATIONALLY SIGNIFICANT FREIGHT AND**
2 **HIGHWAY PROJECTS.**—In fiscal year 2021, the pro-
3 gram carried out under section 117 of title 23,
4 United States Code, shall, in addition to any other-
5 wise applicable requirements, be subject to the fol-
6 lowing provisions:

7 (A) **MULTIMODAL PROJECTS.**—Notwith-
8 standing subsection (d)(2)(A) of such section,
9 the limitation for projects described in such
10 subsection shall be \$600,000,000 for fiscal
11 years 2016 through 2021.

12 (B) **ADDITIONAL CONSIDERATIONS.**—Not-
13 withstanding subsection (h)(2) of such section,
14 the Secretary shall not consider the utilization
15 of non-Federal contributions.

16 (C) **EVALUATION AND RATING.**—To evalu-
17 ate applications for funding under such section,
18 the Secretary shall—

19 (i) determine whether a project is eli-
20 gible for a grant under such section;

21 (ii) evaluate, through a methodology
22 that is discernible and transparent to the
23 public, how each application addresses the
24 merit criteria established by the Secretary;

1 (iii) assign a quality rating for each
2 merit criteria for each application based on
3 the evaluation under clause (ii);

4 (iv) ensure that applications receive
5 final consideration by the Secretary to re-
6 ceive an award under such section only on
7 the basis of such quality ratings and that
8 the Secretary gives final consideration only
9 to applications that meet the minimally ac-
10 ceptable level for each of the merit criteria;
11 and

12 (v) award grants only to projects
13 rated highly under the evaluation and rat-
14 ing process.

15 (D) PUBLICATION AND METHODOLOGY.—

16 In any published notice of funding opportunity
17 for a grant under such section, the Secretary
18 shall include detailed information on the rating
19 methodology and merit criteria to be used to
20 evaluate applications.

21 (E) REPEAT APPLICATIONS.—

22 (i) BRIEFING.—The Secretary shall
23 provide to each applicant that applied for,
24 but did not receive, funding under such
25 section in fiscal year 2019 or 2020, at the

1 request of the applicant, the opportunity to
2 receive a briefing to—

3 (I) explain any reasons the appli-
4 cation was not selected for funding;
5 and

6 (II) advise the applicant on how
7 to improve the application for resub-
8 mission in fiscal year 2021 under the
9 application criteria described in this
10 paragraph.

11 (ii) SUPPLEMENTARY APPLICATION.—

12 (I) IN GENERAL.—An applicant
13 for funding under such section may
14 elect to resubmit an application from
15 a previous solicitation with a supple-
16 mentary appendix that describes how
17 the proposed project meets the re-
18 quirements of section 117 of title 23,
19 United States Code, and this para-
20 graph.

21 (II) REQUIREMENTS.—The Sec-
22 retary shall ensure that applications
23 submitted under subclause (I), includ-
24 ing the supplementary appendix, are
25 evaluated based on such requirements.

1 (F) CONGRESSIONAL NOTIFICATION.—A
2 notification submitted pursuant to subsection
3 (m) of such section shall include—

4 (i) a summary of each application
5 submitted and, at the request of either
6 Committee, a copy of any application sub-
7 mitted;

8 (ii) a list of any projects the Secretary
9 determined were not eligible for funding;

10 (iii) a description of the specific cri-
11 teria used for each evaluation, including
12 the quality rating assigned for each eligible
13 application submitted;

14 (iv) a list of all projects that advanced
15 to the Secretary for consideration; and

16 (v) a detailed justification of the basis
17 for each award proposed to be selected.

18 (c) FEDERAL SHARE.—

19 (1) IN GENERAL.—Except as provided in para-
20 graph (3) and notwithstanding section 120 of title
21 23, United States Code, or any other provision of
22 this division, the Federal share associated with
23 funds described in paragraph (2) that are obligated
24 during fiscal year 2021 may be up to 100 percent.

1 (2) FUNDS DESCRIBED.—The funds described
2 in this paragraph are funds made available for the
3 implementation or execution of Federal-aid highway
4 and highway safety construction programs author-
5 ized under title 23 or 49, United States Code, the
6 FAST Act (Public Law 114–94), or this division.

7 (3) EXCEPTIONS.—Paragraph (1) shall not
8 apply to amounts obligated under section 115 or 117
9 of title 23, United States Code, or chapter 6 of such
10 title.

11 (d) ADMINISTRATIVE EXPENSES.—

12 (1) SELF-CERTIFICATION AND AUDIT.—

13 (A) IN GENERAL.—Prior to the obligation
14 of funds for administrative expenses pursuant
15 to paragraph (4)(C)(ii), (5)(B)(ii), (6)(B)(i)(II),
16 or (6)(B)(ii)(II) of subsection (a) or paragraphs
17 (1)(A)(ii) and (2)(B) of subsection (b), a State,
18 a Tribe, Puerto Rico, or a territory, as applica-
19 ble, shall certify to the Secretary that such ad-
20 ministrative expenses meet the requirements of
21 such paragraphs, as applicable.

22 (B) AUDIT.—The Secretary may conduct
23 an audit to review obligations of funds and liq-
24 uidation of such obligations for eligible adminis-

1 trative expenses described under subparagraph
2 (A).

3 (2) PLANNING.—Notwithstanding any other
4 provision of law, administrative expenses described
5 in paragraph (1)(A) shall not be required to be in-
6 cluded in a metropolitan transportation plan, a long-
7 range statewide transportation plan, a transpor-
8 tation improvement program, or a statewide trans-
9 portation improvement program under sections 134
10 or 135 of title 23, United States Code, or chapter
11 53 of title 49, United States Code, as applicable.

12 (e) DEFINITIONS.—In this section, the following defi-
13 nitions apply:

14 (1) STANDARD AUGUST REDISTRIBUTION.—The
15 term “standard August redistribution” means the
16 redistribution of obligation authority and amounts
17 that the Secretary is directed to administer under—

18 (A) section 1102(d) of the FAST Act
19 (Public Law 114–94); or

20 (B) any Act making appropriations for the
21 Department of Transportation for fiscal year
22 2021.

23 (2) STATE.—The term “State” means the 50
24 States and the District of Columbia.

1 (3) TERRITORY.—The term “territory” means
2 any of the following territories of the United States:

3 (A) American Samoa.

4 (B) The Commonwealth of the Northern
5 Mariana Islands.

6 (C) Guam.

7 (D) The United States Virgin Islands.

8 (4) URBAN AREA; URBANIZED AREA.—The
9 terms “urban area” and “urbanized area” have the
10 meanings given such terms in section 101 of title 23,
11 United States Code.

12 **SEC. 103. FEDERAL TRANSIT ADMINISTRATION.**

13 (a) ADDITIONAL AMOUNTS.—

14 (1) AUTHORIZATION OF APPROPRIATIONS FROM
15 MASS TRANSIT ACCOUNT.—

16 (A) IN GENERAL.—In addition to amounts
17 authorized under section 101, there is author-
18 ized to be appropriated from the Mass Transit
19 Account for fiscal year 2021, for activities
20 under this section, \$5,794,851,538.

21 (B) APPORTIONMENT.—Amounts author-
22 ized under subparagraph (A) shall be appor-
23 tioned in accordance with section 5310, section
24 5311 (other than subsections (b)(3), (c)(1)(A),
25 and (c)(2) of such section), section 5336 (other

1 than subsection (h)(4) of such section), section
2 5337, and section 5340 of title 49, United
3 States Code, except that funds apportioned
4 under section 5337 of such title shall be added
5 to funds apportioned under section 5307 of
6 such title for administration under section 5307
7 of such title.

8 (C) ALLOCATION.—The Secretary shall al-
9 locate the amounts authorized to be appro-
10 priated to sections 5307, 5310, 5311, 5337,
11 and 5340 of title 49, United States Code,
12 among such sections in the same ratio as funds
13 are provided in the fiscal year 2020 appropria-
14 tions.

15 (2) AUTHORIZATION OF APPROPRIATIONS FROM
16 GENERAL FUND.—In addition to amounts authorized
17 under section 101(a)(1)(B), there is authorized to be
18 appropriated from the general fund of the Treas-
19 ury—

20 (A) \$958,000,000 to carry out section
21 5309 of title 49, United States Code; and

22 (B) such sums as may be necessary to be
23 made available as described in subsection (c)
24 and that such sums shall be designated by the
25 Congress as being for an emergency require-

1 ment pursuant to section 251(b)(2)(A)(i) of the
2 Balanced Budget and Emergency Deficit Con-
3 trol Act of 1985.

4 (3) DISADVANTAGED BUSINESS ENTER-
5 PRISES.—Section 1101(b) of the FAST Act (Public
6 Law 114–94) shall apply to additional amounts
7 made available under this subsection.

8 (b) SPECIAL RULES FOR FISCAL YEAR 2021.—

9 (1) USE OF FUNDS.—Notwithstanding
10 5307(a)(1) of title 49, United States Code, amounts
11 made available under subsection (a)(1)(A) may be
12 obligated for—

13 (A) operating expenses, including, begin-
14 ning on January 20, 2020—

15 (i) reimbursement for operating costs
16 to maintain service and offset lost revenue,
17 including the purchase of personal protec-
18 tive equipment; and

19 (ii) paying the administrative leave of
20 operations personnel due to reductions in
21 service; and

22 (B) any other activity eligible under sec-
23 tion 5307, 5310, 5311, or 5337 of title 49,
24 United States Code.

1 (2) CONDITIONS.—Recipients use of funds
2 under paragraph (1) shall—

3 (A) not require that operating expenses de-
4 scribed in paragraph (1)(A) be included in a
5 metropolitan transportation plan, long-range
6 statewide transportation plan, a transportation
7 improvement program, or a statewide transpor-
8 tation improvement program;

9 (B) meet the requirements of section 5333
10 of title 49, United States Code; and

11 (C) to the maximum extent possible, be di-
12 rected to payroll and public transit service, un-
13 less the recipient certifies to the Secretary that
14 such recipient has not furloughed any employ-
15 ees.

16 (3) OVERSIGHT.—

17 (A) Of the amounts made available to
18 carry out this section, the percentages available
19 for oversight in section 5338(f)(1) of title 49,
20 United States Code, shall apply to the alloca-
21 tions of funds in subsection (a)(1)(C).

22 (B) USE OF FUNDS.—Amounts made
23 available under subsection (a)(1)(A) shall be
24 available for administrative expenses and pro-
25 gram management oversight as authorized

1 under sections 5334 and 5338(f)(2) of title 49,
2 United States Code.

3 (4) ADMINISTRATION OF GRANTS.—Amounts
4 made available under subsection (a)(1)(A) shall be
5 administered, at the option of the recipient, as
6 grants provided under the CARES Act (Public Law
7 116–136) are administered.

8 (c) CIG COVID–19 EMERGENCY RELIEF PRO-
9 GRAM.—

10 (1) IN GENERAL.—From amounts made avail-
11 able under subsection (a)(2)(B) and notwithstanding
12 section 5309(k)(2)(C)(ii) or section 5309(l)(1)(B)(ii)
13 of title 49, United States Code, at the request of a
14 project sponsor, the Secretary shall use such sums
15 as may be necessary to provide an additional 30 per-
16 cent of total project costs for any project under—

17 (A) 5309(d) of title 49, United States
18 Code, that has been approved for advancement
19 into the engineering phase;

20 (B) 5309(e) of title 49, United States
21 Code, that has entered into the project develop-
22 ment phase or approved for advancement into
23 the engineering phase; and

24 (C) subsection (d) or (e) of section 5309 of
25 title 49, United States Code, that has a full

1 funding grant agreement entered into under ei-
2 ther such subsection after January 1, 2017.

3 (2) PROJECT ELIGIBILITY.—From amounts
4 made available under subsection (a)(2)(B), the Sec-
5 retary shall use such sums as may be necessary for
6 projects under section 5309 of title 49, United
7 States Code, that—

8 (A) are not eligible for funds made avail-
9 able under paragraph (1); and

10 (B) have remaining scheduled Federal
11 funds to be appropriated under a full funding
12 grant agreement under such section.

13 (3) DEFERRED LOCAL SHARE.—The Secretary
14 shall allow a project sponsor to defer payment of the
15 local share for any project described in paragraphs
16 (1) and (2).

17 (4) TOTAL PROJECT COST.—In this subsection,
18 the term “total project cost” means the most recent
19 total project cost stipulated in—

20 (A) the full funding grant agreement;

21 (B) the approval into project engineering;

22 or

23 (C) the project rating for a project not yet
24 approved into project engineering.

25 (d) FEDERAL SHARE.—

1 (1) IN GENERAL.—Notwithstanding chapter 53
2 of title 49, United States Code, or any other provi-
3 sion of this division, the Federal share associated
4 with funds described in paragraph (2) that are obli-
5 gated during fiscal year 2021 may be up to 100 per-
6 cent.

7 (2) FUNDS DESCRIBED.—The funds described
8 in this paragraph are funds made available for the
9 implementation of transit programs authorized by
10 chapter 53 of title 49, United States Code, the
11 FAST Act (Public Law 114–94), or this division, ex-
12 cluding funds made available to projects under sec-
13 tion 5309 of title 49, United States Code.

14 (e) CONDITION FOR APPORTIONMENT.—No funds
15 authorized in this division or any other Act may be used
16 to adjust Mass Transit Account apportionments or with-
17 hold funds from Mass Transit Account apportionments
18 pursuant to section 9503(e)(4) of the Internal Revenue
19 Code of 1986 in fiscal year 2021.

20 **SEC. 104. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINIS-**
21 **TRATION.**

22 (a) SPECIAL FUNDING FOR FISCAL YEAR 2021.—

23 (1) IN GENERAL.—

24 (A) AUTHORIZATION OF APPROPRIA-
25 TIONS.—In addition to amounts authorized

1 under section 101, there is authorized to be ap-
2 propriated from the Highway Account for fiscal
3 year 2021, for activities under this subsection,
4 \$244,514,000.

5 (B) CONTRACT AUTHORITY.—Amounts au-
6 thorized under subparagraph (A) shall be avail-
7 able for obligation in the same manner as if
8 such funds were apportioned under chapter 1 of
9 title 23, United States Code.

10 (2) DISTRIBUTION OF FUNDS.—Amounts au-
11 thorized to be appropriated for fiscal year 2021
12 under paragraph (1) shall be distributed as follows:

13 (A) \$105,000,000 for carrying out section
14 402 of title 23, United States Code.

15 (B) \$15,312,000 for carrying out section
16 403 of title 23, United States Code.

17 (C) \$19,202,000 for carrying out section
18 404 of title 23, United States Code.

19 (D) \$105,000,000 for carrying out section
20 405 of title 23, United States Code.

21 (b) SPECIAL RULES FOR FISCAL YEAR 2021.—

22 (1) FEDERAL SHARE.—Notwithstanding sec-
23 tions 120, 405(b)(2), 405(c)(2), 405(d)(2) and
24 405(h)(2) of title 23, United States Code, the Fed-
25 eral share of activities for fiscal year 2021 carried

1 out under chapter 4 of title 23, United States Code
2 and section 1906 of SAFETEA-LU (23 U.S.C. 402
3 note) shall be 100 percent.

4 (2) PERIOD OF AVAILABILITY.—Notwith-
5 standing section 118(b) of title 23, United States
6 Code, funds apportioned or allocated to a State in
7 fiscal years 2017 and 2018 under sections 402 and
8 405 of title 23, United States Code, and section
9 1906 of SAFETEA-LU (23 U.S.C. 402 note), shall
10 remain available for obligation in that State for a
11 period of 4 years after the last day of the fiscal year
12 for which the funds are authorized.

13 (3) MAINTENANCE OF EFFORT.—Notwith-
14 standing section 405(a)(9) of title 23, United States
15 Code, the Secretary may waive the maintenance of
16 effort requirements under such section for fiscal
17 year 2021 for a State, if the Secretary determines
18 appropriate. Notwithstanding any other provision of
19 law, this paragraph shall apply as if such paragraph
20 was enacted on September 30, 2020.

21 (4) IN-VEHICLE ALCOHOL DETECTION DEVICE
22 RESEARCH.—In carrying out subsection (h) of sec-
23 tion 403 of title 23, United States Code, the Sec-
24 retary may obligate from funds made available to
25 carry out such section for fiscal year 2021 not more

1 than \$5,312,000 to conduct the research described
2 in paragraph (1) of such subsection.

3 (5) COOPERATIVE RESEARCH AND EVALUA-
4 TION.—Notwithstanding the apportionment formula
5 set forth in section 402(c)(2) of title 23, United
6 States Code, and section 403(f)(1) of title 23,
7 United States Code, \$2,500,000 of the total amount
8 available for apportionment to the States for high-
9 way safety programs under section 402(c)(2) of title
10 23, United States Code, for each of fiscal years
11 2016 through 2021, shall be available for expendi-
12 ture by the Secretary, acting through the Adminis-
13 trator of the National Highway Traffic Safety Ad-
14 ministration, for a cooperative research and evalua-
15 tion program to research and evaluate priority high-
16 way safety countermeasures. This paragraph shall
17 apply as if such paragraph was enacted on October
18 1, 2015.

19 **SEC. 105. FEDERAL MOTOR CARRIER SAFETY ADMINISTRA-**
20 **TION.**

21 (a) SPECIAL FUNDING FOR FISCAL YEAR 2021.—

22 (1) AUTHORIZATION OF APPROPRIATIONS.—In
23 addition to amounts authorized under section 101,
24 there is authorized to be appropriated from the

1 Highway Account for fiscal year 2021, for activities
2 under this subsection, \$209,900,000.

3 (2) DISTRIBUTION OF FUNDS.—Amounts au-
4 thORIZED to be appropriated for fiscal year 2021
5 under paragraph (1) shall be distributed as follows:

6 (A) Subject to section 31104(c) of title 49,
7 United States Code—

8 (i) \$80,512,000 for carrying out sec-
9 tion 31102 (except subsection (l)) of title
10 49, United States Code);

11 (ii) \$14,208,000 for carrying out sec-
12 tion 31102(l) of title 49, United States
13 Code; and

14 (iii) \$23,680,000 for carrying out sec-
15 tion 31313 of title 49, United States Code.

16 (B) \$91,500,000 for carrying out section
17 31110 of title 49, United States Code.

18 (3) TREATMENT OF FUNDS.—Except as pro-
19 vided in subsection (b), amounts made available
20 under this section shall be made available for obliga-
21 tion and administered as if made available under
22 chapter 311 of title 49, United States Code.

23 (b) SPECIAL RULES FOR FISCAL YEAR 2021.—

24 (1) FINANCIAL ASSISTANCE AGREEMENTS FED-
25 ERAL SHARE.—Notwithstanding chapter 311 of title

1 49, United States Code, or any regulations adopted
2 pursuant to such chapter, for the duration of fiscal
3 year 2021 with respect to all financial assistance
4 made available under subsection (a) and section 101,
5 the Secretary of Transportation may—

6 (A) reimburse recipients under section
7 31104(b)(2) of title 49, United States Code, in
8 an amount that is 100 percent of the costs de-
9 scribed in such section; and

10 (B) waive the maintenance of effort re-
11 quirement under 31102(f) of title 49, United
12 States Code, for all States without requiring
13 States to request a waiver.

14 (2) FINANCIAL ASSISTANCE AGREEMENTS PE-
15 RIOD OF AVAILABILITY.—Notwithstanding section
16 31104(f) of title 49, United States Code, the Sec-
17 retary shall extend the periods of availability de-
18 scribed in such section by 1 year.

19 (3) ADMINISTRATIVE EXPENSES.—The Admin-
20 istrator of the Federal Motor Carrier Safety Admin-
21 istration shall ensure that funds made available
22 under subsection (a)(2)(B) are used, to the max-
23 imum extent practicable, to support—

24 (A) the acceleration of planned investments
25 to modernize the Administration’s information

1 technology and information management sys-
2 tems;

3 (B) the completion of outstanding statu-
4 tory mandates required by MAP-21 (112-141)
5 and the FAST Act (114-94); and

6 (C) a Large Truck Crash Causal Factors
7 Study of the Administration.

8 **SEC. 106. DEFINITIONS.**

9 In this division, the following definitions apply:

10 (1) **HIGHWAY ACCOUNT.**—The term “Highway
11 Account” means the portion of the Highway Trust
12 Fund that is not the Mass Transit Account.

13 (2) **MASS TRANSIT ACCOUNT.**—The term “Mass
14 Transit Account” means the portion of the Highway
15 Trust Fund established under section 9503(e)(1) of
16 the Internal Revenue Code of 1986.

17 (3) **SECRETARY.**—The term “Secretary” means
18 the Secretary of Transportation.

19 **DIVISION B—SURFACE**
20 **TRANSPORTATION**

21 **SEC. 1001. APPLICABILITY OF DIVISION.**

22 (a) **APPLICABILITY.**—This division, including the
23 amendments made by this division, applies beginning on
24 October 1, 2021.

1 (b) REFERENCE TO DATE OF ENACTMENT.—In this
 2 division and the amendments made by this division, any
 3 reference to—

4 (1) the date of enactment of this Act;

5 (2) the date of enactment of a provision of this
 6 division;

7 (3) the date of enactment of a provision added
 8 to law by an amendment made by this division; or

9 (4) the date of enactment of the INVEST in
 10 America Act added to law by an amendment made
 11 by this division,

12 shall be treated as a reference to October 1, 2021.

13 **TITLE I—FEDERAL-AID**
 14 **HIGHWAYS**

15 **Subtitle A—Authorizations and**
 16 **Program Conditions**

17 **SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) IN GENERAL.—The following amounts are au-
 19 thorized to be appropriated out of the Highway Trust
 20 Fund (other than the Mass Transit Account):

21 (1) FEDERAL-AID HIGHWAY PROGRAM.—For
 22 the national highway performance program under
 23 section 119 of title 23, United States Code, the pre-
 24 disaster mitigation program under section 124 of
 25 such title, the railway crossings program under sec-

1 tion 130 of such title, the surface transportation
2 program under section 133 of such title, the high-
3 way safety improvement program under section 148
4 of such title, the congestion mitigation and air qual-
5 ity improvement program under section 149 of such
6 title, the national highway freight program under
7 section 167 of such title, the carbon pollution reduc-
8 tion program under section 171 of such title, and
9 metropolitan planning under section 134 of such
10 title—

11 (A) \$55,022,048,429 for fiscal year 2022;

12 (B) \$55,980,646,776 for fiscal year 2023;

13 (C) \$57,095,359,712 for fiscal year 2024;

14 and

15 (D) \$58,118,666,186 for fiscal year 2025.

16 (2) TRANSPORTATION INFRASTRUCTURE FI-
17 NANCE AND INNOVATION PROGRAM.—For credit as-
18 sistance under the transportation infrastructure fi-
19 nance and innovation program under chapter 6 of
20 title 23, United States Code, \$300,000,000 for each
21 of fiscal years 2022 through 2025.

22 (3) CONSTRUCTION OF FERRY BOATS AND
23 FERRY TERMINAL FACILITIES.—For construction of
24 ferry boats and ferry terminal facilities under sec-
25 tion 147 of title 23, United States Code,

1 \$120,000,000 for each of fiscal years 2022 through
2 2025.

3 (4) FEDERAL LANDS AND TRIBAL TRANSPOR-
4 TATION PROGRAMS.—

5 (A) TRIBAL TRANSPORTATION PRO-
6 GRAM.—For the tribal transportation program
7 under section 202 of title 23, United States
8 Code, \$800,000,000 for each of fiscal years
9 2022 through 2025.

10 (B) FEDERAL LANDS TRANSPORTATION
11 PROGRAM.—

12 (i) IN GENERAL.—For the Federal
13 lands transportation program under sec-
14 tion 203 of title 23, United States Code,
15 \$550,000,000 for each of fiscal years 2022
16 through 2025.

17 (ii) ALLOCATION.—Of the amount
18 made available for a fiscal year under
19 clause (i)—

20 (I) the amount for the National
21 Park Service is \$400,000,000 for each
22 of fiscal years 2022 through 2025.

23 (II) the amount for the United
24 States Fish and Wildlife Service is

1 \$50,000,000 for each of fiscal years
2 2022 through 2025; and

3 (III) the amount for the United
4 States Forest Service is \$50,000,000
5 for each of fiscal years 2022 through
6 2025.

7 (C) FEDERAL LANDS ACCESS PROGRAM.—
8 For the Federal lands access program under
9 section 204 of title 23, United States Code,
10 \$345,000,000 for each of fiscal years 2022
11 through 2025.

12 (D) FEDERAL LANDS AND TRIBAL MAJOR
13 PROJECTS GRANTS.—To carry out section 208
14 of title 23, United States Code, \$400,000,000
15 for each of fiscal years 2022 through 2025.

16 (5) TERRITORIAL AND PUERTO RICO HIGHWAY
17 PROGRAM.—For the territorial and Puerto Rico
18 highway program under section 165 of title 23,
19 United States Code, \$310,000,000 for each of fiscal
20 years 2022 through 2025.

21 (6) PROJECTS OF NATIONAL AND REGIONAL
22 SIGNIFICANCE.—For projects of national and re-
23 gional significance under section 117 of title 23,
24 United States Code—

25 (A) \$2,200,000,000 for fiscal year 2022;

1 (B) \$2,200,000,000 for fiscal year 2023;

2 (C) \$2,300,000,000 for fiscal year 2024;

3 and

4 (D) \$2,350,000,000 for fiscal year 2025.

5 (7) COMMUNITY TRANSPORTATION INVESTMENT
6 GRANTS.—To carry out section 173 of title 23,
7 United States Code, \$600,000,000 for each of fiscal
8 years 2022 through 2025.

9 (8) ELECTRIC VEHICLE CHARGING AND HYDRO-
10 GEN FUELING INFRASTRUCTURE GRANTS.—To carry
11 out section 151(f) of title 23, United States Code,
12 \$350,000,000 for each of fiscal years 2022 through
13 2025.

14 (9) COMMUNITY CLIMATE INNOVATION
15 GRANTS.—To carry out section 172 of title 23,
16 United States Code, \$250,000,000 for each of fiscal
17 years 2022 through 2025.

18 (b) ADDITIONAL PROGRAMS.—

19 (1) IN GENERAL.—The following amounts are
20 authorized to be appropriated out of the Highway
21 Trust Fund (other than the Mass Transit Account):

22 (A) GRIDLOCK REDUCTION GRANT PRO-
23 GRAM.—To carry out section 1306 of this Act,
24 \$250,000,000 for fiscal year 2022.

1 (B) REBUILD RURAL GRANT PROGRAM.—
2 To carry out section 1307 of this Act,
3 \$250,000,000 for fiscal year 2022.

4 (C) PARKING FOR COMMERCIAL MOTOR
5 VEHICLES.—To carry out section 1308 of this
6 Act, \$250,000,000 for fiscal year 2023.

7 (D) ACTIVE TRANSPORTATION
8 CONNECTIVITY GRANT PROGRAM.—To carry out
9 section 1309 of this Act, \$250,000,000 for fis-
10 cal year 2024.

11 (E) METRO PERFORMANCE PROGRAM.—To
12 carry out section 1305 of this Act,
13 \$250,000,000 for each of fiscal years 2023
14 through 2025.

15 (2) TREATMENT OF FUNDS.—Amounts made
16 available under subparagraphs (B) through (D) shall
17 be administered as if apportioned under chapter 1 of
18 title 23, United States Code.

19 (c) DISADVANTAGED BUSINESS ENTERPRISES.—

20 (1) FINDINGS.—Congress finds that—

21 (A) while significant progress has occurred
22 due to the establishment of the disadvantaged
23 business enterprise program, discrimination and
24 related barriers continue to pose significant ob-
25 stacles for minority- and women-owned busi-

1 nesses seeking to do business in federally as-
2 sisted surface transportation markets across the
3 United States;

4 (B) the continuing barriers described in
5 subparagraph (A) merit the continuation of the
6 disadvantaged business enterprise program;

7 (C) Congress has received and reviewed
8 testimony and documentation of race and gen-
9 der discrimination from numerous sources, in-
10 cluding congressional hearings and roundtables,
11 scientific reports, reports issued by public and
12 private agencies, news stories, reports of dis-
13 crimination by organizations and individuals,
14 and discrimination lawsuits, which show that
15 race- and gender-neutral efforts alone are insuf-
16 ficient to address the problem;

17 (D) the testimony and documentation de-
18 scribed in subparagraph (C) demonstrate that
19 discrimination across the United States poses a
20 barrier to full and fair participation in surface
21 transportation-related businesses of women
22 business owners and minority business owners
23 and has impacted firm development and many
24 aspects of surface transportation-related busi-
25 ness in the public and private markets; and

1 (E) the testimony and documentation de-
2 scribed in subparagraph (C) provide a strong
3 basis that there is a compelling need for the
4 continuation of the disadvantaged business en-
5 terprise program to address race and gender
6 discrimination in surface transportation-related
7 business.

8 (2) DEFINITIONS.—In this subsection, the fol-
9 lowing definitions apply:

10 (A) SMALL BUSINESS CONCERN.—

11 (i) IN GENERAL.—The term “small
12 business concern” means a small business
13 concern (as the term is used in section 3
14 of the Small Business Act (15 U.S.C.
15 632)).

16 (ii) EXCLUSIONS.—The term “small
17 business concern” does not include any
18 concern or group of concerns controlled by
19 the same socially and economically dis-
20 advantaged individual or individuals that
21 have average annual gross receipts during
22 the preceding 3 fiscal years in excess of
23 \$26,290,000, as adjusted annually by the
24 Secretary of Transportation for inflation.

1 (B) SOCIALLY AND ECONOMICALLY DIS-
2 ADVANTAGED INDIVIDUALS.—The term “so-
3 cially and economically disadvantaged individ-
4 uals” has the meaning given the term in section
5 8(d) of the Small Business Act (15 U.S.C.
6 637(d)) and relevant subcontracting regulations
7 issued pursuant to that Act, except that women
8 shall be presumed to be socially and economi-
9 cally disadvantaged individuals for purposes of
10 this subsection.

11 (3) AMOUNTS FOR SMALL BUSINESS CON-
12 CERNS.—Except to the extent that the Secretary of
13 Transportation determines otherwise, not less than
14 10 percent of the amounts made available for any
15 program under titles I, II, V, and VII of this divi-
16 sion and section 403 of title 23, United States Code,
17 shall be expended through small business concerns
18 owned and controlled by socially and economically
19 disadvantaged individuals.

20 (4) ANNUAL LISTING OF DISADVANTAGED BUSI-
21 NESS ENTERPRISES.—Each State shall annually—

22 (A) survey and compile a list of the small
23 business concerns referred to in paragraph (3)
24 in the State, including the location of the small
25 business concerns in the State; and

1 (B) notify the Secretary, in writing, of the
2 percentage of the small business concerns that
3 are controlled by—

4 (i) women;

5 (ii) socially and economically dis-
6 advantaged individuals (other than
7 women); and

8 (iii) individuals who are women and
9 are otherwise socially and economically dis-
10 advantaged individuals.

11 (5) UNIFORM CERTIFICATION.—

12 (A) IN GENERAL.—The Secretary of
13 Transportation shall establish minimum uni-
14 form criteria for use by State governments in
15 certifying whether a concern qualifies as a small
16 business concern for the purpose of this sub-
17 section.

18 (B) INCLUSIONS.—The minimum uniform
19 criteria established under subparagraph (A)
20 shall include, with respect to a potential small
21 business concern—

22 (i) on-site visits;

23 (ii) personal interviews with personnel;

24 (iii) issuance or inspection of licenses;

25 (iv) analyses of stock ownership;

- 1 (v) listings of equipment;
2 (vi) analyses of bonding capacity;
3 (vii) listings of work completed;
4 (viii) examination of the resumes of
5 principal owners;
6 (ix) analyses of financial capacity; and
7 (x) analyses of the type of work pre-
8 ferred.

9 (6) REPORTING.—The Secretary of Transpor-
10 tation shall establish minimum requirements for use
11 by State governments in reporting to the Sec-
12 retary—

13 (A) information concerning disadvantaged
14 business enterprise awards, commitments, and
15 achievements; and

16 (B) such other information as the Sec-
17 retary determines to be appropriate for the
18 proper monitoring of the disadvantaged busi-
19 ness enterprise program.

20 (7) COMPLIANCE WITH COURT ORDERS.—Noth-
21 ing in this subsection limits the eligibility of an indi-
22 vidual or entity to receive funds made available
23 under titles I, II, V, and VII of this division and sec-
24 tion 403 of title 23, United States Code, if the enti-
25 ty or person is prevented, in whole or in part, from

1 complying with paragraph (3) because a Federal
2 court issues a final order in which the court finds
3 that a requirement or the implementation of para-
4 graph (3) is unconstitutional.

5 (8) SENSE OF CONGRESS ON PROMPT PAYMENT
6 OF DBE SUBCONTRACTORS.—It is the sense of Con-
7 gress that—

8 (A) the Secretary of Transportation should
9 take additional steps to ensure that recipients
10 comply with section 26.29 of title 49, Code of
11 Federal Regulations (the disadvantaged busi-
12 ness enterprises prompt payment rule), or any
13 corresponding regulation, in awarding federally
14 funded transportation contracts under laws and
15 regulations administered by the Secretary; and

16 (B) such additional steps should include
17 increasing the Department of Transportation’s
18 ability to track and keep records of complaints
19 and to make that information publicly available.

20 **SEC. 1102. OBLIGATION LIMITATION.**

21 (a) GENERAL LIMITATION.—Subject to subsection
22 (e), and notwithstanding any other provision of law, the
23 obligations for Federal-aid highway and highway safety
24 construction programs shall not exceed—

25 (1) \$62,059,350,954 for fiscal year 2022;

1 (2) \$63,021,354,776 for fiscal year 2023;

2 (3) \$64,246,443,712 for fiscal year 2024; and

3 (4) \$65,080,125,186 for fiscal year 2025.

4 (b) EXCEPTIONS.—The limitations under subsection
5 (a) shall not apply to obligations under or for—

6 (1) section 125 of title 23, United States Code;

7 (2) section 147 of the Surface Transportation
8 Assistance Act of 1978 (23 U.S.C. 144 note; 92
9 Stat. 2714);

10 (3) section 9 of the Federal-Aid Highway Act
11 of 1981 (95 Stat. 1701);

12 (4) subsections (b) and (j) of section 131 of the
13 Surface Transportation Assistance Act of 1982 (96
14 Stat. 2119);

15 (5) subsections (b) and (c) of section 149 of the
16 Surface Transportation and Uniform Relocation As-
17 sistance Act of 1987 (101 Stat. 198);

18 (6) sections 1103 through 1108 of the Inter-
19 modal Surface Transportation Efficiency Act of
20 1991 (Public Law 102–240);

21 (7) section 157 of title 23, United States Code
22 (as in effect on June 8, 1998);

23 (8) section 105 of title 23, United States Code
24 (as in effect for fiscal years 1998 through 2004, but

1 only in an amount equal to \$639,000,000 for each
2 of those fiscal years);

3 (9) Federal-aid highway programs for which ob-
4 ligation authority was made available under the
5 Transportation Equity Act for the 21st Century
6 (112 Stat. 107) or subsequent Acts for multiple
7 years or to remain available until expended, but only
8 to the extent that the obligation authority has not
9 lapsed or been used;

10 (10) section 105 of title 23, United States Code
11 (as in effect for fiscal years 2005 through 2012, but
12 only in an amount equal to \$639,000,000 for each
13 of those fiscal years);

14 (11) section 1603 of SAFETEA-LU (23
15 U.S.C. 118 note; 119 Stat. 1248), to the extent that
16 funds obligated in accordance with that section were
17 not subject to a limitation on obligations at the time
18 at which the funds were initially made available for
19 obligation;

20 (12) section 119 of title 23, United States Code
21 (as in effect for fiscal years 2013 through 2015, but
22 only in an amount equal to \$639,000,000 for each
23 of those fiscal years);

24 (13) section 119 of title 23, United States Code
25 (but, for fiscal years 2016 through 2021, only in an

1 amount equal to \$639,000,000 for each of those fis-
2 cal years);

3 (14) section 203 of title 23, United States Code
4 (but, for fiscal years 2022 through 2025, only in an
5 amount equal to \$550,000,000 for each of those fis-
6 cal years); and

7 (15) section 133(d)(1)(B) of title 23, United
8 States Code (but, for fiscal years 2022 through
9 2025, only in an amount equal to \$89,000,000 for
10 each of those fiscal years).

11 (c) DISTRIBUTION OF OBLIGATION AUTHORITY.—
12 Subject to paragraph (1)(B), for each of fiscal years 2022
13 through 2025, the Secretary of Transportation—

14 (1)(A) shall not distribute obligation authority
15 provided by subsection (a) for the fiscal year for—

16 (i) amounts authorized for administrative
17 expenses and programs by section 104(a) of
18 title 23, United States Code;

19 (ii) amounts authorized for the Bureau of
20 Transportation Statistics;

21 (iii) amounts authorized for the tribal
22 transportation program by section under section
23 202 of title 23, United States Code; and

1 (iv) amounts authorized for the territorial
2 and Puerto Rico highway program under sec-
3 tion 165(a) of title 23, United States Code; and
4 (B) for each of fiscal years 2023 through 2025,
5 in addition to the amounts described in subpara-
6 graph (A), shall not distribute obligation authority
7 provided by subsection (a) for the fiscal year for
8 amounts authorized for the metro performance pro-
9 gram under section 1305 of this Act;

10 (2) shall not distribute an amount of obligation
11 authority provided by subsection (a) that is equal to
12 the unobligated balance of amounts—

13 (A) made available from the Highway
14 Trust Fund (other than the Mass Transit Ac-
15 count) for Federal-aid highway and highway
16 safety construction programs for previous fiscal
17 years the funds for which are allocated by the
18 Secretary (or apportioned by the Secretary
19 under section 202 or 204 of title 23, United
20 States Code); and

21 (B) for which obligation authority was pro-
22 vided in a previous fiscal year;

23 (3) shall determine the proportion that—

24 (A) the obligation authority provided by
25 subsection (a) for the fiscal year, less the aggre-

1 gate of amounts not distributed under para-
2 graphs (1) and (2) of this subsection; bears to

3 (B) the total of—

4 (i) the sums authorized to be appro-
5 priated for the Federal-aid highway and
6 highway safety construction programs,
7 other than sums authorized to be appro-
8 priated for—

9 (I) provisions of law described in
10 paragraphs (1) through (13) of sub-
11 section (b);

12 (II) section 203 of title 23,
13 United States Code, equal to the
14 amount referred to in subsection
15 (b)(14) for the fiscal year; and

16 (III) section 133(d)(1)(B) of title
17 23, United States Code, equal to the
18 amount referred to in subsection
19 (b)(15) for the fiscal year; less

20 (ii) the aggregate of the amounts not
21 distributed under paragraphs (1) and (2)
22 of this subsection;

23 (4) shall distribute the obligation authority pro-
24 vided by subsection (a), less the aggregate amounts
25 not distributed under paragraphs (1) and (2), for

1 each of the programs (other than programs to which
2 paragraph (1) applies) that are allocated by the Sec-
3 retary under this Act and title 23, United States
4 Code, or apportioned by the Secretary under sections
5 202 or 204 of such title, by multiplying—

6 (A) the proportion determined under para-
7 graph (3); by

8 (B) the amounts authorized to be appro-
9 priated for each such program for the fiscal
10 year; and

11 (5) shall distribute the obligation authority pro-
12 vided by subsection (a), less the aggregate amounts
13 not distributed under paragraphs (1) and (2) and
14 the amounts distributed under paragraph (4), for
15 Federal-aid highway and highway safety construc-
16 tion programs that are apportioned by the Secretary
17 under title 23, United States Code (other than the
18 amounts apportioned for the surface transportation
19 program in section 133(d)(1)(B) of title 23, United
20 States Code, that are exempt from the limitation
21 under subsection (b)(15) and the amounts appor-
22 tioned under sections 202 and 204 of such title) in
23 the proportion that—

24 (A) amounts authorized to be appropriated
25 for the programs that are apportioned under

1 title 23, United States Code, to each State for
2 the fiscal year; bears to

3 (B) the total of the amounts authorized to
4 be appropriated for the programs that are ap-
5 portioned under title 23, United States Code, to
6 all States for the fiscal year.

7 (d) REDISTRIBUTION OF UNUSED OBLIGATION AU-
8 THORITY.—Notwithstanding subsection (c), the Secretary
9 of Transportation shall, after August 1 of each of fiscal
10 years 2022 through 2025—

11 (1) revise a distribution of the obligation au-
12 thority made available under subsection (c) if an
13 amount distributed cannot be obligated during that
14 fiscal year; and

15 (2) redistribute sufficient amounts to those
16 States able to obligate amounts in addition to those
17 previously distributed during that fiscal year, giving
18 priority to those States having large unobligated bal-
19 ances of funds apportioned under section 104 of title
20 23, United States Code.

21 (e) SPECIAL LIMITATION.—

22 (1) IN GENERAL.—Except as provided in para-
23 graph (2), obligation limitations imposed by sub-
24 section (a) shall apply to contract authority for—

1 (A) transportation research programs car-
2 ried out under chapter 5 of title 23, United
3 States Code, and title V of this Act; and

4 (B) the metro performance program under
5 section 1305 of this Act.

6 (2) EXCEPTION.—Obligation authority made
7 available under paragraph (1) shall—

8 (A) remain available for a period of 4 fis-
9 cal years; and

10 (B) be in addition to the amount of any
11 limitation imposed on obligations for Federal-
12 aid highway and highway safety construction
13 programs for future fiscal years.

14 (f) LOP-OFF.—

15 (1) IN GENERAL.—Not later than 30 days after
16 the date of distribution of obligation authority under
17 subsection (c) for each of fiscal years 2022 through
18 2025, the Secretary of Transportation shall dis-
19 tribute to the States any funds that—

20 (A) are authorized to be appropriated for
21 the fiscal year for Federal-aid highway pro-
22 grams; and

23 (B) the Secretary determines will not be
24 allocated to the States (or will not be appor-
25 tioned to the States under section 204 of title

1 23, United States Code), and will not be avail-
2 able for obligation, for the fiscal year because
3 of the imposition of any obligation limitation for
4 the fiscal year.

5 (2) **RATIO.**—Funds shall be distributed under
6 paragraph (1) in the same proportion as the dis-
7 tribution of obligation authority under subsection
8 (c)(5).

9 (3) **AVAILABILITY.**—Funds distributed to each
10 State under paragraph (1) shall be available for any
11 purpose described in section 133(b) of title 23,
12 United States Code.

13 **SEC. 1103. DEFINITIONS AND DECLARATION OF POLICY.**

14 Section 101 of title 23, United States Code, is
15 amended—

16 (1) in subsection (a)—

17 (A) by redesignating paragraphs (1), (2),
18 (3), (4), (5), (6), (7), (8), (9), (10), (11), (12),
19 (13), (14), (15), (16), (17), (18), (19), (20),
20 (21), (22), (23), (24), (25), (26), (27), (28),
21 (29), (30), (31), (32), (33), and (34) as para-
22 graphs (2), (3), (4), (6), (8), (10), (11), (12),
23 (13), (14), (16), (17), (18), (19), (20), (21),
24 (23), (24), (25), (26), (28), (29), (32), (33),

1 (34), (35), (36), (37), (38), (40), (41), (42),
2 (43), and (44), respectively;

3 (B) by inserting before paragraph (2), as
4 so redesignated, the following:

5 “(1) ADAPTATION.—The term ‘adaptation’
6 means an adjustment in natural or human systems
7 in anticipation of, or in response to, a changing envi-
8 ronment in a way that moderates negative effects of
9 extreme events or climate change.”;

10 (C) by inserting after paragraph (4), as so
11 redesignated, the following:

12 “(5) CLIMATE CHANGE.—The term ‘climate
13 change’ means any significant change in the meas-
14 ures of climate lasting for an extended period of
15 time, and may include major changes in tempera-
16 ture, precipitation, wind patterns, or sea level,
17 among others, that occur over several decades or
18 longer.”;

19 (D) paragraph (6)(A), as so redesignated,
20 by inserting “assessing resilience,” after “sur-
21 veying,”;

22 (E) by inserting after paragraph (6), as so
23 redesignated, the following:

24 “(7) CONTEXT SENSITIVE DESIGN PRIN-
25 CIPLE.—The term ‘context sensitive design principle’

1 means a principle for the design of a public road
2 that—

3 “(A) provides for the safe and adequate
4 accommodation, in all phases of project plan-
5 ning, design, and development, of users of the
6 transportation facility, including pedestrians,
7 bicyclists, public transportation users, children,
8 older individuals, individuals with disabilities,
9 motorists, and freight vehicles; and

10 “(B) considers the context in which the fa-
11 cility is planned to be constructed to determine
12 the appropriate facility design.”;

13 (F) by inserting after paragraph (8), as so
14 redesignated, the following:

15 “(9) EVACUATION ROUTE.—The term ‘evacu-
16 ation route’ means a transportation route or system
17 that—

18 “(A) is used to transport—

19 “(i) the public away from an emer-
20 gency event; or

21 “(ii) first responders and recovery re-
22 sources in the event of an emergency; and

23 “(B) is identified, consistent with sections
24 134(i)(2)(I)(iii) and 135(f)(10)(C)(iii), by the
25 eligible entity with jurisdiction over the area in

1 which the route is located for the purposes de-
2 scribed in subparagraph (A).”;

3 (G) by inserting after paragraph (14), as
4 so redesignated, the following:

5 “(15) GREENHOUSE GAS.—The term ‘green-
6 house gas’ has the meaning given the term in section
7 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 21
8 7545(o)(1)(G)).”;

9 (H) by inserting after paragraph (21), as
10 so redesignated, the following:

11 “(22) NATURAL INFRASTRUCTURE.—

12 “(A) IN GENERAL.—The term ‘natural in-
13 frastructure’ means infrastructure that uses, re-
14 stores, or emulates natural ecological processes
15 that—

16 “(i) is created through the action of
17 natural physical, geological, biological, and
18 chemical processes over time;

19 “(ii) is created by human design, en-
20 gineering, and construction to emulate or
21 act in concert with natural processes; or

22 “(iii) involves the use of plants, soils,
23 and other natural features, including
24 through the creation, restoration, or pres-
25 ervation of vegetated areas using materials

1 appropriate to the region to manage
2 stormwater and runoff, to attenuate flood-
3 ing and storm surges, and for other related
4 purposes.

5 “(B) INCLUSION.—The term ‘natural in-
6 frastructure’ includes green infrastructure and
7 nature-based solutions.”;

8 (I) by inserting after paragraph (26), as so
9 redesignated, the following:

10 “(27) PROTECTIVE FEATURE.—

11 “(A) IN GENERAL.—The term ‘protective
12 feature’ means an improvement to a highway or
13 bridge designed to increase resilience or miti-
14 gate the risk of recurring damage or the cost of
15 future repairs from climate change effects, ex-
16 treme events, seismic activity, or any other nat-
17 ural disaster.

18 “(B) INCLUSIONS.—The term ‘protective
19 feature’ includes—

20 “(i) raising roadway grades;

21 “(ii) relocating roadways to higher
22 ground above projected flood elevation lev-
23 els or away from slide prone areas;

24 “(iii) stabilizing slide areas;

25 “(iv) stabilizing slopes;

1 “(v) lengthening or raising bridges to
2 increase waterway openings;

3 “(vi) increasing the size or number of
4 drainage structures;

5 “(vii) replacing culverts with bridges
6 or upsizing culverts;

7 “(viii) installing seismic retrofits on
8 bridges;

9 “(iv) adding scour protection at
10 bridges;

11 “(x) scour, stream stability, coastal,
12 and other hydraulic countermeasures; and

13 “(xi) the use of natural infrastruc-
14 ture.”;

15 (J) by inserting after paragraph (29), as
16 so redesignated, the following:

17 “(30) REPEATEDLY DAMAGED FACILITY.—The
18 term ‘repeatedly damaged facility’ means a road,
19 highway, or bridge that has required repair and re-
20 construction activities on 2 or more occasions due to
21 natural disasters or catastrophic failures resulting in
22 emergencies declared by the Governor of the State
23 in which the road, highway, or bridge is located or
24 emergencies or major disasters declared by the
25 President under the Robert T. Stafford Disaster Re-

1 lief and Emergency Assistance Act (42 U.S.C. 5121
2 et seq.).

3 “(31) RESILIENCE.—

4 “(A) IN GENERAL.—The term ‘resilience’
5 means, with respect to a facility, the ability
6 to—

7 “(i) anticipate, prepare for, or adapt
8 to conditions; or

9 “(ii) withstand, respond to, or recover
10 rapidly from disruptions.

11 “(B) INCLUSIONS.—Such term includes,
12 with respect to a facility, the ability to—

13 “(i) resist hazards or withstand im-
14 pacts from disruptions;

15 “(ii) reduce the magnitude, duration,
16 or impact of a disruption; or

17 “(iii) have the absorptive capacity,
18 adaptive capacity, and recoverability to de-
19 crease vulnerability to a disruption.”; and

20 (K) by inserting after paragraph (38), as
21 so redesignated, the following:

22 “(39) TRANSPORTATION SYSTEM ACCESS.—The
23 term ‘transportation system access’ means the abil-
24 ity to travel by automobile, public transportation,

1 pedestrian, and bicycle networks, measured by travel
2 time, taking into consideration—

3 “(A) the impacts of the level of travel
4 stress for active travel; and

5 “(B) costs for low-income travelers.”; and
6 (2) in subsection (b)—

7 (A) in paragraph (1) by striking “De-
8 fense,” and inserting “Defense Highways,”;

9 (B) in paragraph (3)—

10 (i) in subparagraph (A) by striking
11 “Century” and inserting “century”;

12 (ii) in subparagraph (G) by striking “;
13 and” and inserting a semicolon;

14 (iii) in subparagraph (H) by striking
15 “Century.” and inserting “century;”;

16 (iv) by adding at the end the fol-
17 lowing:

18 “(I) safety is the highest priority of the
19 Department of Transportation, and the Sec-
20 retary and States should take all actions nec-
21 essary to meet the transportation needs of the
22 21st century for all road users;

23 “(J) climate change presents a significant
24 risk to safety, the economy, and national secu-
25 rity, and reducing the contributions of the

1 transportation system to the Nation’s total car-
2 bon pollution is critical; and

3 “(K) the Secretary and States should take
4 appropriate measures and ensure investments
5 to increase the resilience of the Nation’s trans-
6 portation system.”; and

7 (C) in paragraph (4)(A) by inserting
8 “while ensuring that environmental protections
9 are maintained” after “review process”.

10 **SEC. 1104. APPORTIONMENT.**

11 (a) IN GENERAL.—Section 104 of title 23, United
12 States Code, is amended—

13 (1) in subsection (a)(1) by striking subpara-
14 graphs (A) through (E) and inserting the following;

15 “(A) \$ 506,302,525 for fiscal year 2022;

16 “(B) \$ 509,708,000 for fiscal year 2023;

17 “(C) \$ 520,084,000 for fiscal year 2024;

18 and

19 “(D) \$ 530,459,000 for fiscal year 2025.”;

20 (2) by striking subsections (b) and (c) and in-
21 serting the following:

22 “(b) DIVISION AMONG PROGRAMS OF STATE’S
23 SHARE OF APPORTIONMENT.—The Secretary shall dis-
24 tribute the amount apportioned to a State for a fiscal year

1 under subsection (c) among the covered programs as fol-
2 lows:

3 “(1) NATIONAL HIGHWAY PERFORMANCE PRO-
4 GRAM.—For the national highway performance pro-
5 gram, 55.09 percent of the amount remaining after
6 distributing amounts under paragraphs (4), (6), and
7 (7).

8 “(2) SURFACE TRANSPORTATION PROGRAM.—
9 For the surface transportation program, 28.43 per-
10 cent of the amount remaining after distributing
11 amounts under paragraphs (4), (6), and (7).

12 “(3) HIGHWAY SAFETY IMPROVEMENT PRO-
13 GRAM.—For the highway safety improvement pro-
14 gram, 6.19 percent of the amount remaining after
15 distributing amounts under paragraphs (4), (6), and
16 (7).

17 “(4) CONGESTION MITIGATION AND AIR QUAL-
18 ITY IMPROVEMENT PROGRAM.—

19 “(A) IN GENERAL.—For the congestion
20 mitigation and air quality improvement pro-
21 gram, an amount determined for the State
22 under subparagraphs (B) and (C).

23 “(B) TOTAL AMOUNT.—The total amount
24 for the congestion mitigation and air quality
25 improvement program for all States shall be—

1 “(i) \$2,913,925,833 for fiscal year
2 2022;

3 “(ii) \$2,964,919,535 for fiscal year
4 2023;

5 “(iii) \$3,024,217,926 for fiscal year
6 2024; and

7 “(iv) \$3,078,653,849 for fiscal year
8 2025.

9 “(C) STATE SHARE.—For each fiscal year,
10 the Secretary shall distribute among the States
11 the amount for the congestion mitigation and
12 air quality improvement program under sub-
13 paragraph (B) so that each State receives an
14 amount equal to the proportion that—

15 “(i) the amount apportioned to the
16 State for the congestion mitigation and air
17 quality improvement program for fiscal
18 year 2020; bears to

19 “(ii) the total amount of funds appor-
20 tioned to all States for such program for
21 fiscal year 2020.

22 “(5) NATIONAL HIGHWAY FREIGHT PRO-
23 GRAM.—For the national highway freight program,
24 3.38 percent of the amount remaining after distrib-
25 uting amounts under paragraphs (4), (6), and (7).

1 “(6) METROPOLITAN PLANNING.—

2 “(A) IN GENERAL.—For metropolitan
3 planning, an amount determined for the State
4 under subparagraphs (B) and (C).

5 “(B) TOTAL AMOUNT.—The total amount
6 for metropolitan planning for all States shall
7 be—

8 “(i) \$507,500,000 for fiscal year
9 2022;

10 “(ii) \$516,381,250 for fiscal year
11 2023;

12 “(iii) \$526,708,875 for fiscal year
13 2024; and

14 “(iv) \$536,189,635 for fiscal year
15 2025.

16 “(C) STATE SHARE.—For each fiscal year,
17 the Secretary shall distribute among the States
18 the amount for metropolitan planning under
19 subparagraph (B) so that each State receives
20 an amount equal to the proportion that—

21 “(i) the amount apportioned to the
22 State for metropolitan planning for fiscal
23 year 2020; bears to

1 “(ii) the total amount of funds appor-
2 tioned to all States for metropolitan plan-
3 ning for fiscal year 2020.

4 “(7) RAILWAY CROSSINGS.—

5 “(A) IN GENERAL.—For the railway cross-
6 ings program, an amount determined for the
7 State under subparagraphs (B) and (C).

8 “(B) TOTAL AMOUNT.—The total amount
9 for the railway crossings program for all States
10 shall be \$245,000,000 for each of fiscal years
11 2022 through 2025.

12 “(C) STATE SHARE.—

13 “(i) IN GENERAL.—For each fiscal
14 year, the Secretary shall distribute among
15 the States the amount for the railway
16 crossings program under subparagraph (B)
17 as follows:

18 “(I) 50 percent of the amount for
19 a fiscal year shall be apportioned to
20 States by the formula set forth in sec-
21 tion 104(b)(3)(A) (as in effect on the
22 day before the date of enactment of
23 MAP–21).

24 “(II) 50 percent of the amount
25 for a fiscal year shall be apportioned

1 to States in the ratio that total public
2 railway-highway crossings in each
3 State bears to the total of such cross-
4 ings in all States.

5 “(ii) MINIMUM APPORTIONMENT.—
6 Notwithstanding clause (i), for each fiscal
7 year, each State shall receive a minimum
8 of one-half of 1 percent of the total
9 amount for the railway crossings program
10 for such fiscal year under subparagraph
11 (B).

12 “(8) PRE-DISASTER MITIGATION PROGRAM.—
13 For the pre-disaster mitigation program, 2.96 per-
14 cent of the amount remaining after distributing
15 amounts under paragraphs (4), (6), and (7).

16 “(9) CARBON POLLUTION REDUCTION PRO-
17 GRAM.—For the carbon pollution reduction program,
18 3.95 percent of the amount remaining after distrib-
19 uting amounts under paragraphs (4), (6), and (7).

20 “(c) CALCULATION OF AMOUNTS.—

21 “(1) STATE SHARE.—For each of fiscal years
22 2022 through 2025, the amount for each State shall
23 be determined as follows:

1 “(A) INITIAL AMOUNTS.—The initial
2 amounts for each State shall be determined by
3 multiplying—

4 “(i) the combined amount authorized
5 for appropriation for the fiscal year for the
6 covered programs; by

7 “(ii) the share for each State, which
8 shall be equal to the proportion that—

9 “(I) the amount of appor­tion-
10 ments that the State received for fis-
11 cal year 2020; bears to

12 “(II) the amount of those appor-
13 tionments received by all States for
14 fiscal year 2020.

15 “(B) ADJUSTMENTS TO AMOUNTS.—The
16 initial amounts resulting from the calculation
17 under subparagraph (A) shall be adjusted to
18 ensure that each State receives an aggregate
19 apportionment equal to at least 95 percent of
20 the estimated tax payments attributable to
21 highway users in the State paid into the High-
22 way Trust Fund (other than the Mass Transit
23 Account) in the most recent fiscal year for
24 which data are available.

1 “(2) STATE APPORTIONMENT.—On October 1
2 of fiscal years 2022 through 2025, the Secretary
3 shall apportion the sums authorized to be appro-
4 priated for expenditure on the covered programs in
5 accordance with paragraph (1).”;

6 (3) in subsection (d)(1)(A)—

7 (A) in clause (i) by striking “paragraphs
8 (5)(D) and (6) of subsection (b)” and inserting
9 “subsection (b)(6)”; and

10 (B) in clause (ii) by striking “paragraphs
11 (5)(D) and (6) of subsection (b)” and inserting
12 “subsection (b)(6)”; and

13 (4) by striking subsections (h) and (i) and in-
14 serting the following:

15 “(h) DEFINITION OF COVERED PROGRAMS.—In this
16 section, the term ‘covered programs’ means—

17 “(1) the national highway performance program
18 under section 119;

19 “(2) the surface transportation program under
20 section 133;

21 “(3) the highway safety improvement program
22 under section 148;

23 “(4) the congestion mitigation and air quality
24 improvement program under section 149;

1 “(5) the national highway freight program
2 under section 167;

3 “(6) metropolitan planning under section 134;

4 “(7) the railway crossings program under sec-
5 tion 130(e);

6 “(8) the predisaster mitigation program under
7 section 124; and

8 “(9) the carbon pollution reduction program
9 under section 171.”.

10 (b) FEDERAL SHARE PAYABLE.—Section 120(c)(3)
11 of title 23, United States Code, is amended—

12 (1) in subparagraph (A) by striking “(5)(D),”;

13 and

14 (2) in subparagraph (C)(i) by striking
15 “(5)(D)”.

16 (c) METROPOLITAN TRANSPORTATION PLANNING;
17 TITLE 23.—Section 134(p) of title 23, United States
18 Code, is amended by striking “paragraphs (5)(D) and (6)
19 of section 104(b)” and inserting “section 104(b)(6)”.

20 (d) STATEWIDE AND NONMETROPOLITAN TRANSPOR-
21 TATION PLANNING.—Section 135(i) of title 23, United
22 States Code, is amended by striking “paragraphs (5)(D)
23 and (6) of section 104(b)” and inserting “section
24 104(b)(6)”.

1 (e) METROPOLITAN TRANSPORTATION PLANNING;
2 TITLE 49.—Section 5303(p) of title 49, United States
3 Code, is amended by striking “section 104(b)(5)” and in-
4 serting “section 104(b)(6)”.

5 **SEC. 1105. ADDITIONAL DEPOSITS INTO HIGHWAY TRUST**
6 **FUND.**

7 Section 105 of title 23, United States Code, is
8 amended—

9 (1) in subsection (c)—

10 (A) in paragraph (1)(A) by striking “to be
11 appropriated” each place it appears; and

12 (B) by adding at the end the following:

13 “(4) SPECIAL RULE.—

14 “(A) ADJUSTMENT.—In making an adjust-
15 ment under paragraph (1) for an allocation,
16 reservation, or set-aside from an amount au-
17 thorized from the Highway Account or Mass
18 Transit Account described in subparagraph (B),
19 the Secretary shall—

20 “(i) determine the ratio that—

21 “(I) the amount authorized to be
22 appropriated for the allocation, res-
23 ervation, or set-aside from the account
24 for the fiscal year; bears to

1 “(II) the total amount authorized
2 to be appropriated for such fiscal year
3 for all programs under such account;

4 “(ii) multiply the ratio determined
5 under clause (i) by the amount of the ad-
6 justment determined under subsection
7 (b)(1)(B); and

8 “(iii) adjust the amount that the Sec-
9 retary would have allocated for the alloca-
10 tion, reservation, or set-aside for such fis-
11 cal year but for this section by the amount
12 calculated under clause (ii).

13 “(B) ALLOCATIONS, RESERVATIONS, AND
14 SET-ASIDES.—The allocations, reservations, and
15 set-asides described in this subparagraph are—

16 “(i) from the amount made available
17 for a fiscal year for the Federal lands
18 transportation program under section 203,
19 the amounts allocated for a fiscal year for
20 the National Park Service, the United
21 States Fish and Wildlife Service, and the
22 United States Forest Service;

23 “(ii) the amount made available for
24 the Puerto Rico highway program under
25 section 165(a)(1); and

1 “(iii) the amount made available for
2 the territorial highway program under sec-
3 tion 165(a)(2).”;

4 (2) in subsection (e)—

5 (A) by striking “There is authorized” and
6 inserting “For fiscal year 2022 and each fiscal
7 year thereafter, there is authorized”; and

8 (B) by striking “for any of fiscal years
9 2017 through 2020”; and

10 (3) in subsection (f)(1) by striking “section
11 1102 or 3018 of the FAST Act” and inserting “any
12 other provision of law”.

13 **SEC. 1106. TRANSPARENCY.**

14 (a) APPORTIONMENT.—Section 104 of title 23,
15 United States Code, is amended by striking subsection (g)
16 and inserting the following:

17 “(g) HIGHWAY TRUST FUND TRANSPARENCY AND
18 ACCOUNTABILITY REPORTS.—

19 “(1) REQUIREMENT.—

20 “(A) IN GENERAL.—The Secretary shall
21 compile data in accordance with this subsection
22 on the use of Federal-aid highway funds made
23 available under this title.

24 “(B) USER FRIENDLY DATA.—The data
25 compiled under subparagraph (A) shall be in a

1 user friendly format that can be searched,
2 downloaded, disaggregated, and filtered by data
3 category.

4 “(2) PROJECT DATA.—

5 “(A) IN GENERAL.—Not later than 120
6 days after the end of each fiscal year, the Sec-
7 retary shall make available on the website of
8 the Department of Transportation a report that
9 describes—

10 “(i) the location of each active project
11 within each State during such fiscal year,
12 including in which congressional district or
13 districts such project is located;

14 “(ii) the total cost of such project;

15 “(iii) the amount of Federal funding
16 obligated for such project;

17 “(iv) the program or programs from
18 which Federal funds have been obligated
19 for such project;

20 “(v) whether such project is located in
21 an area of the State with a population of—

22 “(I) less than 5,000 individuals;

23 “(II) 5,000 or more individuals
24 but less than 50,000 individuals;

1 “(III) 50,000 or more individuals
2 but less than 200,000 individuals; or

3 “(IV) 200,000 or more individ-
4 uals;

5 “(vi) the type of improvement being
6 made by such project, including catego-
7 rizing such project as—

8 “(I) a road reconstruction
9 project;

10 “(II) a new road construction
11 project;

12 “(III) a new bridge construction
13 project;

14 “(IV) a bridge rehabilitation
15 project; or

16 “(V) a bridge replacement
17 project;

18 “(vii) the functional classification of
19 the roadway on which such project is lo-
20 cated; and

21 “(viii) available information on the es-
22 timated cost of such project as of the start
23 of project construction, or the revised cost
24 estimate based on a description of revisions
25 to the scope of work or other factors af-

1 fecting project cost other than cost over-
2 runs.

3 “(B) INTERACTIVE MAP.—In addition to
4 the data made available under subparagraph
5 (A), the Secretary shall make available on the
6 website of the Department of Transportation an
7 interactive map that displays, for each active
8 project, the information described in clauses (i)
9 through (v) of subparagraph (A).

10 “(3) STATE DATA.—

11 “(A) APPORTIONED AND ALLOCATED PRO-
12 GRAMS.—The website described in paragraph
13 (2)(A) shall display the Federal-aid highway
14 funds apportioned and allocated to each State
15 under this title, including—

16 “(i) the amount of funding available
17 for obligation by the State at the start of
18 the fiscal year;

19 “(ii) the amount of funding obligated
20 by the State during such fiscal year;

21 “(ii) the amount of funding remaining
22 available for obligation by the State at the
23 end of such fiscal year; and

24 “(iii) changes in the obligated, unex-
25 pended balance for the State;

1 “(B) PROGRAMMATIC DATA.—The data de-
2 scribed in subparagraph (A) shall include—

3 “(i) the amount of funding by each
4 apportioned and allocated program for
5 which the State received funding under
6 this title;

7 “(ii) the amount of funding trans-
8 ferred between programs by the State dur-
9 ing the fiscal year using the authority pro-
10 vided under section 126; and

11 “(iii) the amount and program cat-
12 egory of Federal funds exchanged as de-
13 scribed in section 106(g)(6).

14 “(4) DEFINITIONS.—In this subsection:

15 “(A) ACTIVE PROJECT.—

16 “(i) IN GENERAL.—The term ‘active
17 project’ means a Federal-aid highway
18 project using funds made available under
19 this title on which those funds were obli-
20 gated or expended during the fiscal year
21 for which the estimated total cost as of the
22 start of construction is greater than
23 \$5,000,000.

24 “(ii) EXCLUSION.—The term ‘active
25 project’ does not include any project for

1 which funds are transferred to agencies
2 other than the Federal Highway Adminis-
3 tration.

4 “(B) INTERACTIVE MAP.—The term ‘inter-
5 active map’ means a map displayed on the pub-
6 lic website of the Department of Transportation
7 that allows a user to select and view informa-
8 tion for each active project, State, and Congres-
9 sional district.

10 “(C) STATE.—The term ‘State’ means any
11 of the 50 States or the District of Columbia.”.

12 (b) PROJECT APPROVAL AND OVERSIGHT.—Section
13 106 of title 23, United States Code, is amended—

14 (1) in subsection (g)—

15 (A) in paragraph (4) by striking subpara-
16 graph (B) and inserting the following:

17 “(B) ASSISTANCE TO STATES.—The Sec-
18 retary shall—

19 (i) develop criteria for States to use
20 to make the determination required under
21 subparagraph (A); and

22 (ii) provide training, guidance, and
23 other assistance to States and subrecipi-
24 ents as needed to ensure that projects ad-

1 ministered by subrecipients comply with
2 the requirements of this title.

3 “(C) PERIODIC REVIEW.—The Secretary
4 shall review, not less frequently than every 2
5 years, the monitoring of subrecipients by the
6 States.”; and

7 (B) by adding at the end the following:

8 “(6) FEDERAL FUNDING EXCHANGE PRO-
9 GRAMS.—A State may implement a program under
10 which a subrecipient has the option to exchange
11 Federal funds allocated to such subrecipient in ac-
12 cordance with the requirements of this title for State
13 or local funds if the State certifies to the Secretary
14 that the State has prevailing wage and domestic con-
15 tent requirements that are comparable to the re-
16 quirements under sections 113 and 313 and that
17 such requirements shall apply to projects carried out
18 using such funds if such projects would have been
19 subject to the requirements of sections 113 and 313
20 if such projects were carried out using Federal
21 funds.”;

22 (2) in subsection (h)(3)—

23 (A) in subparagraph (B) by striking “, as
24 determined by the Secretary,”; and

1 (B) in subparagraph (D) by striking “shall
2 assess” and inserting “in the case of a project
3 proposed to be advanced as a public-private
4 partnership, shall include a detailed value for
5 money analysis or comparable analysis to deter-
6 mine”; and

7 (3) by adding at the end the following:

8 “(k) MEGAPROJECTS.—

9 “(1) COMPREHENSIVE RISK MANAGEMENT
10 PLAN.—To be authorized for the construction of a
11 megaproject, the recipient of Federal financial as-
12 sistance under this title for such megaproject shall
13 submit to the Secretary a comprehensive risk man-
14 agement plan that contains—

15 “(A) a description of the process by which
16 the recipient will identify, quantify, and monitor
17 the risks, including natural hazards, that might
18 result in cost overruns, project delays, reduced
19 construction quality, or reductions in benefits
20 with respect to the megaproject;

21 “(B) examples of mechanisms the recipient
22 will use to track risks identified pursuant to
23 subparagraph (A);

24 “(C) a plan to control such risks; and

1 “(D) such assurances as the Secretary de-
2 termines appropriate that the recipient shall,
3 with respect to the megaproject—

4 “(i) regularly submit to the Secretary
5 updated cost estimates; and

6 “(ii) maintain and regularly reassess
7 financial reserves for addressing known
8 and unknown risks.

9 “(2) PEER REVIEW GROUP.—

10 “(A) IN GENERAL.—Not later than 90
11 days after the date on which a megaproject is
12 authorized for construction, the recipient of
13 Federal financial assistance under this title for
14 such megaproject shall establish a peer review
15 group for such megaproject that consists of at
16 least 5 individuals (including at least 1 indi-
17 vidual with project management experience) to
18 give expert advice on the scientific, technical,
19 and project management aspects of the
20 megaproject.

21 “(B) MEMBERSHIP.—

22 “(i) IN GENERAL.—Not later than
23 180 days after the date of enactment of
24 this subsection, the Secretary shall estab-

1 lish guidelines describing how a recipient
2 described in subparagraph (A) shall—

3 “(I) recruit and select members
4 for a peer review group established
5 under such subparagraph; and

6 “(II) make publicly available the
7 criteria for such selection and identify
8 the members so selected.

9 “(ii) CONFLICT OF INTEREST.—No
10 member of a peer review group for a
11 megaproject may have a direct or indirect
12 financial interest in such megaproject.

13 “(C) TASKS.—A peer review group estab-
14 lished under subparagraph (A) by a recipient of
15 Federal financial assistance for a megaproject
16 shall—

17 “(i) meet annually until completion of
18 the megaproject;

19 “(ii) not later than 90 days after the
20 date of the establishment of the peer re-
21 view group and not later than 90 days
22 after the date of any significant change, as
23 determined by the Secretary, to the scope,
24 schedule, or budget of the megaproject, re-
25 view the scope, schedule, and budget of the

1 megaproject, including planning, engineer-
2 ing, financing, and any other elements de-
3 termined appropriate by the Secretary; and

4 “(iii) submit to the Secretary, Con-
5 gress, and such recipient a report on the
6 findings of each review under clause (ii).

7 “(3) TRANSPARENCY.—Not later than 90 days
8 after the submission of a report under paragraph
9 (2)(C)(iii), the Secretary shall publish on the website
10 of the Department of Transportation such report.

11 “(4) MEGAPROJECT DEFINED.—In this sub-
12 section, the term ‘megaproject’ means a project
13 under this title that has an estimated total cost of
14 \$2,000,000,000 or more, and such other projects as
15 may be identified by the Secretary.

16 “(1) SPECIAL EXPERIMENTAL PROJECTS.—

17 “(1) PUBLIC AVAILABILITY.—The Secretary
18 shall publish on the website of the Department of
19 Transportation a copy of all letters of interest, pro-
20 posals, workplans, and reports related to the special
21 experimental project authority pursuant to section
22 502(b).

23 “(2) NOTIFICATION AND OPPORTUNITY FOR
24 COMMENT.—Not later than 30 days before making
25 a determination to proceed with an experiment

1 under a letter of interest described in paragraph (1),
2 the Secretary shall provide notification and an op-
3 portunity for public comment on the letter of inter-
4 est and the Secretary’s proposed response.

5 “(3) REPORT TO CONGRESS.—Not later than 2
6 years after the date of enactment of the INVEST in
7 America Act, the Secretary shall submit to the Com-
8 mittee on Transportation and Infrastructure of the
9 House of Representatives and the Committee on En-
10 vironment and Public Works of the Senate a report
11 that includes—

12 “(A) a summary of each experiment de-
13 scribed in this subsection carried out over the
14 previous 5 years; and

15 “(B) legislative recommendations based on
16 the findings of such experiments.

17 “(m) COMPETITIVE GRANT PROGRAM OVERSIGHT
18 AND ACCOUNTABILITY.—

19 “(1) IN GENERAL.—To ensure the account-
20 ability and oversight of the discretionary grant selec-
21 tion process administered by the Secretary, a cov-
22 ered program shall be subject to the requirements of
23 this section, in addition to the requirements applica-
24 ble to each covered program.

1 “(2) APPLICATION PROCESS.—The Secretary
2 shall—

3 “(A) develop a template for applicants to
4 use to summarize—

5 “(i) project needs and benefits; and

6 “(ii) any factors, requirements, or
7 considerations established for the applica-
8 ble covered program;

9 “(B) create a data driven process to evalu-
10 ate, as set forth in the covered program, each
11 eligible project for which an application is re-
12 ceived; and

13 “(C) make a determination, based on the
14 evaluation made pursuant to subparagraph (B),
15 on any ratings, rankings, scores, or similar
16 metrics for applications made to the covered
17 program.

18 “(3) NOTIFICATION OF CONGRESS.—Not less
19 than 30 days before making a grant for a covered
20 program, the Secretary shall notify, in writing, the
21 Committee on Transportation and Infrastructure of
22 the House of Representatives and the Committee on
23 the Environment and Public Works of the Senate
24 of—

1 “(A) the amount for each award proposed
2 to be selected;

3 “(B) a description of the review process;

4 “(C) for each application, the determina-
5 tion made under paragraph (2)(C); and

6 “(D) a detailed explanation of the basis for
7 each award proposed to be selected.

8 “(4) NOTIFICATION OF APPLICANTS.—Not later
9 than 30 days after making a grant for a project
10 under a covered program, the Secretary shall send
11 to all applicants under such covered program, and
12 publish on the website of the Department of Trans-
13 portation—

14 “(A) a summary of each application made
15 to the covered program for the given round of
16 funding; and

17 “(B) the evaluation and justification for
18 the project selection, including all ratings,
19 rankings, scores, or similar metrics for applica-
20 tions made to the covered program for the given
21 round of funding during each phase of the
22 grant selection process.

23 “(5) BRIEFING.—The Secretary shall provide,
24 at the request of a grant applicant of a covered pro-
25 gram, the opportunity to receive a briefing to explain

1 any reasons the grant applicant was not awarded a
2 grant.

3 “(6) TEMPLATE.—The Secretary shall, to the
4 extent practicable, develop a template as described
5 in paragraph (2)(A) for any discretionary program
6 administered by the Secretary that is not a covered
7 program.

8 “(7) COVERED PROGRAM DEFINED.—The term
9 ‘covered program’ means each of the following dis-
10 cretionary grant programs:

11 “(A) Community climate innovation grants
12 under section 172.

13 “(B) Electric vehicle charging and hydro-
14 gen fueling infrastructure grants under section
15 151(f).

16 “(C) Federal lands and tribal major
17 projects grants under section 208.

18 “(D) Safe, efficient mobility through ad-
19 vanced technologies grants under section
20 503(c)(4).”.

21 (c) DIVISION OFFICE CONSISTENCY.—Not later than
22 1 year after the date of enactment of this Act, the Comp-
23 troller General of the United States shall submit to Con-
24 gress a report that—

1 (1) analyzes the consistency of determinations
2 among division offices of the Federal Highway Ad-
3 ministration; and

4 (2) makes recommendations to improve the con-
5 sistency of such determinations.

6 **SEC. 1107. COMPLETE AND CONTEXT SENSITIVE STREET**
7 **DESIGN.**

8 (a) STANDARDS.—Section 109 of title 23, United
9 States Code, is amended—

10 (1) in subsection (a)—

11 (A) in paragraph (1) by striking “planned
12 future traffic of the highway in a manner that
13 is conducive to” and inserting “future oper-
14 ational performance of the facility in a manner
15 that enhances”; and

16 (B) in paragraph (2) by inserting “, taking
17 into consideration context sensitive design prin-
18 ciples” after “each locality”;

19 (2) in subsection (b)—

20 (A) by striking “The geometric” and in-
21 serting “DESIGN CRITERIA FOR THE INTER-
22 STATE SYSTEM.—The geometric”; and

23 (B) by striking “the types and volumes of
24 traffic anticipated for such project for the twen-
25 ty-year period commencing on the date of ap-

1 proval by the Secretary, under section 106 of
2 this title, of the plans, specifications, and esti-
3 mates for actual construction of such project”
4 and inserting “the existing and future oper-
5 ational performance of the facility”;

6 (3) in subsection (c)(1)—

7 (A) in subparagraph (C) by striking “;
8 and” and inserting a semicolon;

9 (B) in subparagraph (D) by striking the
10 period and inserting “; and”; and

11 (C) by adding at the end the following:

12 “(E) context sensitive design principles.”;

13 (4) by striking subsection (o) and inserting the
14 following:

15 “(o) COMPLIANCE WITH STATE LAWS FOR NON-
16 NHS PROJECTS.—

17 “(1) IN GENERAL.—Projects (other than high-
18 way projects on the National Highway System)
19 shall—

20 “(A) be designed, constructed, operated,
21 and maintained in accordance with State laws,
22 regulations, directives, safety standards, design
23 standards, and construction standards; and

24 “(B) take into consideration context sen-
25 sitive design principles.

1 “(2) DESIGN FLEXIBILITY.—

2 “(A) IN GENERAL.—A local jurisdiction
3 may deviate from the roadway design publica-
4 tion used by the State in which the local juris-
5 diction is located for the design of a project on
6 a roadway (other than a highway on the Na-
7 tional Highway System) if—

8 “(i) the deviation is approved by the
9 Secretary; and

10 “(ii) the design complies with all other
11 applicable Federal laws.

12 “(B) STATE-OWNED ROADS.—In the case
13 of a roadway under the ownership of the State,
14 the local jurisdiction may only deviate from the
15 roadway design publication used by the State
16 with the concurrence of the State.

17 “(C) PROGRAMMATIC BASIS.—The Sec-
18 retary may approve a deviation under this para-
19 graph on a project, multiple project, or pro-
20 grammatic basis.”; and

21 (5) by adding at the end the following:

22 “(s) CONTEXT SENSITIVE DESIGN.—

23 “(1) CONTEXT SENSITIVE DESIGN STAND-
24 ARDS.—The Secretary shall collaborate with Amer-
25 ican Association of State Highway Transportation

1 Officials to ensure that any roadway design publica-
2 tions approved by the Secretary under this section
3 provides adequate flexibility for a project sponsor to
4 select the appropriate design of a roadway, con-
5 sistent with context sensitive design principles.

6 “(2) POLICIES OR PROCEDURES.—

7 “(A) IN GENERAL.—Not later than 1 year
8 after the Secretary publishes the final guidance
9 described in paragraph (3), each State shall
10 adopt policies or procedures to evaluate the con-
11 text of a proposed roadway and select the ap-
12 propriate design, consistent with context sen-
13 sitive design principles.

14 “(B) LOCAL GOVERNMENTS.—The Sec-
15 retary and States shall encourage local govern-
16 ments to adopt policies or procedures described
17 under subparagraph (A).

18 “(C) CONSIDERATIONS.—The policies or
19 procedures developed under this paragraph
20 shall take into consideration the guidance devel-
21 oped by the Secretary under paragraph (3).

22 “(3) GUIDANCE.—

23 “(A) IN GENERAL.—

24 “(i) NOTICE.—Not later than 1 year
25 after the date of enactment of this sub-

1 section, the Secretary shall publish guid-
2 ance on the official website of the Depart-
3 ment of Transportation on context sen-
4 sitive design.

5 “(ii) PUBLIC REVIEW AND COM-
6 MENT.—The guidance described in this
7 paragraph shall be finalized following an
8 opportunity for public review and com-
9 ment.

10 “(iii) UPDATE.—The Secretary shall
11 periodically update the guidance described
12 in this paragraph, including the model
13 policies or procedures described under sub-
14 paragraph (B)(v).

15 “(B) REQUIREMENTS.—The guidance de-
16 scribed in this paragraph shall—

17 “(i) provide best practices for States,
18 metropolitan planning organizations, re-
19 gional transportation planning organiza-
20 tions, local governments or other project
21 sponsors to carry out context sensitive de-
22 sign principles;

23 “(ii) identify opportunities to modify
24 planning, scoping, design, and development
25 procedures to more effectively combine

1 modes of transportation into integrated fa-
2 cilities that meet the needs of each of such
3 modes of transportation in an appropriate
4 balance;

5 “(iii) identify metrics to assess the
6 context of the facility, including sur-
7 rounding land use or roadside characteris-
8 tics;

9 “(iv) assess the expected operational
10 and safety performance of alternative ap-
11 proaches to facility design; and

12 “(v) taking into consideration the
13 findings of this guidance, establish model
14 policies or procedures for a State or other
15 project sponsor to evaluate the context of
16 a proposed facility and select the appro-
17 priate facility design for the context.

18 “(C) TOPICS OF EMPHASIS.—In publishing
19 the guidance described in this paragraph, the
20 Secretary shall emphasize—

21 “(i) procedures for identifying the
22 needs of users of all ages and abilities of
23 a particular roadway;

1 “(ii) procedures for identifying the
2 types and designs of facilities needed to
3 serve each class of users;

4 “(iii) safety and other benefits pro-
5 vided by carrying out context sensitive de-
6 sign principles;

7 “(iv) common barriers to carrying out
8 context sensitive design principles;

9 “(v) procedures for overcoming the
10 most common barriers to carrying out con-
11 text sensitive design principles;

12 “(vi) procedures for identifying the
13 costs associated with carrying out context
14 sensitive design principles;

15 “(vii) procedures for maximizing local
16 cooperation in the introduction of context
17 sensitive design principles and carrying out
18 those principles; and

19 “(viii) procedures for assessing and
20 modifying the facilities and operational
21 characteristics of existing roadways to im-
22 prove consistency with context sensitive de-
23 sign principles.

24 “(4) FUNDING.—Amounts made available
25 under sections 104(b)(6) and 505 of this title may

1 be used for States, local governments, metropolitan
2 planning organizations, or regional transportation
3 planning organizations to adopt policies or proce-
4 dures to evaluate the context of a proposed roadway
5 and select the appropriate design, consistent with
6 context sensitive design principles.”.

7 (b) CONFORMING AMENDMENT.—Section 1404(b) of
8 the FAST Act (23 U.S.C. 109 note) is repealed.

9 **SEC. 1108. INNOVATIVE PROJECT DELIVERY FEDERAL**
10 **SHARE.**

11 (a) IN GENERAL.—Section 120(c)(3)(B) of title 23,
12 United States Code, is amended—

13 (1) by striking clause (i) and inserting the fol-
14 lowing:

15 “(i) prefabricated bridge elements and
16 systems, innovative materials, and other
17 technologies to reduce bridge construction
18 time, extend service life, and reduce preser-
19 vation costs, as compared to conventionally
20 designed and constructed bridges;”;

21 (2) by redesignating clause (vi) as clause (vii);

22 (3) in clause (v) by striking “or” at the end;

23 and

24 (4) by inserting after clause (v) the following:

1 “(vi) innovative pavement materials
2 that demonstrate reductions in greenhouse
3 gas emissions through sequestration or in-
4 novative manufacturing processes; or”.

5 (b) **TECHNICAL AMENDMENT.**—Section 107(a)(2) of
6 title 23, United States Code, is amended by striking “sub-
7 section (c) of”.

8 **SEC. 1109. TRANSFERABILITY OF FEDERAL-AID HIGHWAY**
9 **FUNDS.**

10 Section 126(b) of title 23, United States Code, is
11 amended—

12 (1) in the heading by inserting “AND PRO-
13 GRAMS” after “SET-ASIDES”;

14 (2) in paragraph (1) by striking “and
15 133(d)(1)(A)” and inserting “, 130, 133(d)(1)(A),
16 and 133(h)”;

17 (3) by striking paragraph (2) and inserting the
18 following:

19 “(2) **ENVIRONMENTAL PROGRAMS.**—With re-
20 spect to an apportionment under either paragraph
21 (4) or paragraph (9) of section 104(b), and notwith-
22 standing subsection (a), a State may only transfer
23 not more than 50 percent from the amount of the
24 apportionment of either such paragraph to the ap-

1 portionment under the other such paragraph in a
2 fiscal year.”.

3 **SEC. 1110. TOLLING.**

4 (a) TOLL ROADS, BRIDGES, TUNNELS, AND FER-
5 RIES.—Section 129 of title 23, United States Code, is
6 amended—

7 (1) in subsection (a)—

8 (A) by striking paragraph (1) and insert-
9 ing the following:

10 “(1) IN GENERAL.—

11 “(A) AUTHORIZATION FOR FEDERAL PAR-
12 TICIPATION.—Subject to the provisions of this
13 section, Federal participation shall be permitted
14 on the same basis and in the same manner as
15 construction of toll-free highways is permitted
16 under this chapter in the—

17 “(i) initial construction of a toll high-
18 way, bridge, or tunnel or approach to the
19 highway, bridge, or tunnel;

20 “(ii) initial construction of 1 or more
21 lanes or other improvements that increase
22 capacity of a highway, bridge, or tunnel
23 (other than a highway on the Interstate
24 System) and conversion of that highway,
25 bridge, or tunnel to a tolled facility, if the

1 number of toll-free lanes, excluding auxil-
2 iary lanes, after the construction is not less
3 than the number of toll-free lanes, exclud-
4 ing auxiliary lanes, before the construction;

5 “(iii) initial construction of 1 or more
6 lanes or other improvements that increase
7 the capacity of a highway, bridge, or tun-
8 nel on the Interstate System and conver-
9 sion of that highway, bridge, or tunnel to
10 a tolled facility, if the number of toll-free
11 non-HOV lanes, excluding auxiliary lanes,
12 after such construction is not less than the
13 number of toll-free non-HOV lanes, exclud-
14 ing auxiliary lanes, before such construc-
15 tion;

16 “(iv) reconstruction, resurfacing, res-
17 toration, rehabilitation, or replacement of a
18 toll highway, bridge, or tunnel or approach
19 to the highway, bridge, or tunnel;

20 “(v) reconstruction or replacement of
21 a toll-free bridge or tunnel and conversion
22 of the bridge or tunnel to a toll facility;

23 “(vi) reconstruction of a toll-free Fed-
24 eral-aid highway (other than a highway on

1 the Interstate System) and conversion of
2 the highway to a toll facility;

3 “(vii) reconstruction, restoration, or
4 rehabilitation of a highway on the Inter-
5 state System if the number of toll-free
6 non-HOV lanes, excluding auxiliary lanes,
7 after reconstruction, restoration, or reha-
8 bilitation is not less than the number of
9 toll-free non-HOV lanes, excluding auxil-
10 iary lanes, before reconstruction, restora-
11 tion, or rehabilitation;

12 “(viii) conversion of a high occupancy
13 vehicle lane on a highway, bridge, or tun-
14 nel to a toll facility, subject to the require-
15 ments of section 166; and

16 “(iv) preliminary studies to determine
17 the feasibility of a toll facility for which
18 Federal participation is authorized under
19 this paragraph.

20 “(B) AGREEMENT TO TOLL.—

21 “(i) IN GENERAL.—Before the Sec-
22 retary may authorize tolling as described
23 in this paragraph, the public authority
24 with jurisdiction over a highway, bridge, or
25 tunnel shall enter into an agreement with

1 the Secretary to ensure compliance with
2 the requirements of this subsection.

3 “(ii) APPLICABILITY.—

4 “(I) IN GENERAL.—The provi-
5 sions of this paragraph shall apply
6 to—

7 “(aa) Federal participation
8 under subparagraph (A);

9 “(bb) any prior Federal par-
10 ticipation in the facility proposed
11 to be tolled; and

12 “(cc) conversion, with or
13 without Federal participation, of
14 a non-tolled lane on the National
15 Highway System to a toll facility
16 under subparagraph (E).

17 “(II) HOV FACILITY.—Except as
18 otherwise provided in this subsection
19 or section 166, the provisions of this
20 paragraph shall not apply to a high
21 occupancy vehicle facility.

22 “(iii) MAJOR FEDERAL ACTION.—Ap-
23 proval by the Secretary of an agreement to
24 toll under this paragraph shall be consid-
25 ered a major Federal action under the Na-

1 tional Environmental Policy Act of 1969
2 (42 U.S.C. 4321 et seq.).

3 “(C) AGREEMENT CONDITIONS.—Prior to
4 entering into an agreement to toll under this
5 subsection, the public authority shall certify to
6 the Secretary that—

7 “(i) the public authority has estab-
8 lished procedures to ensure the toll meets
9 the purposes and requirements of this sub-
10 section;

11 “(ii) the facility shall provide for ac-
12 cess at no cost to public transportation ve-
13 hicles and over-the-road buses serving the
14 public; and

15 “(iii) the facility shall provide for the
16 regional interoperability of electronic toll
17 collection, including through technologies
18 or business practices.

19 “(D) CONSIDERATION OF IMPACTS.—

20 “(i) IN GENERAL.—Prior to entering
21 into an agreement to toll under this sec-
22 tion, the Secretary shall ensure the public
23 authority has adequately considered, in-
24 cluding by providing an opportunity for

1 public comment, the following factors with-
2 in the corridor:

3 “(I) Congestion impacts on both
4 the toll facility and in the corridor or
5 cordon (including adjacent toll-free fa-
6 cilities).

7 “(II) In the case of a non-attain-
8 ment or maintenance area, air quality
9 impacts.

10 “(III) Planned investments to
11 improve public transportation or other
12 non-tolled alternatives in the corridor.

13 “(IV) Environmental justice and
14 equity impacts.

15 “(V) Impacts on freight move-
16 ment.

17 “(VI) Economic impacts on busi-
18 nesses.

19 “(ii) CONSIDERATION IN ENVIRON-
20 MENTAL REVIEW.—Nothing in this sub-
21 paragraph shall limit a public authority
22 from meeting the requirements of this sub-
23 paragraph through the environmental re-
24 view process, as applicable.

25 “(E) CONGESTION PRICING.—

1 “(i) IN GENERAL.—The Secretary
2 may authorize conversion of a non-tolled
3 lane on the National Highway System to a
4 toll facility to utilize variable pricing to
5 manage the demand to use the facility by
6 varying the toll amount that is charged.

7 “(ii) REQUIREMENT.—Prior to enter-
8 ing into an agreement to convert a non-
9 tolled lane on the National Highway Sys-
10 tem to a toll facility, the Secretary shall
11 ensure (in addition to the requirements
12 under subparagraphs (B), (C), and (D))
13 that such toll facility and the planned in-
14 vestments to improve public transportation
15 or other non-tolled alternatives in the cor-
16 ridor are reasonably expected to improve
17 the operation of the cordon or corridor, as
18 described in clauses (iii) and (iv).

19 “(iii) PERFORMANCE MONITORING.—
20 A public authority that enters into an
21 agreement to convert a non-tolled lane to
22 a toll facility under this subparagraph
23 shall—

1 “(I) establish, monitor, and sup-
2 port a performance monitoring, eval-
3 uation, and reporting program—

4 “(aa) for the toll facility
5 that provides for continuous
6 monitoring, assessment, and re-
7 porting on the impacts that the
8 pricing structure may have on
9 the operation of the facility; and

10 “(bb) for the corridor or cor-
11 don that provides for continuous
12 monitoring, assessment, and re-
13 porting on the impacts of conges-
14 tion pricing on the operation of
15 the corridor or cordon;

16 “(II) submit to the Secretary an-
17 nual reports of the impacts described
18 in subelause (I); and

19 “(III) if the facility or the cor-
20 ridor or cordon becomes degraded, as
21 described in clause (iv), submit to the
22 Secretary an annual update that de-
23 scribes the actions proposed to bring
24 the toll facility into compliance and
25 the progress made on such actions.

1 “(iv) DETERMINATION.—

2 “(I) DEGRADED OPERATION.—

3 For purposes of clause (iii)(III), the
4 operation of a toll facility shall be
5 considered to be degraded if vehicles
6 operating on the facility are failing to
7 maintain a minimum average oper-
8 ating speed 90 percent of the time
9 over a consecutive 180-day period
10 during morning or evening weekday
11 peak hour periods (or both).

12 “(II) DEGRADED CORRIDOR OR
13 CORDON.—For the purposes of clause
14 (iii)(III), a corridor or cordon shall be
15 considered to be degraded if conges-
16 tion pricing or investments to improve
17 public transportation or other non-
18 tolled alternatives have not resulted
19 in—

20 “(aa) an increase in person
21 or freight throughput in the cor-
22 ridor or cordon; and

23 “(bb) a reduction in person
24 hours of delay in the corridor or

1 cordon, as determined by the
2 Secretary.

3 “(III) DEFINITION OF MINIMUM
4 AVERAGE OPERATING SPEED.—In this
5 subparagraph, the term ‘minimum av-
6 erage operating speed’ means—

7 “(aa) 45 miles per hour, in
8 the case of a toll facility with a
9 speed limit of 50 miles per hour
10 or greater; and

11 “(bb) not more than 10
12 miles per hour below the speed
13 limit, in the case of a toll facility
14 with a speed limit of less than 50
15 miles per hour.

16 “(v) MAINTENANCE OF OPERATING
17 PERFORMANCE.—

18 “(I) IN GENERAL.—Not later
19 than 180 days after the date on which
20 a facility or a corridor or cordon be-
21 comes degraded under clause (iv), the
22 public authority with jurisdiction over
23 the facility shall submit to the Sec-
24 retary for approval a plan that details
25 the actions the public authority will

1 take to make significant progress to-
2 ward bringing the facility or corridor
3 or cordon into compliance with this
4 subparagraph.

5 “(II) NOTICE OF APPROVAL OR
6 DISAPPROVAL.—Not later than 60
7 days after the date of receipt of a
8 plan under subclause (I), the Sec-
9 retary shall provide to the public au-
10 thority a written notice indicating
11 whether the Secretary has approved
12 or disapproved the plan based on a
13 determination of whether the imple-
14 mentation of the plan will make sig-
15 nificant progress toward bringing the
16 facility or corridor or cordon into
17 compliance with this subparagraph.

18 “(III) UPDATE.—Until the date
19 on which the Secretary determines
20 that the public authority has brought
21 facility or corridor or cordon into
22 compliance with this subparagraph,
23 the public authority shall submit an-
24 nual updates that describe—

1 “(aa) the actions taken to
2 bring the facility into compliance;

3 “(bb) the actions taken to
4 bring the corridor or cordon into
5 compliance; and

6 “(cc) the progress made by
7 those actions.

8 “(IV) COMPLIANCE.—If a public
9 authority fails to bring a facility into
10 compliance under this subparagraph,
11 the Secretary may subject the public
12 authority to appropriate program
13 sanctions under section 1.36 of title
14 23, Code of Federal Regulations (or
15 successor regulations), until the per-
16 formance is no longer degraded.

17 “(vi) CONSULTATION OF MPO.—If a
18 toll facility authorized under this subpara-
19 graph is located on the National Highway
20 System and in a metropolitan planning
21 area established in accordance with section
22 134, the public authority shall consult with
23 the metropolitan planning organization for
24 the area.

1 “(vii) INCLUSION.—For the purposes
2 of this paragraph, the corridor or cordon
3 shall include toll-free facilities that are ad-
4 jacent to the toll facility.”;

5 (B) in paragraph (3)—

6 (i) in subparagraph (A)—

7 (I) in clause (iv) by striking

8 “and” at the end; and

9 (II) by striking clause (v) and in-
10 serting the following:

11 “(v) any project eligible under this
12 title or chapter 53 of title 49 that improves
13 the operation of the corridor or cordon by
14 increasing person or freight throughput
15 and reducing person hours of delay;

16 “(vi) toll discounts or rebates for
17 users of the toll facility that have no rea-
18 sonable alternative transportation method
19 to the toll facility; and

20 “(vii) if the public authority certifies
21 annually that the tolled facility is being
22 adequately maintained and the cordon or
23 corridor is not degraded under paragraph
24 (1)(E), any revenues remaining after fund-
25 ing the activities described in clauses (i)

1 through (vi) shall be considered surplus
2 revenue and may be used for any other
3 purpose for which Federal funds may be
4 obligated by a State under this title or
5 chapter 53 of title 49.”;

6 (ii) by striking subparagraph (B) and
7 inserting the following:

8 “(B) TRANSPARENCY.—

9 “(i) ANNUAL AUDIT.—

10 “(I) IN GENERAL.—A public au-
11 thority with jurisdiction over a toll fa-
12 cility shall conduct or have an inde-
13 pendent auditor conduct an annual
14 audit of toll facility records to verify
15 adequate maintenance and compliance
16 with subparagraph (A), and report the
17 results of the audits to the Secretary.

18 “(II) RECORDS.—On reasonable
19 notice, the public authority shall make
20 all records of the public authority per-
21 taining to the toll facility available for
22 audit by the Secretary.

23 “(ii) SURPLUS REVENUES.—A State
24 that obligates amounts under clauses (v),
25 (vi), or (vii) of subparagraph (A) shall an-

1 nually report to the Secretary a list of ac-
2 tivities funded with such amounts and the
3 amount of funding provided for each such
4 activity.”;

5 (C) in paragraph (8) by striking “as of the
6 date of enactment of the MAP-21, before com-
7 mencing any activity authorized” and inserting
8 “, before commencing any activity authorized”;
9 and

10 (D) by striking paragraph (10) and insert-
11 ing the following:

12 “(10) INTEROPERABILITY OF ELECTRONIC
13 TOLL COLLECTION.—All toll facilities on Federal-aid
14 highways shall provide for the regional interoper-
15 ability of electronic toll collection, including through
16 technologies or business practices.

17 “(11) NONCOMPLIANCE.—If the Secretary con-
18 cludes that a public authority has not complied with
19 the requirements of this subsection, the Secretary
20 may require the public authority to discontinue col-
21 lecting tolls until the public authority and the Sec-
22 retary enter into an agreement for the public author-
23 ity to achieve compliance with such requirements.

24 “(12) DEFINITIONS.—In this subsection, the
25 following definitions apply:

1 “(A) FEDERAL PARTICIPATION.—The term
2 ‘Federal participation’ means the use of funds
3 made available under this title.

4 “(B) HIGH OCCUPANCY VEHICLE; HOV.—
5 The term ‘high occupancy vehicle’ or ‘HOV’
6 means a vehicle with not fewer than 2 occu-
7 pants.

8 “(C) INITIAL CONSTRUCTION.—

9 “(i) IN GENERAL.—The term ‘initial
10 construction’ means the construction of a
11 highway, bridge, tunnel, or other facility at
12 any time before it is open to traffic.

13 “(ii) EXCLUSIONS.—The term ‘initial
14 construction’ does not include any improve-
15 ment to a highway, bridge, tunnel, or other
16 facility after it is open to traffic.

17 “(D) OVER-THE-ROAD BUS.—The term
18 ‘over-the-road bus’ has the meaning given the
19 term in section 301 of the Americans with Dis-
20 abilities Act of 1990 (42 U.S.C. 12181).

21 “(E) PUBLIC AUTHORITY.—The term
22 ‘public authority’ means a State, interstate
23 compact of States, or public entity designated
24 by a State.

1 “(F) PUBLIC TRANSPORTATION VEHI-
2 CLE.—The term ‘public transportation vehicle’
3 has the meaning given that term in section 166.

4 “(G) TOLL FACILITY.—The term ‘toll fa-
5 cility’ means a toll highway, bridge, or tunnel or
6 approach to the highway, bridge, or tunnel con-
7 structed or authorized to be tolled under this
8 subsection.”.

9 (b) REPEAL OF INTERSTATE SYSTEM RECONSTRUC-
10 TION AND REHABILITATION PILOT PROGRAM.—Section
11 1216 of the Transportation Equity Act for the 21st Cen-
12 tury (23 U.S.C. 129 note), and the item related to such
13 section in the table of contents in section 1(b) of such Act,
14 are repealed.

15 (c) VALUE PRICING PILOT PROGRAM.—Section
16 1012(b) of the Intermodal Surface Transportation Effi-
17 ciency Act of 1991 (23 U.S.C. 149 note) is amended by
18 adding at the end the following:

19 “(9) SUNSET.—The Secretary may not consider
20 an expression of interest submitted under this sec-
21 tion after the date of enactment of this paragraph.”.

22 (d) SAVINGS CLAUSE.—

23 (1) APPLICATION OF LIMITATIONS.—Any toll
24 facility described in paragraph (2) shall be subject to
25 the requirements of section 129(a)(3) of title 23,

1 United States Code, as in effect on the day before
2 the date of enactment of this Act.

3 (2) TOLL FACILITIES.—A toll facility described
4 in this paragraph is a facility that, on the day prior
5 to the date of enactment of this Act was—

6 (A) operating;

7 (B) in the planning and design phase; or

8 (C) in the construction phase.

9 **SEC. 1111. HOV FACILITIES.**

10 Section 166 of title 23, United States Code, is
11 amended—

12 (1) in subsection (b)—

13 (A) in paragraph (4)(C)(iii) by striking
14 “transportation buses” and inserting “transportation
15 vehicles”; and

16 (B) in paragraph (5) by striking subpara-
17 graph (B) and redesignating subparagraph (C)
18 as subparagraph (B);

19 (2) in subsection (e)—

20 (A) by striking “Not later than 180 days
21 after the date of enactment of this section, the
22 Administrator” and inserting “The Adminis-
23 trator”;

24 (B) in paragraph (1) by striking “and” at
25 the end;

1 (C) in paragraph (2) by striking the period
2 at the end and inserting “; and”; and

3 (D) by adding at the end the following:

4 “(3) not later than 180 days after the date of
5 enactment of the INVEST in America Act, update
6 the requirements established under paragraph (1).”;
7 and

8 (3) in subsection (f)—

9 (A) in paragraph (1)—

10 (i) by striking subparagraphs (C),
11 (D), and (F); and

12 (ii) by redesignating subparagraphs
13 (E), (G), (H), and (I) as subparagraphs
14 (C), (D), (E), and (F), respectively; and

15 (B) in paragraph (6)(B)(i) by striking
16 “public entity” and inserting “public transpor-
17 tation service that is a recipient or subrecipient
18 of funds under chapter 53 of title 49”.

19 **SEC. 1112. BUY AMERICA.**

20 (a) **IN GENERAL.**—Section 313 of title 23, United
21 States Code, is amended—

22 (1) in subsection (a)—

23 (A) by striking “Notwithstanding” and in-
24 serting “IN GENERAL—Notwithstanding”;

1 (B) by striking “Secretary of Transpor-
2 tation” and inserting “Secretary”; and

3 (C) by striking “the Surface Transpor-
4 tation Assistance Act of 1982 (96 Stat. 2097)
5 or”;

6 (2) in subsection (b) by inserting “DETERMINA-
7 TION.—” before “The provisions”;

8 (3) in subsection (c) by striking “For purposes”
9 and inserting “CALCULATION—For purposes”;

10 (4) in subsection (d)—

11 (A) by striking “The Secretary of Trans-
12 portation” and inserting “REQUIREMENTS—
13 The Secretary”; and

14 (B) by striking “the Surface Transpor-
15 tation Assistance Act of 1982 (96 Stat. 2097)
16 or”; and

17 (5) by adding at the end the following:

18 “(h) WAIVER PROCEDURE.—

19 “(1) IN GENERAL.—Not later than 120 days
20 after the submission of a request for a waiver, the
21 Secretary shall make a determination under para-
22 graph (1) or (2) of subsection (b) as to whether sub-
23 section (a) shall apply.

24 “(2) PUBLIC NOTIFICATION AND COMMENT.—

1 “(A) IN GENERAL.—Not later than 30
2 days before making a determination regarding a
3 waiver described in paragraph (1), the Sec-
4 retary shall provide notification and an oppor-
5 tunity for public comment on the request for
6 such waiver.

7 “(B) NOTIFICATION REQUIREMENTS.—The
8 notification required under subparagraph (A)
9 shall—

10 “(i) describe whether the application
11 is being made for a determination de-
12 scribed in subsection (b)(1); and

13 “(ii) be provided to the public by elec-
14 tronic means, including on the public
15 website of the Department of Transpor-
16 tation.

17 “(3) DETERMINATION.—Before a determination
18 described in paragraph (1) takes effect, the Sec-
19 retary shall publish a detailed justification for such
20 determination that addresses all public comments re-
21 ceived under paragraph (2)—

22 “(A) on the public website of the Depart-
23 ment of Transportation; and

1 “(B) if the Secretary issues a waiver with
2 respect to such determination, in the Federal
3 Register.

4 “(i) REVIEW OF NATIONWIDE WAIVERS.—

5 “(1) IN GENERAL.—Not later than 1 year after
6 the date of enactment of this subsection, and at
7 least every 5 years thereafter, the Secretary shall re-
8 view any standing nationwide waiver issued by the
9 Secretary under this section to ensure such waiver
10 remains justified.

11 “(2) PUBLIC NOTIFICATION AND OPPORTUNITY
12 FOR COMMENT.—

13 “(A) IN GENERAL.—Not later than 30
14 days before the completion of a review under
15 paragraph (1), the Secretary shall provide noti-
16 fication and an opportunity for public comment
17 on such review.

18 “(B) MEANS OF NOTIFICATION.—Notifica-
19 tion provided under this subparagraph shall be
20 provided by electronic means, including on the
21 public website of the Department of Transpor-
22 tation.

23 “(3) DETAILED JUSTIFICATION IN FEDERAL
24 REGISTER.—After the completion of a review under
25 paragraph (1), the Secretary shall publish in the

1 Federal Register a detailed justification for the de-
2 termination made under paragraph (1) that address-
3 es all public comments received under paragraph
4 (2).

5 “(j) REPORT.—Not later than 120 days after the last
6 day of each fiscal year, the Secretary shall submit to the
7 Committee on Transportation and Infrastructure of the
8 House of Representatives, the Committee on Appropria-
9 tions of the House of Representatives, the Committee on
10 Environment and Public Works of the Senate, and the
11 Committee on Appropriations of the Senate a report on
12 the waivers provided under subsection (h) during the pre-
13 vious fiscal year and the justifications for such waivers.”.

14 (b) CONFORMING AMENDMENTS.—

15 (1) CONSOLIDATED APPROPRIATIONS ACT,
16 2010.—Section 123 of title I of division A of the
17 Consolidated Appropriations Act, 2010 (23 U.S.C.
18 313 note; Public Law 111–117) is repealed.

19 (2) CONSOLIDATED APPROPRIATIONS ACT,
20 2019.—Section 122 of title I of division H of the
21 Consolidated Appropriations Act, 2019 (23 U.S.C.
22 313 note; Public Law 116–94) is repealed.

23 (3) SAFETEA–LU TECHNICAL CORRECTIONS
24 ACT OF 2008.—Section 117 of the SAFETEA–LU

1 Technical Corrections Act of 2008 (23 U.S.C. 313
2 note) is repealed.

3 **Subtitle B—Programmatic**
4 **Infrastructure Investment**

5 **SEC. 1201. NATIONAL HIGHWAY PERFORMANCE PROGRAM.**

6 Section 119 of title 23, United States Code, is
7 amended—

8 (1) by striking subsection (b) and inserting the
9 following:

10 “(b) PURPOSES.—The purposes of the national high-
11 way performance program shall be—

12 “(1) to provide support for the condition and
13 performance of Federal-aid highways and bridges on
14 the National Highway System, consistent with the
15 asset management plans of States;

16 “(2) to support progress toward the achieve-
17 ment of performance targets of States established
18 under section 150;

19 “(3) to increase the resilience of Federal-aid
20 highways and bridges; and

21 “(4) to provide support for the construction of
22 new facilities on the National Highway System, con-
23 sistent with subsection (d)(3).”;

24 (2) in subsection (d)—

1 (A) in paragraph (1)(A) by striking “or
2 freight movement on the National Highway
3 System” and inserting “freight movement, envi-
4 ronmental sustainability, transportation system
5 access, or combating climate change”;

6 (B) in paragraph (1)(B) by striking “and”
7 at the end;

8 (C) in paragraph (2)—

9 (i) in subparagraph (G)—

10 (I) in clause (i) by inserting
11 “and” at the end;

12 (II) in clause (ii) by striking “;
13 and” and inserting a period; and

14 (III) by striking clause (iii);

15 (ii) in subparagraph (I) by inserting
16 “, including the installation of safety bar-
17 riers and nets on bridges on the National
18 Highway System” after “National High-
19 way System”; and

20 (iii) by adding at the end the fol-
21 lowing:

22 “(Q) Projects on or off the National High-
23 way System to reduce greenhouse gas emissions
24 that are eligible under section 171, including

1 the installation of electric vehicle charging in-
2 frastructure.

3 “(R) Projects on or off the National High-
4 way System to enhance resilience of a transpor-
5 tation facility, including protective features.

6 “(S) Projects and strategies to reduce ve-
7 hicle-caused wildlife mortality related to, or to
8 restore and maintain connectivity among terres-
9 trial or aquatic habitats affected by, a transpor-
10 tation facility otherwise eligible for assistance
11 under this section.

12 “(T) Projects on or off the National High-
13 way System to improve an evacuation route eli-
14 gible under section 124(b)(1)(C); and”;

15 (D) by adding at the end the following:

16 “(3) a project that is otherwise eligible under
17 this subsection to construct new capacity for single
18 occupancy passenger vehicles only if the State—

19 “(A) has demonstrated progress in achiev-
20 ing a state of good repair on the National
21 Highway System; and

22 “(B) demonstrates that the project—

23 “(i) supports the achievement of per-
24 formance targets of the State established
25 under section 150; and

1 “(ii) is more cost effective, as deter-
 2 mined by benefit-cost analysis, than—

3 “(I) an operational improvement
 4 to the facility or corridor;

5 “(II) the construction of a transit
 6 project eligible for assistance under
 7 chapter 53 of title 49; or

8 “(III) the construction of a non-
 9 single occupancy passenger vehicle
 10 project that improves freight move-
 11 ment.”; and

12 (3) in subsection (e)—

13 (A) in the heading by inserting “ASSET
 14 AND” after “STATE”;

15 (B) in paragraph (4)(D) by striking “anal-
 16 ysis” and inserting “analyses, both of which
 17 shall take into consideration climate change ad-
 18 aptation and resilience;”; and

19 (C) in paragraph (8) by striking “Not later
 20 than 18 months after the date of enactment of
 21 the MAP-21, the Secretary” and inserting
 22 “The Secretary”.

23 **SEC. 1202. INCREASING THE RESILIENCE OF TRANSPOR-**
 24 **TATION ASSETS.**

25 (a) PREDISASTER MITIGATION PROGRAM.—

1 (1) IN GENERAL.—Chapter 1 of title 23, United
2 States Code, is amended by inserting after section
3 123 the following:

4 **“§ 124. Predisaster mitigation program**

5 “(a) ESTABLISHMENT.—The Secretary shall estab-
6 lish and implement a predisaster mitigation program to
7 enhance the resilience of the transportation system of the
8 United States, mitigate the impacts of covered events, and
9 ensure the efficient use of Federal resources.

10 “(b) ELIGIBLE ACTIVITIES.—

11 “(1) IN GENERAL.—Subject to paragraph (2),
12 funds apportioned to the State under section
13 104(b)(8) may be obligated for construction activi-
14 ties, including construction of natural infrastructure
15 or protective features, to—

16 “(A) increase the resilience of a surface
17 transportation infrastructure asset to withstand
18 a covered event;

19 “(B) relocate or provide a reasonable alter-
20 native to a repeatedly damaged facility; and

21 “(C) for an evacuation route identified in
22 the vulnerability assessment required under sec-
23 tion 134(i)(2)(I)(iii) or section 135(f)(10)(C)—

24 “(i) improve the capacity or operation
25 of such evacuation route through—

1 “(I) communications and intel-
2 ligent transportation system equip-
3 ment and infrastructure;

4 “(II) counterflow measures; and

5 “(III) shoulders; and

6 “(ii) relocate such evacuation route or
7 provide a reasonable alternative to such
8 evacuation route to address the risk of a
9 covered event.

10 “(2) INFRASTRUCTURE RESILIENCE AND ADAP-
11 TATION.—No funds shall be obligated to a project
12 under this section unless the project meets each of
13 the following criteria:

14 “(A) The project is designed to ensure re-
15 silience over the anticipated service life of the
16 surface transportation infrastructure asset.

17 “(B) The project is identified in the metro-
18 politan or statewide transportation improve-
19 ment program as a project to address resilience
20 vulnerabilities, consistent with section
21 134(j)(3)(E) or 135(g)(5)(B)(iii).

22 “(C) For a project in a flood plain, the
23 project sponsor considers hydrologic and hy-
24 draulic data and methods that integrate current
25 and projected changes in flooding based on cli-

1 mate science and future land use changes over
2 the anticipated service life of the surface trans-
3 portation infrastructure asset.

4 “(3) PRIORITIZATION OF PROJECTS.—A State
5 shall develop a process to prioritize projects under
6 this section based on the degree to which the pro-
7 posed project would—

8 “(A) be cost effective;

9 “(B) reduce the risk of disruption to a sur-
10 face transportation infrastructure asset consid-
11 ered critical to support population centers,
12 freight movement, economic activity, evacu-
13 ation, recovery, or national security functions;
14 and

15 “(C) ease disruptions to vulnerable, at-
16 risk, or transit-dependant populations.

17 “(c) GUIDANCE.—The Secretary shall provide guid-
18 ance to States to assist with the implementation of para-
19 graphs (2) and (3) of subsection (b).

20 “(d) DEFINITIONS.—In this section:

21 “(1) COVERED EVENT.—The term ‘covered
22 event’ means a climate change effect (including sea
23 level rise), an extreme event, seismic activity, or any
24 other natural disaster (including a wildfire).

1 “(2) SURFACE TRANSPORTATION INFRASTRUC-
2 TURE ASSET.—The term ‘surface transportation in-
3 frastructure asset’ means a facility eligible for as-
4 sistance under this title or chapter 53 of title 49.”.

5 (2) CONFORMING AMENDMENT.—The analysis
6 for chapter 1 of title 23, United States Code, is
7 amended by inserting after the item relating to sec-
8 tion 123 the following:

 “124. Predisaster mitigation program.”.

9 (b) METROPOLITAN TRANSPORTATION PLANNING.—

10 (1) AMENDMENTS TO TITLE 23.—

11 (A) CLIMATE CHANGE AND RESILIENCE.—
12 Section 134(i)(2) of title 23, United States
13 Code, is amended by adding at the end the fol-
14 lowing:

15 “(I) CLIMATE CHANGE AND RESILIENCE.—

16 “(i) IN GENERAL.—The transpor-
17 tation planning process shall assess strate-
18 gies to reduce the climate change impacts
19 of the surface transportation system and
20 conduct a vulnerability assessment to iden-
21 tify opportunities to enhance the resilience
22 of the surface transportation system and
23 ensure the efficient use of Federal re-
24 sources.

1 “(ii) CLIMATE CHANGE MITIGATION
2 AND IMPACTS.—A long-range transpor-
3 tation plan shall—

4 “(I) identify investments and
5 strategies to reduce transportation-re-
6 lated sources of greenhouse gas emis-
7 sions per capita;

8 “(II) identify investments and
9 strategies to manage transportation
10 demand and increase the rates of pub-
11 lic transportation ridership, walking,
12 bicycling, and carpools; and

13 “(III) recommend zoning and
14 other land use policies that would sup-
15 port infill, transit-oriented develop-
16 ment, and mixed use development.

17 “(iii) VULNERABILITY ASSESSMENT.—
18 A long-range transportation plan shall in-
19 corporate a vulnerability assessment that—

20 “(I) includes a risk-based assess-
21 ment of vulnerabilities of critical
22 transportation assets and systems to
23 covered events (as such term is de-
24 fined in section 124);

1 “(II) considers, as applicable, the
2 risk management analysis in the
3 State’s asset management plan devel-
4 oped pursuant to section 119, and the
5 State’s evaluation of reasonable alter-
6 natives to repeatedly damaged facili-
7 ties;

8 “(III) identifies evacuation
9 routes, assesses the ability of any
10 such routes to provide safe passage
11 for evacuation and emergency re-
12 sponse during an emergency event,
13 and identifies any improvements or
14 redundant facilities necessary to ade-
15 quately facilitate safe passage;

16 “(IV) describes the metropolitan
17 planning organization’s adaptation
18 and resilience improvement strategies
19 that will inform the transportation in-
20 vestment decisions of the metropolitan
21 planning organization; and

22 “(V) is consistent with and com-
23 plementary of the State and local
24 mitigation plans required under sec-
25 tion 322 of the Robert T. Stafford

1 Disaster Relief and Emergency Assist-
2 ance Act (42 U.S.C. 5165).

3 “(iv) CONSULTATION.—The assess-
4 ment described in this subparagraph shall
5 be developed in consultation with, as ap-
6 propriate, State, local, and Tribal officials
7 responsible for land use, housing, resil-
8 ience, hazard mitigation, and emergency
9 management.”.

10 (B) RESILIENCE PROJECTS.—Section
11 134(j)(3) of title 23, United States Code, is
12 amended by adding at the end the following:

13 “(E) RESILIENCE PROJECTS.—The TIP
14 shall—

15 “(i) identify projects that address the
16 vulnerabilities identified by the assessment
17 in subsection (i)(2)(I)(iii); and

18 “(ii) describe how each project identi-
19 fied under clause (i) would improve the re-
20 siliance of the transportation system.”.

21 (2) AMENDMENTS TO TITLE 49.—

22 (A) CLIMATE CHANGE AND RESILIENCE.—
23 Section 5303(i)(2) of title 49, United States
24 Code, is amended by adding at the end the fol-
25 lowing:

1 “(I) CLIMATE CHANGE AND RESILIENCE.—

2 “(i) IN GENERAL.—The transpor-
3 tation planning process shall assess strate-
4 gies to reduce the climate change impacts
5 of the surface transportation system and
6 conduct a vulnerability assessment to iden-
7 tify opportunities to enhance the resilience
8 of the surface transportation system and
9 ensure the efficient use of Federal re-
10 sources.

11 “(ii) CLIMATE CHANGE MITIGATION
12 AND IMPACTS.—A long-range transpor-
13 tation plan shall—

14 “(I) identify investments and
15 strategies to reduce transportation-re-
16 lated sources of greenhouse gas emis-
17 sions per capita;

18 “(II) identify investments and
19 strategies to manage transportation
20 demand and increase the rates of pub-
21 lic transportation ridership, walking,
22 bicycling, and carpools; and

23 “(III) recommend zoning and
24 other land use policies that would sup-

1 port infill, transit-oriented develop-
2 ment, and mixed use development.

3 “(iii) VULNERABILITY ASSESSMENT.—

4 A long-range transportation plan shall in-
5 corporate a vulnerability assessment that—

6 “(I) includes a risk-based assess-
7 ment of vulnerabilities of critical
8 transportation assets and systems to
9 covered events (as such term is de-
10 fined in section 124 of title 23);

11 “(II) considers, as applicable, the
12 risk management analysis in the
13 State’s asset management plan devel-
14 oped pursuant to section 119 of title
15 23, and the State’s evaluation of rea-
16 sonable alternatives to repeatedly
17 damaged facilities;

18 “(III) identifies evacuation
19 routes, assesses the ability of any
20 such routes to provide safe passage
21 for evacuation and emergency re-
22 sponse during an emergency event,
23 and identifies any improvements or
24 redundant facilities necessary to ade-
25 quately facilitate safe passage;

1 “(IV) describes the metropolitan
2 planning organization’s adaptation
3 and resilience improvement strategies
4 that will inform the transportation in-
5 vestment decisions of the metropolitan
6 planning organization; and

7 “(V) is consistent with and com-
8plementary of the State and local
9 mitigation plans required under sec-
10tion 322 of the Robert T. Stafford
11 Disaster Relief and Emergency Assist-
12ance Act (42 U.S.C. 5165).

13 “(iv) CONSULTATION.—The assess-
14ment described in this subparagraph shall
15be developed in consultation, as appro-
16priate, with State, local, and Tribal offi-
17cials responsible for land use, housing, re-
18silience, hazard mitigation, and emergency
19management.”.

20 (B) RESILIENCE PROJECTS.—Section
21 5303(j)(3) of title 49, United States Code, is
22 amended by adding at the end the following:

23 “(E) RESILIENCE PROJECTS.—The TIP
24 shall—

1 “(i) identify projects that address the
2 vulnerabilities identified by the assessment
3 in subsection (i)(2)(I)(iii); and

4 “(ii) describe how each project identi-
5 fied under clause (i) would improve the re-
6 silience of the transportation system.”.

7 (c) STATEWIDE AND NONMETROPOLITAN PLAN-
8 NING.—

9 (1) AMENDMENTS TO TITLE 23.—

10 (A) CLIMATE CHANGE AND RESILIENCE.—

11 Section 135(f) of title 23, United States Code,
12 is amended by adding at the end the following:

13 “(10) CLIMATE CHANGE AND RESILIENCE.—

14 “(A) IN GENERAL.—The transportation
15 planning process shall assess strategies to re-
16 duce the climate change impacts of the surface
17 transportation system and conduct a vulner-
18 ability assessment to identify opportunities to
19 enhance the resilience of the surface transpor-
20 tation system and ensure the efficient use of
21 Federal resources.

22 “(B) CLIMATE CHANGE MITIGATION AND
23 IMPACTS.—A long-range transportation plan
24 shall—

1 “(i) identify investments and strate-
2 gies to reduce transportation-related
3 sources of greenhouse gas emissions per
4 capita;

5 “(ii) identify investments and strate-
6 gies to manage transportation demand and
7 increase the rates of public transportation
8 ridership, walking, bicycling, and carools;
9 and

10 “(iii) recommend zoning and other
11 land use policies that would support infill,
12 transit-oriented development, and mixed
13 use development.

14 “(C) VULNERABILITY ASSESSMENT.—A
15 long-range transportation plan shall incorporate
16 a vulnerability assessment that—

17 “(i) includes a risk-based assessment
18 of vulnerabilities of critical transportation
19 assets and systems to covered events (as
20 such term is defined in section 124);

21 “(ii) considers, as applicable, the risk
22 management analysis in the State’s asset
23 management plan developed pursuant to
24 section 119, and the State’s evaluation of

1 reasonable alternatives to repeatedly dam-
2 aged facilities;

3 “(iii) identifies evacuation routes, as-
4 sesses the ability of any such routes to pro-
5 vide safe passage for evacuation and emer-
6 gency response during an emergency event,
7 and identifies any improvements or redun-
8 dant facilities necessary to adequately fa-
9 cilitate safe passage;

10 “(iv) describes the metropolitan plan-
11 ning organization’s adaptation and resil-
12 ience improvement strategies that will in-
13 form the transportation investment deci-
14 sions of the metropolitan planning organi-
15 zation; and

16 “(v) is consistent with and com-
17 plementary of the State and local mitiga-
18 tion plans required under section 322 of
19 the Robert T. Stafford Disaster Relief and
20 Emergency Assistance Act (42 U.S.C.
21 5165).

22 “(D) CONSULTATION.—The assessment
23 described in this subparagraph shall be devel-
24 oped in consultation with, as appropriate, State,
25 local, and Tribal officials responsible for land

1 use, housing, resilience, hazard mitigation, and
2 emergency management.”.

3 (B) RESILIENCE PROJECTS.—Section
4 135(g)(5)(B) of title 23, United States Code, is
5 amended by adding at the end the following:

6 “(iii) RESILIENCE PROJECTS.—The
7 STIP shall—

8 “(I) identify projects that ad-
9 dress the vulnerabilities identified by
10 the assessment in subsection
11 (i)(10)(B); and

12 “(II) describe how each project
13 identified under subclause (I) would
14 improve the resilience of the transpor-
15 tation system.”.

16 (2) AMENDMENTS TO TITLE 49.—

17 (A) CLIMATE CHANGE AND RESILIENCE.—
18 Section 5304(f) of title 49, United States Code,
19 is amended by adding at the end the following:

20 “(10) CLIMATE CHANGE AND RESILIENCE.—

21 “(A) IN GENERAL.—The transportation
22 planning process shall assess strategies to re-
23 duce the climate change impacts of the surface
24 transportation system and conduct a vulner-
25 ability assessment to identify opportunities to

1 enhance the resilience of the surface transpor-
2 tation system and ensure the efficient use of
3 Federal resources.

4 “(B) CLIMATE CHANGE MITIGATION AND
5 IMPACTS.—A long-range transportation plan
6 shall—

7 “(i) identify investments and strate-
8 gies to reduce transportation-related
9 sources of greenhouse gas emissions per
10 capita;

11 “(ii) identify investments and strate-
12 gies to manage transportation demand and
13 increase the rates of public transportation
14 ridership, walking, bicycling, and carpools;
15 and

16 “(iii) recommend zoning and other
17 land use policies that would support infill,
18 transit-oriented development, and mixed
19 use development.

20 “(C) VULNERABILITY ASSESSMENT.—A
21 long-range transportation plan shall incorporate
22 a vulnerability assessment that—

23 “(i) includes a risk-based assessment
24 of vulnerabilities of critical transportation
25 assets and systems to covered events (as

1 such term is defined in section 124 of title
2 23);

3 “(ii) considers, as applicable, the risk
4 management analysis in the State’s asset
5 management plan developed pursuant to
6 section 119 of title 23, and the State’s
7 evaluation of reasonable alternatives to re-
8 peatedly damaged facilities;

9 “(iii) identifies evacuation routes, as-
10 sses the ability of any such routes to pro-
11 vide safe passage for evacuation and emer-
12 gency response during an emergency event,
13 and identifies any improvements or redun-
14 dant facilities necessary to adequately fa-
15 cilitate safe passage;

16 “(iv) describes the metropolitan plan-
17 ning organization’s adaptation and resil-
18 ience improvement strategies that will in-
19 form the transportation investment deci-
20 sions of the metropolitan planning organi-
21 zation; and

22 “(v) is consistent with and com-
23 plementary of the State and local mitiga-
24 tion plans required under section 322 of
25 the Robert T. Stafford Disaster Relief and

1 Emergency Assistance Act (42 U.S.C.
2 5165).

3 “(D) CONSULTATION.—The assessment
4 described in this subparagraph shall be devel-
5 oped in consultation with, as appropriate, State,
6 local, and Tribal officials responsible for land
7 use, housing, resilience, hazard mitigation, and
8 emergency management.”.

9 (B) RESILIENCE PROJECTS.—Section
10 5304(g)(5)(B) of title 49, United States Code,
11 is amended by adding at the end the following:

12 “(iii) RESILIENCE PROJECTS.—The
13 STIP shall—

14 “(I) identify projects that ad-
15 dress the vulnerabilities identified by
16 the assessment in subsection
17 (i)(10)(B); and

18 “(II) describe how each project
19 identified under subclause (I) would
20 improve the resilience of the transpor-
21 tation system.”.

22 **SEC. 1203. EMERGENCY RELIEF.**

23 (a) IN GENERAL.—Section 125 of title 23, United
24 States Code, is amended—

1 (1) in subsection (a)(1) by inserting “wildfire,”
2 after “severe storm,”;

3 (2) by striking subsection (b);

4 (3) in subsection (c)(2)(A) by striking “in any
5 1 fiscal year commencing after September 30,
6 1980,” and inserting “in any fiscal year”;

7 (4) in subsection (d)—

8 (A) in paragraph (3)(C) by striking “sub-
9 section (e)(1)” and inserting “subsection (g)”;

10 (B) by redesignating paragraphs (3), (4),
11 and (5) as paragraphs (4), (5), and (6), respec-
12 tively; and

13 (C) by striking paragraphs (1) and (2) and
14 inserting the following:

15 “(1) IN GENERAL.—The Secretary may expend
16 funds from the emergency fund authorized by this
17 section only for the repair or reconstruction of high-
18 ways on Federal-aid highways in accordance with
19 this chapter.

20 “(2) RESTRICTIONS.—

21 “(A) IN GENERAL.—No funds shall be ex-
22 pended from the emergency fund authorized by
23 this section unless—

24 “(i) an emergency has been declared
25 by the Governor of the State with concur-

1 rence by the Secretary, unless the Presi-
2 dent has declared the emergency to be a
3 major disaster for the purposes of the Rob-
4 ert T. Stafford Disaster Relief and Emer-
5 gency Assistance Act (42 U.S.C. 5121 et
6 seq.) for which concurrence of the Sec-
7 retary is not required; and

8 “(ii) the Secretary has received an ap-
9 plication from the State transportation de-
10 partment that includes a comprehensive
11 list of all eligible project sites and repair
12 costs by not later than 6 years after the
13 natural disaster or catastrophic failure.

14 “(B) COST LIMITATION.—The total cost of
15 a project funded under this section may not ex-
16 ceed the cost of repair or reconstruction of a
17 comparable facility unless the Secretary deter-
18 mines that the project incorporates economi-
19 cally justified betterments, including protective
20 features to increase the resilience of the facility.

21 “(3) SPECIAL RULE FOR BRIDGE PROJECTS.—
22 In no case shall funds be used under this section for
23 the repair or reconstruction of a bridge—

24 “(A) that has been permanently closed to
25 all vehicular traffic by the State or responsible

1 local official because of imminent danger of col-
2 lapse due to a structural deficiency or physical
3 deterioration; or

4 “(B) if a construction phase of a replace-
5 ment structure is included in the approved
6 statewide transportation improvement program
7 at the time of an event described in subsection
8 (a).”;

9 (5) in subsection (e)—

10 (A) by striking paragraph (1);

11 (B) in paragraph (2) by striking “sub-
12 section (d)(1)” and inserting “subsection
13 (c)(1)”; and

14 (C) by redesignating paragraphs (2) and
15 (3), as amended, as paragraphs (1) and (2), re-
16 spectively;

17 (6) by redesignating subsections (c) through
18 (g), as amended, as subsections (b) through (f), re-
19 spectively; and

20 (7) by adding at the end the following:

21 “(g) DEFINITIONS.—In this section:

22 “(1) COMPARABLE FACILITY.—The term ‘com-
23 parable facility’ means a facility that meets the cur-
24 rent geometric and construction standards required

1 for the types and volume of traffic that the facility
2 will carry over its design life.

3 “(2) CONSTRUCTION PHASE.—The term ‘con-
4 struction phase’ means the phase of physical con-
5 struction of a highway or bridge facility that is sepa-
6 rate from any other identified phases, such as plan-
7 ning, design, or right-of-way phases, in the State
8 transportation improvement program.

9 “(3) OPEN TO PUBLIC TRAVEL.—The term
10 ‘open to public travel’ means with respect to a road,
11 that, except during scheduled periods, extreme
12 weather conditions, or emergencies, the road—

13 “(A) is maintained;

14 “(B) is open to the general public; and

15 “(C) can accommodate travel by a stand-
16 ard passenger vehicle, without restrictive gates
17 or prohibitive signs or regulations, other than
18 for general traffic control or restrictions based
19 on size, weight, or class of registration.

20 “(4) STANDARD PASSENGER VEHICLE.—The
21 term ‘standard passenger vehicle’ means a vehicle
22 with 6 inches of clearance from the lowest point of
23 the frame, body, suspension, or differential to the
24 ground.”.

25 (b) CONFORMING AMENDMENTS.—

1 (1) FEDERAL LANDS AND TRIBAL TRANSPORTATION PROGRAMS.—Section 201(c)(8)(A) of title
2 TATION PROGRAMS.—Section 201(c)(8)(A) of title
3 23, United States Code, is amended by striking
4 “section 125(e)” and inserting “section 125(g)”.

5 (2) TRIBAL TRANSPORTATION PROGRAM.—Section 202(b)(6)(A) of title 23, United States Code, is
6 tion 202(b)(6)(A) of title 23, United States Code, is
7 amended by striking “section 125(e)” and inserting
8 “section 125(d)”.

9 **SEC. 1204. RAILWAY CROSSINGS.**

10 (a) IN GENERAL.—Section 130 of title 23, United
11 States Code, is amended—

12 (1) in the section heading by striking “**Rail-**
13 **way-highway crossings**” and inserting “**Rail-**
14 **way crossings**”;

15 (2) in subsection (a)—

16 (A) by striking “Subject to section 120
17 and subsection (b) of this section, the entire”
18 and inserting “IN GENERAL.—The”;

19 (B) by striking “then the entire” and in-
20 serting “the”; and

21 (C) by striking “, subject to section 120
22 and subsection (b) of this section,”;

23 (3) by amending subsection (b) to read as fol-
24 lows:

25 “(b) CLASSIFICATION.—

1 “(1) IN GENERAL.—The construction of
2 projects for the elimination of hazards at railway
3 crossings represents a benefit to the railroad. The
4 Secretary shall classify the various types of projects
5 involved in the elimination of hazards of railway-
6 highway crossings, and shall set for each such classi-
7 fication a percentage of the total project cost that
8 represent the benefit to the railroad or railroads for
9 the purpose of determining the railroad’s share of
10 the total project cost. The Secretary shall determine
11 the appropriate classification of each project.

12 “(2) NONCASH CONTRIBUTIONS.—

13 “(A) IN GENERAL.—Not more than 5 per-
14 cent of the cost share described in paragraph
15 (1) may be attributable to noncash contribu-
16 tions of materials and labor furnished by the
17 railroad in connection with the construction of
18 such project.

19 “(B) REQUIREMENT.—The requirements
20 under section 200.306 and 200.403(g) of title
21 2, Code of Federal Regulations (or successor
22 regulations), shall apply to any noncash con-
23 tributions under this subsection.

24 “(3) TOTAL PROJECT COST.—For the purposes
25 of this subsection, the determination of the rail-

1 road's share of the total project cost shall include
2 environment, design, right-of-way, utility accommo-
3 dation, and construction phases of the project.”;

4 (4) in subsection (c)—

5 (A) by striking “Any railroad involved”
6 and inserting “BENEFIT.—Any railroad in-
7 volved”;

8 (B) by striking “the net benefit” and in-
9 serting “the cost associated with the benefit”;
10 and

11 (C) by striking “Such payment may con-
12 sist in whole or in part of materials and labor
13 furnished by the railroad in connection with the
14 construction of such project.”;

15 (5) by striking subsection (e) and inserting the
16 following:

17 “(e) RAILWAY CROSSINGS.—

18 “(1) ELIGIBLE ACTIVITIES.—Funds appor-
19 tioned to a State under section 104(b)(7) may be ob-
20 ligated for the following:

21 “(A) The elimination of hazards at rail-
22 way-highway crossings, including technology or
23 protective upgrades.

1 “(B) Construction (including installation
2 and replacement) of protective devices at rail-
3 way-highway crossings.

4 “(C) Infrastructure and noninfrastructure
5 projects and strategies to prevent or reduce sui-
6 cide or trespasser fatalities and injuries along
7 railroad rights-of-way and at or near railway-
8 highway crossings.

9 “(D) Projects to mitigate any degradation
10 in the level of access from a highway-grade
11 crossing closure.

12 “(E) Bicycle and pedestrian railway grade
13 crossing improvements, including underpasses
14 and overpasses.

15 “(F) Projects eligible under section
16 22907(c)(5) of title 49, provided that amounts
17 obligated under this subparagraph—

18 “(i) shall be administered by the Sec-
19 retary in accordance with such section as
20 if such amounts were made available to
21 carry out such section; and

22 “(ii) may be used to pay up to 90 per-
23 cent of the non-Federal share of the cost
24 of a project carried out under such section.

1 “(2) SPECIAL RULE.—If a State demonstrates
2 to the satisfaction of the Secretary that the State
3 has met all its needs for installation of protective de-
4 vices at railway-highway crossings, the State may
5 use funds made available by this section for other
6 highway safety improvement program purposes.”;

7 (6) by striking subsection (f) and inserting the
8 following:

9 “(f) FEDERAL SHARE.—Notwithstanding section
10 120, the Federal share payable on account of any project
11 financed with funds made available to carry out subsection
12 (e) shall be up to 90 percent of the cost thereof.”;

13 (7) by striking subsection (g) and inserting the
14 following:

15 “(g) REPORT.—

16 “(1) STATE REPORT.—

17 “(A) IN GENERAL.—Not later than 2 years
18 after the date of enactment of the INVEST in
19 America Act, and at least biennially thereafter,
20 each State shall submit to the Secretary a re-
21 port on the progress being made to implement
22 the railway crossings program authorized by
23 this section and the effectiveness of such im-
24 provements.

1 “(B) CONTENTS.—Each State report
2 under subparagraph (A) shall contain an as-
3 sessment of the costs of the various treatments
4 employed and subsequent accident experience at
5 improved locations.

6 “(2) DEPARTMENTAL REPORT.—

7 “(A) IN GENERAL.—Not later than 180
8 days after the deadline for the submission of a
9 report under paragraph (1)(A), the Secretary
10 shall publish on the website of the Department
11 of Transportation a report on the progress
12 being made by the State in implementing
13 projects to improve railway-highway crossings.

14 “(B) CONTENTS.—The report under sub-
15 paragraph (A) shall include—

16 “(i) the number of projects under-
17 taken;

18 “(ii) distribution of such projects by
19 cost range, road system, nature of treat-
20 ment, and subsequent accident experience
21 at improved locations;

22 “(iii) an analysis and evaluation of
23 each State program;

24 “(iv) the identification of any State
25 found not to be in compliance with the

1 schedule of improvements required by sub-
2 section (d); and

3 “(v) recommendations for future im-
4 plementation of the railway crossings pro-
5 gram.”;

6 (8) in subsection (j)—

7 (A) in the heading by inserting “AND PE-
8 DESTRIAN” after “BICYCLE”; and

9 (B) by inserting “and pedestrian” after
10 “bicycle”; and

11 (9) in subsection (l)—

12 (A) in paragraph (1) by striking “Not
13 later than” and all that follows through “each
14 State” and inserting “Not later than 6 months
15 after a new railway crossing becomes oper-
16 ational, each State”; and

17 (B) in paragraph (2) by striking “On a
18 periodic” and all that follows through “every
19 year thereafter” and inserting “On or before
20 September 30 of each year”.

21 (b) CLERICAL AMENDMENT.—The analysis for chap-
22 ter 1 of title 23, United States Code, is amended by
23 amending the item relating to section 130 to read as fol-
24 lows:

“130. Railway crossings.”.

1 (c) GAO STUDY.—Not later than 2 years after the
2 date of enactment of this Act, the Comptroller General
3 of the United States shall submit to Congress a report
4 that includes an analysis of the effectiveness of the railway
5 crossing program under section 130 of title 23, United
6 States Code.

7 (d) SENSE OF CONGRESS RELATING TO TRESPASSER
8 DEATHS ALONG RAILROAD RIGHTS-OF-WAY.—It is the
9 sense of Congress that the Department of Transportation
10 should, where feasible, coordinate departmental efforts to
11 prevent or reduce trespasser deaths along railroad rights-
12 of-way and at or near railway-highway crossings.

13 **SEC. 1205. SURFACE TRANSPORTATION PROGRAM.**

14 (a) IN GENERAL.—Section 133 of title 23, United
15 States Code, is amended—

16 (1) in the heading by striking “**block grant**”;

17 (2) in subsection (a) by striking “block grant”;

18 (3) in subsection (b)—

19 (A) by striking “block grant”;

20 (B) in paragraph (4) by striking “railway-
21 highway grade crossings” and inserting
22 “projects eligible under section 130 and instal-
23 lation of safety barriers and nets on bridges”;

24 (C) in paragraph (6)—

1 (i) by striking “Recreational” and in-
2 serting “Transportation alternatives
3 projects eligible under subsection (h), rec-
4 reational”; and

5 (ii) by striking “1404 of SAFETEA-
6 LU (23 U.S.C. 402 note)” and inserting
7 “211”; and

8 (D) by adding at the end the following:

9 “(16) Protective features (including natural in-
10 frastructure) to enhance the resiliency of a transpor-
11 tation facility otherwise eligible for assistance under
12 this section.

13 “(17) Projects to reduce greenhouse gas emis-
14 sions eligible under section 171, including the instal-
15 lation of electric vehicle charging infrastructure.

16 “(18) Projects and strategies to reduce vehicle-
17 caused wildlife mortality related to, or to restore and
18 maintain connectivity among terrestrial or aquatic
19 habitats affected by, a transportation facility other-
20 wise eligible for assistance under this section.”;

21 (4) in subsection (c)—

22 (A) by striking “block grant” and inserting
23 “program”;

24 (B) by striking paragraph (3) and insert-
25 ing the following:

1 “(3) for a project described in—

2 “(A) subsection (h); or

3 “(B) section 101(a)(29), as in effect on
4 the day before the date of enactment of the
5 FAST Act;”;

6 (C) by redesignating paragraph (4) as
7 paragraph (5); and

8 (D) by inserting after paragraph (3) the
9 following:

10 “(4) for a project described in section 5308 of
11 title 49; and”;

12 (5) in subsection (d)—

13 (A) in paragraph (1)—

14 (i) by inserting “each fiscal year”
15 after “apportioned to a State”;

16 (ii) by striking “the reservation of”
17 and inserting “setting aside”; and

18 (iii) in subparagraph (A)—

19 (I) by striking “the percentage
20 specified in paragraph (6) for a fiscal
21 year” and inserting “55 percent”;

22 (II) in clause (i) by striking “of
23 over” and inserting “greater than”;
24 and

1 (III) by striking clauses (ii) and
2 (iii) and inserting the following:

3 “(ii) in urbanized areas of the State
4 with an urbanized area population greater
5 than 49,999 and less than 200,001;

6 “(iii) in urban areas of the State with
7 a population greater than 4,999 and less
8 than 50,000; and

9 “(iv) in other areas of the State with
10 a population less than 5,000; and”;

11 (B) by striking paragraph (3) and insert-
12 ing the following:

13 “(3) LOCAL COORDINATION AND CONSULTA-
14 TION.—

15 “(A) COORDINATION WITH METROPOLITAN
16 PLANNING ORGANIZATIONS.—For purposes of
17 paragraph (1)(A)(ii), a State shall—

18 “(i) establish a process to coordinate
19 with all metropolitan planning organiza-
20 tions in the State that represent an urban-
21 ized area described in such paragraph; and

22 “(ii) describe how funds described
23 under paragraph (1)(A)(ii) will be allo-
24 cated equitably among such urbanized

1 areas during the period of fiscal years
2 2022 through 2025.

3 “(B) JOINT RESPONSIBILITY.—Each State
4 and the Secretary shall jointly ensure compli-
5 ance with subparagraph (A).

6 “(C) CONSULTATION WITH REGIONAL
7 TRANSPORTATION PLANNING ORGANIZA-
8 TIONS.—For purposes of clauses (iii) and (iv)
9 of paragraph (1)(A), before obligating funding
10 attributed to an area with a population less
11 than 50,000, a State shall consult with the re-
12 gional transportation planning organizations
13 that represent the area, if any.”;

14 (C) in the heading for paragraph (4) by
15 striking “OVER 200,000” and inserting “GREAT-
16 ER THAN 200,000”;

17 (D) by striking paragraph (6) and insert-
18 ing the following:

19 “(6) TECHNICAL ASSISTANCE.—

20 “(A) IN GENERAL.—The State and all
21 metropolitan planning organizations in the
22 State that represent an urbanized area with a
23 population of greater than 200,000 shall jointly
24 establish a program to improve the ability of
25 applicants to deliver projects under this sub-

1 section in an efficient and expeditious manner
2 and reduce the period of time between the selec-
3 tion of the project and the obligation of funds
4 for the project by providing—

5 “(i) technical assistance and training
6 to applicants for projects under this sub-
7 section; and

8 “(ii) funding for 1 or more full-time
9 State employee positions to administer this
10 subsection.

11 “(B) ELIGIBLE FUNDS.—To carry out this
12 paragraph—

13 “(i) a State shall set aside an amount
14 equal to 1 percent of the funds available
15 under paragraph (1)(A)(i); and

16 “(ii) at the request of an eligible met-
17 ropolitan planning organization, the State
18 and metropolitan planning organization
19 may jointly agree to use additional funds
20 available under paragraph (1)(A)(i).

21 “(C) USE OF FUNDS.—Amounts used
22 under this paragraph may be expended—

23 “(i) directly by the State; or

1 “(ii) through contracts with State
2 agencies, private entities, or nonprofit or-
3 ganizations.”;

4 (6) in subsection (e)(1)—

5 (A) by striking “over 200,000” and insert-
6 ing “greater than 200,000”; and

7 (B) by striking “2016 through 2020” and
8 inserting “2022 through 2025”;

9 (7) by striking subsection (f) and inserting the
10 following:

11 “(f) BRIDGES NOT ON FEDERAL-AID HIGHWAYS.—

12 “(1) DEFINITION OF OFF-SYSTEM BRIDGE.—In
13 this subsection, the term ‘off-system bridge’ means
14 a bridge located on a public road, other than a
15 bridge on a Federal-aid highway.

16 “(2) SPECIAL RULE.—

17 “(A) SET ASIDE.—Of the amounts appor-
18 tioned to a State for each fiscal year under this
19 section other than the amounts described in
20 subparagraph (C), the State shall obligate for
21 activities described in subsection (b)(2) (as in
22 effect on the day before the date of enactment
23 of the FAST Act) for off-system bridges an
24 amount that is not less than 20 percent of the

1 amounts available to such State in fiscal year
2 2020.

3 “(B) REDUCTION OF EXPENDITURES.—
4 The Secretary, after consultation with State
5 and local officials, may reduce the requirement
6 for expenditures for off-system bridges under
7 subparagraph (A) with respect to the State if
8 the Secretary determines that the State has in-
9 adequate needs to justify the expenditure.

10 “(C) LIMITATIONS.—The following
11 amounts shall not be used for the purposes of
12 meeting the requirements of subparagraph (A):

13 “(i) Amounts described in section
14 133(d)(1)(A).

15 “(ii) Amounts set aside under section
16 133(h).

17 “(iii) Amounts described in section
18 505(a).

19 “(3) CREDIT FOR BRIDGES NOT ON FEDERAL-
20 AID HIGHWAYS.—Notwithstanding any other provi-
21 sion of law, with respect to any project not on a
22 Federal-aid highway for the replacement of a bridge
23 or rehabilitation of a bridge that is wholly funded
24 from State and local sources, is eligible for Federal
25 funds under this section, is certified by the State to

1 have been carried out in accordance with all stand-
2 ards applicable to such projects under this section,
3 and is determined by the Secretary upon completion
4 to be no longer a deficient bridge—

5 “(A) any amount expended after the date
6 of enactment of this subsection from State and
7 local sources for the project in excess of 20 per-
8 cent of the cost of construction of the project
9 may be credited to the non-Federal share of the
10 cost of other bridge projects in the State that
11 are eligible for Federal funds under this sec-
12 tion; and

13 “(B) that crediting shall be conducted in
14 accordance with procedures established by the
15 Secretary.”; and

16 (8) in subsection (g)(1)—

17 (A) by striking “subsection (d)(1)(A)(ii)
18 for each of fiscal years 2016 through 2020”
19 and inserting “subsection (d)(1)(A)(iv) for each
20 fiscal year”;

21 (B) by inserting “rural” after “functionally
22 classified as”; and

23 (C) by inserting “or on critical rural
24 freight corridors designated under section
25 167(e)” after “minor collectors”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 1 of title 23, United States Code, is amended by strik-
3 ing the item relating to section 133 and inserting the fol-
4 lowing:

“133. Surface transportation program.”.

5 (c) CONFORMING AMENDMENTS.—

6 (1) ADVANCE ACQUISITION OF REAL PROP-
7 erty.—Section 108(c) of title 23, United States
8 Code, is amended—

9 (A) in paragraph (2)(A) by striking “block
10 grant”; and

11 (B) in paragraph (3) by striking “block
12 grant”.

13 (2) NONDISCRIMINATION.—Section 140(b) of
14 title 23, United States Code, is amended by striking
15 “block grant”.

16 (3) PUBLIC TRANSPORTATION.—Section
17 142(e)(2) of title 23, United States Code, is amend-
18 ed by striking “block grant”.

19 (4) HIGHWAY USE TAX EVASION PROJECTS.—
20 Section 143(b)(8) of title 23, United States Code, is
21 amended in the heading by striking “BLOCK
22 GRANT”.

23 (5) CONGESTION MITIGATION AND AIR QUALITY
24 IMPROVEMENT PROGRAM.—Section 149(d) of title
25 23, United States Code, is amended—

1 (A) in paragraph (1)(B) by striking “block
2 grant”; and

3 (B) in paragraph (2)(A) by striking “block
4 grant”.

5 (6) TERRITORIAL AND PUERTO RICO HIGHWAY
6 PROGRAM.—Section 165 of title 23, United States
7 Code, is amended—

8 (A) in subsection (b)(2)(A)(ii) by striking
9 “block grant”; and

10 (B) in subsection (c)(6)(A)(i) by striking
11 “block grant”.

12 (7) MAGNETIC LEVITATION TRANSPORTATION
13 TECHNOLOGY DEPLOYMENT PROGRAM.—Section
14 322(h)(3) of title 23, United States Code, is amend-
15 ed by striking “block grant”.

16 (8) TRAINING AND EDUCATION.—Section
17 504(a)(4) of title 23, United States Code, is amend-
18 ed by striking “block grant”.

19 **SEC. 1206. TRANSPORTATION ALTERNATIVES PROGRAM.**

20 Section 133(h) of title 23, United States Code, is
21 amended to read as follows:

22 “(h) TRANSPORTATION ALTERNATIVES PROGRAM
23 SET-ASIDE.—

24 “(1) SET ASIDE.—For each fiscal year, of the
25 total funds apportioned to all States under section

1 104(b)(2) for a fiscal year, the Secretary shall set
2 aside an amount such that—

3 “(A) the Secretary sets aside a total
4 amount under this subsection for a fiscal year
5 equal to 10 percent of such total funds; and

6 “(B) the State’s share of the amount set
7 aside under subparagraph (A) is determined by
8 multiplying the amount set aside under sub-
9 paragraph (A) by the ratio that—

10 “(i) the amount apportioned to the
11 State for the transportation enhancement
12 program for fiscal year 2009 under section
13 133(d)(2), as in effect on the day before
14 the date of enactment of MAP–21; bears
15 to

16 “(ii) the total amount of funds appor-
17 tioned to all States for the transportation
18 enhancements program for fiscal year
19 2009.

20 “(2) ALLOCATION WITHIN A STATE.—

21 “(A) IN GENERAL.—Except as provided in
22 subparagraph (B), funds set aside for a State
23 under paragraph (1) shall be obligated within
24 that State in the manner described in sub-
25 section (d), except that, for purposes of this

1 paragraph (after funds are made available
2 under paragraph (5))—

3 “(i) for each fiscal year, the percent-
4 age referred to in paragraph (1)(A) of sub-
5 section (d) shall be deemed to be 66 per-
6 cent; and

7 “(ii) paragraph (3) of subsection (d)
8 shall not apply.

9 “(B) LOCAL CONTROL.—

10 “(i) IN GENERAL.—A State may make
11 available up to 100 percent of the funds
12 set aside under paragraph (1) to the enti-
13 ties described in subclause (I) if the State
14 submits to the Secretary, and the Sec-
15 retary approves, a plan that describes—

16 “(I) how such funds shall be
17 made available to metropolitan plan-
18 ning organizations, regional transpor-
19 tation planning organizations, coun-
20 ties, or other regional transportation
21 authorities;

22 “(II) how the entities described
23 in subclause (I) shall select projects
24 for funding and how such entities

1 shall report selected projects to the
2 State;

3 “(III) the legal, financial, and
4 technical capacity of such entities; and

5 “(IV) the procedures in place to
6 ensure such entities comply with the
7 requirements of this title.

8 “(ii) REQUIREMENT.—A State that
9 makes funding available under a plan ap-
10 proved under this subparagraph shall make
11 available an equivalent amount of obliga-
12 tion authority to the entities described in
13 clause (i)(I).

14 “(3) ELIGIBLE PROJECTS.—Funds set aside
15 under this subsection may be obligated for any of
16 the following projects or activities:

17 “(A) Construction, planning, and design of
18 on-road and off-road trail facilities for pedes-
19 trians, bicyclists, and other nonmotorized forms
20 of transportation, including sidewalks, bicycle
21 infrastructure, pedestrian and bicycle signals,
22 traffic calming techniques, lighting and other
23 safety-related infrastructure, and transportation
24 projects to achieve compliance with the Ameri-

1 cans with Disabilities Act of 1990 (42 U.S.C.
2 12101 et seq.).

3 “(B) Construction, planning, and design of
4 infrastructure-related projects and systems that
5 will provide safe routes for nondrivers, includ-
6 ing children, older adults, and individuals with
7 disabilities to access daily needs.

8 “(C) Conversion and use of abandoned
9 railroad corridors for trails for pedestrians,
10 bicyclists, or other nonmotorized transportation
11 users.

12 “(D) Construction of turnouts, overlooks,
13 and viewing areas.

14 “(E) Community improvement activities,
15 including—

16 “(i) inventory, control, or removal of
17 outdoor advertising;

18 “(ii) historic preservation and reha-
19 bilitation of historic transportation facili-
20 ties;

21 “(iii) vegetation management prac-
22 tices in transportation rights-of-way to im-
23 prove roadway safety, prevent against
24 invasive species, and provide erosion con-
25 trol; and

1 “(iv) archaeological activities relating
2 to impacts from implementation of a trans-
3 portation project eligible under this title.

4 “(F) Any environmental mitigation activ-
5 ity, including pollution prevention and pollution
6 abatement activities and mitigation to address
7 stormwater management, control, and water
8 pollution prevention or abatement related to
9 highway construction or due to highway runoff,
10 including activities described in sections 328(a)
11 and 329.

12 “(G) Projects and strategies to reduce ve-
13 hicle-caused wildlife mortality related to, or to
14 restore and maintain connectivity among terres-
15 trial or aquatic habitats affected by, a transpor-
16 tation facility otherwise eligible for assistance
17 under this subsection.

18 “(H) The recreational trails program
19 under section 206.

20 “(I) The safe routes to school program
21 under section 211.

22 “(J) Activities in furtherance of a vulner-
23 able road user assessment described in section
24 148.

1 “(K) Any other projects or activities de-
2 scribed in section 101(a)(29) or section 213, as
3 such sections were in effect on the day before
4 the date of enactment of the FAST Act (Public
5 Law 114–94).

6 “(4) ACCESS TO FUNDS.—

7 “(A) IN GENERAL.—A State or metropoli-
8 tan planning organization required to obligate
9 funds in accordance with paragraph (2) shall
10 develop a competitive process to allow eligible
11 entities to submit projects for funding that
12 achieve the objectives of this subsection. A met-
13 ropolitan planning organization for an area de-
14 scribed in subsection (d)(1)(A)(i) shall select
15 projects under such process in consultation with
16 the relevant State.

17 “(B) ELIGIBLE ENTITY DEFINED.—In this
18 paragraph, the term ‘eligible entity’ means—

19 “(i) a local government;

20 “(ii) a regional transportation author-
21 ity;

22 “(iii) a transit agency;

23 “(iv) a natural resource or public land
24 agency;

1 “(v) a school district, local education
2 agency, or school;

3 “(vi) a tribal government;

4 “(vii) a metropolitan planning organi-
5 zation that serves an urbanized area with
6 a population of 200,000 or fewer;

7 “(viii) a nonprofit organization car-
8 rying out activities related to transpor-
9 tation;

10 “(ix) any other local or regional gov-
11 ernmental entity with responsibility for or
12 oversight of transportation or recreational
13 trails (other than a metropolitan planning
14 organization that serves an urbanized area
15 with a population of over 200,000 or a
16 State agency) that the State determines to
17 be eligible, consistent with the goals of this
18 subsection; and

19 “(x) a State, at the request of any en-
20 tity listed in clauses (i) through (x).

21 “(5) CONTINUATION OF CERTAIN REC-
22 REATIONAL TRAILS PROJECTS.—

23 “(A) IN GENERAL.—For each fiscal year, a
24 State shall—

1 “(i) obligate an amount of funds set
2 aside under this subsection equal to 175
3 percent of the amount of the funds appor-
4 tioned to the State for fiscal year 2009
5 under section 104(h)(2), as in effect on the
6 day before the date of enactment of MAP-
7 21, for projects relating to recreational
8 trails under section 206;

9 “(ii) return 1 percent of the funds de-
10 scribed in clause (i) to the Secretary for
11 the administration of such program; and

12 “(iii) comply with the provisions of
13 the administration of the recreational trails
14 program under section 206, including the
15 use of apportioned funds described in sub-
16 section (d)(3)(A) of such section.

17 “(B) STATE FLEXIBILITY.—A State may
18 opt out of the recreational trails program under
19 this paragraph if the Governor of the State no-
20 tifies the Secretary not later than 30 days prior
21 to the date on which an apportionment is made
22 under section 104 for any fiscal year.

23 “(6) IMPROVING ACCESSIBILITY AND EFFI-
24 CIENCY.—

1 “(A) IN GENERAL.—A State may use an
2 amount equal to not more than 5 percent of the
3 funds set aside for the State under this sub-
4 section, after allocating funds in accordance
5 with paragraph (2)(A), to improve the ability of
6 applicants to access funding for projects under
7 this subsection in an efficient and expeditious
8 manner by providing—

9 “(i) to applicants for projects under
10 this subsection application assistance, tech-
11 nical assistance, and assistance in reducing
12 the period of time between the selection of
13 the project and the obligation of funds for
14 the project; and

15 “(ii) funding for 1 or more full-time
16 State employee positions to administer this
17 subsection.

18 “(B) USE OF FUNDS.—Amounts used
19 under subparagraph (A) may be expended—

20 “(i) directly by the State; or

21 “(ii) through contracts with State
22 agencies, private entities, or nonprofit enti-
23 ties.

24 “(7) FEDERAL SHARE.—

25 “(A) FLEXIBLE MATCH.—

1 “(i) IN GENERAL.—Notwithstanding
2 section 120—

3 “(I) the non-Federal share for a
4 project under this subsection may be
5 calculated on a project, multiple-
6 project, or program basis; and

7 “(II) the Federal share of the
8 cost of an individual project in this
9 subsection may be up to 100 percent.

10 “(ii) AGGREGATE NON-FEDERAL
11 SHARE.—The average annual non-Federal
12 share of the total cost of all projects for
13 which funds are obligated under this sub-
14 section in a State for a fiscal year shall be
15 not less than the non-Federal share au-
16 thorized for the State under section
17 120(b).

18 “(iii) REQUIREMENT.—This subpara-
19 graph shall only apply to a State if such
20 State has adequate financial controls, as
21 certified by the Secretary, to account for
22 the average annual non-Federal share
23 under this subparagraph.

24 “(B) SAFETY PROJECTS.—Notwith-
25 standing section 120, funds made available to

1 carry out section 148 may be credited toward
2 the non-Federal share of the costs of a project
3 under this subsection if the project—

4 “(i) is a project described in section
5 148(e)(1); and

6 “(ii) is consistent with the State stra-
7 tegic highway safety plan (as defined in
8 section 148(a)).

9 “(8) FLEXIBILITY.—

10 “(A) STATE AUTHORITY.—

11 “(i) IN GENERAL.—A State may use
12 not more than 50 percent of the funds set
13 aside under this subsection that are avail-
14 able for obligation in any area of the State
15 (suballocated consistent with the require-
16 ments of subsection (d)(1)(B)) for any
17 purpose eligible under subsection (b).

18 “(ii) RESTRICTION.—Funds may be
19 used as described in clause (i) only if the
20 State demonstrates to the Secretary that
21 the State—

22 “(I) held a competition in compli-
23 ance with the requirements of this
24 subsection in such form as the Sec-
25 retary determines appropriate;

1 “(II) offered technical assistance
2 to all eligible entities and provided
3 such assistance upon request by an el-
4 igible entity; and

5 “(III) demonstrates that there
6 were not sufficient suitable applica-
7 tions from eligible entities to use the
8 funds described in clause (i).

9 “(B) MPO AUTHORITY.—

10 “(i) IN GENERAL.—A metropolitan
11 planning organization that represents an
12 urbanized area with a population of great-
13 er than 200,000 may use not more than
14 50 percent of the funds set aside under
15 this subsection for an urbanized area de-
16 scribed in subsection (d)(1)(A)(i) for any
17 purpose eligible under subsection (b).

18 “(ii) RESTRICTION.—Funds may be
19 used as described in clause (i) only if the
20 Secretary certifies that the metropolitan
21 planning organization—

22 “(I) held a competition in compli-
23 ance with the requirements of this
24 subsection in such form as the Sec-
25 retary determines appropriate; and

1 “(II) demonstrates that there
2 were not sufficient suitable applica-
3 tions from eligible entities to use the
4 funds described in clause (i).

5 “(9) ANNUAL REPORTS.—

6 “(A) IN GENERAL.—Each State or metro-
7 politan planning organization responsible for
8 carrying out the requirements of this subsection
9 shall submit to the Secretary an annual report
10 that describes—

11 “(i) the number of project applica-
12 tions received for each fiscal year, includ-
13 ing—

14 “(I) the aggregate cost of the
15 projects for which applications are re-
16 ceived; and

17 “(II) the types of projects to be
18 carried out, expressed as percentages
19 of the total apportionment of the
20 State under this subsection; and

21 “(ii) the list of each project selected
22 for funding for each fiscal year, including
23 specifying the fiscal year for which the
24 project was selected, the fiscal year in
25 which the project is anticipated to be fund-

1 ed, the recipient, the location, the type,
2 and a brief description.

3 “(B) PUBLIC AVAILABILITY.—The Sec-
4 retary shall make available to the public, in a
5 user-friendly format on the website of the De-
6 partment of Transportation, a copy of each an-
7 nual report submitted under subparagraph
8 (A).”.

9 **SEC. 1207. BRIDGE INVESTMENT.**

10 (a) IN GENERAL.—Section 144 of title 23, United
11 States Code, is amended—

12 (1) in the section heading by striking “**Na-**
13 **tional bridge and tunnel inventory and**
14 **inspection standards**” and inserting
15 “**Bridges and tunnels**”;

16 (2) in subsection (a)(1)(B) by striking “defi-
17 cient”;

18 (3) in subsection (b)(5) by striking “struc-
19 turally deficient bridge” and inserting “bridge classi-
20 fied as in poor condition”;

21 (4) in subsection (d)—

22 (A) in paragraph (2) by striking “Not
23 later than 2 years after the date of enactment
24 of the MAP-21, each” and inserting “Each”;
25 and

1 (B) by striking paragraph (4);

2 (5) in subsection (j)—

3 (A) in paragraph (2) by inserting “, 124,”
4 after “section 119”;

5 (B) in paragraph (3)(A) by inserting “,
6 124,” after “section 119”; and

7 (C) in paragraph (5) by striking “financial
8 characteristics” and all that follows through the
9 end and inserting “Federal share.”; and
10 (6) by adding at the end the following:

11 “(1) HIGHWAY BRIDGE REPLACEMENT AND REHA-
12 BILITATION.—

13 “(1) GOALS.—The goals of this subsection shall
14 be to—

15 “(A) support the achievement of a state of
16 good repair for the Nation’s bridges;

17 “(B) improve the safety, efficiency, and re-
18 liability of the movement of people and freight
19 over bridges; and

20 “(C) improve the condition of bridges in
21 the United States by reducing—

22 “(i) the number of bridges—

23 “(I) in poor condition; or

24 “(II) in fair condition and at risk
25 of falling into poor condition;

1 “(ii) the total person miles traveled
2 over bridges—

3 “(I) in poor condition; or

4 “(II) in fair condition and at risk
5 of falling into poor condition;

6 “(iii) the number of bridges that—

7 “(I) do not meet current geo-
8 metric design standards; or

9 “(II) cannot meet the load and
10 traffic requirements typical of the re-
11 gional transportation network; and

12 “(iv) the total person miles traveled
13 over bridges that—

14 “(I) do not meet current geo-
15 metric design standards; or

16 “(II) cannot meet the load and
17 traffic requirements typical of the re-
18 gional transportation network.

19 “(2) BRIDGES ON PUBLIC ROADS.—

20 “(A) MINIMUM BRIDGE INVESTMENT.—

21 Excluding the amounts described in subpara-
22 graph (C), of the total funds apportioned to a
23 State under paragraphs (1) and (2) of section
24 104(b) for fiscal years 2022 to 2025, a State

1 shall obligate not less than 20 percent for
2 projects described in subparagraph (E).

3 “(B) PROGRAM FLEXIBILITY.—A State re-
4 quired to obligate funds under subparagraph
5 (A) may use any combination of funds appor-
6 tioned to a State under paragraphs (1) and (2)
7 of section 104(b).

8 “(C) LIMITATION.—Amounts described
9 below may not be used for the purposes of cal-
10 culating or meeting the minimum bridge invest-
11 ment requirement under subparagraph (A)—

12 “(i) amounts described in section
13 133(d)(1)(A);

14 “(ii) amounts set aside under section
15 133(h); and

16 “(iii) amounts described in section
17 505(a).

18 “(D) RULE OF CONSTRUCTION.—Nothing
19 in this section shall be construed to prohibit the
20 expenditure of funds described in subparagraph
21 (C) for bridge projects eligible under such sec-
22 tion.

23 “(E) ELIGIBLE PROJECTS.—Funds re-
24 quired to be obligated in accordance with para-

1 graph (2)(A) may be obligated for projects or
2 activities that—

3 “(i) are otherwise eligible under either
4 section 119 or section 133, as applicable;

5 “(ii) support the achievement of per-
6 formance targets of the State established
7 under section 150 or provide support for
8 the condition and performance of bridges
9 on public roads within the State; and

10 “(iii) replace, reconstruct, rehabilitate,
11 preserve, or protect a bridge included on
12 the national bridge inventory authorized by
13 subsection (b), including through—

14 “(I) seismic retrofits;

15 “(II) systematic preventive main-
16 tenance;

17 “(III) installation of scour coun-
18 termeasures;

19 “(IV) the use of innovative mate-
20 rials that extend the service life of the
21 bridge and reduce preservation costs,
22 as compared to conventionally de-
23 signed and constructed bridges;

1 “(V) the use of nontraditional
2 production techniques, including fac-
3 tory prefabrication;

4 “(VI) painting for purposes of
5 bridge protection;

6 “(VII) application of calcium
7 magnesium acetate, sodium acetate/
8 formate, or other environmentally ac-
9 ceptable, minimally corrosive anti-
10 icing and deicing compositions;

11 “(VIII) corrosion control;

12 “(IX) construction of protective
13 features (including natural infrastruc-
14 ture) alone or in combination with
15 other activities eligible under this
16 paragraph to enhance resilience of a
17 bridge;

18 “(X) bridge security counter-
19 measures;

20 “(XI) impact protection meas-
21 ures for bridges;

22 “(XII) inspection and evaluation
23 of bridges; and

24 “(XIII) training for bridge in-
25 spectors consistent with subsection (i).

1 “(F) BUNDLES OF PROJECTS.—A State
2 may use a bundle of projects as described in
3 subsection (j) to satisfy the requirements of
4 subparagraph (A), if each project in the bundle
5 is otherwise eligible under subparagraph (E).

6 “(G) FLEXIBILITY.—The Secretary may,
7 at the request of a State, reduce the required
8 obligation under subparagraph (A) if—

9 “(i) the reduction is consistent with a
10 State’s asset management plan for the Na-
11 tional Highway System;

12 “(ii) the reduction will not limit a
13 State’s ability to meet its performance tar-
14 gets under section 150 or to improve the
15 condition and performance of bridges on
16 public roads within the State; and

17 “(iii) the State demonstrates that it
18 has inadequate needs to justify the expend-
19 iture.

20 “(H) BRIDGE INVESTMENT REPORT.—The
21 Secretary shall annually publish on the website
22 of the Department of Transportation a bridge
23 investment report that includes—

24 “(i) the total Federal funding obli-
25 gated for bridge projects in the most re-

1 cent fiscal year, on a State-by-State basis
2 and broken out by Federal program;

3 “(ii) the total Federal funding obli-
4 gated, on a State-by-State basis and bro-
5 ken out by Federal program, for bridge
6 projects carried out pursuant to the min-
7 imum bridge investment requirements
8 under subparagraph (A);

9 “(iii) the progress made by each State
10 toward meeting the minimum bridge in-
11 vestment requirement under subparagraph
12 (A) for such State, both cumulatively and
13 for the most recent fiscal year;

14 “(iv) a summary of—

15 “(I) each request made under
16 subparagraph (G) by a State for a re-
17 duction in the minimum bridge invest-
18 ment requirement under subpara-
19 graph (A); and

20 “(II) for each request described
21 in subclause (I) that is granted by the
22 Secretary—

23 “(aa) the percentage and
24 dollar amount of the reduction;
25 and

1 “(bb) an explanation of how
2 the State met each of the criteria
3 described in subparagraph (G);
4 and

5 “(v) a summary of—

6 “(I) each request made by a
7 State for a reduction in the obligation
8 requirements under section 133(f);
9 and

10 “(II) for each request that is
11 granted by the Secretary—

12 “(aa) the percentage and
13 dollar amount of the reduction;
14 and

15 “(bb) an explanation of how
16 the Secretary made the deter-
17 mination under section
18 133(f)(2)(B).

19 “(I) OFF-SYSTEM BRIDGES.—A State may
20 apply amounts obligated under this subsection
21 or section 133(f)(2)(A) to the obligation re-
22 quirements of both this subsection and section
23 133(f).

24 “(J) NHS PENALTY.—A State may apply
25 amounts obligated under this subsection or sec-

1 tion 119(f)(2) to the obligation requirements of
2 both this subsection and section 119(f)(2).

3 “(K) COMPLIANCE.—If a State fails to
4 satisfy the requirements of subparagraph (A)
5 by the end of fiscal year 2025, the Secretary
6 may subject the State to appropriate program
7 sanctions under section 1.36 of title 23, Code of
8 Federal Regulations (or successor regula-
9 tions).”.

10 (b) CLERICAL AMENDMENT.—The analysis for chap-
11 ter 1 of title 23, United States Code, is amended by strik-
12 ing the item relating to section 144 and inserting the fol-
13 lowing:

 “144. Bridges and tunnels.”.

14 **SEC. 1208. CONSTRUCTION OF FERRY BOATS AND FERRY**
15 **TERMINAL FACILITIES.**

16 Section 147 of title 23, United States Code, is
17 amended—

18 (1) by striking subsection (h); and

19 (2) by redesignating subsections (i) and (j) as
20 subsections (h) and (i), respectively.

21 **SEC. 1209. HIGHWAY SAFETY IMPROVEMENT PROGRAM.**

22 (a) IN GENERAL.—Section 148 of title 23, United
23 States Code, is amended—

24 (1) in subsection (a)—

25 (A) in paragraph (4)(B)—

1 (i) by striking “only includes a
2 project” and inserting “includes a
3 project”;

4 (ii) in clause (xiii) by inserting “, in-
5 cluding the development of a vulnerable
6 road user safety assessment or a vision
7 zero plan under section 1601 of the IN-
8 VEST in America Act” after “safety plan-
9 ning”;

10 (iii) by amending clause (xviii) to read
11 as follows:

12 “(xviii) Safe routes to school infra-
13 structure-related projects eligible under
14 section 211.”;

15 (iv) in clause (xxvi) by inserting “or
16 leading pedestrian intervals” after “hybrid
17 beacons”; and

18 (v) by striking clause (xxviii) and in-
19 serting the following:

20 “(xxviii) A pedestrian security feature
21 designed to slow or stop a motor vehicle.

22 “(xxix) Installation of infrastructure
23 improvements, including sidewalks, cross-
24 walks, signage, and bus stop shelters or
25 protected waiting areas.”;

1 (B) in paragraph (11)—

2 (i) in subparagraph (E) by inserting

3 “Tribal,” after “State,”;

4 (ii) by redesignating subparagraphs

5 (G), (H), and (I) as subparagraphs (H),

6 (I), and (J), respectively; and

7 (iii) by inserting after subparagraph

8 (F) the following:

9 “(G) includes a vulnerable road user safety
10 assessment described under paragraph (16);”;

11 (C) by redesignating paragraphs (10),

12 (11), and (12) as paragraphs (12), (13), and

13 (14), respectively;

14 (D) by inserting after paragraph (9) the

15 following:

16 “(10) SAFE SYSTEM APPROACH.—The term

17 ‘safe system approach’ means a roadway design that

18 emphasizes minimizing the risk of injury or fatality

19 to road users and that—

20 “(A) takes into consideration the possi-

21 bility and likelihood of human error;

22 “(B) accommodates human injury toler-

23 ance by taking into consideration likely accident

24 types, resulting impact forces, and the human

25 body’s ability to withstand such forces; and

1 “(C) takes into consideration vulnerable
2 road users.

3 “(11) SPECIFIED SAFETY PROJECT.—

4 “(A) IN GENERAL.—The term ‘specified
5 safety project’ means a project carried out for
6 the purpose of safety under any other section of
7 this title that is consistent with the State stra-
8 tegic highway safety plan.

9 “(B) INCLUSION.—The term ‘specified
10 safety project’ includes a project that—

11 “(i) promotes public awareness and
12 informs the public regarding highway safe-
13 ty matters (including safety for motorcy-
14 clists, bicyclists, pedestrians, individuals
15 with disabilities, and other road users);

16 “(ii) facilitates enforcement of traffic
17 safety laws;

18 “(iii) provides infrastructure and in-
19 frastructure-related equipment to support
20 emergency services;

21 “(iv) conducts safety-related research
22 to evaluate experimental safety counter-
23 measures or equipment; or

1 “(v) supports safe routes to school
2 noninfrastructure-related activities de-
3 scribed under section 211(e)(2).”; and

4 (E) by adding at the end the following:

5 “(15) VULNERABLE ROAD USER.—The term
6 ‘vulnerable road user’ means a nonmotorist—

7 “(A) with a fatality analysis reporting sys-
8 tem person attribute code that is included in
9 the definition of the term ‘number of non-mo-
10 torized fatalities’ in section 490.205 of title 23,
11 Code of Federal Regulations (or successor regu-
12 lation); or

13 “(B) described in the term ‘number of
14 non-motorized serious injuries’ in such section.

15 “(16) VULNERABLE ROAD USER SAFETY AS-
16 SESSMENT.—The term ‘vulnerable road user safety
17 assessment’ means an assessment of the safety per-
18 formance of the State with respect to vulnerable
19 road users and the plan of the State to improve the
20 safety of vulnerable road users described in sub-
21 section (l).”;

22 (2) in subsection (c)—

23 (A) in paragraph (1) by striking “(a)(11)”
24 and inserting “(a)(13)”; and

25 (B) in paragraph (2)—

1 (i) in subparagraph (A)(vi) by insert-
2 ing “, consistent with the vulnerable road
3 user safety assessment” after “non-
4 motorized crashes”;

5 (ii) in subparagraph (B)(i)—

6 (I) by inserting “, consistent with
7 a safe system approach,” after “iden-
8 tify”;

9 (II) by inserting “excessive de-
10 sign speeds and speed limits,” after
11 “crossing needs,”; and

12 (III) by striking “motorists (in-
13 cluding motorcyclists), bicyclists, pe-
14 destrians, and other highway users”
15 and inserting “road users”; and

16 (iii) in subparagraph (D)(iii) by strik-
17 ing “motorists (including motorcyclists),
18 bicyclists, pedestrians, persons with disabil-
19 ities, and other highway users” and insert-
20 ing “road users”;

21 (3) in subsection (d)—

22 (A) in paragraph (1)—

23 (i) in subparagraph (A) by striking
24 “Not later than 1 year after the date of

1 enactment of the MAP-21, the” and in-
2 serting “The”; and

3 (ii) in subparagraph (B)—

4 (I) in clause (iv) by inserting
5 “and serious injury” after “fatality”;

6 (II) in clause (vii) by striking “;
7 and” and inserting a semicolon;

8 (III) by redesignating clause
9 (viii) as clause (ix); and

10 (IV) by inserting after clause
11 (vii) the following:

12 “(viii) the findings of a vulnerable
13 road user safety assessment of the State;
14 and”; and

15 (B) in paragraph (2)(B)(i) by striking
16 “subsection (a)(11)” and inserting “subsection
17 (a)(13)”;

18 (4) in subsection (e)—

19 (A) in paragraph (1)(C) by striking “,
20 without regard to whether the project is in-
21 cluded in an applicable State strategic highway
22 safety plan”; and

23 (B) by adding at the end the following:

24 “(3) FLEXIBLE FUNDING FOR SPECIFIED SAFE-
25 TY PROJECTS.—

1 “(A) IN GENERAL.—To advance the imple-
2 mentation of a State strategic highway safety
3 plan, a State may use not more than 10 percent
4 of the amounts apportioned to the State under
5 section 104(b)(3) for a fiscal year to carry out
6 specified safety projects.

7 “(B) RULE OF STATUTORY CONSTRU-
8 TION.—Nothing in this paragraph shall be con-
9 strued to require a State to revise any State
10 process, plan, or program in effect on the date
11 of enactment of this paragraph.

12 “(C) EFFECT OF PARAGRAPH.—

13 “(i) REQUIREMENTS.—A project
14 funded under this paragraph shall be sub-
15 ject to all requirements under this section
16 that apply to a highway safety improve-
17 ment project.

18 “(ii) OTHER APPORTIONED PRO-
19 GRAMS.—Subparagraph (A) shall not apply
20 to amounts that may be obligated for non-
21 infrastructure projects apportioned under
22 any other paragraph of section 104(b).”;

23 (5) in subsection (g)—

24 (A) by amending paragraph (1) to read as
25 follows:

1 “(1) HIGH-RISK RURAL ROAD SAFETY.—

2 “(A) IN GENERAL.—If a State determines
3 that the fatality rate on rural roads in such
4 State for the most recent 2-year period for
5 which data are available exceeds the median fa-
6 tality rate for rural roads among all States,
7 that State shall be required to—

8 “(i) obligate over the 2 fiscal years
9 following the fiscal year in which such de-
10 termination is made for projects on high-
11 risk rural roads an amount not less than
12 7.5 percent of the amounts apportioned to
13 the State under section 104(b)(3) for fiscal
14 year 2020; and

15 “(ii) include, in the subsequent update
16 to the State strategic highway safety plan,
17 strategies to reduce the fatality rate.

18 “(B) SOURCE OF FUNDS.—Any amounts
19 obligated under subparagraph (A) shall be from
20 amounts apportioned under section 104(b)(2)
21 (from the portion of such funds that are avail-
22 able for obligation in any area of the State).

23 “(C) CONSULTATION.—In carrying out a
24 project with an amount obligated under sub-
25 paragraph (A), a State shall consult with, as

1 applicable, local governments, metropolitan
2 planning organizations, and regional transpor-
3 tation planning organizations.”;

4 (B) in paragraph (2)—

5 (i) in the heading by striking “DRIV-
6 ERS” and inserting “ROAD USERS”; and

7 (ii) by striking “address the increases
8 in” and inserting “reduce”; and

9 (C) by adding at the end the following:

10 “(3) VULNERABLE ROAD USER SAFETY.—

11 “(A) IN GENERAL.—Beginning 2 years
12 after the date of enactment of the INVEST in
13 America Act, if a State determines that the
14 number of vulnerable road user fatalities and
15 serious injuries per capita in such State over
16 the most recent 2-year period for which data
17 are available exceeds the median number of
18 such fatalities and serious injuries among all
19 States, that State shall be required to obligate
20 over the 2 fiscal years following the fiscal year
21 in which such determination is made an amount
22 that is not less than 50 percent of the amount
23 set aside in such State under section 133(h)(1)
24 for fiscal year 2020 for projects identified in

1 the program of projects described in subsection
2 (1)(2)(C).

3 “(B) SOURCE OF FUNDS.—Any amounts
4 obligated under subparagraph (A) shall be from
5 amounts apportioned under section 104(b)(2)
6 (from the portion of such funds that are avail-
7 able for obligation in any area of the State).”;
8 (6) in subsection (h)(1)(A) by inserting “, in-
9 cluding any efforts to reduce vehicle speed” after
10 “under this section”; and

11 (7) by adding at the end the following:

12 “(1) VULNERABLE ROAD USER SAFETY ASSESS-
13 MENT.—

14 “(1) IN GENERAL.—Not later than 2 years
15 after date of enactment of the INVEST in America
16 Act, each State shall create a vulnerable road user
17 safety assessment.

18 “(2) CONTENTS.—A vulnerable road user safety
19 assessment required under paragraph (1) shall in-
20 clude—

21 “(A) a description of the location within
22 the State of each vulnerable road user fatality
23 and serious injury and the design speed of the
24 roadway at any such location;

1 “(B) a description of any corridors identi-
2 fied by a State that pose a high risk of a vul-
3 nerable road user fatality or serious injury and
4 the design speeds of such corridors; and

5 “(C) a program of projects or strategies to
6 reduce safety risks to vulnerable road users in
7 corridors identified under subparagraph (B).

8 “(3) ANALYSIS.—In creating a vulnerable road
9 user safety assessment under this subsection, a
10 State shall assess the last 5 years of available data.

11 “(4) REQUIREMENTS.—In creating a vulnerable
12 road user safety assessment under this subsection, a
13 State shall—

14 “(A) take into consideration a safe system
15 approach; and

16 “(B) consult with local governments, met-
17 ropolitan planning organizations, and regional
18 transportation planning organizations that rep-
19 resent a high-risk area identified under para-
20 graph (2)(B).

21 “(5) UPDATE.—A State shall update a vulner-
22 able road user safety assessment on the same sched-
23 ule as the State updates the State strategic highway
24 safety plan.

1 “(6) TRANSPORTATION SYSTEM ACCESS.—The
2 program of projects developed under paragraph
3 (2)(C) may not degrade transportation system ac-
4 cess for vulnerable road users.”.

5 (b) TECHNICAL AMENDMENT.—Section 148 of title
6 23, United States Code, is amended—

7 (1) in the heading for subsection (a)(8) by
8 striking “ROAD USERS” and inserting “ROAD
9 USER”; and

10 (2) in subsection (i)(2)(D) by striking “safety
11 safety” and inserting “safety”.

12 (c) HIGH-RISK RURAL ROADS.—

13 (1) STUDY.—Not later than 2 years after the
14 date of enactment of this Act, the Secretary of
15 Transportation shall update the study described in
16 paragraph (1) of section 1112(b) of MAP–21 (23
17 U.S.C. 148 note).

18 (2) PUBLICATION OF REPORT.—Not later than
19 2 years after the date of enactment of this Act, the
20 Secretary shall publish on the website of the Depart-
21 ment of Transportation an updated report of the re-
22 port described in paragraph (2) of section 1112(b)
23 of MAP–21 (23 U.S.C. 148 note).

24 (3) BEST PRACTICES MANUAL.—Not later than
25 180 days after the date of submission of the report

1 described in paragraph (2), the Secretary shall up-
2 date the best practices manual described in section
3 1112(b)(3) of MAP-21 (23 U.S.C. 148 note).

4 **SEC. 1210. CONGESTION MITIGATION AND AIR QUALITY IM-**
5 **PROVEMENT PROGRAM.**

6 Section 149 of title 23, United States Code, is
7 amended—

8 (1) in subsection (b)—

9 (A) in paragraph (1)(A)(ii) by striking
10 “subsection (h)” and inserting “subsection (i)”;

11 (B) in paragraph (7) by inserting “shared
12 micromobility (including bikesharing and shared
13 scooter systems),” after “carsharing,”;

14 (C) in paragraph (8)(B) by striking “; or”
15 and inserting a semicolon;

16 (D) in paragraph (9) by striking the period
17 and inserting “; or”; and

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

19 “(10) if the project or program mitigates sea-
20 sonal or temporary traffic congestion from long-haul
21 travel or tourism.”;

22 (2) in subsection (c)—

23 (A) in paragraph (2)—

1 (i) in the heading by inserting “, HY-
2 DROGEN VEHICLE,” after “ELECTRIC VE-
3 HICLE”;

4 (ii) by inserting “hydrogen or” after
5 “charging stations or”; and

6 (iii) by inserting “, hydrogen-pow-
7 ered,” after “battery powered”; and

8 (B) in paragraph (3) by inserting “, and is
9 consistent with section 166” after “travel
10 times”; and

11 (3) by striking subsection (m) and inserting the
12 following:

13 “(m) OPERATING ASSISTANCE.—

14 “(1) PROJECTS.—A State may obligate funds
15 apportioned under section 104(b)(4) in an area of
16 such State that is otherwise eligible for obligations
17 of such funds for operating costs under chapter 53
18 of title 49 or on a system for which CMAQ funding
19 was made available, obligated, or expended in fiscal
20 year 2012, or, notwithstanding subsection (b), on a
21 State-supported Amtrak route with a cost-sharing
22 agreement under section 209 of the Passenger Rail
23 Investment and Improvement Act of 2008.

24 “(2) TIME LIMITATION.—Funds obligated
25 under paragraph (1) shall have—

1 “(A) a time limitation of not less than 3
2 years; and

3 “(B) in the case of projects that dem-
4 onstrate continued net air quality benefits, as
5 determined annually by the Secretary in con-
6 sultation with the Administrator of the Envi-
7 ronmental Protection Agency, no imposed time
8 limitation.”.

9 **SEC. 1211. ELECTRIC VEHICLE CHARGING STATIONS.**

10 (a) **ELECTRIC VEHICLE CHARGING STATIONS.**—
11 Chapter 1 of title 23, United States Code, is amended by
12 inserting after section 154 the following new section:

13 **“§ 155. Electric vehicle charging stations**

14 “(a) **IN GENERAL.**—Any electric vehicle charging in-
15 frastructure funded under this title shall be subject to the
16 requirements of this section.

17 “(b) **INTEROPERABILITY.**—

18 “(1) **IN GENERAL.**—Electric vehicle charging
19 stations shall provide, at a minimum, the following
20 charging connector types:

21 “(A) CCS.

22 “(B) CHAdeMO.

23 “(2) **SAVINGS CLAUSE.**—Nothing in this sub-
24 section shall prevent the use of charging types other
25 than the connectors described in paragraph (1) if, at

1 a minimum, such connectors meet applicable indus-
2 try standards and are compatible with a majority of
3 electric vehicles in operation.

4 “(c) OPEN ACCESS TO PAYMENT.—Electric vehicle
5 charging stations shall provide payment methods available
6 to all members of the public to ensure secure, convenient,
7 and equal access and shall not be limited by membership
8 to a particular payment provider.

9 “(d) TREATMENT OF PROJECTS.—Notwithstanding
10 any other provision of law, any project to install electric
11 vehicle charging infrastructure shall be treated as if the
12 project is located on a Federal-aid highway.”.

13 (b) CLERICAL AMENDMENT.—The analysis for chap-
14 ter 1 of title 23, United States Code, is amended by insert-
15 ing after the item relating to section 154 the following
16 new item:

“155. Electric vehicle charging stations.”.

17 (c) ELECTRIC VEHICLE CHARGING SIGNAGE.—The
18 Secretary of Transportation shall update the Manual on
19 Uniform Traffic Control Devices to—

20 (1) ensure uniformity in providing road users
21 direction to electric charging stations that are open
22 to the public; and

23 (2) allow the use of Specific Service signs for
24 electric vehicle charging station providers.

1 **SEC. 1212. NATIONAL HIGHWAY FREIGHT PROGRAM.**

2 Section 167 of title 23, United States Code, is
3 amended—

4 (1) in subsection (b)—

5 (A) in paragraph (6) by striking “; and”
6 and inserting a semicolon; and

7 (B) by striking paragraph (7) and insert-
8 ing the following:

9 “(7) to reduce the environmental impacts of
10 freight movement on the National Highway Freight
11 Network, including—

12 “(A) greenhouse gas emissions;

13 “(B) local air pollution;

14 “(C) minimizing, capturing, or treating
15 stormwater runoff and addressing other adverse
16 impacts to water quality; and

17 “(D) wildlife habitat loss; and

18 “(8) to decrease any adverse impact of freight
19 transportation on communities located near freight
20 facilities or freight corridors.”;

21 (2) in subsection (e) by adding at the end the
22 following:

23 “(3) **ADDITIONAL MILEAGE.**—Notwithstanding
24 paragraph (2), a State that has designated at least
25 90 percent of its maximum mileage described in

1 paragraph (2) may designate up to an additional
2 150 miles of critical rural freight corridors.”;

3 (3) in subsection (f) by adding at the end the
4 following:

5 “(5) ADDITIONAL MILEAGE.—Notwithstanding
6 paragraph (4), a State that has designated at least
7 90 percent of its maximum mileage described in
8 paragraph (4) may designate up to an additional 75
9 miles of critical urban freight corridors under para-
10 graphs (1) and (2).”;

11 (4) in subsection (h) by striking “Not later
12 than” and all that follows through “shall prepare”
13 and inserting “As part of the report required under
14 section 503(b)(8), the Administrator shall biennially
15 prepare”;

16 (5) in subsection (i)—

17 (A) by striking paragraphs (2) and (3);

18 (B) by amending paragraph (4) to read as
19 follows:

20 “(4) FREIGHT PLANNING.—Notwithstanding
21 any other provision of law, a State may not obligate
22 funds apportioned to the State under section
23 104(b)(5) unless the State has developed, updated,
24 or amended, as applicable, a freight plan in accord-
25 ance with section 70202 of title 49.”;

1 (C) in paragraph (5)—

2 (i) by striking subparagraph (B) and
3 inserting the following:

4 “(B) LIMITATION.—The Federal share of
5 a project described in subparagraph (C)(xxiii)
6 shall fund only elements of such project that
7 provide public benefits.”; and

8 (ii) in subparagraph (C)—

9 (I) in clause (iii) by inserting
10 “and freight management and oper-
11 ations systems” after “freight trans-
12 portation systems”; and

13 (II) by amending clause (xxiii) to
14 read as follows:

15 “(xxiii) Freight intermodal or freight
16 rail projects, including—

17 “(I) projects within the bound-
18 aries of public or private freight rail
19 or water facilities (including ports);

20 “(II) projects that provide sur-
21 face transportation infrastructure nec-
22 essary to facilitate direct intermodal
23 interchange, transfer, and access into
24 or out of the facility; and

1 “(III) any other surface trans-
2 portation project to improve the flow
3 of freight into or out of a facility de-
4 scribed in subclause (I) or (II).”;

5 (D) in paragraph (6) by striking “para-
6 graph (5)” and inserting “paragraph (3)”; and

7 (E) by redesignating paragraphs (4), (5),
8 (6), and (7) as paragraphs (2), (3), (4), and
9 (5), respectively; and

10 (6) in subsection (k)(1)(A)(ii) by striking
11 “ports-of entry” and inserting “ports-of-entry”.

12 **SEC. 1213. CARBON POLLUTION REDUCTION.**

13 (a) IN GENERAL.—Chapter 1 of title 23, United
14 States Code, is amended by adding at the end the fol-
15 lowing:

16 **“§ 171. Carbon pollution reduction**

17 “(a) ESTABLISHMENT.—The Secretary shall estab-
18 lish a carbon pollution reduction program to support the
19 reduction of greenhouse gas emissions from the surface
20 transportation system.

21 “(b) ELIGIBLE PROJECTS.—A project is eligible for
22 funding under this section if such project—

23 “(1) is expected to yield a significant reduction
24 in greenhouse gas emissions from the surface trans-
25 portation system;

1 “(2) will help a State meet the greenhouse gas
2 emissions performance targets established under sec-
3 tion 150(c)(7); and

4 “(3) is eligible for assistance under this title or
5 under chapter 53 of title 49; or

6 “(4) is a capital project, as such term is defined
7 in section 22906 of title 49, to improve intercity rail
8 passenger transportation, provided that the project
9 will yield a significant reduction in single occupant
10 vehicle trips and improve mobility on public roads.

11 “(c) GUIDANCE.—The Secretary shall issue guidance
12 on methods of determining the reduction of single occu-
13 pant vehicle trips and improvement of mobility on public
14 roads as those factors relate to intercity rail passenger
15 transportation projects under subsection (b)(4).

16 “(d) OPERATING EXPENSES.—With respect to funds
17 provided for an eligible project under this section, a State
18 may use not more than 10 percent of such funds for oper-
19 ating expenses relating to such project if such project is
20 for public transportation, passenger rail, or transportation
21 systems management and operations.

22 “(e) SINGLE-OCCUPANCY VEHICLE HIGHWAY FA-
23 CILITIES.—None of the funds provided under this section
24 may be used for a project that will result in the construc-
25 tion of new capacity available to single occupant vehicles

1 unless the project consists of a high occupancy vehicle fa-
2 cility and is consistent with section 166.

3 “(f) EVALUATION.—

4 “(1) IN GENERAL.—The Secretary shall annu-
5 ally evaluate the progress of each State in carrying
6 out the program under this section by comparing the
7 percent change in carbon dioxide emissions per cap-
8 ita on public roads in the State calculated as—

9 “(A) the annual carbon dioxide emissions
10 per capita on public roads in the State for the
11 most recent year for which there is data; di-
12 vided by

13 “(B) the average annual carbon dioxide
14 emissions per capita on public roads in the
15 State in calendar years 2015 through 2019.

16 “(2) MEASURES.—In conducting the evaluation
17 under paragraph (1), the Secretary shall—

18 “(A) prior to the effective date of the
19 greenhouse gas performance measures under
20 section 150(c)(7), use such data as are avail-
21 able, which may include data on motor fuels
22 usage published by the Federal Highway Ad-
23 ministration and information on emissions fac-
24 tors or coefficients published by the Energy In-

1 formation Administration of the Department of
2 Energy; and

3 “(B) following the effective date of the
4 greenhouse gas performance measures under
5 section 150(c)(7), use such measures.

6 “(g) PROGRESS REPORT.—The Secretary shall annu-
7 ally issue a carbon pollution reduction progress report, to
8 be made publicly available on the website of the Depart-
9 ment of Transportation, that includes—

10 “(1) the results of the evaluation under sub-
11 section (f) for each State; and

12 “(2) a ranking of all the States by the criteria
13 under subsection (f), with the States that, for the
14 year covered by such report, have the largest per-
15 centage reduction in annual carbon dioxide emissions
16 per capita on public roads being ranked the highest.

17 “(h) HIGH-PERFORMING STATES.—

18 “(1) DESIGNATION.—For purposes of this sec-
19 tion, each State that is 1 of the 15 highest ranked
20 States, as determined under subsection (g)(2), and
21 that achieves a reduction in carbon dioxide emissions
22 per capita on public roads, as determined by the
23 evaluation in subsection (f), shall be designated as a
24 high-performing State for the following fiscal year.

1 “(2) USE OF FUNDS.—For each State that is
2 designated as a high-performing State under para-
3 graph (1)—

4 “(A) notwithstanding section 120, the
5 State may use funds made available under this
6 title to pay the non-Federal share of a project
7 under this section during any year for which
8 such State is designated as a high-performing
9 State; and

10 “(B) notwithstanding section 126, the
11 State may transfer up to 50 percent of funds
12 apportioned under section 104(b)(9) to the pro-
13 gram under section 104(b)(2) in any year for
14 which such State is designated as a high-per-
15 forming State.

16 “(3) TRANSFER.—For each State that is 1 of
17 the 15 lowest ranked States, as determined under
18 subsection (g)(2), the Secretary shall transfer 10
19 percent of the amount apportioned to the State
20 under section 104(b)(2) in the fiscal year following
21 the year in which the State is so ranked, not includ-
22 ing amounts set aside under section 133(d)(1)(A)
23 and under section 133(h) or 505(a), to the appor-
24 tionment of the State under section 104(b)(9).

1 “(4) LIMITATION.—The Secretary shall not
2 conduct a transfer under paragraph (3)—

3 “(A) until the first fiscal year following the
4 effective date of greenhouse gas performance
5 measures under section 150(c)(7); and

6 “(B) with respect to a State in any fiscal
7 year following the year in which such State
8 achieves a reduction in carbon dioxide emissions
9 per capita on public roads in such year as de-
10 termined by the evaluation under subsection (f).

11 “(i) REPORT.—Not later than 2 years after the date
12 of enactment of this section and periodically thereafter,
13 the Secretary, in consultation with the Administrator of
14 the Environmental Protection Agency, shall issue a re-
15 port—

16 “(1) detailing, based on the best available
17 science, what types of projects eligible for assistance
18 under this section are expected to provide the most
19 significant greenhouse gas emissions reductions from
20 the surface transportation sector; and

21 “(2) detailing, based on the best available
22 science, what types of projects eligible for assistance
23 under this section are not expected to provide sig-
24 nificant greenhouse gas emissions reductions from
25 the surface transportation sector.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 1 of title 23, United States Code, is amended by add-
3 ing at the end the following new item:

“171. Carbon pollution reduction.”.

4 **SEC. 1214. RECREATIONAL TRAILS.**

5 Section 206 of title 23, United States Code, is
6 amended by adding at the end the following:

7 “(j) USE OF OTHER APPORTIONED FUNDS.—Funds
8 apportioned to a State under section 104(b) that are obli-
9 gated for recreational trails and related projects shall be
10 administered as if such funds were made available for pur-
11 poses described under this section.”.

12 **SEC. 1215. SAFE ROUTES TO SCHOOL PROGRAM.**

13 (a) IN GENERAL.—Chapter 2 of title 23, United
14 States Code, is amended by inserting after section 210 the
15 following:

16 **“§ 211. Safe routes to school program**

17 “(a) PROGRAM.—The Secretary shall carry out a safe
18 routes to school program for the benefit of children in pri-
19 mary, middle, and high schools.

20 “(b) PURPOSES.—The purposes of the program shall
21 be—

22 “(1) to enable and encourage children, includ-
23 ing those with disabilities, to walk and bicycle to
24 school;

1 “(2) to make bicycling and walking to school a
2 safer and more appealing transportation alternative,
3 thereby encouraging a healthy and active lifestyle
4 from an early age; and

5 “(3) to facilitate the planning, development,
6 and implementation of projects and activities that
7 will improve safety and reduce traffic, fuel consump-
8 tion, and air pollution in the vicinity of schools.

9 “(c) USE OF FUNDS.—Amounts apportioned to a
10 State under paragraphs (2) and (3) of section 104(b) may
11 be used to carry out projects, programs, and other activi-
12 ties under this section.

13 “(d) ELIGIBLE ENTITIES.—Projects, programs, and
14 activities funded under this section may be carried out by
15 eligible entities described under section 133(h)(4)(B) that
16 demonstrate an ability to meet the requirements of this
17 section.

18 “(e) ELIGIBLE PROJECTS AND ACTIVITIES.—

19 “(1) INFRASTRUCTURE-RELATED PROJECTS.—

20 “(A) IN GENERAL.—A State may obligate
21 funds under this section for the planning, de-
22 sign, and construction of infrastructure-related
23 projects that will substantially improve the abil-
24 ity of students to walk and bicycle to school, in-
25 cluding sidewalk improvements, traffic calming

1 and speed reduction improvements, pedestrian
2 and bicycle crossing improvements, on-street bi-
3 cycle facilities, off-street bicycle and pedestrian
4 facilities, secure bicycle parking facilities, and
5 traffic diversion improvements in the vicinity of
6 schools.

7 “(B) LOCATION OF PROJECTS.—Infra-
8 structure-related projects under subparagraph
9 (A) may be carried out on any public road or
10 any bicycle or pedestrian pathway or trail in the
11 vicinity of schools.

12 “(2) NONINFRASTRUCTURE-RELATED ACTIVI-
13 TIES.—In addition to projects described in para-
14 graph (1), a State may obligate funds under this
15 section for noninfrastructure-related activities to en-
16 courage walking and bicycling to school, including—

17 “(A) public awareness campaigns and out-
18 reach to press and community leaders;

19 “(B) traffic education and enforcement in
20 the vicinity of schools;

21 “(C) student sessions on bicycle and pedes-
22 trian safety, health, and environment;

23 “(D) programs that address personal safe-
24 ty; and

1 “(E) funding for training, volunteers, and
2 managers of safe routes to school programs.

3 “(3) SAFE ROUTES TO SCHOOL COORDI-
4 NATOR.—Each State receiving an apportionment
5 under paragraphs (2) and (3) of section 104(b) shall
6 use a sufficient amount of the apportionment to
7 fund a full-time position of coordinator of the
8 State’s safe routes to school program.

9 “(f) FEDERAL SHARE.—The Federal share of the
10 cost of a project, program, or activity under this section
11 shall be 100 percent.

12 “(g) CLEARINGHOUSE.—

13 “(1) IN GENERAL.—The Secretary shall main-
14 tain a national safe routes to school clearinghouse
15 to—

16 “(A) develop information and educational
17 programs on safe routes to school; and

18 “(B) provide technical assistance and dis-
19 seminate techniques and strategies used for
20 successful safe routes to school programs.

21 “(2) FUNDING.—The Secretary shall carry out
22 this subsection using amounts authorized to be ap-
23 propriated for administrative expenses under section
24 104(a).

1 “(h) TREATMENT OF PROJECTS.—Notwithstanding
2 any other provision of law, projects carried out under this
3 section shall be treated as projects on a Federal-aid high-
4 way under chapter 1 of this title.

5 “(i) DEFINITIONS.—In this section, the following
6 definitions apply:

7 “(1) IN THE VICINITY OF SCHOOLS.—The term
8 ‘in the vicinity of schools’ means, with respect to a
9 school, the area within bicycling and walking dis-
10 tance of the school (approximately 2 miles).

11 “(2) PRIMARY, MIDDLE, AND HIGH SCHOOLS.—
12 The term ‘primary, middle, and high schools’ means
13 schools providing education from kindergarten
14 through twelfth grade.”.

15 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

16 (1) REPEAL.—Section 1404 of SAFETEA-LU
17 (Public Law 109–59; 119 Stat. 1228–1230), and
18 the item relating to such section in the table of con-
19 tents in section 1(b) of such Act, are repealed.

20 (2) ANALYSIS.—The analysis for chapter 2 of
21 title 23, United States Code, is amended by insert-
22 ing after the item relating to section 210 the fol-
23 lowing:

“211. Safe routes to school program.”.

1 **SEC. 1216. BICYCLE TRANSPORTATION AND PEDESTRIAN**
2 **WALKWAYS.**

3 Section 217 of title 23, United States Code, is
4 amended—

5 (1) in subsection (d)—

6 (A) by striking “104(b)(3)” and inserting
7 “104(b)(4)”; and

8 (B) by striking “a position” and inserting
9 “one or more positions”;

10 (2) in subsection (e) by striking “bicycles” and
11 inserting “pedestrians and bicyclists” each place
12 such term appears; and

13 (3) in subsection (j) by striking paragraph (2)
14 and inserting the following:

15 “(2) **ELECTRIC BICYCLE.**—The term ‘electric
16 bicycle’ means any bicycle, tricycle, or other motor-
17 ized conveyance—

18 “(A) weighing under 100 pounds;

19 “(B) with a low-powered electric motor;

20 “(C) with a top motor-powered speed not
21 in excess of 20 miles per hour; and

22 “(D) that can safely share a bicycle trans-
23 portation facility with other users of such facil-
24 ity.”.

1 **Subtitle C—Project-Level**
2 **Investments**

3 **SEC. 1301. PROJECTS OF NATIONAL AND REGIONAL SIG-**
4 **NIFICANCE.**

5 (a) IN GENERAL.—Section 117 of title 23, United
6 States Code, is amended to read as follows:

7 **“§ 117. Projects of national and regional significance**

8 “(a) ESTABLISHMENT.—The Secretary shall estab-
9 lish a projects of national and regional significance pro-
10 gram under which the Secretary may make grants to, and
11 establish multiyear grant agreements with, eligible entities
12 in accordance with this section.

13 “(b) APPLICATIONS.—To be eligible for a grant
14 under this section, an eligible entity shall submit to the
15 Secretary an application in such form, in such manner,
16 and containing such information as the Secretary may re-
17 quire.

18 “(c) GRANT AMOUNTS AND PROJECT COSTS.—

19 “(1) IN GENERAL.—Each grant made under
20 this section—

21 “(A) shall be in an amount that is at least
22 \$25,000,000; and

23 “(B) shall be for a project that has eligible
24 project costs that are reasonably anticipated to
25 equal or exceed the lesser of—

1 “(i) \$100,000,000; or

2 “(ii) in the case of a project—

3 “(I) located in 1 State, 30 per-
4 cent of the amount apportioned under
5 this chapter to the State in the most
6 recently completed fiscal year; or

7 “(II) located in more than 1
8 State, 50 percent of the amount ap-
9 portioned under this chapter to the
10 participating State with the largest
11 apportionment under this chapter in
12 the most recently completed fiscal
13 year.

14 “(2) LARGE PROJECTS.—For a project that has
15 eligible project costs that are reasonably anticipated
16 to equal or exceed \$500,000,000, a grant made
17 under this section—

18 “(A) shall be in an amount sufficient to
19 fully fund the project, or in the case of a public
20 transportation project, a minimum operable
21 segment, in combination with other funding
22 sources, including non-Federal financial com-
23 mitment, identified in the application; and

1 “(B) may be awarded pursuant to the
2 process under subsection (d), as necessary
3 based on the amount of the grant.

4 “(d) MULTIYEAR GRANT AGREEMENTS FOR LARGE
5 PROJECTS.—

6 “(1) IN GENERAL.—A large project that re-
7 ceives a grant under this section may be carried out
8 through a multiyear grant agreement in accordance
9 with this subsection.

10 “(2) REQUIREMENTS.—A multiyear grant
11 agreement for a large project shall—

12 “(A) establish the terms of participation by
13 the Federal Government in the project;

14 “(B) establish the amount of Federal fi-
15 nancial assistance for the project;

16 “(C) establish a schedule of anticipated
17 Federal obligations for the project that provides
18 for obligation of the full grant amount by not
19 later than 4 fiscal years after the fiscal year in
20 which the initial amount is provided; and

21 “(D) determine the period of time for com-
22 pleting the project, even if such period extends
23 beyond the period of an authorization.

24 “(3) SPECIAL RULES.—

1 “(A) IN GENERAL.—A multiyear grant
2 agreement under this subsection—

3 “(i) shall obligate an amount of avail-
4 able budget authority specified in law; and

5 “(ii) may include a commitment, con-
6 tingent on amounts to be specified in law
7 in advance for commitments under this
8 paragraph, to obligate an additional
9 amount from future available budget au-
10 thority specified in law.

11 “(B) CONTINGENT COMMITMENT.—A con-
12 tingent commitment under this subsection is
13 not an obligation of the Federal Government
14 under section 1501 of title 31.

15 “(C) INTEREST AND OTHER FINANCING
16 COSTS.—

17 “(i) IN GENERAL.—Interest and other
18 financing costs of carrying out a part of
19 the project within a reasonable time shall
20 be considered a cost of carrying out the
21 project under a multiyear grant agreement,
22 except that eligible costs may not be more
23 than the cost of the most favorable financ-
24 ing terms reasonably available for the
25 project at the time of borrowing.

1 “(ii) CERTIFICATION.—The applicant
2 shall certify to the Secretary that the ap-
3 plicant has shown reasonable diligence in
4 seeking the most favorable financing
5 terms.

6 “(4) ADVANCE PAYMENT.—An eligible entity
7 carrying out a large project under a multiyear grant
8 agreement—

9 “(A) may use funds made available to the
10 eligible entity under this title or title 49 for eli-
11 gible project costs of the large project; and

12 “(B) shall be reimbursed, at the option of
13 the eligible entity, for such expenditures from
14 the amount made available under the multiyear
15 grant agreement for the project in that fiscal
16 year or a subsequent fiscal year.

17 “(e) ELIGIBLE PROJECTS.—

18 “(1) IN GENERAL.—The Secretary may make a
19 grant under this section only for a project that is a
20 project eligible for assistance under this title or
21 chapter 53 of title 49 and is—

22 “(A) a bridge project carried out on the
23 National Highway System;

24 “(B) a project to improve person through-
25 put that is—

1 “(i) a highway project carried out on
2 the National Highway System;

3 “(ii) a public transportation project;
4 or

5 “(iii) a capital project, as such term is
6 defined in section 22906 of title 49, to im-
7 prove intercity rail passenger transpor-
8 tation; or

9 “(C) a project to improve freight through-
10 put that is—

11 “(i) a highway freight project carried
12 out on the National Highway Freight Net-
13 work established under section 167 or on
14 the National Highway System;

15 “(ii) a freight intermodal, freight rail,
16 or railway-highway grade crossing or grade
17 separation project; or

18 “(iii) within the boundaries of a public
19 or private freight rail, water (including
20 ports), or intermodal facility and that is a
21 surface transportation infrastructure
22 project necessary to facilitate direct inter-
23 modal interchange, transfer, or access into
24 or out of the facility.

25 “(2) LIMITATION.—

1 “(A) CERTAIN FREIGHT PROJECTS.—
2 Projects described in clauses (ii) and (iii) of
3 paragraph (1)(C) may receive a grant under
4 this section only if—

5 “(i) the project will make a significant
6 improvement to the movement of freight
7 on the National Highway System; and

8 “(ii) the Federal share of the project
9 funds only elements of the project that
10 provide public benefits.

11 “(B) CERTAIN PROJECTS FOR PERSON
12 THROUGHPUT.—Projects described in clauses
13 (ii) and (iii) of paragraph (1)(B) may receive a
14 grant under this section only if the project will
15 make a significant improvement in mobility on
16 public roads.

17 “(f) ELIGIBLE PROJECT COSTS.—An eligible entity
18 receiving a grant under this section may use such grant
19 for—

20 “(1) development phase activities, including
21 planning, feasibility analysis, revenue forecasting,
22 environmental review, preliminary engineering and
23 design work, and other preconstruction activities;
24 and

1 “(2) construction, reconstruction, rehabilitation,
2 acquisition of real property (including land related
3 to the project and improvements to the land), envi-
4 ronmental mitigation, construction contingencies, ac-
5 quisition of equipment, and operational improve-
6 ments directly related to improving system perform-
7 ance.

8 “(g) PROJECT REQUIREMENTS.—The Secretary may
9 select a project described under this section for funding
10 under this section only if the Secretary determines that
11 the project—

12 “(1) generates significant regional or national
13 economic, mobility, safety, resilience, or environ-
14 mental benefits;

15 “(2) is cost effective;

16 “(3) is based on the results of preliminary engi-
17 neering;

18 “(4) has secured or will secure acceptable levels
19 of non-Federal financial commitments, including—

20 “(A) 1 or more stable and dependable
21 sources of funding and financing to construct,
22 maintain, and operate the project; and

23 “(B) contingency amounts to cover unan-
24 ticipated cost increases;

1 “(5) cannot be easily and efficiently completed
2 without additional Federal funding or financial as-
3 sistance available to the project sponsor, beyond ex-
4 isting Federal apportionments; and

5 “(6) is reasonably expected to begin construc-
6 tion not later than 18 months after the date of obli-
7 gation of funds for the project.

8 “(h) MERIT CRITERIA AND CONSIDERATIONS.—

9 “(1) MERIT CRITERIA.—In awarding a grant
10 under this section, the Secretary shall evaluate the
11 following merit criteria:

12 “(A) The extent to which the project sup-
13 ports achieving a state of good repair.

14 “(B) The level of benefits the project is ex-
15 pected to generate, including—

16 “(i) the costs avoided by the preven-
17 tion of closure or reduced use of the asset
18 to be improved by the project;

19 “(ii) reductions in maintenance costs
20 over the life of the asset;

21 “(iii) safety benefits, including the re-
22 duction of accidents and related costs;

23 “(iv) improved person or freight
24 throughput, including congestion reduction
25 and reliability improvements;

1 “(v) national and regional economic
2 benefits;

3 “(vi) resilience benefits;

4 “(vii) environmental benefits, includ-
5 ing reduction in greenhouse gas emissions
6 and air quality benefits; and

7 “(viii) benefits to all users of the
8 project, including pedestrian, bicycle, non-
9 vehicular, railroad, and public transpor-
10 tation users.

11 “(C) How the benefits compare to the
12 costs of the project.

13 “(D) The average number of people or vol-
14 ume of freight, as applicable, supported by the
15 project.

16 “(2) ADDITIONAL CONSIDERATIONS.—In
17 awarding a grant under this section, the Secretary
18 shall also consider the following:

19 “(A) Whether the project serves an area of
20 persistent poverty.

21 “(B) Whether the project uses innovative
22 technologies, innovative design and construction
23 techniques, or pavement materials that dem-
24 onstrate reductions in greenhouse gas emissions
25 through sequestration or innovative manufac-

1 turing processes and, if so, the degree to which
2 such technologies, techniques, or materials are
3 used.

4 “(C) Whether the project improves
5 connectivity between modes of transportation
6 moving people or goods in the Nation or region.

7 “(D) Whether the project provides new or
8 improved connections between at least 2 metro-
9 politan areas with a population of at least
10 500,000.

11 “(i) PROJECT SELECTION.—

12 “(1) EVALUATION.—To evaluate applications
13 for funding under this section, the Secretary shall—

14 “(A) determine whether a project is eligible
15 for a grant under this section;

16 “(B) evaluate, through a methodology that
17 is discernible and transparent to the public,
18 how each application addresses the merit cri-
19 teria pursuant to subsection (h);

20 “(C) assign a quality rating for each merit
21 criteria for each application based on the eval-
22 uation in subparagraph (B);

23 “(D) ensure that applications receive final
24 consideration by the Secretary to receive an
25 award under this section only on the basis of

1 such quality ratings and that the Secretary
2 gives final consideration only to applications
3 that meet the minimally acceptable level for
4 each of the merit criteria; and

5 “(E) award grants only to projects rated
6 highly under the evaluation and rating process.

7 “(2) CONSIDERATIONS FOR LARGE
8 PROJECTS.—In awarding a grant for a large project,
9 the Secretary shall—

10 “(A) consider the amount of funds avail-
11 able in future fiscal years for the program
12 under this section; and

13 “(B) assume the availability of funds in fu-
14 ture fiscal years for the program that extend
15 beyond the period of authorization based on the
16 amount made available for the program in the
17 last fiscal year of the period of authorization.

18 “(3) GEOGRAPHIC DISTRIBUTION.—In awarding
19 grants under this section, the Secretary shall ensure
20 geographic diversity and a balance between rural
21 and urban communities among grant recipients over
22 fiscal years 2022 through 2025.

23 “(4) PUBLICATION OF METHODOLOGY.—

24 “(A) IN GENERAL.—Prior to the issuance
25 of any notice of funding opportunity for grants

1 under this section, the Secretary shall publish
2 and make publicly available on the Depart-
3 ment’s website—

4 “(i) a detailed explanation of the
5 merit criteria developed under subsection
6 (h);

7 “(ii) a description of the evaluation
8 process under this subsection; and

9 “(iii) how the Secretary shall deter-
10 mine whether a project satisfies each of
11 the requirements under subsection (g).

12 “(B) UPDATES.—The Secretary shall up-
13 date and make publicly available on the website
14 of the Department of Transportation such in-
15 formation at any time a revision to the informa-
16 tion described in subparagraph (A) is made.

17 “(C) INFORMATION REQUIRED.—The Sec-
18 retary shall include in the published notice of
19 funding opportunity for a grant under this sec-
20 tion detailed information on the rating method-
21 ology and merit criteria to be used to evaluate
22 applications, or a reference to the information
23 on the website of the Department of Transpor-
24 tation, as required by subparagraph (A).

25 “(j) FEDERAL SHARE.—

1 “(1) IN GENERAL.—The Federal share of the
2 cost of a project carried out with a grant under this
3 section may not exceed 60 percent.

4 “(2) MAXIMUM FEDERAL INVOLVEMENT.—Fed-
5 eral assistance other than a grant under this section
6 may be used to satisfy the non-Federal share of the
7 cost of a project for which such a grant is made, ex-
8 cept that the total Federal assistance provided for a
9 project receiving a grant under this section may not
10 exceed 80 percent of the total project cost.

11 “(k) TREATMENT OF PROJECTS.—

12 “(1) FEDERAL REQUIREMENTS.—The Secretary
13 shall, with respect to a project funded by a grant
14 under this section, apply—

15 “(A) the requirements of this title to a
16 highway project;

17 “(B) the requirements of chapter 53 of
18 title 49 to a public transportation project; and

19 “(C) the requirements of section 22905 of
20 title 49 to a passenger rail or freight rail
21 project.

22 “(2) MULTIMODAL PROJECTS.—

23 “(A) IN GENERAL.—Except as otherwise
24 provided in this paragraph, if an eligible project
25 is a multimodal project, the Secretary shall—

1 “(i) determine the predominant modal
2 component of the project; and

3 “(ii) apply the applicable requirements
4 of such predominant modal component to
5 the project.

6 “(B) EXCEPTIONS.—

7 “(i) PASSENGER OR FREIGHT RAIL
8 COMPONENT.—For any passenger or
9 freight rail component of a project, the re-
10 quirements of section 22907(j)(2) of title
11 49 shall apply.

12 “(ii) PUBLIC TRANSPORTATION COM-
13 PONENT.—For any public transportation
14 component of a project, the requirements
15 of section 5333 of title 49 shall apply.

16 “(C) BUY AMERICA.—In applying the Buy
17 American requirements under section 313 of
18 this title and sections 5320, 22905(a), and
19 24305(f) of title 49 to a multimodal project
20 under this paragraph, the Secretary shall—

21 “(i) consider the various modal com-
22 ponents of the project; and

23 “(ii) seek to maximize domestic jobs.

24 “(3) FEDERAL-AID HIGHWAY REQUIRE-
25 MENTS.—Notwithstanding any other provision of

1 this subsection, the Secretary shall require recipients
2 of grants under this section to comply with sub-
3 section (a) of section 113 with respect to public
4 transportation projects, passenger rail projects, and
5 freight rail projects, in the same manner that recipi-
6 ents of grants are required to comply with such sub-
7 section for construction work performed on highway
8 projects on Federal-aid highways.

9 “(l) TIFIA PROGRAM.—At the request of an eligible
10 entity under this section, the Secretary may use amounts
11 awarded to the entity to pay subsidy and administrative
12 costs necessary to provide the entity Federal credit assist-
13 ance under chapter 6 with respect to the project for which
14 the grant was awarded.

15 “(m) ADMINISTRATION.—Of the amounts made
16 available to carry out this section, the Secretary may use
17 up to \$5,000,000 for the costs of administering the pro-
18 gram under this section.

19 “(n) TECHNICAL ASSISTANCE.—Of the amounts
20 made available to carry out this section, the Secretary may
21 reserve up to \$5,000,000,000 to provide technical assist-
22 ance to eligible entities.

23 “(o) CONGRESSIONAL REVIEW.—

24 “(1) NOTIFICATION.—Not less than 60 days be-
25 fore making an award under this section, the Sec-

1 retary shall submit to the Committee on Transpor-
2 tation and Infrastructure of the House of Represent-
3 atives and the Committee on Environment and Pub-
4 lic Works, the Committee on Banking, Housing, and
5 Urban Affairs, and the Committee on Commerce,
6 Science, and Transportation of the Senate—

7 “(A) a list of all applications determined to
8 be eligible for a grant by the Secretary;

9 “(B) the quality ratings assigned to each
10 application pursuant to subsection (i);

11 “(C) a list of applications that received
12 final consideration by the Secretary to receive
13 an award under this section;

14 “(D) each application proposed to be se-
15 lected for a grant award;

16 “(E) proposed grant amounts, including
17 for each new multiyear grant agreement, the
18 proposed payout schedule for the project; and

19 “(F) an analysis of the impacts of any
20 large projects proposed to be selected on exist-
21 ing commitments and anticipated funding levels
22 for the next 4 fiscal years, based on information
23 available to the Secretary at the time of the re-
24 port.

1 “(2) COMMITTEE REVIEW.—Before the last day
2 of the 60-day period described in paragraph (1),
3 each Committee described in paragraph (1) shall re-
4 view the Secretary’s list of proposed projects.

5 “(3) CONGRESSIONAL DISAPPROVAL.—The Sec-
6 retary may not make a grant or any other obligation
7 or commitment to fund a project under this section
8 if a joint resolution is enacted disapproving funding
9 for the project before the last day of the 60-day pe-
10 riod described in paragraph (1).

11 “(p) TRANSPARENCY.—

12 “(1) IN GENERAL.—Not later than 30 days
13 after awarding a grant for a project under this sec-
14 tion, the Secretary shall send to all applicants, and
15 publish on the website of the Department of Trans-
16 portation—

17 “(A) a summary of each application made
18 to the program for the grant application period;
19 and

20 “(B) the evaluation and justification for
21 the project selection, including ratings assigned
22 to all applications and a list of applications that
23 received final consideration by the Secretary to
24 receive an award under this section, for the
25 grant application period.

1 “(2) BRIEFING.—The Secretary shall provide,
2 at the request of a grant applicant under this sec-
3 tion, the opportunity to receive a briefing to explain
4 any reasons the grant applicant was not awarded a
5 grant.

6 “(q) DEFINITIONS.—In this section:

7 “(1) AREAS OF PERSISTENT POVERTY.—The
8 term ‘areas of persistent poverty’ has the meaning
9 given such term in section 172(l).

10 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
11 tity’ means—

12 “(A) a State or a group of States;

13 “(B) a unit of local government, including
14 a metropolitan planning organization, or a
15 group of local governments;

16 “(C) a political subdivision of a State or
17 local government;

18 “(D) a special purpose district or public
19 authority with a transportation function, includ-
20 ing a port authority;

21 “(E) a tribal government or a consortium
22 of tribal governments;

23 “(F) a Federal agency eligible to receive
24 funds under section 201, 203, or 204 that ap-

1 plies jointly with a State or group of States;
2 and

3 “(G) a multistate or multijurisdictional
4 group of entities described in this paragraph.”.

5 (b) CLERICAL AMENDMENT.—The analysis for chap-
6 ter 1 of title 23, United States Code, is amended by strik-
7 ing the item relating to section 117 and inserting the fol-
8 lowing:

 “117. Projects of national and regional significance.”.

9 **SEC. 1302. COMMUNITY TRANSPORTATION INVESTMENT**
10 **GRANT PROGRAM.**

11 (a) IN GENERAL.—Chapter 1 of title 23, United
12 States Code, as amended by this title, is further amended
13 by adding at the end the following:

14 **“§ 173. Community transportation investment grant**
15 **program**

16 “(a) ESTABLISHMENT.—The Secretary shall estab-
17 lish a community transportation investment grant pro-
18 gram to improve surface transportation safety, state of
19 good repair, accessibility, and environmental quality
20 through infrastructure investments.

21 “(b) GRANT AUTHORITY.—

22 “(1) IN GENERAL.—In carrying out the pro-
23 gram established under subsection (a), the Secretary
24 shall make grants, on a competitive basis, to eligible
25 entities in accordance with this section.

1 “(2) GRANT AMOUNT.—The maximum amount
2 of a grant under this section shall be \$25,000,000.

3 “(c) APPLICATIONS.—To be eligible for a grant under
4 this section, an eligible entity shall submit to the Secretary
5 an application in such form, at such time, and containing
6 such information as the Secretary may require.

7 “(d) ELIGIBLE PROJECT COSTS.—Grant amounts for
8 an eligible project carried out under this section may be
9 used for—

10 “(1) development phase activities, including
11 planning, feasibility analysis, revenue forecasting,
12 environmental review, preliminary engineering and
13 design work, and other preconstruction activities;
14 and

15 “(2) construction, reconstruction, rehabilitation,
16 acquisition of real property (including land related
17 to the project and improvements to such land), envi-
18 ronmental mitigation, construction contingencies, ac-
19 quisition of equipment, and operational improve-
20 ments.

21 “(e) RURAL AREAS.—

22 “(1) IN GENERAL.—The Secretary shall reserve
23 not less than 25 percent of the amounts made avail-
24 able to carry out this section for projects located in
25 rural areas.

1 “(2) DEFINITION OF RURAL AREA.—In this
2 subsection, the term ‘rural area’ means all areas of
3 a State not included in urbanized areas.

4 “(3) EXCESS FUNDING.—If the Secretary de-
5 termines that there are insufficient qualified appli-
6 cants to use the funds set aside under this sub-
7 section, the Secretary may use such funds for grants
8 for any projects eligible under this section.

9 “(f) EVALUATION.—To evaluate applications under
10 this section, the Secretary shall—

11 “(1) develop a process to objectively evaluate
12 applications on the benefits of the project proposed
13 in such application—

14 “(A) to transportation safety, including re-
15 ductions in traffic fatalities and serious injuries;

16 “(B) to state of good repair, including im-
17 proved condition of bridges and pavements;

18 “(C) to transportation system access, in-
19 cluding improved access to jobs and services;
20 and

21 “(D) in reducing greenhouse gas emis-
22 sions;

23 “(2) develop a rating system to assign a nu-
24 meric value to each application, based on each of the
25 criteria described in paragraph (1);

1 “(3) compare the total benefits of each applica-
2 tion submitted, as determined by the rating system
3 developed under paragraph (2), with the costs of
4 such application, and rank each application based on
5 the results of the comparison; and

6 “(4) ensure that only such applications that are
7 ranked highly based on the results of the comparison
8 conducted under paragraph (3) are considered to re-
9 ceive a grant under this section.

10 “(g) WEIGHTING.—In establishing the evaluation
11 process under subsection (f), the Secretary may assign dif-
12 ferent weights to the criteria developed under subsection
13 (f)(1) based on project type, population served by a
14 project, and other context-sensitive considerations, pro-
15 vided that—

16 “(1) each application is rated on all criteria de-
17 veloped under subsection (f)(1); and

18 “(2) each application has the same possible
19 minimum and maximum rating, regardless of any
20 differences in the weighting of criteria.

21 “(h) TRANSPARENCY.—

22 “(1) PUBLICLY AVAILABLE INFORMATION.—
23 Prior to the issuance of any notice of funding oppor-
24 tunity under this section, the Secretary shall make
25 publicly available on the website of the Department

1 of Transportation a detailed explanation of the eval-
2 uation and rating process developed under sub-
3 section (f), including any differences in the
4 weighting of criteria pursuant to subsection (g), if
5 applicable, and update such website for each revision
6 of the evaluation and rating process.

7 “(2) NOTIFICATIONS TO CONGRESS.—The Sec-
8 retary shall submit to the Committee on Transpor-
9 tation and Infrastructure of the House of Represent-
10 atives, the Committee on Environment and Public
11 Works of the Senate, the Committee on Banking,
12 Housing, and Urban Affairs of the Senate, and the
13 Committee on Commerce, Science, and Transpor-
14 tation of the Senate the following written notifica-
15 tions:

16 “(A) A notification when the Secretary
17 publishes or updates the information required
18 under paragraph (1).

19 “(B) Not later than 30 days prior to the
20 date on which the Secretary awards a grant
21 under this section, a notification that in-
22 cludes—

23 “(i) the ratings of each application
24 submitted pursuant to subsection (f)(2);

1 “(ii) the ranking of each application
2 submitted pursuant to subsection (f)(3);
3 and

4 “(iii) a list of all applications that re-
5 ceive final consideration by the Secretary
6 to receive an award under this section pur-
7 suant to subsection (f)(4).

8 “(C) Not later than 3 business days prior
9 to the date on which the Secretary announces
10 the award of a grant under this section, a noti-
11 fication describing each grant to be awarded,
12 including the amount and the recipient.

13 “(i) TECHNICAL ASSISTANCE.—Of the amounts
14 made available to carry out this section, the Secretary may
15 reserve up to \$3,000,000 to provide technical assistance
16 to eligible entities.

17 “(j) ADMINISTRATION.—Of the amounts made avail-
18 able to carry out this section, the Secretary may reserve
19 up to \$5,000,000 for the administrative costs of carrying
20 out the program under this section.

21 “(k) TREATMENT OF PROJECTS.—

22 “(1) FEDERAL REQUIREMENTS.—The Secretary
23 shall, with respect to a project funded by a grant
24 under this section, apply—

1 “(A) the requirements of this title to a
2 highway project;

3 “(B) the requirements of chapter 53 of
4 title 49 to a public transportation project; and

5 “(C) the requirements of section 22905 of
6 title 49 to a passenger rail or freight rail
7 project.

8 “(2) MULTIMODAL PROJECTS.—

9 “(A) IN GENERAL.—Except as otherwise
10 provided in this paragraph, if an eligible project
11 is a multimodal project, the Secretary shall—

12 “(i) determine the predominant modal
13 component of the project; and

14 “(ii) apply the applicable requirements
15 of such predominant modal component to
16 the project.

17 “(B) EXCEPTIONS.—

18 “(i) PASSENGER OR FREIGHT RAIL
19 COMPONENT.—For any passenger or
20 freight rail component of a project, the re-
21 quirements of section 22907(j)(2) of title
22 49 shall apply.

23 “(ii) PUBLIC TRANSPORTATION COM-
24 PONENT.—For any public transportation

1 component of a project, the requirements
2 of section 5333 of title 49 shall apply.

3 “(C) BUY AMERICA.—In applying the Buy
4 American requirements under section 313 of
5 this title and sections 5320, 22905(a), and
6 24305(f) of title 49 to a multimodal project
7 under this paragraph, the Secretary shall—

8 “(i) consider the various modal com-
9 ponents of the project; and

10 “(ii) seek to maximize domestic jobs.

11 “(3) FEDERAL-AID HIGHWAY REQUIRE-
12 MENTS.—Notwithstanding any other provision of
13 this subsection, the Secretary shall require recipients
14 of grants under this section to comply with sub-
15 section (a) of section 113 with respect to public
16 transportation projects, passenger rail projects, and
17 freight rail projects, in the same manner that recipi-
18 ents of grants are required to comply with such sub-
19 section for construction work performed on highway
20 projects on Federal-aid highways.

21 “(l) TRANSPARENCY.—

22 “(1) IN GENERAL.—Not later than 30 days
23 after awarding a grant for a project under this sec-
24 tion, the Secretary shall send to all applicants, and

1 publish on the website of the Department of Trans-
2 portation—

3 “(A) a summary of each application made
4 to the program for the grant application period;
5 and

6 “(B) the evaluation and justification for
7 the project selection, including ratings and
8 rankings assigned to all applications and a list
9 of applications that received final consideration
10 by the Secretary to receive an award under this
11 section, for the grant application period.

12 “(2) BRIEFING.—The Secretary shall provide,
13 at the request of a grant applicant under this sec-
14 tion, the opportunity to receive a briefing to explain
15 any reasons the grant applicant was not awarded a
16 grant.

17 “(m) DEFINITIONS.—In this section:

18 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
19 tity’ means—

20 “(A) a metropolitan planning organization;

21 “(B) a unit of local government;

22 “(C) a transit agency;

23 “(D) a Tribal Government or a consortium
24 of tribal governments;

1 “(E) a multijurisdictional group of entities
2 described in this paragraph; or

3 “(F) a State that applies for a grant under
4 this section jointly with an entity described in
5 subparagraphs (A) through (E).

6 “(2) ELIGIBLE PROJECT.—The term ‘eligible
7 project’ means any project eligible under this title or
8 chapter 53 of title 49.”.

9 (b) CLERICAL AMENDMENT.—The analysis for chap-
10 ter 1 of title 23, United States Code, is further amended
11 by adding at the end the following new item:

 “173. Community transportation investment grant program.”.

12 **SEC. 1303. GRANTS FOR CHARGING AND FUELING INFRA-**
13 **STRUCTURE TO MODERNIZE AND RECON-**
14 **NECT AMERICA FOR THE 21ST CENTURY.**

15 (a) PURPOSE.—The purpose of this section is to es-
16 tablish a grant program to strategically deploy electric ve-
17 hicle charging infrastructure and hydrogen fueling infra-
18 structure along designated alternative fuel corridors that
19 will be accessible to all drivers of electric vehicles and hy-
20 drogen vehicles.

21 (b) GRANT PROGRAM.—Section 151 of title 23,
22 United States Code, is amended—

23 (1) in subsection (a) by striking “Not later
24 than 1 year after the date of enactment of the

1 FAST Act, the Secretary shall” and inserting “The
2 Secretary shall periodically”;

3 (2) in subsection (b)(2) by inserting “previously
4 designated by the Federal Highway Administration
5 or” after “fueling corridors”;

6 (3) in subsection (d)—

7 (A) by striking “5 years after the date of
8 establishment of the corridors under subsection
9 (a), and every 5 years thereafter” and inserting
10 “180 days after the date of enactment of the
11 INVEST in America Act”; and

12 (B) by inserting “establish a recurring
13 process to regularly” after “the Secretary
14 shall”;

15 (4) in subsection (e)—

16 (A) in paragraph (1) by striking “; and”
17 and inserting a semicolon;

18 (B) in paragraph (2)—

19 (i) by striking “establishes an aspira-
20 tional goal of achieving” and inserting “de-
21 scribes efforts to achieve”; and

22 (ii) by striking “by the end of fiscal
23 year 2020.” and inserting a semicolon; and

24 (C) by adding at the end the following:

1 “(3) summarizes best practices and provides
2 guidance, developed through consultation with the
3 Secretary of Energy, for project development of elec-
4 tric vehicle charging infrastructure, hydrogen fueling
5 infrastructure, and natural gas fueling infrastruc-
6 ture at the State, tribal, and local level to allow for
7 the predictable deployment of such infrastructure;
8 and

9 “(4) summarizes the progress and implementa-
10 tion of the grant program under subsection (f), in-
11 cluding—

12 “(A) a description of how funds awarded
13 through the grant program under subsection (f)
14 will aid efforts to achieve strategic deployment
15 of electric vehicle charging infrastructure and
16 hydrogen fueling infrastructure in those cor-
17 ridors;

18 “(B) the total number and location of
19 charging stations installed under subsection (f);
20 and

21 “(C) the total estimated greenhouse gas
22 emissions that have been reduced through the
23 use of electric vehicle charging or hydrogen
24 fueling infrastructure funded under subsection

1 (f) using the methodology identified in para-
2 graph (3)(B).”; and

3 (5) by adding at the end the following:

4 “(f) ELECTRIC VEHICLE CHARGING AND HYDROGEN
5 FUELING INFRASTRUCTURE GRANTS.—

6 “(1) ESTABLISHMENT.—Not later than 1 year
7 after the date of enactment of the INVEST in
8 America Act, the Secretary shall establish a grant
9 program to award grants to eligible entities for elec-
10 tric vehicle charging and hydrogen fueling infra-
11 structure projects.

12 “(2) ELIGIBLE ENTITY.—An entity eligible to
13 receive a grant under this subsection is—

14 “(A) a State or political subdivision of a
15 State;

16 “(B) a metropolitan planning organization;

17 “(C) a unit of local government;

18 “(D) a special purpose district or public
19 authority with a transportation function, includ-
20 ing a port authority;

21 “(E) a Tribal government;

22 “(F) an authority, agency, or instrumen-
23 tality of, or an entity owned by, 1 or more of
24 the entities described in subparagraphs (A)
25 through (E); or

1 “(G) a group of entities described in sub-
2 paragraphs (A) through (F).

3 “(3) APPLICATION.—To be eligible to receive a
4 grant under this subsection, an eligible entity shall
5 submit to the Secretary an application at such time,
6 in such manner, and containing such information as
7 the Secretary shall require, including—

8 “(A) a description of—

9 “(i) the public accessibility of the
10 charging or fueling infrastructure proposed
11 to be funded with a grant under this sub-
12 section, including—

13 “(I) charging or fueling con-
14 nector types;

15 “(II) publicly available informa-
16 tion on real-time availability; and

17 “(III) payment methods available
18 to all members of the public to ensure
19 secure, convenient, fair, and equal ac-
20 cess and not limited by membership to
21 a particular provider;

22 “(ii) collaborative engagement with
23 the entity with jurisdiction over the road-
24 way and any other relevant stakeholders
25 (including automobile manufacturers, utili-

1 ties, infrastructure providers, technology
2 providers, electric charging and hydrogen
3 fuel providers, metropolitan planning orga-
4 nizations, States, Indian Tribes, units of
5 local government, fleet owners, fleet man-
6 agers, fuel station owners and operators,
7 labor organizations, infrastructure con-
8 struction and component parts suppliers,
9 and multistate and regional entities)—

10 “(I) to foster enhanced, coordi-
11 nated, public-private or private invest-
12 ment in electric vehicle charging and
13 hydrogen fueling infrastructure;

14 “(II) to expand deployment of
15 electric vehicle charging or hydrogen
16 fueling infrastructure;

17 “(III) to protect personal privacy
18 and ensure cybersecurity; and

19 “(IV) to ensure that a properly
20 trained workforce is available to con-
21 struct and install electric vehicle
22 charging or hydrogen fueling infra-
23 structure;

24 “(iii) the location of the station or
25 fueling site, including consideration of—

1 “(I) the availability of onsite
2 amenities for vehicle operators, includ-
3 ing restrooms or food facilities;

4 “(II) access in compliance with
5 the Americans with Disabilities Act of
6 1990 (42 U.S.C. 12101 et seq.);

7 “(III) height and fueling capacity
8 requirements for facilities that charge
9 or refuel large vehicles, including
10 semitrailer trucks; and

11 “(IV) appropriate distribution to
12 avoid redundancy and fill charging or
13 fueling gaps;

14 “(iv) infrastructure installation that
15 can be responsive to technology advance-
16 ments, including accommodating autono-
17 mous vehicles and future charging meth-
18 ods;

19 “(v) the long-term operation and
20 maintenance of the electric vehicle charg-
21 ing or hydrogen fueling infrastructure to
22 avoid stranded assets and protect the in-
23 vestment of public funds in such infra-
24 structure; and

1 “(vi) in the case of an applicant that
2 is not a State department of transpor-
3 tation, the degree of coordination with the
4 applicable State department of transpor-
5 tation; and

6 “(B) an assessment of the estimated
7 greenhouse gas emissions and air pollution from
8 vehicle emissions that will be reduced through
9 the use of electric vehicle charging or hydrogen
10 fueling infrastructure, which shall be conducted
11 using one standardized methodology or tool as
12 determined by the Secretary.

13 “(4) CONSIDERATIONS.—In selecting eligible
14 entities to receive a grant under this subsection, the
15 Secretary shall—

16 “(A) consider the extent to which the ap-
17 plication of the eligible entity would—

18 “(i) reduce estimated greenhouse gas
19 emissions and air pollution from vehicle
20 emissions, weighted by the total Federal
21 investment in the project;

22 “(ii) improve alternative fueling cor-
23 ridor networks by—

1 “(I) converting corridor-pending
2 corridors to corridor-ready corridors;
3 or

4 “(II) in the case of corridor-
5 ready corridors, providing additional
6 capacity—

7 “(aa) to meet excess demand
8 for charging or fueling infra-
9 structure; or

10 “(bb) to reduce congestion
11 at existing charging or fueling in-
12 frastructure in high-traffic loca-
13 tions;

14 “(iii) meet current or anticipated mar-
15 ket demands for charging or fueling infra-
16 structure;

17 “(iv) enable or accelerate the con-
18 struction of charging or fueling infrastruc-
19 ture that would be unlikely to be completed
20 without Federal assistance; and

21 “(v) support a long-term competitive
22 market for electric vehicle charging infra-
23 structure or hydrogen fueling infrastruc-
24 ture that does not significantly impair ex-

1 isting electric vehicle charging or hydrogen
2 fueling infrastructure providers; and

3 “(B) ensure, to the maximum extent prac-
4 ticable, geographic diversity among grant recipi-
5 ents to ensure that electric vehicle charging in-
6 frastructure or hydrogen fueling infrastructure
7 is available throughout the United States.

8 “(5) USE OF FUNDS.—

9 “(A) IN GENERAL.—Any grant made
10 under this subsection shall be—

11 “(i) directly related to the charging or
12 fueling of a vehicle; and

13 “(ii) only for charging or fueling in-
14 frastructure that is open to the general
15 public.

16 “(B) LOCATION OF INFRASTRUCTURE.—

17 “(i) IN GENERAL.—Any electric vehi-
18 cle charging or hydrogen fueling infra-
19 structure acquired and installed with a
20 grant under this subsection shall be located
21 along an alternative fuel corridor des-
22 ignated under this section or by a State or
23 group of States.

24 “(ii) EXCEPTION.—Notwithstanding
25 clause (i), the Secretary may make a grant

1 for electric vehicle charging infrastructure
2 not on a designated alternative fuel cor-
3 ridor if the applicant demonstrates that
4 the proposed charging infrastructure would
5 expand deployment of electric vehicle
6 charging to a greater number of users than
7 investments on such corridor.

8 “(C) OPERATING ASSISTANCE.—

9 “(i) IN GENERAL.—Subject to clauses
10 (ii) and (iii), an eligible entity that receives
11 a grant under this subsection may use a
12 portion of the funds for operating costs for
13 the first 5 years of operations after the in-
14 stallation of electric vehicle charging or hy-
15 drogen fueling infrastructure while the fa-
16 cility transitions to independent system op-
17 erations.

18 “(ii) INCLUSION.—Operating assist-
19 ance under this subparagraph shall be lim-
20 ited to costs allocable to operating and
21 maintaining the electric vehicle charging or
22 hydrogen fueling infrastructure and serv-
23 ice.

24 “(iii) LIMITATION.—Operating assist-
25 ance under this subparagraph may not ex-

1 ceed the amount of a contract under sub-
2 paragraph (A) to acquire and install elec-
3 tric vehicle charging or hydrogen fueling
4 infrastructure.

5 “(D) SIGNS.—

6 “(i) IN GENERAL.—Subject to this
7 paragraph and paragraph (6)(B), an eligi-
8 ble entity that receives a grant under this
9 subsection may use a portion of the funds
10 to acquire and install—

11 “(I) traffic control devices lo-
12 cated in the right-of-way to provide
13 directional information to electric ve-
14 hicle charging or hydrogen fueling in-
15 frastructure acquired, installed, or op-
16 erated with the grant under this sub-
17 section; and

18 “(II) on-premises signs to pro-
19 vide information about electric vehicle
20 charging or hydrogen fueling infra-
21 structure acquired, installed, or oper-
22 ated with a grant under this sub-
23 section.

24 “(ii) REQUIREMENT.—Any traffic
25 control device or on-premises sign ac-

1 required, installed, or operated with a grant
2 under this subsection shall comply with the
3 Manual on Uniform Traffic Control De-
4 vices, if located in the right-of-way.

5 “(E) REVENUE.—An eligible entity receiv-
6 ing a grant under this subsection and a private
7 entity referred to in subparagraph (F) may
8 enter into a cost-sharing agreement under
9 which the private entity submits to the eligible
10 entity a portion of the revenue from the electric
11 vehicle charging or hydrogen fueling infrastruc-
12 ture.

13 “(F) PRIVATE ENTITY.—

14 “(i) IN GENERAL.—An eligible entity
15 receiving a grant under this subsection
16 may use the funds in accordance with this
17 paragraph to contract with a private entity
18 for installation, operation, or maintenance
19 of electric vehicle charging or hydrogen
20 fueling infrastructure.

21 “(ii) INCLUSION.—An eligible private
22 entity shall include a privately, publicly, or
23 cooperatively owned electric utility.

24 “(6) PROJECT REQUIREMENTS.—

1 “(A) IN GENERAL.—Notwithstanding any
2 other provision of law, any project funded by a
3 grant under this subsection shall be treated as
4 a project on a Federal-aid highway.

5 “(B) ELECTRIC VEHICLE CHARGING
6 PROJECTS.—A project for electric vehicle charg-
7 ing infrastructure funded by a grant under this
8 subsection shall be subject to the requirements
9 of section 155.

10 “(7) FEDERAL SHARE.—The Federal share of
11 the cost of a project carried out with a grant under
12 this subsection shall not exceed 80 percent of the
13 total project cost.”.

14 **SEC. 1304. COMMUNITY CLIMATE INNOVATION GRANTS.**

15 (a) IN GENERAL.—Chapter 1 of title 23, United
16 States Code, as amended by this title, is further amended
17 by inserting after section 171 the following:

18 **“§ 172. Community climate innovation grants**

19 “(a) ESTABLISHMENT.—The Secretary shall estab-
20 lish a community climate innovation grant program (in
21 this section referred to as the ‘Program’) to make grants,
22 on a competitive basis, for locally selected projects that
23 reduce greenhouse gas emissions while improving the mo-
24 bility, accessibility, and connectivity of the surface trans-
25 portation system.

1 “(b) PURPOSE.—The purpose of the Program shall
2 be to support communities in reducing greenhouse gas
3 emissions from the surface transportation system.

4 “(c) ELIGIBLE APPLICANTS.—The Secretary may
5 make grants under the Program to the following entities:

6 “(1) A metropolitan planning organization.

7 “(2) A unit of local government or a group of
8 local governments.

9 “(3) A subdivision of a local government.

10 “(4) A transit agency.

11 “(5) A special purpose district with a transpor-
12 tation function or a port authority.

13 “(6) A Tribal government or a consortium of
14 tribal governments.

15 “(7) A multijurisdictional group of entities de-
16 scribed in paragraphs (1) through (6).

17 “(d) APPLICATIONS.—To be eligible for a grant
18 under the Program, an entity specified in subsection (c)
19 shall submit to the Secretary an application in such form,
20 at such time, and containing such information as the Sec-
21 retary determines appropriate.

22 “(e) ELIGIBLE PROJECTS.—The Secretary may only
23 provide a grant under the Program for a project that is
24 expected to yield a significant reduction in greenhouse gas
25 emissions from the surface transportation system and—

1 “(1) is a project eligible for assistance under
2 this title or under chapter 53 of title 49; or

3 “(2) is a capital project as defined in section
4 22906 of title 49 to improve intercity passenger rail
5 that will yield a significant reduction in single occu-
6 pant vehicle trips and improve mobility on public
7 roads.

8 “(f) ELIGIBLE USES.—Grant amounts received for a
9 project under the Program may be used for—

10 “(1) development phase activities, including
11 planning, feasibility analysis, revenue forecasting,
12 environmental review, preliminary engineering and
13 design work, and other preconstruction activities;
14 and

15 “(2) construction, reconstruction, rehabilitation,
16 acquisition of real property (including land related
17 to the project and improvements to the land), envi-
18 ronmental mitigation, construction contingencies, ac-
19 quisition of equipment, and operational improve-
20 ments.

21 “(g) PROJECT PRIORITIZATION.—In making grants
22 for projects under the Program, the Secretary shall give
23 priority to projects that are expected to yield the most sig-
24 nificant reductions in greenhouse gas emissions from the
25 surface transportation system.

1 “(h) ADDITIONAL CONSIDERATIONS.—In making
2 grants for projects under the Program, the Secretary shall
3 consider the extent to which—

4 “(1) a project maximizes greenhouse gas reduc-
5 tions in a cost-effective manner;

6 “(2) a project reduces dependence on single-oc-
7 cupant vehicle trips or provides additional transpor-
8 tation options;

9 “(3) a project improves the connectivity and ac-
10 cessibility of the surface transportation system, par-
11 ticularly to low- and zero-emission forms of trans-
12 portation, including public transportation, walking,
13 and bicycling;

14 “(4) an applicant has adequately considered or
15 will adequately consider, including through the op-
16 portunity for public comment, the environmental jus-
17 tice and equity impacts of the project;

18 “(5) a project contributes to geographic diver-
19 sity among grant recipients, including to achieve a
20 balance between urban, suburban, and rural commu-
21 nities;

22 “(6) a project serves low-income communities,
23 including areas of persistent poverty; and

24 “(7) a project uses pavement materials that
25 demonstrate reductions in greenhouse gas emissions

1 through sequestration or innovative manufacturing
2 processes.

3 “(i) FUNDING.—

4 “(1) MAXIMUM AMOUNT.—The maximum
5 amount of a grant under the Program shall be
6 \$25,000,000.

7 “(2) TECHNICAL ASSISTANCE.—Of the amounts
8 made available to carry out the Program, the Sec-
9 retary may use up to 1 percent to provide technical
10 assistance to applicants and potential applicants.

11 “(j) TREATMENT OF PROJECTS.—

12 “(1) FEDERAL REQUIREMENTS.—The Secretary
13 shall, with respect to a project funded by a grant
14 under this section, apply—

15 “(A) the requirements of this title to a
16 highway project;

17 “(B) the requirements of chapter 53 of
18 title 49 to a public transportation project; and

19 “(C) the requirements of section 22905 of
20 title 49 to a passenger rail or freight rail
21 project.

22 “(2) MULTIMODAL PROJECTS.—

23 “(A) IN GENERAL.—Except as otherwise
24 provided in this paragraph, if an eligible project
25 is a multimodal project, the Secretary shall—

1 “(i) determine the predominant modal
2 component of the project; and

3 “(ii) apply the applicable requirements
4 of such predominant modal component to
5 the project.

6 “(B) EXCEPTIONS.—

7 “(i) PASSENGER OR FREIGHT RAIL
8 COMPONENT.—For any passenger or
9 freight rail component of a project, the re-
10 quirements of section 22907(j)(2) of title
11 49 shall apply.

12 “(ii) PUBLIC TRANSPORTATION COM-
13 PONENT.—For any public transportation
14 component of a project, the requirements
15 of section 5333 of title 49 shall apply.

16 “(C) BUY AMERICA.—In applying the Buy
17 American requirements under section 313 of
18 this title and sections 5320, 22905(a), and
19 24305(f) of title 49 to a multimodal project
20 under this paragraph, the Secretary shall—

21 “(i) consider the various modal com-
22 ponents of the project; and

23 “(ii) seek to maximize domestic jobs.

24 “(3) FEDERAL-AID HIGHWAY REQUIRE-
25 MENTS.—Notwithstanding any other provision of

1 this subsection, the Secretary shall require recipients
2 of grants under this section to comply with sub-
3 section (a) of section 113 with respect to public
4 transportation projects, passenger rail projects, and
5 freight rail projects, in the same manner that recipi-
6 ents of grants are required to comply with such sub-
7 section for construction work performed on highway
8 projects on Federal-aid highways.

9 “(k) SINGLE-OCCUPANCY VEHICLE HIGHWAY FA-
10 CILITIES.—None of the funds provided under this section
11 may be used for a project that will result in the construc-
12 tion of new capacity available to single occupant vehicles
13 unless the project consists of a high-occupancy vehicle fa-
14 cility and is consistent with section 166.

15 “(l) DEFINITION OF AREAS OF PERSISTENT POV-
16 ERTY.—In this section, the term ‘areas of persistent pov-
17 erty’ means—

18 “(1) any county that has had 20 percent or
19 more of the population of such county living in pov-
20 erty over the past 30 years, as measured by the
21 1990 and 2000 decennial censuses and the most re-
22 cent Small Area Income and Poverty Estimates; and

23 “(2) any census tract with a poverty rate of at
24 least 20 percent, as measured by the most recent 5-

1 year data series available from the American Com-
2 munity Survey of the Bureau of the Census.”.

3 (b) CLERICAL AMENDMENT.—The analysis for chap-
4 ter 1 of title 23, United States Code, is amended by insert-
5 ing after the item relating to section 171 the following:
“172. Community climate innovation grants.”.

6 **SEC. 1305. METRO PERFORMANCE PROGRAM.**

7 (a) ESTABLISHMENT.—The Secretary of Transpor-
8 tation shall provide funding to metropolitan planning or-
9 ganizations in accordance with this section to enhance
10 local decision making and control in delivering projects to
11 address local transportation needs.

12 (b) DESIGNATION.—

13 (1) IN GENERAL.—The Secretary shall des-
14 ignate high-performing metropolitan planning orga-
15 nizations based on the criteria in paragraph (3) to
16 be direct recipients of funds under this section.

17 (2) RESPONSIBILITIES.—A direct recipient shall
18 assume, with respect to the amounts made available
19 under this section, any responsibility for the over-
20 sight of Federal funds vested in a State department
21 of transportation under chapter 1 of title 23, United
22 States Code.

23 (3) CRITERIA.—In designating an applicant
24 under this subsection, the Secretary shall consider—

1 (A) the legal, financial, and technical ca-
2 pacity of the applicant;

3 (B) the level of coordination between the
4 applicant and—

5 (i) the State department of transpor-
6 tation of the State or States in which the
7 metropolitan planning area represented by
8 the applicant is located;

9 (ii) local governments and providers of
10 public transportation within the metropoli-
11 tan planning area represented by the appli-
12 cant; and

13 (iii) if more than 1 metropolitan plan-
14 ning organization is designated within an
15 urbanized area represented by the appli-
16 cant, any other such metropolitan planning
17 organization;

18 (C) in the case of an applicant that rep-
19 represents an urbanized area population of greater
20 than 200,000, the effectiveness of project deliv-
21 ery and timely obligation of funds made avail-
22 able under section 133(d)(1)(A)(i) of title 23,
23 United States Code;

24 (D) if the applicant or a local government
25 within the metropolitan planning area that the

1 applicant represents has been the recipient of a
2 discretionary grant from the Secretary within
3 the preceding 5 years, the administration of
4 such grant;

5 (E) the extent to which the planning and
6 decision making process of the applicant, in-
7 cluding the long-range transportation plan and
8 the approved transportation improvement pro-
9 gram under section 134 of such title, support—

10 (i) the performance goals established
11 under section 150(b) of such title; and

12 (ii) the achievement of metropolitan
13 or statewide performance targets estab-
14 lished under section 150(c) of such title;
15 and

16 (F) any other criteria established by the
17 Secretary.

18 (4) REQUIREMENTS.—

19 (A) CALL FOR NOMINATION.—Not later
20 than April 1, 2022, the Secretary shall publish
21 in the Federal Register a notice soliciting appli-
22 cations for designation under this subsection.

23 (B) GUIDANCE.—The notification under
24 paragraph (1) shall include guidance on the re-

1 requirements and responsibilities of a direct re-
2 cipient under this section.

3 (C) DETERMINATION.—The Secretary
4 shall make all designations under this section
5 for fiscal year 2023 not later than June 1,
6 2022.

7 (5) TERM.—Except as provided in paragraph
8 (6), a designation under this subsection shall—

9 (A) be for a period of not less than 5
10 years; and

11 (B) be renewable.

12 (6) TERMINATION.—

13 (A) IN GENERAL.—The Secretary shall es-
14 tablish procedures for the termination of a des-
15 ignation under this subsection.

16 (B) CONSIDERATIONS.—In establishing
17 procedures under subparagraph (A), the Sec-
18 retary shall consider—

19 (i) with respect to projects carried out
20 under this section, compliance with the re-
21 quirements of title 23, United States Code,
22 or chapter 53 of title 49, United States
23 Code; and

24 (ii) the obligation rate of any funds—

1 (I) made available under this sec-
2 tion; and

3 (II) in the case of a metropolitan
4 planning organization that represents
5 a metropolitan planning area with an
6 urbanized area population of greater
7 than 200,000, made available under
8 section 133(d)(1)(A) of title 23,
9 United States Code.

10 (c) USE OF FUNDS.—

11 (1) ELIGIBLE PROJECTS.—Funds made avail-
12 able under this section may be obligated for the pur-
13 poses described in section 133(b) of title 23, United
14 States Code.

15 (2) ADMINISTRATIVE EXPENSES AND TECH-
16 NICAL ASSISTANCE.—Of the amounts made available
17 under this section, the Secretary may set aside not
18 more than \$5,000,000 for program management,
19 oversight, and technical assistance to direct recipi-
20 ents.

21 (d) RESPONSIBILITIES OF DIRECT RECIPIENTS.—

22 (1) DIRECT AVAILABILITY OF FUNDS.—Not-
23 withstanding title 23, United States Code, the
24 amounts made available under this section shall be
25 allocated to each direct recipient for obligation.

1 (2) PROJECT DELIVERY.—

2 (A) IN GENERAL.—At the request of the
3 direct recipient, the State may collaborate with
4 a project sponsor to ensure delivery of the
5 project and compliance with all applicable Fed-
6 eral requirements.

7 (B) USE OF FUNDS.—Amounts made
8 available under this section may be used to
9 compensate the State for costs incurred in pro-
10 viding technical assistance under this para-
11 graph.

12 (3) DISTRIBUTION OF AMOUNTS AMONG DIRECT
13 RECIPIENTS.—

14 (A) IN GENERAL.—Subject to subpara-
15 graph (B), on the first day of the fiscal year for
16 which funds are made available under this sec-
17 tion, the Secretary shall allocate such funds to
18 each direct recipient as the proportion of the
19 population (as determined by data collected by
20 the Bureau of the Census) of the urbanized
21 area represented by any 1 direct recipient bears
22 to the total population of all of urbanized areas
23 represented by all direct recipients.

24 (B) MINIMUM AND MAXIMUM AMOUNTS.—
25 Each direct recipient shall receive not less than

1 \$10,000,000 and not more than \$50,000,000
2 each fiscal year.

3 (C) MINIMUM GUARANTEED AMOUNT.—In
4 making a determination whether to designate a
5 metropolitan planning organization as a direct
6 recipient under subsection (b), the Secretary
7 shall ensure that each direct recipient receives
8 the minimum required allocation under sub-
9 paragraph (B).

10 (D) ADDITIONAL AMOUNTS.—If any
11 amounts remain unallocated after the distribu-
12 tion described in this subsection, such remain-
13 ing amounts and an associated amount of obli-
14 gation limitation shall be made available for the
15 purposes described in clauses (i) and (ii) of sec-
16 tion 133(d)(1)(A) of title 23, United States
17 Code, and distributed among the States in pro-
18 portion to the relative shares of the population
19 (as determined by data collected by the Bureau
20 of the Census) of the urbanized areas of each
21 State bears to the total population of all urban-
22 ized areas across all States.

23 (4) ASSUMPTION OF RESPONSIBILITY OF THE
24 SECRETARY.—

1 (A) IN GENERAL.—For projects carried
2 out with funds provided under this section, the
3 direct recipient may assume the responsibilities
4 of the Secretary under title 23, United States
5 Code, for design, plans, specifications, esti-
6 mates, contract awards, and inspections with
7 respect to the projects unless the Secretary de-
8 termines that the assumption is not appro-
9 priate.

10 (B) AGREEMENT.—The Secretary and the
11 direct recipient shall enter into an agreement
12 relating to the extent to which the direct recipi-
13 ent assumes the responsibilities of the Secretary
14 under this paragraph.

15 (C) LIMITATIONS.—The Secretary shall re-
16 tain responsibilities described in subparagraph
17 (A) for any project that the Secretary deter-
18 mines to be in a high-risk category, including
19 projects on the National Highway System.

20 (e) EXPENDITURE OF FUNDS.—

21 (1) CONSISTENCY WITH METROPOLITAN PLAN-
22 NING.—Except as otherwise provided in this section,
23 programming and expenditure of funds for projects
24 under this section shall be consistent with the re-

1 requirements of section 134 of title 23, United States
2 Code.

3 (2) SELECTION OF PROJECTS.—

4 (A) IN GENERAL.—Notwithstanding sub-
5 sections (j)(5) and (k)(4) of section 134 of such
6 title, a direct recipient shall select, from the ap-
7 proved transportation improvement program
8 under section 134 of such title, all projects de-
9 scribed under this section, including projects on
10 the National Highway System.

11 (B) ELIGIBLE PROJECTS.—The project se-
12 lection process described in this subsection shall
13 apply to all federally funded projects within the
14 boundaries of a metropolitan planning area
15 served by a direct recipient that are carried out
16 under this section.

17 (C) CONSULTATION REQUIRED.—In select-
18 ing a project under this subsection, the metro-
19 politan planning organization shall consult
20 with—

21 (i) in the case of a highway project,
22 the State and locality in which such project
23 is located; and

1 (ii) in the case of a transit project,
2 any affected public transportation oper-
3 ator.

4 (3) RULE OF CONSTRUCTION.—Nothing in this
5 section shall be construed to limit the ability of a di-
6 rect recipient to partner with a State department of
7 transportation or other recipient of Federal funds
8 under title 23, United States Code, or chapter 53 of
9 title 49, United States Code, to carry out a project.

10 (f) TREATMENT OF FUNDS.—

11 (1) IN GENERAL.—Except as provided in this
12 section, funds made available to carry out this sec-
13 tion shall be treated as funds apportioned under title
14 23, United States Code.

15 (2) TREATMENT OF PROJECTS.—Notwith-
16 standing any other provision of law, any project
17 using funds provided under this section shall be
18 treated as a project on a Federal-aid highway under
19 chapter 1 of title 23, United States Code.

20 (3) FEDERAL SHARE.—The Federal share of
21 the cost of a project carried out under this section
22 shall be determined in accordance with section 120
23 of title 23, United States Code.

24 (g) REPORT.—

1 (1) DIRECT RECIPIENT REPORT.—Not later
2 than 60 days after the end of each fiscal year, each
3 direct recipient shall submit to the Secretary a re-
4 port that includes—

5 (A) a list of projects funded with amounts
6 provided under this section;

7 (B) a description of any obstacles to com-
8 plete projects or timely obligation of funds; and

9 (C) recommendations to improve the effec-
10 tiveness of the program under this section.

11 (2) REPORT TO CONGRESS.—Not later than Oc-
12 tober 1, 2024, the Secretary shall submit to the
13 Committee on Environment and Public Works of the
14 Senate and the Committee on Transportation and
15 Infrastructure of the House of Representatives a re-
16 port that—

17 (A) summarizes the findings of each direct
18 recipient provided under paragraph (1);

19 (B) describes the efforts undertaken by
20 both direct recipients and the Secretary to en-
21 sure compliance with the requirements of title
22 23 and chapter 53 of title 49, United States
23 Code;

1 (C) analyzes the capacity of direct recipi-
2 ents to receive direct allocations of funds under
3 chapter 1 of title 23, United States Code; and

4 (D) provides recommendations from the
5 Secretary to—

6 (i) improve the administration, over-
7 sight, and performance of the program es-
8 tablished under this section;

9 (ii) improve the effectiveness of direct
10 recipients to complete projects and obligate
11 funds in a timely manner; and

12 (iii) evaluate options to expand the
13 authority provided under this section, in-
14 cluding to allow for the direct allocation to
15 metropolitan planning organizations of
16 funds made available to carry out clause
17 (i) or (ii) of section 133(d)(1)(A) of title
18 23, United States Code.

19 (3) UPDATE.—Not less frequently than every 2
20 years, the Secretary shall update the report de-
21 scribed in paragraph (2).

22 (h) DEFINITIONS.—

23 (1) DIRECT RECIPIENT.—In this section, the
24 term “direct recipient” means a metropolitan plan-
25 ning organization designated by the Secretary as

1 high-performing under subsection (b) and that was
2 directly allocated funds as described in subsection
3 (d).

4 (2) METROPOLITAN PLANNING AREA.—The
5 term “metropolitan planning area” has the meaning
6 given such term in section 134 of title 23, United
7 States Code.

8 (3) METROPOLITAN PLANNING ORGANIZA-
9 TION.—The term “metropolitan planning organiza-
10 tion” has the meaning given such term in section
11 134 of title 23, United States Code.

12 (4) NATIONAL HIGHWAY SYSTEM.—The term
13 “National Highway System” has the meaning given
14 such term in section 101 of title 23, United States
15 Code.

16 (5) STATE.—The term “State” has the mean-
17 ing given such term in section 101 of title 23,
18 United States Code.

19 (6) URBANIZED AREA.—The term “urbanized
20 area” has the meaning given such term in section
21 134 of title 23, United States Code.

22 **SEC. 1306. GRIDLOCK REDUCTION GRANT PROGRAM.**

23 (a) ESTABLISHMENT.—The Secretary of Transpor-
24 tation shall establish a gridlock reduction program to
25 make grants, on a competitive basis, for projects to re-

1 duce, and mitigate the adverse impacts of, traffic conges-
2 tion.

3 (b) APPLICATIONS.—To be eligible for a grant under
4 this section, an applicant shall submit to the Secretary an
5 application in such form, at such time, and containing
6 such information as the Secretary determines appropriate.

7 (c) ELIGIBLE APPLICANTS.—The Secretary may
8 make grants under this section to an applicant that is
9 serving an urbanized area, as designated by the Bureau
10 of the Census, with a population of not less than
11 1,000,000 and that is—

12 (1) a metropolitan planning organization;

13 (2) a unit of local government or a group of
14 local governments;

15 (3) a multijurisdictional group of entities de-
16 scribed in paragraphs (1) and (2); or

17 (4) a State that is in partnership with an entity
18 described in paragraph (1), (2), or (3).

19 (d) ELIGIBLE PROJECTS.—The Secretary may award
20 grants under this section to applicants that submit a com-
21 prehensive program of surface transportation-related
22 projects to reduce traffic congestion and related adverse
23 impacts, including a project for 1 or more of the following:

24 (1) Transportation systems management and
25 operations.

- 1 (2) Intelligent transportation systems.
- 2 (3) Real-time traveler information.
- 3 (4) Traffic incident management.
- 4 (5) Active traffic management.
- 5 (6) Traffic signal timing.
- 6 (7) Multimodal travel payment systems.
- 7 (8) Transportation demand management, in-
8 cluding employer-based commuting programs such
9 as carpool, vanpool, transit benefit, parking cashout,
10 shuttle, or telework programs.
- 11 (9) A project to provide transportation options
12 to reduce traffic congestion, including—
 - 13 (A) a project under chapter 53 of title 49,
14 United States Code; and
 - 15 (B) a bicycle or pedestrian project, includ-
16 ing a project to provide safe and connected ac-
17 tive transportation networks.
- 18 (10) Any other project, as determined appro-
19 priate by the Secretary.
- 20 (e) AWARD PRIORITIZATION.—
 - 21 (1) IN GENERAL.—In selecting grants under
22 this section, the Secretary shall prioritize applicants
23 serving urbanized areas, as described in subsection
24 (c), that are experiencing a high degree of recurrent

1 transportation congestion, as determined by the Sec-
2 retary.

3 (2) ADDITIONAL CONSIDERATIONS.—In select-
4 ing grants under this section, the Secretary shall
5 also consider the extent to which the project
6 would—

7 (A) reduce traffic congestion and improve
8 the reliability of the surface transportation sys-
9 tem;

10 (B) mitigate the adverse impacts of traffic
11 congestion on the surface transportation sys-
12 tem, including safety and environmental im-
13 pacts;

14 (C) maximize the use of existing capacity;
15 and

16 (D) employ innovative, integrated, and
17 multimodal solutions to the items described in
18 subparagraphs (A), (B), and (C).

19 (f) FEDERAL SHARE.—

20 (1) IN GENERAL.—The Federal share of the
21 cost of a project carried out under this section may
22 not exceed 60 percent.

23 (2) MAXIMUM FEDERAL SHARE.—Federal as-
24 sistance other than a grant for a project under this
25 section may be used to satisfy the non-Federal share

1 of the cost of such project, except that the total Fed-
2 eral assistance provided for a project receiving a
3 grant under this section may not exceed 80 percent
4 of the total project cost.

5 (g) USE OF FUNDS.—Funds made available for a
6 project under this section may be used for—

7 (1) development phase activities, including plan-
8 ning, feasibility analysis, revenue forecasting, envi-
9 ronmental review, preliminary engineering and de-
10 sign work, and other preconstruction activities; and

11 (2) construction, reconstruction, rehabilitation,
12 acquisition of real property (including land related
13 to the project and improvements to the land), envi-
14 ronmental mitigation, construction contingencies, ac-
15 quisition of equipment, and operational improve-
16 ments.

17 (h) FUNDING.—

18 (1) GRANT AMOUNT.—A grant under this sec-
19 tion shall be in an amount not less than
20 \$10,000,000 and not more than \$50,000,000.

21 (2) AVAILABILITY.—Funds made available
22 under this program shall be available until expended.

23 (i) FREIGHT PROJECT SET-ASIDE.—

24 (1) IN GENERAL.—The Secretary shall set aside
25 not less than 50 percent of the funds made available

1 to carry out this section for grants for freight
2 projects under this subsection.

3 (2) ELIGIBLE USES.—The Secretary shall pro-
4 vide funds set aside under this subsection to appli-
5 cants that submit a comprehensive program of sur-
6 face transportation-related projects to reduce
7 freight-related traffic congestion and related adverse
8 impacts, including—

9 (A) freight intelligent transportation sys-
10 tems;

11 (B) real-time freight parking information;

12 (C) real-time freight routing information;

13 (D) freight transportation and delivery
14 safety projects;

15 (E) first-mile and last-mile delivery solu-
16 tions;

17 (F) shifting freight delivery to off-peak
18 travel times;

19 (G) reducing greenhouse gas emissions and
20 air pollution from freight transportation and
21 delivery, including through the use of innovative
22 vehicles that produce fewer greenhouse gas
23 emissions;

24 (H) use of centralized delivery locations;

1 (I) designated freight vehicle parking and
2 staging areas;

3 (J) curb space management; and

4 (K) other projects, as determined appro-
5 priate by the Secretary.

6 (3) AWARD PRIORITIZATION.—

7 (A) IN GENERAL.—In providing funds set
8 aside under this section, the Secretary shall
9 prioritize applicants serving urbanized areas, as
10 described in subsection (c), that are experi-
11 encing a high degree of recurrent congestion
12 due to freight transportation, as determined by
13 the Secretary.

14 (B) ADDITIONAL CONSIDERATIONS.—In
15 providing funds set aside under this subsection,
16 the Secretary shall consider the extent to which
17 the proposed project—

18 (i) reduces freight-related traffic con-
19 gestion and improves the reliability of the
20 freight transportation system;

21 (ii) mitigates the adverse impacts of
22 freight-related traffic congestion on the
23 surface transportation system, including
24 safety and environmental impacts;

1 (iii) maximizes the use of existing ca-
2 pacity;

3 (iv) employs innovative, integrated,
4 and multimodal solutions to the items de-
5 scribed in clauses (i) through (iii); and

6 (v) leverages Federal funds with non-
7 Federal contributions.

8 (4) FLEXIBILITY.—If the Secretary determines
9 that there are insufficient qualified applicants to use
10 the funds set aside under this subsection, the Sec-
11 retary may use such funds for grants for any
12 projects eligible under this section.

13 (j) REPORT.—

14 (1) RECIPIENT REPORT.—The Secretary shall
15 ensure that not later than 2 years after the Sec-
16 retary awards grants under this section, the recipi-
17 ent of each such grant submits to the Secretary a
18 report that contains—

19 (A) information on each activity or project
20 that received funding under this section;

21 (B) a summary of any non-Federal re-
22 sources leveraged by a grant under this section;

23 (C) any statistics, measurements, or quan-
24 titative assessments that demonstrate the con-
25 gestion reduction, reliability, safety, and envi-

1 ronmental benefits achieved through activities
2 or projects that received funding under this sec-
3 tion; and

4 (D) any additional information required by
5 the Secretary.

6 (2) REPORT TO CONGRESS.—Not later than 6
7 months after the date specified in paragraph (1), the
8 Secretary shall submit to the Committee on Trans-
9 portation and Infrastructure of the House of Rep-
10 resentatives and the Committee on Environment and
11 Public Works, the Committee on Commerce, Science,
12 and Transportation, and the Committee on Banking,
13 Housing, and Urban Affairs of the Senate, and
14 make publicly available on a website, a report detail-
15 ing—

16 (A) a summary of any information pro-
17 vided under paragraph (1); and

18 (B) recommendations and best practices
19 to—

20 (i) reduce traffic congestion, including
21 freight-related traffic congestion, and im-
22 prove the reliability of the surface trans-
23 portation system;

24 (ii) mitigate the adverse impacts of
25 traffic congestion, including freight-related

1 traffic congestion, on the surface transpor-
2 tation system, including safety and envi-
3 ronmental impacts; and

4 (iii) employ innovative, integrated,
5 and multimodal solutions to the items de-
6 scribed in clauses (i) and (ii).

7 (k) NOTIFICATION.—Not later than 3 business days
8 before awarding a grant under this section, the Secretary
9 shall notify the Committee on Transportation and Infra-
10 structure of the House of Representatives and the Com-
11 mittee on Environment and Public Works, the Committee
12 on Commerce, Science, and Transportation, and the Com-
13 mittee on Banking, Housing, and Urban Affairs of the
14 Senate of the intention to award such a grant.

15 (l) TREATMENT OF PROJECTS.—

16 (1) FEDERAL REQUIREMENTS.—The Secretary
17 shall, with respect to a project funded by a grant
18 under this section, apply—

19 (A) the requirements of title 23, United
20 States Code, to a highway project;

21 (B) the requirements of chapter 53 of title
22 49, United States Code, to a public transpor-
23 tation project; and

1 (C) the requirements of section 22905 of
2 title 49, United States Code, to a passenger rail
3 or freight rail project.

4 (2) MULTIMODAL PROJECTS.—

5 (A) IN GENERAL.—Except as otherwise
6 provided in this paragraph, if an eligible project
7 is a multimodal project, the Secretary shall—

8 (i) determine the predominant modal
9 component of the project; and

10 (ii) apply the applicable requirements
11 of such predominant modal component to
12 the project.

13 (B) EXCEPTIONS.—

14 (i) PASSENGER OR FREIGHT RAIL
15 COMPONENT.—For any passenger or
16 freight rail component of a project, the re-
17 quirements of section 22907(j)(2) of title
18 49, United States Code, shall apply.

19 (ii) PUBLIC TRANSPORTATION COMPO-
20 NENT.—For any public transportation
21 component of a project, the requirements
22 of section 5333 of title 49, United States
23 Code, shall apply.

24 (C) BUY AMERICA.—In applying the Buy
25 American requirements under section 313 of

1 title 23, United States Code, and sections 5320,
2 22905(a), and 24305(f) of title 49, United
3 States Code, to a multimodal project under this
4 paragraph, the Secretary shall—

5 (i) consider the various modal compo-
6 nents of the project; and

7 (ii) seek to maximize domestic jobs.

8 (3) FEDERAL-AID HIGHWAY REQUIREMENTS.—

9 Notwithstanding any other provision of this sub-
10 section, the Secretary shall require recipients of
11 grants under this section to comply with subsection
12 (a) of section 113 of title 23, United States Code,
13 with respect to public transportation projects, pas-
14 senger rail projects, and freight rail projects, in the
15 same manner that recipients of grants are required
16 to comply with such subsection for construction
17 work performed on highway projects on Federal-aid
18 highways.

19 (m) TREATMENT OF FUNDS.—Except as provided in
20 subsection (l), funds authorized for the purposes described
21 in this section shall be available for obligation in the same
22 manner as if the funds were apportioned under chapter
23 1 of title 23, United States Code.

1 **SEC. 1307. REBUILD RURAL GRANT PROGRAM.**

2 (a) ESTABLISHMENT.—The Secretary of Transpor-
3 tation shall establish a rebuild rural grant program to im-
4 prove the safety, state of good repair, and connectivity of
5 transportation infrastructure in rural communities.

6 (b) GRANT AUTHORITY.—

7 (1) IN GENERAL.—In carrying out the program
8 established in subsection (a), the Secretary shall
9 make grants, on a competitive basis, in accordance
10 with this section.

11 (2) GRANT AMOUNT.—A grant made under this
12 program shall be for no more than \$25,000,000.

13 (c) ELIGIBLE APPLICANTS.—The Secretary may
14 make a grant under this section to—

15 (1) a State;

16 (2) a metropolitan planning organization or a
17 regional transportation planning organization;

18 (3) a unit of local government;

19 (4) a Federal land management agency;

20 (5) a Tribal government or a consortium of
21 Tribal governments; and

22 (6) a multijurisdictional group of entities de-
23 scribed in this subsection.

24 (d) APPLICATIONS.—To be eligible for a grant under
25 this section, an entity specified under subsection (c) shall
26 submit to the Secretary an application in such form, at

1 such time, and containing such information as the Sec-
2 retary determines is appropriate.

3 (e) ELIGIBLE PROJECTS.—The Secretary shall pro-
4 vide grants under this section to projects eligible under
5 title 23, United States Code, including projects on and off
6 the Federal-aid highway system, that improve safety, state
7 of good repair, or connectivity in a rural community, in-
8 cluding projects to—

9 (1) improve transportation safety, including
10 projects on high-risk rural roads and on Federal
11 lands;

12 (2) improve state of good repair, including
13 projects to repair and rehabilitate bridges on and off
14 the Federal-aid highway system;

15 (3) provide or increase access to jobs and serv-
16 ices;

17 (4) provide or increase access to—

18 (A) a grain elevator;

19 (B) an agricultural facility;

20 (C) a mining facility;

21 (D) a forestry facility;

22 (E) an intermodal facility; or

23 (F) any other facility that supports the
24 economy of a rural community; and

1 (5) reduce vehicle-wildlife collisions and improve
2 habitat connectivity.

3 (f) ELIGIBLE PROJECT COSTS.—Grant amounts for
4 a project under this section may be used for—

5 (1) development phase activities, including plan-
6 ning, feasibility analysis, revenue forecasting, envi-
7 ronmental review, preliminary engineering and de-
8 sign work, and other preconstruction activities; and

9 (2) construction, reconstruction, rehabilitation,
10 acquisition of real property (including land related
11 to the project and improvements to the land), envi-
12 ronmental mitigation, construction contingencies, ac-
13 quisition of equipment, and operational improve-
14 ments.

15 (g) FEDERAL SHARE.—

16 (1) IN GENERAL.—The share of the cost of a
17 project provided with a grant under this section may
18 not exceed 80 percent of the total cost of such
19 project.

20 (2) MAXIMUM FEDERAL ASSISTANCE.—Federal
21 assistance other than a grant under this section may
22 be used to satisfy up to 100 percent of the total cost
23 of such project.

24 (h) PRIORITY.—In making grants under this section,
25 the Secretary shall prioritize projects that address—

1 (1) significant transportation safety challenges;

2 (2) state of good repair challenges that pose
3 safety risks or risks to a local economy;

4 (3) economic development challenges;

5 (4) connectivity challenges that limit access to
6 jobs or services; and

7 (5) coordination of projects in the highway
8 right-of-way with proposed broadband service infra-
9 structure needs.

10 (i) NOTIFICATION.—Not later than 3 business days
11 before awarding a grant under this section, the Secretary
12 of Transportation shall notify the Committee on Transpor-
13 tation and Infrastructure of the House of Representatives
14 and the Committee on Environment and Public Works of
15 the Senate of the intention to award such a grant.

16 (j) TREATMENT OF PROJECTS.—Notwithstanding
17 any other provision of law, a project carried out under this
18 section shall be treated as if the project is located on a
19 Federal-aid highway.

20 (k) DEFINITION OF RURAL COMMUNITY.—In this
21 section, the term “rural community” means an area that
22 is not an urbanized area, as such term is defined in section
23 101(a) of title 23, United States Code.

1 **SEC. 1308. PARKING FOR COMMERCIAL MOTOR VEHICLES.**

2 (a) ESTABLISHMENT.—The Secretary of Transpor-
3 tation shall establish a program under which the Secretary
4 shall make grants, on a competitive basis, to eligible enti-
5 ties to address the shortage of parking for commercial
6 motor vehicles to improve the safety of commercial motor
7 vehicle operators.

8 (b) APPLICATIONS.—To be eligible for a grant under
9 this section, an eligible entity shall submit to the Secretary
10 an application in such form, at such time, and containing
11 such information as the Secretary may require.

12 (c) ELIGIBLE PROJECTS.—Projects eligible under
13 this section are projects that—

14 (1) construct safety rest areas that include
15 parking for commercial motor vehicles;

16 (2) construct commercial motor vehicle parking
17 facilities—

18 (A) adjacent to private commercial truck-
19 stops and travel plazas;

20 (B) within the boundaries of, or adjacent
21 to, a publicly owned freight facility, including a
22 port terminal operated by a public authority;
23 and

24 (C) at existing facilities, including inspec-
25 tion and weigh stations and park-and-ride loca-
26 tions;

1 (3) open existing weigh stations, safety rest
2 areas, and park-and-ride facilities to commercial
3 motor vehicle parking;

4 (4) facilitate access to publicly and privately
5 provided commercial motor vehicle parking, such as
6 through the use of intelligent transportation sys-
7 tems;

8 (5) construct turnouts along a Federal-aid
9 highway for commercial motor vehicles;

10 (6) make capital improvements to public com-
11 mercial motor vehicle parking facilities that are
12 closed on a seasonal basis to allow the facilities to
13 remain open year-round;

14 (7) open existing commercial motor vehicle
15 chain-up areas that are closed on a seasonal basis to
16 allow the facilities to remain open year-round for
17 commercial motor vehicle parking;

18 (8) address commercial motor vehicle parking
19 and layover needs in emergencies that strain the ca-
20 pacity of existing publicly and privately provided
21 commercial motor vehicle parking; and

22 (9) make improvements to existing commercial
23 motor vehicle parking facilities, including advanced
24 truckstop electrification systems.

25 (d) USE OF FUNDS.—

1 (1) IN GENERAL.—An eligible entity may use a
2 grant under this section for—

3 (A) development phase activities, including
4 planning, feasibility analysis, benefit-cost anal-
5 ysis, environmental review, preliminary engi-
6 neering and design work, and other
7 preconstruction activities necessary to advance
8 a project described in subsection (c); and

9 (B) construction and operational improve-
10 ments, as such terms are defined in section 101
11 of title 23, United States Code.

12 (2) PRIVATE SECTOR PARTICIPATION.—An eli-
13 gible entity that receives a grant under this section
14 may partner with a private entity to carry out an eli-
15 gible project under this section.

16 (3) LIMITATION.—Not more than 10 percent of
17 the amounts made available to carry out this section
18 may be used to promote the availability of existing
19 commercial motor vehicle parking.

20 (e) SELECTION CRITERIA.—In making grants under
21 this section, the Secretary shall consider—

22 (1) in the case of construction of new commer-
23 cial motor vehicle parking capacity, the shortage of
24 public and private commercial motor vehicle parking
25 near the project; and

1 (2) the extent to which each project—

2 (A) would increase commercial motor vehi-
3 cle parking capacity or utilization;

4 (B) would facilitate the efficient movement
5 of freight;

6 (C) would improve safety, traffic conges-
7 tion, and air quality;

8 (D) is cost effective; and

9 (E) reflects consultation with motor car-
10 riers, commercial motor vehicle operators, and
11 private providers of commercial motor vehicle
12 parking.

13 (f) NOTIFICATION OF CONGRESS.—Not later than 3
14 business days before awarding a grant under this section,
15 the Secretary of Transportation shall notify the Com-
16 mittee on Transportation and Infrastructure of the House
17 of Representatives and the Committee on Environment
18 and Public Works of the Senate of the intention to award
19 such a grant.

20 (g) TREATMENT OF FUNDS.—

21 (1) TREATMENT OF PROJECTS.—Notwith-
22 standing any other provision of law, any project
23 funded by a grant under this section shall be treated
24 as a project on a Federal-aid highway under chapter
25 1 of title 23, United States Code.

1 (2) FEDERAL SHARE.—The Federal share of
2 the cost of a project under this section shall be de-
3 termined in accordance with subsections (b) and (c)
4 of section 120 of title 23, United States Code.

5 (h) AMENDMENT TO MAP–21.—Section 1401(c)(1)
6 of MAP–21 (23 U.S.C. 137 note) is amended—

7 (1) by inserting “and private providers of com-
8 mercial motor vehicle parking” after “personnel”;
9 and

10 (2) in subparagraph (A) by striking “the capa-
11 bility of the State to provide” and inserting “the
12 availability of”.

13 (i) SURVEY; COMPARATIVE ASSESSMENT; REPORT.—

14 (1) UPDATE.—Not later than 18 months after
15 the date of enactment of this Act, the Secretary
16 shall update the survey of each State required under
17 section 1401(c)(1) of the MAP–21 (23 U.S.C. 137
18 note).

19 (2) REPORT.—Not later than 1 year after the
20 deadline under paragraph (1), the Secretary shall
21 publish on the website of the Department of Trans-
22 portation and submit to the Committee on Transpor-
23 tation and Infrastructure of the House of Represent-
24 atives and the Committee on Environment and Pub-
25 lic Works of the Senate a report that—

1 (A) evaluates the availability of adequate
2 parking and rest facilities for commercial motor
3 vehicles engaged in interstate transportation;

4 (B) evaluates the effectiveness of the
5 projects funded under this section in improving
6 access to truck parking; and

7 (C) reports on the progress being made to
8 provide adequate commercial motor vehicle
9 parking facilities in the State.

10 (3) CONSULTATION.—The Secretary shall pre-
11 pare the report required under paragraph (2) in con-
12 sultation with—

13 (A) relevant State motor carrier safety
14 personnel;

15 (B) motor carriers and commercial motor
16 vehicle operators; and

17 (C) private providers of commercial motor
18 vehicle parking.

19 (j) DEFINITIONS.—In this section:

20 (1) COMMERCIAL MOTOR VEHICLE.—The term
21 “commercial motor vehicle” has the meaning given
22 such term in section 31132 of title 49, United
23 States Code.

24 (2) ELIGIBLE ENTITY.—The term “eligible enti-
25 ty” means—

- 1 (A) a State;
- 2 (B) a metropolitan planning organization;
- 3 (C) a unit of local government;
- 4 (D) a political subdivision of a State or
- 5 local government carrying out responsibilities
- 6 relating to commercial motor vehicle parking;
- 7 and
- 8 (E) a multistate or multijurisdictional
- 9 group of entities described in subparagraphs
- 10 (A) through (D).

11 (3) SAFETY REST AREA.—The term “safety

12 rest area” has the meaning given such term in sec-

13 tion 120(c) of title 23, United States Code.

14 **SEC. 1309. ACTIVE TRANSPORTATION CONNECTIVITY**

15 **GRANT PROGRAM.**

16 (a) ESTABLISHMENT.—The Secretary of Transpor-

17 tation shall establish an active transportation connectivity

18 grant program to provide for safe and connected active

19 transportation facilities.

20 (b) GRANT AUTHORITY.—In carrying out the pro-

21 gram established in subsection (a), the Secretary shall

22 make grants, on a competitive basis, in accordance with

23 this section.

24 (c) ELIGIBLE APPLICANTS.—The Secretary may

25 make a grant under this section to—

- 1 (1) a State;
- 2 (2) a metropolitan planning organization;
- 3 (3) a regional transportation authority;
- 4 (4) a unit of local government;
- 5 (5) a Federal land management agency;
- 6 (6) a natural resource or public land agency;
- 7 (7) a Tribal government or a consortium of
- 8 Tribal governments;
- 9 (8) any local or regional governmental entity
- 10 with responsibility for or oversight of transportation
- 11 or recreational trails; and
- 12 (9) a multistate or multijurisdictional group of
- 13 entities described in this subsection.

14 (d) APPLICATIONS.—To be eligible for a grant under
15 this section, an entity specified under subsection (c) shall
16 submit to the Secretary an application in such form, at
17 such time, and containing such information as the Sec-
18 retary determines is appropriate.

19 (e) ELIGIBLE PROJECTS.—The Secretary shall pro-
20 vide grants under this section to projects that improve the
21 connectivity and the use of active transportation facili-
22 ties—

- 23 (1) including—
 - 24 (A) active transportation networks;
 - 25 (B) active transportation spines; and

1 (C) planning related to the development
2 of—

- 3 (i) active transportation networks;
4 (ii) active transportation spines; and
5 (iii) complete streets plans to create a
6 connected network of active transportation
7 facilities, including sidewalks, bikeways, or
8 pedestrian and bicycle trails; and

9 (2) that have—

10 (A) total project costs of not less than
11 \$15,000,000; or

12 (B) in the case of planning grants under
13 subsection (f), a total cost of not less than
14 \$100,000.

15 (f) PLANNING GRANTS.—Of the amounts made avail-
16 able to carry out this section, the Secretary may use not
17 more than 10 percent to provide planning grants to eligi-
18 ble applicants for activities under subsection (e)(1)(C).

19 (g) CONSIDERATIONS.—In making grants under this
20 section, the Secretary shall consider the extent to which—

21 (1) a project is likely to provide substantial ad-
22 ditional opportunities for walking and bicycling, in-
23 cluding through the creation of—

24 (A) active transportation networks con-
25 necting destinations within or between commu-

1 nities, including schools, workplaces, residences,
2 businesses, recreation areas, and other commu-
3 nity areas; and

4 (B) active transportation spines connecting
5 2 or more communities, metropolitan areas, or
6 States;

7 (2) an applicant has adequately considered or
8 will consider, including through the opportunity for
9 public comment, the environmental justice and eq-
10 uity impacts of the project;

11 (3) the project would improve safety for vulner-
12 able road users, including through the use of com-
13 plete street design policies or a safe system ap-
14 proach; and

15 (4) a project integrates active transportation fa-
16 cilities with public transportation services, where
17 available, to improve access to public transportation.

18 (h) LIMITATION.—

19 (1) IN GENERAL.—The share of the cost of a
20 project assisted with a grant under this section may
21 not exceed 80 percent.

22 (2) MAXIMUM FEDERAL ASSISTANCE.—Federal
23 assistance other than a grant under this section may
24 be used to satisfy up to 100 percent of the total
25 project cost.

1 (i) ELIGIBLE PROJECT COSTS.—Amounts made
2 available for a project under this section may be used
3 for—

4 (1) development phase activities, including plan-
5 ning, feasibility analysis, revenue forecasting, envi-
6 ronmental review, preliminary engineering and de-
7 sign work, and other preconstruction activities; and

8 (2) construction, reconstruction, rehabilitation,
9 acquisition of real property (including land related
10 to the project and improvements to the land), envi-
11 ronmental mitigation, construction contingencies, ac-
12 quisition of equipment, and operational improve-
13 ments.

14 (j) NOTIFICATION.—Not later than 3 business days
15 before awarding a grant under this section, the Secretary
16 of Transportation shall notify the Committee on Transpor-
17 tation and Infrastructure of the House of Representatives
18 and the Committee on Environment and Public Works of
19 the Senate of the intention to award such a grant.

20 (k) TREATMENT OF PROJECTS.—Notwithstanding
21 any other provision of law, a project carried out under this
22 section shall be treated in the manner described under sec-
23 tion 133(i) of title 23, United States Code.

24 (l) DEFINITIONS.—In this section:

1 (1) ACTIVE TRANSPORTATION.—The term “ac-
2 tive transportation” means mobility options powered
3 primarily by human energy, including bicycling and
4 walking.

5 (2) ACTIVE TRANSPORTATION NETWORK.—The
6 term “active transportation network” means facili-
7 ties built for active transportation, including side-
8 walks, bikeways, and pedestrian and bicycle trails,
9 that connect destinations within a community, a
10 metropolitan area, or on Federal lands.

11 (3) ACTIVE TRANSPORTATION SPINE.—The
12 term “active transportation spine” means facilities
13 built for active transportation, including sidewalks,
14 bikeways, and pedestrian and bicycle trails, that con-
15 nect communities, metropolitan areas, Federal lands,
16 or States.

17 (4) SAFE SYSTEM APPROACH.—The term “safe
18 system approach” has the meaning given such term
19 in section 148(a) of title 23, United States Code.

20 (5) VULNERABLE ROAD USER.—The term “vul-
21 nerable road user” has the meaning given such term
22 in section 148(a) of title 23, United States Code.

1 **Subtitle D—Planning, Performance**
2 **Management, and Asset Man-**
3 **agement**

4 **SEC. 1401. METROPOLITAN TRANSPORTATION PLANNING.**

5 Section 134 of title 23, United States Code, is
6 amended—

7 (1) in subsection (a) by striking “resiliency
8 needs while minimizing transportation-related fuel
9 consumption and air pollution” and inserting “resil-
10 iency and climate change adaptation needs while re-
11 ducing transportation-related fuel consumption, air
12 pollution, and greenhouse gas emissions”;

13 (2) in subsection (b)—

14 (A) by redesignating paragraphs (6) and
15 (7) as paragraphs (7) and (8), respectively; and

16 (B) by inserting after paragraph (5) the
17 following:

18 “(6) STIP.—The term ‘STIP’ means a state-
19 wide transportation improvement program developed
20 by a State under section 135(g).”;

21 (3) in subsection (c)—

22 (A) in paragraph (1) by striking “and
23 transportation improvement programs” and in-
24 serting “and TIPs”; and

25 (B) by adding at the end the following:

1 “(4) CONSIDERATION.—In developing the plans
2 and TIPs, metropolitan planning organizations shall
3 consider direct and indirect emissions of greenhouse
4 gases.”;

5 (4) in subsection (d)—

6 (A) in paragraph (2) by striking “Not
7 later than 2 years after the date of enactment
8 of MAP–21, each” and inserting “Each”;

9 (B) in paragraph (3) by adding at the end
10 the following:

11 “(D) CONSIDERATIONS.—

12 “(i) EQUITABLE AND PROPORTIONAL
13 REPRESENTATION.—In designating offi-
14 cials or representatives under paragraph
15 (2), the metropolitan planning organization
16 shall consider the equitable and propor-
17 tional representation of the population of
18 the metropolitan planning area.

19 “(ii) SAVINGS CLAUSE.—Nothing in
20 this paragraph shall require a metropolitan
21 planning organization in existence on the
22 date of enactment of this subparagraph to
23 be restructured.

24 “(iii) REDESIGNATION.—Notwith-
25 standing clause (ii), the requirements of

1 this paragraph shall apply to any metro-
2 politan planning organization redesignated
3 under paragraph (6).”;

4 (C) in paragraph (6)(B) by striking “para-
5 graph (2)” and inserting “paragraphs (2) or
6 (3)(D)”;

7 (D) in paragraph (7)—

8 (i) by striking “an existing metropoli-
9 tan planning area” and inserting “an ur-
10 banized area”;

11 (ii) by striking “the existing metro-
12 politan planning area” and inserting “the
13 area”;

14 (5) in subsection (g)—

15 (A) in paragraph (1) by striking “a metro-
16 politan area” and inserting “an urbanized
17 area”;

18 (B) in paragraph (2) by striking “MPOS”
19 and inserting “METROPOLITAN PLANNING
20 AREAS”;

21 (C) in paragraph (3)(A) by inserting
22 “emergency response and evacuation, climate
23 change adaptation and resilience,” after “dis-
24 aster risk reduction,”;

25 (D) by adding at the end the following:

1 “(4) COORDINATION BETWEEN MPOS.—

2 “(A) IN GENERAL.—If more than 1 metro-
3 politan planning organization is designated
4 within an urbanized area under subsection
5 (d)(7), the metropolitan planning organizations
6 designated within the area shall ensure, to the
7 maximum extent practicable, the consistency of
8 any data used in the planning process, includ-
9 ing information used in forecasting transpor-
10 tation demand.

11 “(B) SAVINGS CLAUSE.—Nothing in this
12 paragraph requires metropolitan planning orga-
13 nizations designated within a single urbanized
14 area to jointly develop planning documents, in-
15 cluding a unified long-range transportation plan
16 or unified TIP.”;

17 (6) in subsection (h)(1)—

18 (A) by striking subparagraph (E) and in-
19 serting the following:

20 “(E) protect and enhance the environment,
21 promote energy conservation, reduce greenhouse
22 gas emissions, improve the quality of life and
23 public health, and promote consistency between
24 transportation improvements and State and
25 local planned growth and economic development

1 patterns, including housing and land use pat-
2 terns;”;

3 (B) in subparagraph (I)—

4 (i) by inserting “, sea level rise, ex-
5 tremе weather, and climate change” after
6 “stormwater”; and

7 (ii) by striking “and” at the end;

8 (C) by redesignating subparagraph (J) as
9 subparagraph (L); and

10 (D) by inserting after subparagraph (I) the
11 following:

12 “(J) facilitate emergency management, re-
13 sponse, and evacuation and hazard mitigation;

14 “(K) improve the level of transportation
15 system access; and”;

16 (7) in subsection (h)(2) by striking subpara-
17 graph (A) and inserting the following:

18 “(A) IN GENERAL.—Through the use of a
19 performance-based approach, transportation in-
20 vestment decisions made as a part of the metro-
21 politan transportation planning process shall
22 support the national goals described in section
23 150(b), the achievement of metropolitan and
24 statewide targets established under section
25 150(d), the improvement of transportation sys-

1 tem access (consistent with section 150(f)), and
2 the general purposes described in section 5301
3 of title 49.”;

4 (8) in subsection (i)—

5 (A) in paragraph (2)(D)(i) by inserting
6 “reduce greenhouse gas emissions and” before
7 “restore and maintain”;

8 (B) in paragraph (2)(G) by inserting “and
9 climate change” after “infrastructure to natural
10 disasters”;

11 (C) in paragraph (2)(H) by inserting
12 “greenhouse gas emissions,” after “pollution,”;

13 (D) in paragraph (5)—

14 (i) in subparagraph (A) by inserting
15 “air quality, public health, housing, trans-
16 portation, resilience, hazard mitigation,
17 emergency management,” after “conserva-
18 tion,”; and

19 (ii) by striking subparagraph (B) and
20 inserting the following:

21 “(B) ISSUES.—The consultation shall in-
22 volve, as appropriate, comparison of transpor-
23 tation plans to other relevant plans, including,
24 if available—

1 “(i) State conservation plans or maps;

2 and

3 “(ii) inventories of natural or historic

4 resources.”; and

5 (E) by amending paragraph (6)(C) to read

6 as follows:

7 “(C) METHODS.—

8 “(i) IN GENERAL.—In carrying out

9 subparagraph (A), the metropolitan plan-

10 ning organization shall, to the maximum

11 extent practicable—

12 “(I) hold any public meetings at

13 convenient and accessible locations

14 and times;

15 “(II) employ visualization tech-

16 niques to describe plans; and

17 “(III) make public information

18 available in electronically accessible

19 format and means, such as the inter-

20 net, as appropriate to afford reason-

21 able opportunity for consideration of

22 public information under subpara-

23 graph (A).

24 “(ii) ADDITIONAL METHODS.—In ad-

25 dition to the methods described in clause

1 (i), in carrying out subparagraph (A), the
2 metropolitan planning organization shall,
3 to the maximum extent practicable—

4 “(I) use virtual public involve-
5 ment, social media, and other web-
6 based tools to encourage public par-
7 ticipation and solicit public feedback;
8 and

9 “(II) use other methods, as ap-
10 propriate, to further encourage public
11 participation of historically underrep-
12 resented individuals in the transpor-
13 tation planning process.”;

14 (9) in subsection (j) by striking “transportation
15 improvement program” and inserting “TIP” each
16 place it appears; and

17 (10) by striking “Federally” each place it ap-
18 pears and inserting “federally”.

19 **SEC. 1402. STATEWIDE AND NONMETROPOLITAN TRANS-**
20 **PORTATION PLANNING.**

21 Section 135 of title 23, United States Code, is
22 amended—

23 (1) in subsection (a)—

1 (A) in paragraph (1) by striking “state-
2 wide transportation improvement program” and
3 inserting “STIP”;

4 (B) in paragraph (2)—

5 (i) by striking “The statewide trans-
6 portation plan and the” and inserting the
7 following:

8 “(A) IN GENERAL.—The statewide trans-
9 portation plan and the”;

10 (ii) by striking “transportation im-
11 provement program” and inserting
12 “STIP”; and

13 (iii) by adding at the end the fol-
14 lowing:

15 “(B) CONSIDERATION.—In developing the
16 statewide transportation plans and STIPs,
17 States shall consider direct and indirect emis-
18 sions of greenhouse gases.”; and

19 (C) in paragraph (3) by striking “trans-
20 portation improvement program” and inserting
21 “STIP”;

22 (2) in subsection (d)—

23 (A) in paragraph (1)—

24 (i) in subparagraph (E)—

1 (I) by inserting “reduce green-
2 house gas emissions,” after “promote
3 energy conservation,”;

4 (II) by inserting “and public
5 health” after “improve the quality of
6 life”; and

7 (III) by inserting “, including
8 housing and land use patterns” after
9 “economic development patterns”;

10 (ii) in subparagraph (I)—

11 (I) by inserting “, sea level rise,
12 extreme weather, and climate change”
13 after “mitigate stormwater”; and

14 (II) by striking “and” after the
15 semicolon;

16 (iii) by redesignating subparagraph
17 (J) as subparagraph (L); and

18 (iv) by inserting after subparagraph
19 (I) the following:

20 “(J) facilitate emergency management, re-
21 sponse, and evacuation and hazard mitigation;

22 “(K) improve the level of transportation
23 system access; and”;

24 (B) in paragraph (2)—

1 (i) by striking subparagraph (A) and
2 inserting the following:

3 “(A) IN GENERAL.—Through the use of a
4 performance-based approach, transportation in-
5 vestment decisions made as a part of the state-
6 wide transportation planning process shall sup-
7 port—

8 “(i) the national goals described in
9 section 150(b);

10 “(ii) the consideration of transpor-
11 tation system access (consistent with sec-
12 tion 150(f));

13 “(iii) the achievement of statewide
14 targets established under section 150(c);
15 and

16 “(iv) the general purposes described
17 in section 5301 of title 49.”; and

18 (ii) in subparagraph (D) by striking
19 “statewide transportation improvement
20 program” and inserting “STIP”; and

21 (C) in paragraph (3) by striking “state-
22 wide transportation improvement program” and
23 inserting “STIP”;

1 (3) in subsection (e)(3) by striking “transportation improvement program” and inserting
2 “STIP”;
3

4 (4) in subsection (f)—

5 (A) in paragraph (2)(D)—

6 (i) in clause (i) by inserting “air quality, public health, housing, transportation,
7 resilience, hazard mitigation, emergency
8 management,” after “conservation,”; and
9

10 (ii) by amending clause (ii) to read as
11 follows:

12 “(ii) COMPARISON AND CONSIDER-
13 ATION.—Consultation under clause (i)
14 shall involve the comparison of transporta-
15 tion plans to other relevant plans and in-
16 ventories, including, if available—

17 “(I) State and tribal conservation
18 plans or maps; and

19 “(II) inventories of natural or
20 historic resources.”;

21 (B) in paragraph (3)(B)—

22 (i) by striking “In carrying out” and
23 inserting the following:

24 “(i) IN GENERAL.—in carrying out”;

1 (ii) by redesignating clauses (i)
2 through (iv) as subclauses (I) through
3 (IV), respectively; and

4 (iii) by adding at the end the fol-
5 lowing:

6 “(ii) ADDITIONAL METHODS.—In ad-
7 dition to the methods described in clause
8 (i), in carrying out subparagraph (A), the
9 State shall, to the maximum extent prac-
10 ticable—

11 “(I) use virtual public involve-
12 ment, social media, and other web-
13 based tools to encourage public par-
14 ticipation and solicit public feedback;
15 and

16 “(II) use other methods, as ap-
17 propriate, to further encourage public
18 participation of historically underrep-
19 resented individuals in the transpor-
20 tation planning process.”;

21 (C) in paragraph (4)(A) by inserting “re-
22 duce greenhouse gas emissions and” after “po-
23 tential to”; and

24 (D) in paragraph (8) by inserting “green-
25 house gas emissions,” after “pollution,”;

1 (5) in subsection (g)—

2 (A) in paragraph (1)(A) by striking “state-
3 wide transportation improvement program” and
4 inserting “STIP”;

5 (B) in paragraph (3) by striking “opera-
6 tors),,” and inserting “operators),”;

7 (C) in paragraph (4) by striking “state-
8 wide transportation improvement program” and
9 inserting “STIP” each place it appears;

10 (D) in paragraph (5)—

11 (i) in subparagraph (A) by striking
12 “transportation improvement program”
13 and inserting “STIP”;

14 (ii) in subparagraph (B)(ii) by strik-
15 ing “metropolitan transportation improve-
16 ment program” and inserting “TIP”;

17 (iii) in subparagraph (C) by striking
18 “transportation improvement program”
19 and inserting “STIP” each place it ap-
20 pears;

21 (iv) in subparagraph (E) by striking
22 “transportation improvement program”
23 and inserting “STIP”;

24 (v) in subparagraph (F)(i) by striking
25 “transportation improvement program”

1 and inserting “STIP” each place it ap-
2 pears;

3 (vi) in subparagraph (G)(ii) by strik-
4 ing “transportation improvement program”
5 and inserting “STIP”; and

6 (vii) in subparagraph (H) by striking
7 “transportation improvement program”
8 and inserting “STIP”;

9 (E) in paragraph (6)—

10 (i) in subparagraph (A)—

11 (I) by striking “transportation
12 improvement program” and inserting
13 “STIP”; and

14 (II) by striking “and projects
15 carried out under the bridge program
16 or the Interstate maintenance pro-
17 gram under this title”; and

18 (ii) in subparagraph (B)—

19 (I) by striking “or under the
20 bridge program or the Interstate
21 maintenance program”;

22 (II) by striking “5310, 5311,
23 5316, and 5317” and inserting “5310
24 and 5311”; and

1 (III) by striking “statewide
2 transportation improvement program”
3 and inserting “STIP”;

4 (F) in paragraph (7)—

5 (i) in the heading by striking “TRANS-
6 PORTATION IMPROVEMENT PROGRAM” and
7 inserting “STIP”; and

8 (ii) by striking “transportation im-
9 provement program” and inserting
10 “STIP”;

11 (G) in paragraph (8) by striking “state-
12 wide transportation plans and programs” and
13 inserting “statewide transportation plans and
14 STIPs”; and

15 (H) in paragraph (9) by striking “trans-
16 portation improvement program” and inserting
17 “STIP”;

18 (6) in subsection (h)(2)(A) by striking “Not
19 later than 5 years after the date of enactment of the
20 MAP–21,” and inserting “Not less frequently than
21 once every 4 years,”;

22 (7) in subsection (k) by striking “transportation
23 improvement program” and inserting “STIP” each
24 place it appears; and

1 (8) in subsection (m) by striking “transportation improvement programs” and inserting
2 “STIPs”.
3

4 **SEC. 1403. NATIONAL GOALS AND PERFORMANCE MANAGEMENT MEASURES.**
5

6 (a) IN GENERAL.—Section 150 of title 23, United
7 States Code, is amended—

8 (1) in subsection (b)—

9 (A) by redesignating paragraph (7) as
10 paragraph (8); and

11 (B) by inserting after paragraph (6) the
12 following:

13 “(7) COMBATING CLIMATE CHANGE.—To reduce carbon dioxide and other greenhouse gas emissions and reduce the climate impacts of the transportation system.”;
14
15
16

17 (2) in subsection (c)—

18 (A) in paragraph (1) by striking “Not later than 18 months after the date of enactment of the MAP-21, the Secretary” and inserting “The Secretary”; and
19
20
21

22 (B) by adding at the end the following:

23 “(7) GREENHOUSE GAS EMISSIONS.—The Secretary shall establish, in consultation with the Ad-
24

1 administrator of the Environmental Protection Agency,
2 measures for States to use to assess—

3 “(A) carbon dioxide emissions per capita
4 on public roads; and

5 “(B) any other greenhouse gas emissions
6 per capita on public roads that the Secretary
7 determines to be appropriate.”;

8 (3) in subsection (d)—

9 (A) in paragraph (1)—

10 (i) by striking “Not later than 1 year
11 after the Secretary has promulgated the
12 final rulemaking under subsection (c),
13 each” and inserting “Each”; and

14 (ii) by striking “and (6)” and insert-
15 ing “(6), and (7)”; and

16 (B) by adding at the end the following:

17 “(3) REGRESSIVE TARGETS.—

18 “(A) IN GENERAL.—A State may not es-
19 tablish a regressive target for the measures de-
20 scribed under paragraph (4) or paragraph (7)
21 of subsection (c).

22 “(B) REGRESSIVE TARGET DEFINED.—In
23 this paragraph, the term ‘regressive target’
24 means a target that fails to demonstrate con-

1 stant or improved performance for a particular
2 measure.”;

3 (4) in subsection (e)—

4 (A) by striking “Not later than 4 years
5 after the date of enactment of the MAP-21 and
6 biennially thereafter, a” and inserting “A”; and

7 (B) by inserting “biennial” after “the Sec-
8 retary a”; and

9 (5) by adding at the end the following:

10 “(f) TRANSPORTATION SYSTEM ACCESS.—

11 “(1) IN GENERAL.—The Secretary shall estab-
12 lish measures for States and metropolitan planning
13 organizations to use to assess the level of safe, reli-
14 able, and convenient transportation system access
15 to—

16 “(A) employment; and

17 “(B) services.

18 “(2) CONSIDERATIONS.—The measures estab-
19 lished pursuant to paragraph (1) shall include the
20 ability for States and metropolitan planning organi-
21 zations to assess—

22 “(A) the change in the level of transpor-
23 tation system access for various modes of trav-
24 el, including connection to other modes of

1 transportation, that would result from new
2 transportation investments; and

3 “(B) the level of transportation system ac-
4 cess for economically disadvantaged commu-
5 nities, including to affordable housing.

6 “(3) DEFINITION OF SERVICES.—In this sub-
7 section, the term ‘services’ includes healthcare facili-
8 ties, child care, education and workforce training,
9 food sources, banking and other financial institu-
10 tions, and other retail shopping establishments.”.

11 (b) METROPOLITAN TRANSPORTATION PLANNING.—
12 Section 134 of title 23, United States Code, is further
13 amended—

14 (1) in subsection (j)(2)(D)—

15 (A) by striking “PERFORMANCE TARGET
16 ACHIEVEMENT” and inserting “PERFORMANCE
17 MANAGEMENT”;

18 (B) by striking “The TIP” and inserting
19 the following:

20 “(i) IN GENERAL.—The TIP”; and

21 (C) by adding at the end the following:

22 “(ii) TRANSPORTATION MANAGEMENT
23 AREAS.—For metropolitan planning areas
24 that represent an urbanized area des-
25 ignated as a transportation management

1 area under subsection (k), the TIP shall
2 include—

3 “(I) a discussion of the antici-
4 pated effect of the TIP toward achiev-
5 ing the performance targets estab-
6 lished in the metropolitan transpor-
7 tation plan, linking investment prior-
8 ities to such performance targets; and

9 “(II) a description of how the
10 TIP would improve the overall level of
11 transportation system access, con-
12 sistent with section 150(f).”;

13 (2) in subsection (k)—

14 (A) in paragraph (3)(A)—

15 (i) by striking “shall address conges-
16 tion management” and inserting the fol-
17 lowing: “shall address—

18 “(i) congestion management”;

19 (ii) by striking the period at the end
20 and inserting “; and”; and

21 (iii) by adding at the end the fol-
22 lowing:

23 “(ii) the overall level of transportation
24 system access for various modes of travel
25 within the metropolitan planning area, in-

1 cluding the level of access for economically
2 disadvantaged communities, consistent
3 with section 150(f), that is based on a co-
4 operatively developed and implemented
5 metropolitan-wide strategy, assessing both
6 new and existing transportation facilities
7 eligible for funding under this title and
8 chapter 53 of title 49.”; and

9 (B) in paragraph (5)(B)—

10 (i) in clause (i) by striking “; and”
11 and inserting a semicolon;

12 (ii) in clause (ii) by striking the pe-
13 riod and inserting “; and”; and

14 (iii) by adding at the end the fol-
15 lowing:

16 “(iii) the TIP approved under clause
17 (ii) improves the level of transportation
18 system access, consistent with section
19 150(f).”; and

20 (3) in subsection (l)(2)—

21 (A) by striking “5 years after the date of
22 enactment of the MAP-21” and inserting “2
23 years after the date of enactment of the IN-
24 VEST in America Act, and every 2 years there-
25 after”;

1 (B) in subparagraph (C) by striking “and
2 whether metropolitan planning organizations
3 are developing meaningful performance targets;
4 and” and inserting a semicolon; and

5 (C) by striking subparagraph (D) and in-
6 serting the following:

7 “(D) a listing of all metropolitan planning
8 organizations that are establishing performance
9 targets and whether such performance targets
10 established by the metropolitan planning orga-
11 nization are meaningful or regressive (as de-
12 fined in section 150(d)(3)(B)); and

13 “(E) the progress of implementing the
14 measure established under section 150(f) and
15 related requirements under this section and sec-
16 tion 135.”.

17 (c) STATEWIDE AND NONMETROPOLITAN TRANSPOR-
18 TATION PLANNING.—Section 135(g)(4) of title 23, United
19 States Code, is further amended—

20 (1) by striking “PERFORMANCE TARGET
21 ACHIEVEMENT” and inserting “PERFORMANCE
22 MANAGEMENT”;

23 (2) by striking “shall include, to the maximum
24 extent practicable, a discussion” and inserting the
25 following: “shall include—

1 “(A) a discussion”;

2 (3) by striking the period at the end and insert-
3 ing “; and”; and

4 (4) by adding at the end the following:

5 “(B) a consideration of how the STIP im-
6 pacts the overall level of transportation system
7 access, consistent with section 150(f).”.

8 (d) EFFECTIVE DATE.—The amendment made by
9 subsection (a)(3)(B) shall take effect the day before the
10 first day of the subsequent performance period established
11 pursuant to section 150 of title 23, United States Code.

12 (e) DEVELOPMENT OF GREENHOUSE GAS MEAS-
13 URE.—Not later than 1 year after the date of enactment
14 of this Act, the Secretary of Transportation shall issue
15 such regulations as are necessary to carry out paragraph
16 (7) of section 150(c) of title 23, United States Code, as
17 added by this Act.

18 (f) DEVELOPMENT OF TRANSPORTATION SYSTEM
19 ACCESS MEASURE.—

20 (1) ESTABLISHMENT.—Not later than 120 days
21 after the date of enactment of this Act, the Sec-
22 retary of Transportation shall establish a working
23 group to assess the provisions of paragraphs (1) and
24 (2) of section 150(f) and make recommendations re-
25 garding the establishment of measures for States

1 and metropolitan planning organizations to use to
2 assess the level of transportation system access for
3 various modes of travel, consistent with sections
4 134, 135, and 150(f) of title 23, United States
5 Code.

6 (2) MEMBERS.—The working group established
7 pursuant to paragraph (1) shall include representa-
8 tives from—

9 (A) the Department of Transportation;

10 (B) State departments of transportation,
11 including representatives that specialize in pe-
12 destrian and bicycle safety;

13 (C) metropolitan planning organizations
14 representing transportation management areas
15 (as those terms are defined in section 134 of
16 title 23, United States Code);

17 (D) other metropolitan planning organiza-
18 tions or local governments;

19 (E) providers of public transportation;

20 (F) nonprofit entities related to transpor-
21 tation, including relevant safety groups;

22 (G) experts in the field of transportation
23 access data; and

24 (H) any other stakeholders, as determined
25 by the Secretary.

1 (3) REPORT.—

2 (A) SUBMISSION.—Not later than 1 year
3 after the establishment of the working group
4 pursuant to paragraph (1), the working group
5 shall submit to the Secretary a report of rec-
6 ommendations regarding the establishment of
7 measures for States and metropolitan planning
8 organizations to use to assess the level of trans-
9 portation system access, consistent with sec-
10 tions 134, 135, and 150(f) of title 23, United
11 States Code.

12 (B) PUBLICATION.—Not later than 30
13 days after the date on which the Secretary re-
14 ceives the report under subparagraph (A), the
15 Secretary shall publish the report on a publicly
16 accessible website of the Department of Trans-
17 portation.

18 (4) RULEMAKING.—Not later than 2 years after
19 the date on which the Secretary receives the report
20 under paragraph (3), the Secretary shall issue such
21 regulations as are necessary to implement the re-
22 quirements of sections 134, 135, and 150(f) of title
23 23, United States Code.

24 (5) TERMINATION.—The Secretary shall termi-
25 nate the working group established pursuant to

1 paragraph (1) on the date on which the regulation
2 issued pursuant to paragraph (4) takes effect.

3 (g) TRANSPORTATION SYSTEM ACCESS DATA.—

4 (1) IN GENERAL.—Not later than 90 days after
5 the date on which the Secretary of Transportation
6 establishes the measure required under section
7 150(f) of title 23, United States Code, the Secretary
8 shall develop or procure eligible transportation sys-
9 tem access data sets and analytical tools and make
10 such data sets and analytical tools available to State
11 departments of transportation and metropolitan
12 planning areas that represent transportation man-
13 agement areas.

14 (2) REQUIREMENTS.—An eligible transpor-
15 tation system access data set and analytical tool
16 shall have the following characteristics:

17 (A) The ability to quantify the level of
18 safe, reliable, and convenient transportation
19 system access to—

20 (i) employment;

21 (ii) services; and

22 (iii) connections to other modes of
23 transportation.

1 (B) The ability to quantify transportation
2 system access for various modes of travel, in-
3 cluding—

- 4 (i) driving;
- 5 (ii) public transportation;
- 6 (iii) walking (including conveyance for
7 persons with disabilities); and
- 8 (iv) cycling (including micromobility).

9 (C) The ability to disaggregate the level of
10 transportation system access by various trans-
11 portation modes by a variety of population cat-
12 egories, including—

- 13 (i) low-income populations;
- 14 (ii) minority populations;
- 15 (iii) age;
- 16 (iv) disability; and
- 17 (v) geographical location.

18 (D) The ability to assess the change in the
19 level of transportation system access that would
20 result from new transportation investments.

21 (3) CONSIDERATION.—An eligible transpor-
22 tation system access data set and analytical tool
23 shall take into consideration safe and connected net-
24 works for walking, cycling, and persons with disabil-
25 ities.

1 (h) DEFINITIONS.—In this section:

2 (1) TRANSPORTATION SYSTEM ACCESS.—The
3 term “transportation system access” has the mean-
4 ing given such term in section 101 of title 23,
5 United States Code.

6 (2) SERVICES.—The term “services” has the
7 meaning given such term in section 150(f) of title
8 23, United States Code.

9 **SEC. 1404. TRANSPORTATION DEMAND DATA AND MOD-**
10 **ELING STUDY.**

11 (a) STUDY.—

12 (1) IN GENERAL.—The Secretary of Transpor-
13 tation shall conduct a study on transportation de-
14 mand data and modeling, including transportation
15 demand forecasting.

16 (2) CONTENTS.—In carrying out the study
17 under this section, the Secretary shall—

18 (A) collect observed transportation demand
19 data and transportation demand forecasts from
20 States and metropolitan planning organizations,
21 including data and forecasts on—

22 (i) traffic counts;

23 (ii) transportation mode share and
24 public transportation ridership; and

25 (iii) vehicle occupancy measures;

1 (B) compare the transportation demand
2 forecasts with the observed transportation de-
3 mand data gathered under subparagraph (A);
4 and

5 (C) use the information described in sub-
6 paragraphs (A) and (B) to—

7 (i) develop best practices and guid-
8 ance for States and metropolitan planning
9 organizations to use in forecasting trans-
10 portation demand for future investments in
11 transportation improvements;

12 (ii) evaluate the impact of transpor-
13 tation investments, including new roadway
14 capacity, on transportation behavior and
15 transportation demand, including public
16 transportation ridership, induced highway
17 transportation, and congestion;

18 (iii) support more accurate transpor-
19 tation demand forecasting by States and
20 metropolitan planning organizations;

21 (iv) enhance the capacity of States
22 and metropolitan planning organizations
23 to—

24 (I) forecast transportation de-
25 mand; and

1 (II) track observed transpor-
2 tation behavior responses, including
3 induced transportation, to changes in
4 transportation capacity, pricing, and
5 land use patterns; and

6 (v) develop transportation demand
7 management strategies to maximize the ef-
8 ficiency of the transportation system, im-
9 prove mobility, reduce congestion, and
10 lower vehicle emissions.

11 (3) COVERED ENTITIES.—In carrying out the
12 study under this section, the Secretary shall ensure
13 that data and forecasts described in paragraph
14 (2)(A) are collected from—

15 (A) States;

16 (B) metropolitan planning organizations
17 that serve an area with a population of 200,000
18 people or fewer; and

19 (C) metropolitan planning organizations
20 that serve an area with a population of over
21 200,000 people.

22 (b) REPORT.—Not later than 2 years after the date
23 of enactment of this Act, the Secretary shall submit to
24 Congress a report containing the findings of the study
25 conducted under subsection (a).

1 (c) SECRETARIAL SUPPORT.—The Secretary shall
2 seek opportunities to support the transportation planning
3 processes under sections 134 and 135 of title 23, United
4 States Code, through the provision of data to States and
5 metropolitan planning organizations to improve the qual-
6 ity of transportation plans, models, and demand forecasts.

7 **Subtitle E—Federal Lands, Tribes,**
8 **and Territories**

9 **SEC. 1501. TERRITORIAL AND PUERTO RICO HIGHWAY PRO-**
10 **GRAM.**

11 Section 165 of title 23, United States Code, is
12 amended—

13 (1) in subsection (a)—

14 (A) in paragraph (1) by striking
15 “\$158,000,000” and inserting “\$210,000,000”;

16 and

17 (B) in paragraph (2) by striking
18 “\$42,000,000” and inserting “\$100,000,000”;

19 and

20 (2) in subsection (c)(2) by adding at the end
21 the following:

22 “(C) TIFIA.—Funds provided under this
23 subsection shall not be considered Federal as-
24 sistance for purposes of section 603(b)(9), as

1 provided under subparagraph (C) of such sec-
2 tion.”.

3 **SEC. 1502. TRIBAL TRANSPORTATION PROGRAM.**

4 Section 202 of title 23, United States Code, is
5 amended—

6 (1) in subsection (d)—

7 (A) in paragraph (1) by striking “improv-
8 ing deficient” and inserting “the construction
9 and reconstruction of”;

10 (B) in paragraph (2)—

11 (i) in subparagraph (A) by inserting
12 “construct,” after “project to”; and

13 (ii) in subparagraph (B)—

14 (I) by striking “deficient”; and

15 (II) by inserting “in poor condi-
16 tion” after “facility bridges”; and

17 (C) in paragraph (3)—

18 (i) in the heading by striking “ELIGI-
19 BLE BRIDGES” and inserting “ELIGIBILITY
20 FOR EXISTING BRIDGES”;

21 (ii) by striking “a bridge” and insert-
22 ing “an existing bridge”; and

23 (iii) in subparagraph (C) by striking
24 “structurally deficient or functionally obso-

1 lete” and inserting “in poor condition”;
2 and

3 (2) in subsection (e) by striking “for eligible
4 projects described in section 148(a)(4).” and insert-
5 ing the following: “for—

6 “(A) eligible projects described in section
7 148(a)(4);

8 “(B) projects to promote public awareness
9 and education concerning highway safety mat-
10 ters (including bicycle, all-terrain, motorcyclist,
11 and pedestrian safety); or

12 “(C) projects to enforce highway safety
13 laws.”.

14 **SEC. 1503. TRIBAL HIGH PRIORITY PROJECTS PROGRAM.**

15 (a) **TRIBAL TRANSPORTATION PROGRAM.**—Section
16 202 of title 23, United States Code, is amended—

17 (1) by redesignating subsection (f) as sub-
18 section (g); and

19 (2) by inserting after subsection (e) the fol-
20 lowing:

21 “(f) **TRIBAL HIGH PRIORITY PROJECTS.**—Before
22 making any distribution under subsection (b), the Sec-
23 retary shall set aside \$50,000,000 from the funds made
24 available under the tribal transportation program for each
25 fiscal year to carry out the Tribal High Priority Projects

1 program under section 1123 of MAP-21 (23 U.S.C. 202
2 note).”.

3 (b) TRIBAL HIGH PRIORITY PROJECTS PROGRAM.—
4 Section 1123 of MAP-21 (23 U.S.C. 202 note) is amend-
5 ed—

6 (1) in subsection (a)(1)(C) by striking “re-
7 quired by that section” and inserting “required
8 under such program”;

9 (2) in subsection (b)(1) by striking “use
10 amounts made available under subsection (h) to”;

11 (3) in subsection (d)—

12 (A) in paragraph (2) by inserting “, in
13 consultation with the Secretary of the Interior,”
14 after “The Secretary”; and

15 (B) in paragraph (3) by striking “of the
16 Interior” each place it appears;

17 (4) in subsection (f) by striking “\$1,000,000”
18 and inserting “\$5,000,000”;

19 (5) in subsection (g) by striking “and the Sec-
20 retary” and inserting “or the Secretary”; and

21 (6) by striking subsection (h) and inserting the
22 following:

23 “(h) ADMINISTRATION.—The funds made available to
24 carry out this section shall be administered in the same
25 manner as funds made available for the Tribal transpor-

1 tation program under section 202 of title 23, United
2 States Code.”.

3 **SEC. 1504. FEDERAL LANDS TRANSPORTATION PROGRAM.**

4 Section 203(a) of title 23, United States Code, is
5 amended by adding at the end the following:

6 “(6) TRANSFER FOR HIGH-COMMUTER COR-
7 RIDORS.—

8 “(A) REQUEST.—If the head of a covered
9 agency determines that a high-commuter cor-
10 ridor requires additional investment, based on
11 the criteria described in subparagraph (D), the
12 head of a covered agency, with respect to such
13 corridor, shall submit to the State—

14 “(i) information on condition of pave-
15 ments and bridges;

16 “(ii) an estimate of the amounts need-
17 ed to bring such corridor into a state of
18 good repair, taking into consideration any
19 planned future investments; and

20 “(iii) at the discretion of the head of
21 a covered agency, a request that the State
22 transfer to the covered agency, under the
23 authority of section 132, or to the Federal
24 Highway Administration, under the au-
25 thority of section 104, a portion of such

1 amounts necessary to address the condition
2 of the corridor.

3 “(B) STATE RESPONSE.—Not later than
4 45 days after the date of receipt of the request
5 described in subparagraph (A)(iii), the State
6 shall—

7 “(i) approve the request;

8 “(ii) deny the request and explain the
9 reasons for such denial; or

10 “(iii) request any additional informa-
11 tion necessary to take action on the re-
12 quest.

13 “(C) NOTIFICATION TO THE SEC-
14 RETARY.—The head of a covered agency shall
15 provide to the Secretary a copy of any request
16 described under subparagraph (A)(iii) and re-
17 sponse described under subparagraph (B).

18 “(D) CRITERIA.—In making a determina-
19 tion under subparagraph (A), the head of a cov-
20 ered agency, with respect to the corridor, shall
21 consider—

22 “(i) the condition of roads, bridges,
23 and tunnels; and

24 “(ii) the average annual daily traffic.

25 “(E) DEFINITIONS.—In this paragraph:

1 “(i) COVERED AGENCY.—The term
2 ‘covered agency’ means a Federal agency
3 eligible to receive funds under this section
4 or section, section 203, or section 204.

5 “(ii) HIGH-COMMUTER CORRIDOR.—
6 The term ‘high-commuter corridor’ means
7 a Federal lands transportation facility that
8 has average annual daily traffic of not less
9 than 20,000 vehicles.”.

10 **SEC. 1505. FEDERAL LANDS AND TRIBAL MAJOR PROJECTS**
11 **PROGRAM.**

12 (a) IN GENERAL.—Chapter 2 of title 23, United
13 States Code, is amended by inserting after section 207 the
14 following:

15 **“§ 208. Federal lands and Tribal major projects pro-**
16 **gram**

17 “(a) ESTABLISHMENT.—The Secretary shall estab-
18 lish a Federal lands and Tribal major projects program
19 (referred to in this section as the ‘program’) to provide
20 funding to construct, reconstruct, or rehabilitate critical
21 Federal lands and Tribal transportation infrastructure.

22 “(b) ELIGIBLE APPLICANTS.—

23 “(1) IN GENERAL.—Except as provided in para-
24 graph (2), entities eligible to receive funds under

1 sections 201, 202, 203, and 204 may apply for fund-
2 ing under the program.

3 “(2) SPECIAL RULE.—A State, county, or unit
4 of local government may only apply for funding
5 under the program if sponsored by an eligible Fed-
6 eral land management agency or Indian Tribe.

7 “(c) ELIGIBLE PROJECTS.—An eligible project under
8 the program shall be a single continuous project on a Fed-
9 eral lands transportation facility, a Federal lands access
10 transportation facility, or a tribal transportation facility,
11 except that such facility is not required to be included in
12 an inventory described in section 202 or 203, and for
13 which—

14 “(1) the project—

15 “(A) has completed the activities required
16 under the National Environmental Policy Act of
17 1969 (42 U.S.C. 4321 et seq.) which has been
18 demonstrated through—

19 “(i) a record of decision with respect
20 to the project;

21 “(ii) a finding that the project has no
22 significant impact; or

23 “(iii) a determination that the project
24 is categorically excluded; or

1 “(B) is reasonably expected to begin con-
2 struction not later than 18 months after the
3 date of obligation of funds for the project; and

4 “(2) the project has an estimated cost equal to
5 or exceeding—

6 “(A) \$12,500,000 if it is on a Federal
7 lands transportation facility or a Federal lands
8 access transportation facility; and

9 “(B) \$5,000,000 if it is on a Tribal trans-
10 portation facility.

11 “(d) ELIGIBLE ACTIVITIES.—Grant amounts re-
12 ceived for a project under this section may be used for—

13 “(1) development phase activities, including
14 planning, feasibility analysis, revenue forecasting,
15 environmental review, preliminary engineering and
16 design work, and other preconstruction activities;
17 and

18 “(2) construction, reconstruction, and rehabili-
19 tation activities.

20 “(e) APPLICATIONS.—Eligible applicants shall submit
21 to the Secretary an application at such time, in such form,
22 and containing such information as the Secretary may re-
23 quire.

1 “(f) PROJECT REQUIREMENTS.—The Secretary may
2 select a project to receive funds under the program only
3 if the Secretary determines that the project—

4 “(1) improves the condition of critical transpor-
5 tation facilities, including multimodal facilities;

6 “(2) cannot be easily and efficiently completed
7 with amounts made available under section 202,
8 203, or 204; and

9 “(3) is cost effective.

10 “(g) MERIT CRITERIA.—In making a grant under
11 this section, the Secretary shall consider whether the
12 project—

13 “(1) will generate state of good repair, resil-
14 ience, economic competitiveness, quality of life, mo-
15 bility, or safety benefits;

16 “(2) in the case of a project on a Federal lands
17 transportation facility or a Federal lands access
18 transportation facility, has costs matched by funds
19 that are not provided under this section or this title;
20 and

21 “(3) generates benefits for land owned by mul-
22 tiple Federal land management agencies or Indian
23 Tribes, or which spans multiple States.

24 “(h) EVALUATION AND RATING.—To evaluate appli-
25 cations, the Secretary shall—

1 “(1) determine whether a project meets the re-
2 quirements under subsection (f);

3 “(2) evaluate, through a discernable and trans-
4 parent methodology, how each application addresses
5 one or more merit criteria established under sub-
6 section (g);

7 “(3) assign a rating for each merit criteria for
8 each application; and

9 “(4) consider applications only on the basis of
10 such quality ratings and which meet the minimally
11 acceptable level for each of the merit criteria.

12 “(i) COST SHARE.—

13 “(1) FEDERAL LANDS PROJECTS.—

14 “(A) IN GENERAL.—Notwithstanding sec-
15 tion 120, the Federal share of the cost of a
16 project on a Federal lands transportation facil-
17 ity or a Federal lands access transportation fa-
18 cility shall be up to 90 percent.

19 “(B) NON-FEDERAL SHARE.—Notwith-
20 standing any other provision of law, any Fed-
21 eral funds other than those made available
22 under this title or title 49 may be used to pay
23 the non-Federal share of the cost of a project
24 carried out under this section.

1 “(2) TRIBAL PROJECTS.—The Federal share of
2 the cost of a project on a Tribal transportation facil-
3 ity shall be 100 percent.

4 “(j) USE OF FUNDS.—For each fiscal year, of the
5 amounts made available to carry out this section, not more
6 than 50 percent shall be used for eligible projects on Fed-
7 eral lands transportation facilities or Federal lands access
8 transportation facilities and Tribal transportation facili-
9 ties, respectively.”.

10 (b) CLERICAL AMENDMENT.—The analysis for chap-
11 ter 2 of title 23, United States Code, is amended by insert-
12 ing after the item relating to section 207 the following
13 new item:

 “208. Federal lands and Tribal major projects program.”.

14 (c) REPEAL.—Section 1123 of the FAST Act (23
15 U.S.C. 201 note), and the item related to such section in
16 the table of contents under section 1(b) of such Act, are
17 repealed.

18 **SEC. 1506. OFFICE OF TRIBAL GOVERNMENT AFFAIRS.**

19 Section 102 of title 49, United States Code, is
20 amended—

21 (1) in subsection (e)(1)—

22 (A) by striking “6 Assistant” and inserting
23 “7 Assistant”;

24 (B) in subparagraph (C) by striking “;
25 and” and inserting a semicolon;

1 (C) by redesignating subparagraph (D) as
2 subparagraph (E); and

3 (D) by inserting after subparagraph (C)
4 the following:

5 “(D) an Assistant Secretary for Tribal
6 Government Affairs, who shall be appointed by
7 the President; and”; and

8 (2) in subsection (f)—

9 (A) in the heading by striking “DEPUTY
10 ASSISTANT SECRETARY FOR TRIBAL GOVERN-
11 MENT AFFAIRS” and inserting “OFFICE OF
12 TRIBAL GOVERNMENT AFFAIRS”; and

13 (B) by striking paragraph (1) and insert-
14 ing the following:

15 “(1) ESTABLISHMENT.—There is established in
16 the Department an Office of Tribal Government Af-
17 fairs, under the Assistant Secretary for Tribal Gov-
18 ernment Affairs, to—

19 “(A) oversee the Tribal transportation self-
20 governance program under section 207 of title
21 23;

22 “(B) plan, coordinate, and implement poli-
23 cies and programs serving Indian Tribes and
24 Tribal organizations;

1 “(C) coordinate Tribal transportation pro-
2 grams and activities in all offices and adminis-
3 trations of the Department;

4 “(D) provide technical assistance to Indian
5 Tribes and Tribal organizations; and

6 “(E) be a participant in any negotiated
7 rulemakings relating to, or having an impact
8 on, projects, programs, or funding associated
9 with the Tribal transportation program under
10 section 202 of title 23.”.

11 **SEC. 1507. ALTERNATIVE CONTRACTING METHODS.**

12 (a) LAND MANAGEMENT AGENCIES AND TRIBAL
13 GOVERNMENTS.—Section 201 of title 23, United States
14 Code, is amended by adding at the end the following:

15 “(f) ALTERNATIVE CONTRACTING METHODS.—

16 “(1) IN GENERAL.—Notwithstanding any other
17 provision of law, the Secretary may use a con-
18 tracting method available to a State under this title
19 on behalf of—

20 “(A) a Federal land management agency,
21 with respect to any funds available pursuant to
22 section 203 or 204;

23 “(B) a Federal land management agency,
24 with respect to any funds available pursuant to
25 section 1535 of title 31 for any eligible use de-

1 scribed in sections 203(a)(1) and 204(a)(1) of
2 this title; or

3 “(C) a Tribal Government, with respect to
4 any funds available pursuant to section
5 202(b)(7)(D).

6 “(2) METHODS DESCRIBED.—The contracting
7 methods referred to in paragraph (1) shall include,
8 at a minimum—

9 “(A) project bundling;

10 “(B) bridge bundling;

11 “(C) design-build contracting;

12 “(D) 2-phase contracting;

13 “(E) long-term concession agreements; and

14 “(F) any method tested, or that could be
15 tested, under an experimental program relating
16 to contracting methods carried out by the Sec-
17 retary.

18 “(3) RULE OF CONSTRUCTION.—Nothing in
19 this subsection—

20 “(A) affects the application of the Federal
21 share for a project carried out with a con-
22 tracting method under this subsection; or

23 “(B) modifies the point of obligation of
24 Federal salaries and expenses.”.

1 (b) USE OF ALTERNATIVE CONTRACTING METH-
2 OD.—In carrying out the amendments made by this sec-
3 tion, the Secretary shall—

4 (1) in consultation with the applicable Federal
5 land management agencies, establish procedures that
6 are—

7 (A) applicable to each alternative con-
8 tracting method; and

9 (B) to the maximum extent practicable,
10 consistent with requirements for Federal pro-
11 curement transactions;

12 (2) solicit input on the use of each alternative
13 contracting method from any affected industry prior
14 to using such method; and

15 (3) analyze and prepare an evaluation of the
16 use of each alternative contracting method.

17 **SEC. 1508. DIVESTITURE OF FEDERALLY OWNED BRIDGES.**

18 (a) IN GENERAL.—The Commissioner of the Bureau
19 of Reclamation may transfer ownership of a bridge that
20 is owned by the Bureau of Reclamation if—

21 (1) the ownership of the bridge is transferred to
22 a State with the concurrence of such State;

23 (2) the State to which ownership is transferred
24 agrees to operate and maintain the bridge;

1 (3) the transfer of ownership complies with all
2 applicable Federal requirements, including—

3 (A) section 138 of title 23, United States
4 Code;

5 (B) section 306108 of title 54, United
6 States Code; and

7 (C) the National Environmental Policy Act
8 of 1969 (42 U.S.C. 4321 et seq.); and

9 (4) the Bureau of Reclamation and the State to
10 which ownership is being transferred jointly notify
11 the Secretary of Transportation of the intent to con-
12 duct a transfer prior to such transfer.

13 (b) ACCESS.—In a transfer of ownership of a bridge
14 under this section, the Commissioner of the Bureau of
15 Reclamation—

16 (1) shall not be required to transfer ownership
17 of the land on which the bridge is located or any ad-
18 jacent lands; and

19 (2) shall make arrangements with the State to
20 which ownership is being transferred to allow for
21 adequate access to such bridge, including for the
22 purposes of construction, maintenance, and bridge
23 inspections pursuant to section 144 of title 23,
24 United States Code.

1 **Subtitle F—Additional Provisions**

2 **SEC. 1601. TOWARD ZERO DEATHS.**

3 (a) **IN GENERAL.**—A local government, metropolitan
4 planning organization, or regional transportation planning
5 organization may develop and implement a vision zero
6 plan to significantly reduce or eliminate transportation-re-
7 lated fatalities and serious injuries within a specified time-
8 frame, not to exceed 20 years.

9 (b) **USE OF FUNDS.**—Amounts apportioned to a
10 State under paragraph (2) or (3) of section 104(b) of title
11 23, United States Code, may be used to carry out a vision
12 zero plan under this section.

13 (c) **CONTENTS OF PLAN.**—A vision zero plan under
14 this section shall include—

15 (1) a description of projects or policies intended
16 to significantly reduce or eliminate transportation-
17 related fatalities and serious injuries within a speci-
18 fied timeframe, not to exceed 20 years, using exist-
19 ing transportation data and consideration of risk
20 factors;

21 (2) plans for implementation of, education of
22 the public about, and enforcement of such projects
23 or policies;

1 (3) a description of how such projects or poli-
2 cies, and the enforcement of such projects or policies
3 will—

4 (A) equitably invest in the safety needs of
5 low-income and minority communities;

6 (B) ensure that such communities are not
7 disproportionately targeted by law enforcement;
8 and

9 (C) protect the rights of members of such
10 communities with respect to title VI of the Civil
11 Rights Act of 1964 (42 U.S.C. 2000d et seq.);
12 and

13 (4) a description of a mechanism to evaluate
14 progress of the implementation of the plan, including
15 the gathering and use of transportation safety and
16 demographic data.

17 (d) INCLUSIONS.—A vision zero plan may include a
18 complete streets prioritization plan that identifies a spe-
19 cific list of projects to—

20 (1) create a connected network of active trans-
21 portation facilities, including sidewalks, bikeways, or
22 pedestrian and bicycle trails, to connect communities
23 and provide safe, reliable, affordable, and convenient
24 access to employment, housing, and services, con-

1 sistent with the goals described in section 150(b) of
2 title 23, United States Code;

3 (2) integrate active transportation facilities with
4 public transportation service or improve access to
5 public transportation; and

6 (3) improve transportation options for low-in-
7 come and minority communities.

8 (e) COORDINATION.—A vision zero plan under this
9 section shall provide for coordination of various subdivi-
10 sions of a unit of local government in the implementation
11 of the plan, including subdivisions responsible for law en-
12 forcement, public health, data collection, and public works.

13 (f) SAFETY PERFORMANCE MANAGEMENT.—A vision
14 zero plan under this section is not sufficient to dem-
15 onstrate compliance with the safety performance or plan-
16 ning requirements of section 148 or 150 of title 23, United
17 States Code.

18 **SEC. 1602. SPEED LIMITS.**

19 (a) SPEED LIMITS.—The Secretary of Transpor-
20 tation shall revise the Manual of Uniform Traffic Control
21 Devices to provide for a safe systems approach to setting
22 speed limits, consistent with the safety recommendations
23 issued by the National Transportation Safety Board on
24 August 15, 2017, numbered H-17-27 and H-17-028.

1 (b) CONSIDERATIONS.—In carrying out subpara-
2 graph (A), the Secretary shall consider—

3 (1) crash statistics;

4 (2) road geometry characteristics;

5 (3) roadside characteristics;

6 (4) traffic volume;

7 (5) the possibility and likelihood of human
8 error;

9 (6) human injury tolerance;

10 (7) the prevalence of vulnerable road users; and

11 (8) any other consideration, consistent with a
12 safe system approach, as determined by the Sec-
13 retary.

14 (c) REPORT ON SPEED MANAGEMENT PROGRAM
15 PLAN.—Not later than 1 year after the date of enactment
16 of this Act, the Secretary shall update and report on the
17 implementation progress of the Speed Management Pro-
18 gram Plan of the Department of Transportation, as de-
19 scribed in the safety recommendation issued by the Na-
20 tional Transportation Safety Board on August 15, 2017,
21 numbered H-17-018.

22 (d) DEFINITIONS.—In this section, the terms “safe
23 system approach” and “vulnerable road user” have the
24 meanings given such terms in section 148(a) of title 23,
25 United States Code.

1 **SEC. 1603. BROADBAND INFRASTRUCTURE DEPLOYMENT.**

2 (a) DEFINITIONS.—In this section:

3 (1) APPROPRIATE COMMITTEES.—The term
4 “appropriate committees” means—

5 (A) the Committee on Transportation and
6 Infrastructure of the House of Representatives;

7 (B) the Committee on Energy and Com-
8 merce of the House of Representatives;

9 (C) the Committee on Commerce, Science,
10 and Transportation of the Senate;

11 (D) the Committee on Environment and
12 Public Works of the Senate;

13 (E) the Committee on Appropriations of
14 the House of Representatives; and

15 (F) the Committee on Appropriations of
16 the Senate.

17 (2) APPROPRIATE STATE AGENCY.—The term
18 “appropriate State agency” means a State govern-
19 mental agency that is recognized by the executive
20 branch of the State as having the experience nec-
21 essary to evaluate and carry out projects relating to
22 the proper and effective installation and operation of
23 broadband infrastructure.

24 (3) BROADBAND.—The term “broadband” has
25 the meaning given the term “advanced telecommuni-

1 cations capability” in section 706 of the Tele-
2 communications Act of 1996 (47 U.S.C. 1302).

3 (4) BROADBAND INFRASTRUCTURE.—The term
4 “broadband infrastructure” means any buried, un-
5 derground, or aerial facility, and any wireless or
6 wireline connection that enables the provision of
7 broadband.

8 (5) BROADBAND INFRASTRUCTURE ENTITY.—
9 The term “broadband infrastructure entity” means
10 any entity, including a State or local entity or a pub-
11 lic-private partnership (between a State or local enti-
12 ty and a private entity), that—

13 (A) installs, owns, or operates broadband
14 infrastructure; and

15 (B) provides broadband in a manner con-
16 sistent with the public interest, convenience,
17 and necessity, as determined by the State.

18 (6) DIG ONCE REQUIREMENT.—The term “dig
19 once requirement” means a requirement designed to
20 reduce the number and scale of repeated excavations
21 for the installation and maintenance of broadband
22 facilities in rights-of-way.

23 (7) STATE.—The term “State” means—

24 (A) a State;

25 (B) the District of Columbia; and

1 (C) the Commonwealth of Puerto Rico.

2 (b) BROADBAND INFRASTRUCTURE DEPLOYMENT.—

3 To facilitate the installation of broadband infrastructure,
4 the Secretary of Transportation shall, not later than 6
5 months after the date of enactment of this Act, issue regu-
6 lations to ensure that each State that receives funds under
7 chapter 1 of title 23, United States Code, meets the fol-
8 lowing requirements:

9 (1) BROADBAND CONSULTATION.—The State
10 department of transportation, in consultation with
11 appropriate State agencies, shall—

12 (A) identify a broadband utility coordi-
13 nator, who may have additional responsibilities
14 in the State department of transportation or in
15 another State agency, that is responsible for fa-
16 cilitating the broadband infrastructure right-of-
17 way efforts within the State;

18 (B) establish a process for the registration
19 of broadband infrastructure entities that seek
20 to be included in the broadband infrastructure
21 right-of-way facilitation efforts within the State;

22 (C) review existing State broadband plans,
23 including existing dig once requirements of the
24 State or municipal governments within the
25 State, to determine opportunities to coordinate

1 projects occurring within highway rights-of-way
2 with planned broadband infrastructure projects;
3 and

4 (D) establish a process to electronically no-
5 tify broadband infrastructure entities registered
6 under subparagraph (B)—

7 (i) of the State transportation im-
8 provement program on an annual basis;

9 (ii) of all projects within the highway
10 right-of-way for which Federal funding is
11 expected to be obligated in the subsequent
12 fiscal year; and

13 (iii) any opportunities for coordination
14 identified by the State under subparagraph
15 (C).

16 (2) PRIORITY.—If a State provides for the in-
17 stallation of broadband infrastructure in the right-
18 of-way of an applicable Federal-aid highway project
19 under this subsection, the State department of
20 transportation, along with appropriate State agen-
21 cies, shall carry out any appropriate measures to en-
22 sure that any existing broadband infrastructure enti-
23 ties are not disadvantaged, as compared to other
24 broadband infrastructure entities, with respect to
25 the program under this subsection.

1 (3) EFFECT OF SUBSECTION.—This subsection
2 shall apply only to activities for which Federal obli-
3 gations or expenditures are initially approved on or
4 after the date regulations required under this sub-
5 section become effective. Nothing in this section es-
6 tablishes a mandate or requirement that a State in-
7 stall or allow the installation of broadband infra-
8 structure in a highway right-of-way. Nothing in this
9 section authorizes the Secretary of Transportation to
10 withhold or reserve funds or approval of a project
11 under title 23, United States Code.

12 (c) DIG ONCE FUNDING TASK FORCE.—

13 (1) ESTABLISHMENT.—There is established an
14 independent task force on funding for dig once to be
15 known as the “Dig Once Funding Task Force”
16 (hereinafter referred to as the “Task Force”).

17 (2) DUTIES.—The duties of the Task Force
18 shall be to—

19 (A) estimate the annual cost for a nation-
20 wide dig once requirement; and

21 (B) propose and evaluate options for fund-
22 ing a nationwide dig once requirement that in-
23 cludes—

24 (i) a discussion of the role of—

25 (I) the Federal Government;

1 (II) State, local, and Tribal gov-
2 ernments; and

3 (III) broadband infrastructure
4 entities; and

5 (ii) consideration of the role of exist-
6 ing dig once requirements of State, local,
7 and Tribal governments, ensuring the ex-
8 pansion of such requirements are not
9 disincentivized.

10 (3) REPORTS.—

11 (A) INTERIM REPORT AND BRIEFING.—

12 Not later than 6 months after the date of en-
13 actment of this Act, the Task Force shall sub-
14 mit to Congress an interim report and provide
15 for the appropriate committees briefings on the
16 findings of the Task Force.

17 (B) FINAL REPORT.—Not later than 9
18 months after the date of enactment of this Act,
19 the Task Force shall submit to Congress a final
20 report on the findings of the Task Force.

21 (4) COMPOSITIONS AND MEMBERSHIP.—

22 (A) MEMBERSHIP.—The Task Force shall
23 consist of 14 members, consisting of—

24 (i) the 2 cochairs described in sub-
25 paragraph (B); and

1 (ii) 1 member appointed by each of
2 the Chairs and Ranking Members of the
3 appropriate committees.

4 (B) COCHAIRS.—The Task Force shall be
5 cochaired by—

6 (i) the Secretary of Transportation;
7 and

8 (ii) the Assistant Secretary of Com-
9 merce for Communications and Informa-
10 tion.

11 (C) APPOINTMENT DEADLINE.—Members
12 shall be appointed to the Task Force not later
13 than 60 days after the date of enactment of
14 this Act.

15 (D) EFFECT OF LACK OF APPOINTMENT
16 BY APPOINTMENT DATE.—If 1 or more appoint-
17 ments required under subparagraph (A) is not
18 made by the appointment date specified in sub-
19 paragraph (C), the authority to make such ap-
20 pointment or appointments shall expire and the
21 number of members of the Commission shall be
22 reduced by the number equal to the number of
23 appointments so expired.

24 (E) TERMS.—Members shall be appointed
25 for the life of the Task Force. A vacancy in the

1 Task Force shall not affect its powers and shall
2 be filled in the same manner as the initial ap-
3 pointment was made.

4 (5) CONSULTATIONS.—In carrying out the du-
5 ties required under this subsection, the Task Force
6 shall consult, at a minimum—

7 (A) the Federal Communications Commis-
8 sion;

9 (B) agencies of States including—

10 (i) State departments of transpor-
11 tation; and

12 (ii) appropriate State agencies;

13 (C) agencies of local and Tribal govern-
14 ments responsible for—

15 (i) transportation and rights-of-way;

16 and

17 (iii) broadband access (including agen-
18 cies, subdivisions, or affiliated organiza-
19 tions that act as broadband infrastructure
20 entities); and

21 (D) broadband infrastructure entities and
22 other telecommunications providers.

23 (6) TERMINATION.—The Task Force shall ter-
24minate not later than 90 days after issuance of the
25 final report required under paragraph (3)(B).

1 **SEC. 1604. APPALACHIAN DEVELOPMENT HIGHWAY SYS-**
2 **TEM FUNDING FLEXIBILITY.**

3 Any funds made available to a State for the Appa-
4 lachian development highway system program under sub-
5 title IV of title 40, United States Code, before the date
6 of enactment of this Act may be used, at the request of
7 such State to the Secretary of Transportation, for the pur-
8 poses described in section 133(b) of title 23, United States
9 Code.

10 **SEC. 1605. STORMWATER BEST MANAGEMENT PRACTICES.**

11 (a) STUDY.—

12 (1) IN GENERAL.—Not later than 180 days
13 after the date of enactment of this Act, the Sec-
14 retary of Transportation and the Administrator shall
15 seek to enter into an agreement with the Transpor-
16 tation Research Board of the National Academy of
17 Sciences to under which the Transportation Re-
18 search Board shall conduct a study—

19 (A) to estimate pollutant loads from
20 stormwater runoff from highways and pedes-
21 trian facilities eligible for assistance under title
22 23, United States Code, to inform the develop-
23 ment of appropriate total maximum daily load
24 requirements;

25 (B) to provide recommendations (including
26 recommended revisions to existing laws and reg-

1 ulations) regarding the evaluation and selection
2 by State departments of transportation of po-
3 tential stormwater management and total max-
4 imum daily load compliance strategies within a
5 watershed, including environmental restoration
6 and pollution abatement carried out under sec-
7 tion 328 of title 23, United States Code;

8 (C) to examine the potential for the Sec-
9 retary to assist State departments of transpor-
10 tation in carrying out and communicating
11 stormwater management practices for highways
12 and pedestrian facilities that are eligible for as-
13 sistance under title 23, United States Code,
14 through information-sharing agreements, data-
15 base assistance, or an administrative platform
16 to provide the information described in sub-
17 paragraphs (A) and (B) to entities issued per-
18 mits under the Federal Water Pollution Control
19 Act (33 U.S.C. 1251 et seq.); and

20 (D) to examine the benefit of concen-
21 trating stormwater retrofits in impaired water-
22 sheds and selecting such retrofits according to
23 a process that depends on a watershed manage-
24 ment plan developed in accordance with section

1 319 of the Federal Water Pollution Control Act
2 (33 U.S.C. 1329).

3 (2) REQUIREMENTS.—In conducting the study
4 under the agreement entered into pursuant to para-
5 graph (1), the Transportation Research Board
6 shall—

7 (A) review and supplement, as appropriate,
8 the methodologies examined and recommended
9 in the 2019 report of the National Academies
10 of Sciences, Engineering, and Medicine titled
11 “Approaches for Determining and Complying
12 with TMDL Requirements Related to Roadway
13 Stormwater Runoff”;

14 (B) consult with—

15 (i) the Secretary of Transportation;

16 (ii) the Administrator;

17 (iii) the Secretary of the Army, acting
18 through the Chief of Engineers; and

19 (iv) State departments of Transpor-
20 tation; and

21 (C) solicit input from—

22 (i) stakeholders with experience in im-
23 plementing stormwater management prac-
24 tices for projects; and

1 (ii) educational and technical
2 stormwater management groups.

3 (3) REPORT.—In carrying out the agreement
4 entered into pursuant to paragraph (1), not later
5 than 18 months after the date of enactment of this
6 Act, the Transportation Research Board shall sub-
7 mit to the Secretary of Transportation, the Adminis-
8 trator, the Committee on Transportation and Infra-
9 structure of the House of Representatives, and the
10 Committee on Environment and Public Works of the
11 Senate a report describing the results of the study.

12 (b) STORMWATER BEST MANAGEMENT PRACTICES
13 REPORTS.—

14 (1) REISSUANCE.—Not later than 180 days
15 after the date of enactment of this Act, the Sec-
16 retary of Transportation shall update and reissue
17 the best management practices reports to reflect new
18 information and advancements in stormwater man-
19 agement.

20 (2) UPDATES.—Not less frequently than once
21 every 5 years after the date on which the Secretary
22 reissues the best management practices reports
23 under paragraph (1), the Secretary shall update and
24 reissue the best management practices reports, un-
25 less the contents of the best management practices

1 reports have been incorporated (including by ref-
2 erence) into applicable regulations of the Secretary.

3 (c) DEFINITIONS.—In this section:

4 (1) ADMINISTRATOR.—The term “Adminis-
5 trator” means the Administrator of the Environ-
6 mental Protection Agency.

7 (2) BEST MANAGEMENT PRACTICES RE-
8 PORTS.—The term “best management practices re-
9 ports” means—

10 (A) the 2014 report sponsored by the De-
11 partment of Transportation titled “Determining
12 the State of the Practice in Data Collection and
13 Performance Measurement of Stormwater Best
14 Management Practices” (FHWA–HEP–16–
15 021); and

16 (B) the 2000 report sponsored by the De-
17 partment of Transportation titled “Stormwater
18 Best Management Practices in an Ultra-Urban
19 Setting: Selection and Monitoring”.

20 (3) TOTAL MAXIMUM DAILY LOAD.—The term
21 “total maximum daily load” has the meaning given
22 such term in section 130.2 of title 40, Code of Fed-
23 eral Regulations (or successor regulations).

1 **SEC. 1606. PEDESTRIAN RIGHT-OF-WAY.**

2 (a) IN GENERAL.—Not later than 60 days after the
3 date of enactment of this Act, the Architectural and
4 Transportation Barriers Compliance Board established
5 under section 502(a)(1) of the Rehabilitation Act of 1973
6 (29 U.S.C. 792), in consultation with the Secretary of
7 Transportation, shall establish guidelines setting forth
8 minimum standards for pedestrian facilities in the public
9 right-of-way.

10 (b) CONTENT OF GUIDANCE.—The guidelines de-
11 scribed in subsection (a) shall be substantially similar to—

12 (1) the notice of proposed rulemaking published
13 on July 26, 2011, titled “Accessibility Guidelines for
14 Pedestrian Facilities in the Public Right-of-Way”
15 (76 Fed. Reg. 44664); and

16 (2) the supplemental notice of proposed rule-
17 making published on February 13, 2013, titled “Ac-
18 cessibility Guidelines for Pedestrian Facilities in the
19 Public Right-of-Way; Shared Use Paths” (78 Fed.
20 Reg. 10110).

21 (c) ADOPTION OF REGULATIONS.—Not later than
22 180 days after the establishment of the guidelines pursu-
23 ant to subsection (a), the Secretary shall issue such regu-
24 lations as are necessary to adopt such guidelines.

25 **SEC. 1607. HIGHWAY FORMULA MODERNIZATION REPORT.**

26 (a) HIGHWAY FORMULA MODERNIZATION STUDY.—

1 (1) IN GENERAL.—The Secretary of Transpor-
2 tation, in consultation with the American Associa-
3 tion of State Transportation Officials and represent-
4 atives of local governments (including metropolitan
5 planning organizations), shall conduct a highway
6 formula modernization study to assess the method
7 and data used to apportion Federal-aid highway
8 funds under section 104(c) of title 23, United States
9 Code, and issue recommendations on such method
10 and data.

11 (2) ASSESSMENT.—The highway formula mod-
12 ernization study required under paragraph (1) shall
13 include an assessment of, based on the latest avail-
14 able data, whether the apportionment method under
15 such section results in—

16 (A) an equitable distribution of funds
17 based on the estimated tax payments attrib-
18 utable to—

19 (i) highway users in the State that are
20 paid into the Highway Trust Fund; and

21 (ii) individuals in the State that are
22 paid to the Treasury, based on contribu-
23 tions to the Highway Trust Fund from the
24 general fund of the Treasury; and

1 (B) the achievement of the goals described
2 in section 101(b)(3) of title 23, United States
3 Code.

4 (3) CONSIDERATIONS.—In carrying out the as-
5 sessment under paragraph (2), the Secretary shall
6 consider the following:

7 (A) The factors described in sections
8 104(b), 104(f)(2), 104(h)(2), 130(f), and
9 144(e) of title 23, United States Code, as in ef-
10 fect on the date of enactment of SAFETEA-
11 LU (Public Law 109–59).

12 (B) The availability and accuracy of data
13 necessary to calculate formula apportionments
14 under the factors described in subparagraph
15 (A).

16 (C) The measures established under sec-
17 tion 150 of title 23, United States Code, and
18 whether such measures are appropriate for con-
19 sideration as formula apportionment factors.

20 (D) The results of the CMAQ formula
21 modernization study required under subsection
22 (b).

23 (E) Any other factors that the Secretary
24 determines are appropriate.

1 (4) RECOMMENDATIONS.—The Secretary shall,
2 in consultation with the American Association of
3 State Transportation Officials and representatives of
4 local governments (including metropolitan planning
5 organizations), develop recommendations on a new
6 apportionment method, including—

7 (A) the factors recommended to be in-
8 cluded in such apportionment method;

9 (B) the weighting recommended to be ap-
10 plied to the factors under subparagraph (A);
11 and

12 (C) any other recommendations to ensure
13 that the apportionment method best achieves an
14 equitable distribution of funds described under
15 paragraph (2)(A) and the goals described in
16 paragraph (2)(B).

17 (b) CMAQ FORMULA MODERNIZATION STUDY.—

18 (1) IN GENERAL.—Not later than 1 year after
19 the date of enactment of this Act, the Secretary of
20 Transportation, in consultation with the Adminis-
21 trator of the Environmental Protection Agency, shall
22 conduct an CMAQ formula modernization study to
23 assess whether the apportionment method under sec-
24 tion 104(b)(4) of title 23, United States Code, re-

1 sults in a distribution of funds that best achieves the
2 air quality goals of section 149 of such title.

3 (2) CONSIDERATIONS.—In providing consulta-
4 tion under this subsection, the Administrator shall
5 provide to the Secretary an analysis of—

6 (A) factors that contribute to the appor-
7 tionment, including population, types of pollut-
8 ants, and severity of pollutants;

9 (B) the weighting of the factors listed
10 under subparagraph (A); and

11 (C) the recency of the data used in making
12 the apportionment under section 104(b)(4) of
13 title 23, United States Code.

14 (3) RECOMMENDATIONS.—If, in conducting the
15 study under this subsection, the Secretary finds that
16 modifying the apportionment method under section
17 104(b)(4) of title 23, United States Code, would
18 best achieve the air quality goals of section 149 of
19 title 23, United States Code, the Secretary shall, in
20 consultation with the Administrator, include in such
21 study recommendations for a new apportionment
22 method, including—

23 (A) the factors recommended to be in-
24 cluded in such apportionment method;

1 (B) the weighting recommended to be ap-
2 plied to the factors under subparagraph (A);
3 and

4 (C) any other recommendations to ensure
5 that the apportionment method best achieves
6 the air quality goals section 149 of such title.

7 (c) REPORT.—No later than 2 years after the date
8 of enactment of this Act, the Secretary shall submit to
9 the Committee on Transportation and Infrastructure of
10 the House of Representatives and the Committee on Envi-
11 ronment and Public Works of the Senate a report con-
12 taining the results of the highway formula modernization
13 study and the CMAQ formula modification study.

14 **SEC. 1608. CONSOLIDATION OF PROGRAMS.**

15 Section 1519 of MAP-21 (Public Law 112-141) is
16 amended—

17 (1) in subsection (a)—

18 (A) by striking “fiscal years 2016 through
19 2020” and inserting “fiscal years 2022 through
20 2025”; and

21 (B) by striking “\$3,500,000” and insert-
22 ing “\$4,000,000”;

23 (2) by redesignating subsections (b) and (c) as
24 subsections (c) and (d), respectively; and

1 (3) by inserting after subsection (a) the fol-
2 lowing:

3 “(b) FEDERAL SHARE.—The Federal share of the
4 cost of a project or activity carried out under subsection
5 (a) shall be 100 percent.”.

6 **SEC. 1609. STUDENT OUTREACH REPORT TO CONGRESS.**

7 (a) REPORT.—Not later than 180 days after the date
8 of enactment of this Act, the Secretary of Transportation
9 shall submit to the Committee on Transportation and In-
10 frastructure of the House of Representatives and the Com-
11 mittee on Environment and Public Works of the Senate
12 a report that describes the efforts of the Department of
13 Transportation to encourage elementary, secondary, and
14 post-secondary students to pursue careers in the surface
15 transportation sector.

16 (b) CONTENTS.—The report required under sub-
17 section (a) shall include—

18 (1) a description of efforts to increase aware-
19 ness of careers related to surface transportation
20 among elementary, secondary, and post-secondary
21 students;

22 (2) a description of efforts to prepare and in-
23 spire such students for surface transportation ca-
24 reers;

1 (3) a description of efforts to support the devel-
2 opment of a diverse, well-qualified workforce for fu-
3 ture surface transportation needs; and

4 (4) the effectiveness of the efforts described in
5 paragraphs (1) through (3).

6 **SEC. 1610. TASK FORCE ON DEVELOPING A 21ST CENTURY**
7 **SURFACE TRANSPORTATION WORKFORCE.**

8 (a) IN GENERAL.—Not later than 90 days after the
9 date of enactment of this Act, the Secretary of Transpor-
10 tation shall establish a task force on developing a 21st
11 century surface transportation workforce (in this section
12 referred to as the “Task Force”).

13 (b) DUTIES.—Not later than 12 months after the es-
14 tablishment of the Task Force under subsection (a), the
15 Task Force shall develop and submit to the Secretary rec-
16 ommendations and strategies for the Department of
17 Transportation to—

18 (1) evaluate the current and future state of the
19 surface transportation workforce, including projected
20 job needs in the surface transportation sector;

21 (2) identify factors influencing individuals pur-
22 suing careers in surface transportation, including
23 barriers to attracting individuals into the workforce;

24 (3) address barriers to retaining individuals in
25 surface transportation careers;

1 (4) identify and address potential impacts of
2 emerging technologies on the surface transportation
3 workforce;

4 (5) increase access for vulnerable or underrep-
5 resented populations, especially women and minori-
6 ties, to high-skill, in-demand surface transportation
7 careers;

8 (6) facilitate and encourage elementary, sec-
9 ondary, and post-secondary students in the United
10 States to pursue careers in the surface transpor-
11 tation sector; and

12 (7) identify and develop pathways for students
13 and individuals to secure pre-apprenticeships, reg-
14 istered apprenticeships, and other work-based learn-
15 ing opportunities in the surface transportation sector
16 of the United States.

17 (c) CONSIDERATIONS.—In developing recommenda-
18 tions and strategies under subsection (b), the Task Force
19 shall—

20 (1) identify factors that influence whether
21 young people pursue careers in surface transpor-
22 tation, especially traditionally underrepresented pop-
23 ulations, including women and minorities;

24 (2) consider how the Department, businesses,
25 industry, labor, educators, and other stakeholders

1 can coordinate efforts to support qualified individ-
2 uals in pursuing careers in the surface transpor-
3 tation sector;

4 (3) identify methods of enhancing surface
5 transportation pre-apprenticeships and registered
6 apprenticeships, job skills training, mentorship, edu-
7 cation, and outreach programs that are exclusive to
8 youth in the United States; and

9 (4) identify potential sources of funding, includ-
10 ing grants and scholarships, that may be used to
11 support youth and other qualified individuals in pur-
12 suing careers in the surface transportation sector.

13 (d) CONSULTATION.—In developing the recommenda-
14 tions and strategies required under subsection (b), the
15 Task Force may consult with—

16 (1) local educational agencies and institutes of
17 higher education, including community colleges and
18 vocational schools; and

19 (2) State workforce development boards.

20 (e) REPORT.—Not later than 60 days after the sub-
21 mission of the recommendations and strategies under sub-
22 section (b), the Secretary shall submit to the Committee
23 on Transportation and Infrastructure of the House of
24 Representatives and the Committee on Environment and

1 Public Works of the Senate a report containing such rec-
2 ommendations and strategies.

3 (f) COMPOSITION OF TASK FORCE.—The Secretary
4 shall appoint members to the Task Force whose diverse
5 background and expertise allow such members to con-
6 tribute balanced points of view and ideas in carrying out
7 this section, comprised of equal representation from each
8 of the following:

9 (1) Industries in the surface transportation sec-
10 tor.

11 (2) Surface transportation sector labor organi-
12 zations.

13 (3) Such other surface transportation stake-
14 holders and experts as the Secretary considers ap-
15 propriate.

16 (g) PERIOD OF APPOINTMENT.—Members shall be
17 appointed to the Task Force for the duration of the exist-
18 ence of the Task Force.

19 (h) COMPENSATION.—Task Force members shall
20 serve without compensation.

21 (i) SUNSET.—The Task Force shall terminate upon
22 the submission of the report required under subsection (e).

23 (j) DEFINITIONS.—In this section:

24 (1) PRE-APPRENTICESHIP.—The term “pre-ap-
25 prenticeship” means a training model or program

1 that prepares individuals for acceptance into a reg-
2 istered apprenticeship and has a demonstrated part-
3 nership with 1 or more registered apprenticeships.

4 (2) REGISTERED APPRENTICESHIP.—The term
5 “registered apprenticeship” means an apprenticeship
6 program registered under the Act of August 16,
7 1937 (29 U.S.C. 50 et seq.; commonly known as the
8 “National Apprenticeship Act”), that satisfies the
9 requirements of parts 29 and 30 of title 29, Code
10 of Federal Regulations (as in effect on January 1,
11 2020).

12 **SEC. 1611. ON-THE-JOB TRAINING AND SUPPORTIVE SERV-**
13 **ICES.**

14 Section 140(b) of title 23, United States Code, is
15 amended to read as follows:

16 “(b) WORKFORCE TRAINING AND DEVELOPMENT.—

17 “(1) IN GENERAL.—The Secretary, in coopera-
18 tion with the Secretary of Labor and any other de-
19 partment or agency of the Government, State agen-
20 cy, authority, association, institution, Indian Tribal
21 government, corporation (profit or nonprofit), or any
22 other organization or person, is authorized to de-
23 velop, conduct, and administer surface transpor-
24 tation and technology training, including skill im-

1 provement programs, and to develop and fund sum-
2 mer transportation institutes.

3 “(2) STATE RESPONSIBILITIES.—A State de-
4 partment of transportation participating in the pro-
5 gram under this subsection shall—

6 “(A) develop an annual workforce plan
7 that identifies immediate and anticipated work-
8 force gaps and underrepresentation of women
9 and minorities and a detailed plan to fill such
10 gaps and address such underrepresentation;

11 “(B) establish an annual workforce devel-
12 opment compact with the State workforce devel-
13 opment board and appropriate agencies to pro-
14 vide a coordinated approach to workforce train-
15 ing, job placement, and identification of train-
16 ing and skill development program needs, which
17 shall be coordinated to the extent practical with
18 an institution or agency, such as a State work-
19 force development board under section 101 of
20 the Workforce Innovation and Opportunities
21 Act (29 U.S.C. 3111), that has established
22 skills training, recruitment, and placement re-
23 sources; and

24 “(C) demonstrate program outcomes, in-
25 cluding—

1 “(i) impact on areas with transpor-
2 tation workforce shortages;

3 “(ii) diversity of training participants;

4 “(iii) number and percentage of par-
5 ticipants obtaining certifications or creden-
6 tials required for specific types of employ-
7 ment;

8 “(iv) employment outcome, including
9 job placement and job retention rates and
10 earnings, using performance metrics estab-
11 lished in consultation with the Secretary of
12 Labor and consistent with metrics used by
13 programs under the Workforce Innovation
14 and Opportunity Act (29 U.S.C. 3101 et
15 seq.); and

16 “(v) to the extent practical, evidence
17 that the program did not preclude workers
18 that participate in training or registered
19 apprenticeship activities under the pro-
20 gram from being referred to, or hired on,
21 projects funded under this chapter.

22 “(3) FUNDING.—From administrative funds
23 made available under section 104(a), the Secretary
24 shall deduct such sums as necessary, not to exceed
25 \$10,000,000 in each fiscal year, for the administra-

1 tion of this subsection. Such sums shall remain
2 available until expended.

3 “(4) NONAPPLICABILITY OF TITLE 41.—Sub-
4 sections (b) through (d) of section 6101 of title 41
5 shall not apply to contracts and agreements made
6 under the authority granted to the Secretary under
7 this subsection.

8 “(5) USE OF SURFACE TRANSPORTATION AND
9 NATIONAL HIGHWAY PERFORMANCE PROGRAM
10 FUNDS.—Notwithstanding any other provision of
11 law, not to exceed $\frac{1}{2}$ of 1 percent of funds appor-
12 tioned to a State under paragraph (1) or (2) of sec-
13 tion 104 may be available to carry out this sub-
14 section upon request of the State transportation de-
15 partment to the Secretary.”

16 **SEC. 1612. WORK ZONE SAFETY.**

17 Section 504(e)(1) of title 23, United States Code, is
18 amended—

19 (1) by redesignating subparagraphs (F) and
20 (G) as subparagraphs (G) and (H), respectively; and

21 (2) by inserting after subparagraph (E) the fol-
22 lowing:

23 “(F) tuition and direct educational ex-
24 penses or other costs of instruction related to
25 the work zone safety training and certification

1 of employees of State and local transportation
2 agencies and surface transportation construc-
3 tion workers;”.

4 **SEC. 1613. TRANSPORTATION EDUCATION DEVELOPMENT**
5 **PROGRAM.**

6 Section 504 of title 23, United States Code, is
7 amended—

8 (1) in subsection (e)(1) by inserting “and (8)
9 through (9)” after “paragraphs (1) through (4)”;
10 and

11 (2) in subsection (f) by adding at the end the
12 following:

13 “(4) REPORTS.—The Secretary shall submit to
14 the Committee on Transportation and Infrastructure
15 of the House of Representatives and the Committee
16 on Commerce, Science, and Transportation of the
17 Senate an annual report that includes—

18 “(A) a list of all grant recipients under
19 this subsection;

20 “(B) an explanation of why each recipient
21 was chosen in accordance with the criteria
22 under paragraph (2);

23 “(C) a summary of each recipient’s objec-
24 tive to carry out the purpose described in para-

1 graph (1) and an analysis of progress made to-
2 ward achieving each such objective;

3 “(D) an accounting for the use of Federal
4 funds obligated or expended in carrying out this
5 subsection; and

6 “(E) an analysis of outcomes of the pro-
7 gram under this subsection.”.

8 **SEC. 1614. WORKING GROUP ON CONSTRUCTION RE-**
9 **SOURCES.**

10 (a) ESTABLISHMENT.—Not later than 120 days after
11 the date of enactment of this Act, the Secretary of Trans-
12 portation shall establish a working group (in this section
13 referred to as the “Working Group”) to conduct a study
14 on access to covered resources for infrastructure projects.

15 (b) MEMBERSHIP.—

16 (1) APPOINTMENT.—The Secretary shall ap-
17 point to the Working Group individuals with knowl-
18 edge and expertise in the production and transpor-
19 tation of covered resources.

20 (2) REPRESENTATION.—The Working Group
21 shall include at least 1 representative of each of the
22 following:

23 (A) State departments of transportation.

24 (B) State agencies associated with covered
25 resources protection.

1 (C) State planning and geologic survey and
2 mapping agencies.

3 (D) Commercial motor vehicle operators,
4 including small business operators and opera-
5 tors who transport covered resources.

6 (E) Covered resources producers.

7 (F) Construction contractors.

8 (G) Metropolitan planning organizations
9 and regional planning organizations.

10 (H) Indian Tribes, including Tribal elected
11 leadership or Tribal transportation officials.

12 (I) Any other stakeholders that the Sec-
13 retary determines appropriate.

14 (3) TERMINATION.—The Working Group shall
15 terminate 6 months after the date on which the Sec-
16 retary receives the report under subsection (e)(1).

17 (c) DUTIES.—In carrying out the study required
18 under subsection (a), the Working Group shall analyze—

19 (1) the use of covered resources in transpor-
20 tation projects funded with Federal dollars;

21 (2) how the proximity of covered resources to
22 such projects affects the cost and environmental im-
23 pact of such projects;

24 (3) whether and how State, Tribal, and local
25 transportation and planning agencies consider cov-

1 ered resources when developing transportation
2 projects; and

3 (4) any challenges for transportation project
4 sponsors regarding access and proximity to covered
5 resources.

6 (d) CONSULTATION.—In carrying out the study re-
7 quired under subsection (a), the Working Group shall con-
8 sult with, as appropriate—

9 (1) chief executive officers of States;

10 (2) State, Tribal, and local transportation and
11 planning agencies;

12 (3) other relevant State, Tribal, and local agen-
13 cies, including State agencies associated with cov-
14 ered resources protection;

15 (4) members of the public with industry experi-
16 ence with respect to covered resources;

17 (5) other Federal entities that provide funding
18 for transportation projects; and

19 (6) any other stakeholder the Working Group
20 determines appropriate.

21 (e) REPORTS.—

22 (1) WORKING GROUP REPORT.—Not later than
23 2 years after the date on which the Working Group
24 is established, the Working Group shall submit to
25 the Secretary a report that includes—

1 (A) the findings of the study required
2 under subsection (a), including a summary of
3 comments received during the consultation
4 process under subsection (d); and

5 (B) any recommendations to preserve ac-
6 cess to and reduce the costs and environmental
7 impacts of covered resources for infrastructure
8 projects.

9 (2) DEPARTMENTAL REPORT.—Not later than
10 3 months after the date on which the Secretary re-
11 ceives the report under paragraph (1), the Secretary
12 shall submit to the Committee on Transportation
13 and Infrastructure of the House of Representatives
14 and the Committee on Environment and Public
15 Works of the Senate a summary of the findings
16 under such report and any recommendations, as ap-
17 propriate.

18 (f) DEFINITIONS.—In this section:

19 (1) COVERED RESOURCES.—The term “covered
20 resources” means common variety materials used in
21 transportation infrastructure construction and main-
22 tenance, including stone, sand, and gravel.

23 (2) STATE.—The term “State” means each of
24 the several States, the District of Columbia, and
25 each territory or possession of the United States.

1 **TITLE II—PUBLIC**
2 **TRANSPORTATION**
3 **Subtitle A—Federal Transit**
4 **Administration**

5 **SEC. 2101. AUTHORIZATIONS.**

6 (a) IN GENERAL.—Section 5338 of title 49, United
7 States Code, is amended to read as follows:

8 **“§ 5338. Authorizations**

9 “(a) GRANTS.—

10 “(1) IN GENERAL.—There shall be available
11 from the Mass Transit Account of the Highway
12 Trust Fund to carry out sections 5305, 5307, 5308,
13 5310, 5311, 5312, 5314, 5318, 5320, 5328, 5335,
14 5337, 5339, and 5340—

15 “(A) \$16,185,800,000 for fiscal year 2022;

16 “(B) \$16,437,600,000 for fiscal year 2023;

17 “(C) \$16,700,600,000 for fiscal year 2024;

18 and

19 “(D) \$16,963,600,000 for fiscal year
20 2025.

21 “(2) ALLOCATION OF FUNDS.—Of the amounts
22 made available under paragraph (1)—

23 “(A) \$189,879,151 for fiscal year 2022,

24 \$192,841,266 for fiscal year 2023,

25 \$195,926,726 for fiscal year 2024, and

1 \$199,002,776 for fiscal year 2025, shall be
2 available to carry out section 5305;

3 “(B) \$7,505,830,848 for fiscal year 2022,
4 \$7,622,921,809 for fiscal year 2023,
5 \$7,744,888,558 for fiscal year 2024, and
6 \$7,866,483,309 for fiscal year 2025 shall be al-
7 located in accordance with section 5336 to pro-
8 vide financial assistance for urbanized areas
9 under section 5307;

10 “(C) \$101,510,000 for fiscal year 2022,
11 \$103,093,556 for fiscal year 2023,
12 \$104,743,053 for fiscal year 2024, and
13 \$106,387,519 for fiscal year 2025 shall be
14 available for grants under section 5308;

15 “(D) \$434,830,298 for fiscal year 2022,
16 \$441,613,651 for fiscal year 2023,
17 \$448,679,469 for fiscal year 2024, and
18 \$455,723,737 for fiscal year 2025 shall be
19 available to carry out section 5310, of which
20 not less than—

21 “(i) \$5,075,500 for fiscal year 2022,
22 \$5,154,678 for fiscal year 2023,
23 \$5,237,153 for fiscal year 2024, and
24 \$5,319,376 for fiscal year 2025 shall be
25 available to carry out section 5310(j); and

1 “(ii) \$20,302,000 for fiscal year 2022,
2 \$20,618,711 for fiscal year 2023,
3 \$20,948,611 for fiscal year 2024, and
4 \$21,277,504 for fiscal year 2025 shall be
5 available to carry out section 5310(k);

6 “(E) \$1,025,199,724 for fiscal year 2022,
7 \$1,041,192,839 for fiscal year 2023,
8 \$1,057,851,925 for fiscal year 2024, and
9 \$1,074,460,200 for fiscal year 2025 shall be
10 available to carry out section 5311, of which
11 not less than—

12 “(i) \$45,679,500 for fiscal year 2022,
13 \$46,392,100 for fiscal year 2023,
14 \$47,134,374 for fiscal year 2024, and
15 \$47,874,383 for fiscal year 2025 shall be
16 available to carry out section 5311(c)(1);
17 and

18 “(ii) \$50,755,000 for fiscal year 2022,
19 \$51,546,778 for fiscal year 2023,
20 \$52,371,526 for fiscal year 2024, and
21 \$53,193,759 for fiscal year 2025 shall be
22 available to carry out section 5311(e)(2);

23 “(F) \$33,498,300 for fiscal year 2022,
24 \$34,020,873 for fiscal year 2023, \$34,565,207
25 for fiscal year 2024, and \$35,107,881 for fiscal

1 year 2025 shall be available to carry out section
2 5312, of which not less than—

3 “(i) \$5,075,500 for fiscal year 2022,
4 \$5,154,678 for fiscal year 2023,
5 \$5,237,153 for fiscal year 2024, and
6 \$5,319,376 for fiscal year 2025 shall be
7 available to carry out each of sections
8 5312(d)(3), 5312(d)(4) and 5312(j);

9 “(ii) \$3,045,300 for fiscal year 2022,
10 \$3,092,807 for fiscal year 2023,
11 \$3,142,292 for fiscal year 2024, and
12 \$3,191,626 for fiscal year 2025 shall be
13 available to carry out section 5312(h); and

14 “(iii) \$10,151,000 for fiscal year
15 2022, \$10,309,356 for fiscal year 2023,
16 \$10,474,305 for fiscal year 2024, and
17 \$10,638,752 for fiscal year 2025 shall be
18 available to carry out section 5312(i);

19 “(G) \$23,347,300 for fiscal year 2022,
20 \$23,711,518 for fiscal year 2023, \$24,090,902
21 for fiscal year 2024, and \$24,469,129 for fiscal
22 year 2025 shall be available to carry out section
23 5314, of which not less than—

24 “(i) \$4,060,400 for fiscal year 2022,
25 \$4,123,742 for fiscal year 2023,

1 \$4,189,722 for fiscal year 2024, and
2 \$4,255,501 for fiscal year 2025 shall be
3 available to carry out section of 5314(a);

4 “(ii) \$5,075,500 for fiscal year 2022,
5 \$5,154,678 for fiscal year 2023,
6 \$5,237,153 for fiscal year 2024, and
7 \$5,319,376 for fiscal year 2025 shall be
8 available to carry out section 5314(c); and

9 “(iii) \$12,181,200 for fiscal year
10 2022, \$12,371,227 for fiscal year 2023,
11 \$12,569,166 for fiscal year 2024, and
12 \$12,766,502 for fiscal year 2025 shall be
13 available to carry out section 5314(b)(2);

14 “(H) \$5,075,500 for fiscal year 2022,
15 \$5,154,678 for fiscal year 2023, \$5,237,153 for
16 fiscal year 2024, and \$5,319,376 for fiscal year
17 2025 shall be available to carry out section
18 5318;

19 “(I) \$30,453,000 for fiscal year 2022,
20 \$30,928,067 for fiscal year 2023, \$31,422,916
21 for fiscal year 2024, and \$31,916,256 for fiscal
22 year 2025 shall be available to carry out section
23 5328, of which not less than—

24 “(i) \$25,377,500 for fiscal year 2022,
25 \$25,773,389 for fiscal year 2023,

1 \$26,185,763 for fiscal year 2024, and
2 \$26,596,880 for fiscal year 2025 shall be
3 available to carry out section of 5328(b);
4 and

5 “(ii) \$2,537,750 for fiscal year 2022,
6 \$2,577,339 for fiscal year 2023,
7 \$2,618,576 for fiscal year 2024, and
8 \$2,659,688 for fiscal year 2025 shall be
9 available to carry out section 5328(c);

10 “(J) \$4,060,400 for fiscal year 2022,
11 \$4,123,742 for fiscal year 2023, \$4,189,722 for
12 fiscal year 2024, and \$4,255,501 for fiscal year
13 2025 shall be available to carry out section
14 5335;

15 “(K) \$4,192,573,361 for fiscal year 2022,
16 \$4,266,448,314 for fiscal year 2023,
17 \$4,344,093,870 for fiscal year 2024, and
18 \$4,422,314,724 for fiscal year 2025 shall be
19 available to carry out section 5337;

20 “(L) to carry out the bus formula program
21 under section 5339(a)—

22 “(i) \$1,240,328,213 for fiscal year
23 2022, \$1,259,667,334 for fiscal year 2023,
24 \$1,279,832,171 for fiscal year 2024, and

1 \$1,299,925,536 for fiscal year 2025; ex-
2 cept that

3 “(ii) 15 percent of the amounts under
4 clause (i) shall be available to carry out
5 5339(d);

6 “(M) \$437,080,000 for fiscal year 2022,
7 \$424,748,448 for fiscal year 2023,
8 \$387,944,423 for fiscal year 2024, and
9 \$351,100,151 for fiscal year 2025 shall be
10 available to carry out section 5339(b);

11 “(N) \$375,000,000 for fiscal year 2022,
12 \$400,000,000 for fiscal year 2023,
13 \$450,000,000 for fiscal year 2024, and
14 \$500,000,000 for fiscal year 2025 shall be
15 available to carry out section 5339(c); and

16 “(O) \$587,133,905 for each of fiscal years
17 2022 through 2025 shall be available to carry
18 out section 5340 to provide financial assistance
19 for urbanized areas under section 5307 and
20 rural areas under section 5311, of which—

21 “(i) \$309,688,908 for each of fiscal
22 years 2022 through 2025 shall be for
23 growing States under section 5340(c); and

1 “(ii) \$277,444,997 for each of fiscal
2 years 2022 through 2025 shall be for high
3 density States under section 5340(d).

4 “(b) CAPITAL INVESTMENT GRANTS.—There are au-
5 thorized to be appropriated to carry out section 5309
6 \$3,500,000,000 for fiscal year 2022, \$4,250,000,000 for
7 fiscal year 2023, \$5,000,000,000 for fiscal year 2024, and
8 5,500,000,000 for fiscal year 2025.

9 “(c) ADMINISTRATION.—

10 “(1) IN GENERAL.—There are authorized to be
11 appropriated to carry out section 5334,
12 \$142,060,785 for fiscal year 2022, \$144,191,696 for
13 fiscal year 2023, \$146,412,248 for fiscal year 2024,
14 and 148,652,356 for fiscal year 2025.

15 “(2) SECTION 5329.—Of the amounts author-
16 ized to be appropriated under paragraph (1), not
17 less than \$6,000,000 for each of fiscal years 2022
18 through 2025 shall be available to carry out section
19 5329.

20 “(3) SECTION 5326.—Of the amounts made
21 available under paragraph (2), not less than
22 \$2,500,000 for each of fiscal years 2022 through
23 2025 shall be available to carry out section 5326.

24 “(d) OVERSIGHT.—

1 “(1) IN GENERAL.—Of the amounts made
2 available to carry out this chapter for a fiscal year,
3 the Secretary may use not more than the following
4 amounts for the activities described in paragraph
5 (2):

6 “(A) 0.5 percent of amounts made avail-
7 able to carry out section 5305.

8 “(B) 0.75 percent of amounts made avail-
9 able to carry out section 5307.

10 “(C) 1 percent of amounts made available
11 to carry out section 5309.

12 “(D) 1 percent of amounts made available
13 to carry out section 601 of the Passenger Rail
14 Investment and Improvement Act of 2008
15 (Public Law 110–432; 126 Stat. 4968).

16 “(E) 0.5 percent of amounts made avail-
17 able to carry out section 5310.

18 “(F) 0.5 percent of amounts made avail-
19 able to carry out section 5311.

20 “(G) 1 percent of amounts made available
21 to carry out section 5337, of which not less
22 than 25 percent of such amounts shall be avail-
23 able to carry out section 5329 and of which not
24 less than 10 percent of such amounts shall be
25 made available to carry out section 5320.

1 “(H) 1 percent of amounts made available
2 to carry out section 5339 of which not less than
3 10 percent of such amounts shall be made
4 available to carry out section 5320.

5 “(2) ACTIVITIES.—The activities described in
6 this paragraph are as follows:

7 “(A) Activities to oversee the construction
8 of a major capital project.

9 “(B) Activities to review and audit the
10 safety and security, procurement, management,
11 and financial compliance of a recipient or sub-
12 recipient of funds under this chapter.

13 “(C) Activities to provide technical assist-
14 ance generally, and to provide technical assist-
15 ance to correct deficiencies identified in compli-
16 ance reviews and audits carried out under this
17 section.

18 “(3) GOVERNMENT SHARE OF COSTS.—The
19 Government shall pay the entire cost of carrying out
20 a contract under this subsection/activities described
21 in paragraph (2).

22 “(4) AVAILABILITY OF CERTAIN FUNDS.—
23 Funds made available under paragraph (1)(C) shall
24 be made available to the Secretary before allocating

1 the funds appropriated to carry out any project
2 under a full funding grant agreement.

3 “(e) GRANTS AS CONTRACTUAL OBLIGATIONS.—

4 “(1) GRANTS FINANCED FROM HIGHWAY TRUST
5 FUND.—A grant or contract that is approved by the
6 Secretary and financed with amounts made available
7 from the Mass Transit Account of the Highway
8 Trust Fund pursuant to this section is a contractual
9 obligation of the Government to pay the Government
10 share of the cost of the project.

11 “(2) GRANTS FINANCED FROM GENERAL
12 FUND.—A grant or contract that is approved by the
13 Secretary and financed with amounts appropriated
14 in advance from the general fund of the Treasury
15 pursuant to this section is a contractual obligation
16 of the Government to pay the Government share of
17 the cost of the project only to the extent that
18 amounts are appropriated for such purpose by an
19 Act of Congress.

20 “(f) AVAILABILITY OF AMOUNTS.—Amounts made
21 available by or appropriated under this section shall re-
22 main available until expended.”.

23 (b) CONFORMING AMENDMENTS.—

1 (1) Section 5311 of title 49, United States
2 Code, is amended by striking “5338(a)(2)(F)” and
3 inserting “5338(a)(2)(E)”.

4 (2) Section 5312(i)(1) of title 49, United States
5 Code, is amended by striking “5338(a)(2)(G)(ii)”
6 and inserting “5338(a)(2)(F)(iii)”.

7 (3) Section 5333(b) of title 49, United States
8 Code, is amended by striking “5328, 5337, and
9 5338(b)” each place it appears and inserting “and
10 5337”.

11 (4) Section 5336 of title 49, United States
12 Code, is amended—

13 (A) in subsection (d)(1) by striking
14 “5338(a)(2)(C)” and inserting
15 “5338(a)(2)(B)”; and

16 (B) in subsection (h) by striking
17 “5338(a)(2)(C)” and inserting
18 “5338(a)(2)(B)”.

19 (5) Subsections (e) and (d)(1) of section 5327
20 of title 49, United States Code, are amended by
21 striking “5338(f)” and inserting “5338(d)”.

22 (6) Section 5340(b) of title 49, United States
23 Code, is amended by striking “5338(b)(2)(N)” and
24 inserting “5338(a)(2)(O)”.

1 **SEC. 2102. CHAPTER 53 DEFINITIONS.**

2 Section 5302 of title 49, United States Code, is
3 amended—

4 (1) in paragraph (1)(E)—

5 (A) by striking “and the installation” and
6 inserting “, the installation”; and

7 (B) by inserting “, and bikeshare projects”
8 after “public transportation vehicles”;

9 (2) in paragraph (3)—

10 (A) in subparagraph (G) by striking clause
11 (iii) and inserting the following:

12 “(iii) provides a fair share of revenue
13 established by the Secretary that will be
14 used for public transportation, except for a
15 joint development that is a community
16 service (as defined by the Federal Transit
17 Administration), publicly operated facility,
18 or offers a minimum of 50 percent of units
19 as affordable housing, meaning legally
20 binding affordability restricted housing
21 units available to tenants with incomes
22 below 60 percent of the area median in-
23 come or owners with incomes below the
24 area median;” and

25 (B) in subparagraph (N)—

1 (i) by striking “no emission” and in-
2 serting “zero emission”; and

3 (ii) by striking “(as defined in section
4 5339(c))”; and

5 (3) by adding at the end the following:

6 “(25) RESILIENCE.—

7 “(A) IN GENERAL.—The term ‘resilience’
8 means, with respect to a facility, the ability
9 to—

10 “(i) anticipate, prepare for, or adapt
11 to conditions; or

12 “(ii) withstand, respond to, or recover
13 rapidly from disruptions.

14 “(B) INCLUSIONS.—Such term includes,
15 with respect to a facility, the ability to—

16 “(i) resist hazards or withstand im-
17 pacts from disruptions;

18 “(ii) reduce the magnitude, duration,
19 or impact of a disruption; or

20 “(iii) have the absorptive capacity,
21 adaptive capacity, and recoverability to de-
22 crease vulnerability to a disruption.

23 “(26) ASSAULT ON A TRANSIT WORKER.—The
24 term ‘assault on a transit worker’ means any cir-
25 cumstance in which an individual knowingly, without

1 lawful authority or permission, and with intent to
2 endanger the safety of any individual, or with a
3 reckless disregard for the safety of human life, inter-
4 feres with, disables, or incapacitates any transit
5 worker while the transit worker is performing his or
6 her duties.”.

7 **SEC. 2103. GENERAL PROVISIONS.**

8 Section 5323 of title 49, United States Code, is
9 amended—

10 (1) in subsection (d)—

11 (A) in paragraph (1)—

12 (i) by striking “urban area” and in-
13 serting “urbanized area”; and

14 (ii) by striking “operator can provide”
15 and inserting “operator provides”; and

16 (B) by adding at the end the following:

17 “(3) EXCEPTIONS.—This subsection shall not
18 apply to financial assistance under this chapter—

19 “(A) in which the non-Federal share of
20 project costs are provided from amounts re-
21 ceived under a service agreement with a State
22 or local social service agency or private social
23 service organization pursuant to section
24 5307(d)(3)(E) or section 5311(g)(3)(C);

1 “(B) provided to a recipient or sub-
2 recipient whose sole receipt of such assistance
3 derives from section 5310; or

4 “(C) provided to a recipient operating a
5 fixed route service that is—

6 “(i) for a period of less than 30 days;

7 “(ii) accessible to the public; and

8 “(iii) contracted by a local govern-
9 ment entity that provides local cost share
10 to the recipient.”;

11 (2) in subsection (h)—

12 (A) in paragraph (1) by adding “or” at the
13 end; and

14 (B) by striking paragraph (2) and redesignig-
15 nating paragraph (3) as paragraph (2);

16 (3) by striking subsection (j) and inserting the
17 following:

18 “(j) REPORTING ACCESSIBILITY COMPLAINTS.—

19 “(1) IN GENERAL.—The Secretary shall ensure
20 that an individual who believes that he or she, or a
21 specific class in which the individual belongs, has
22 been subjected to discrimination on the basis of dis-
23 ability by a State or local governmental entity, pri-
24 vate nonprofit organization, or Tribe that operates a
25 public transportation service and is a recipient or

1 subrecipient of funds under this chapter, may, by
2 the individual or by an authorized representative, file
3 a complaint with the Department of Transportation.

4 “(2) PROCEDURES.—Not later than 1 year
5 after the date of enactment of the INVEST in
6 America Act, the Secretary shall implement proce-
7 dures that allow an individual to submit a complaint
8 described in paragraph (1) by phone, mail-in form,
9 and online through the website of the Office of Civil
10 Rights of the Federal Transit Administration.

11 “(3) NOTICE TO INDIVIDUALS WITH DISABIL-
12 ITIES.—Not later than 12 months after the date of
13 enactment of the INVEST in America Act, the Sec-
14 retary shall require that each public transit provider
15 and contractor providing paratransit services shall
16 include on a publicly available website of the service
17 provider, any related mobile device application, and
18 online service—

19 “(A) notice that an individual can file a
20 disability-related complaint with the local tran-
21 sit agency and the process and any timelines for
22 filing such a complaint;

23 “(B) the telephone number, or a com-
24 parable electronic means of communication, for
25 the disability assistance hotline of the Office of

1 Civil Rights of the Federal Transit Administra-
2 tion;

3 “(C) notice that a consumer can file a dis-
4 ability related complaint with the Office of Civil
5 Rights of the Federal Transit Administration;
6 and

7 “(D) an active link to the website of the
8 Office of Civil Rights of the Federal Transit
9 Administration for an individual to file a dis-
10 ability-related complaint.

11 “(4) INVESTIGATION OF COMPLAINTS.—Not
12 later than 60 days after the last day of each fiscal
13 year, the Secretary shall publish a report that lists
14 the disposition of complaints described in paragraph
15 (1), including—

16 “(A) the number and type of complaints
17 filed with Department of Transportation;

18 “(B) the number of complaints inves-
19 tigated by the Department;

20 “(C) the result of the complaints that were
21 investigated by the Department including
22 whether the complaint was resolved—

23 “(i) informally;

24 “(ii) by issuing a violation through a
25 noncompliance Letter of Findings; or

1 “(iii) by other means, which shall be
2 described; and

3 “(D) if a violation was issued for a com-
4 plaint, whether the Department resolved the
5 noncompliance by—

6 “(i) reaching a voluntary compliance
7 agreement with the entity;

8 “(ii) referring the matter to the Attor-
9 ney General; or

10 “(iii) by other means, which shall be
11 described.

12 “(5) REPORT.—The Secretary shall, upon im-
13 plementation of this section and annually thereafter,
14 submit to the Committee on Transportation and In-
15 frastructure of the House of Representatives, the
16 Committee on Banking, Housing, and Urban Affairs
17 of the Senate, and make publicly available a report
18 containing the information collected under this sec-
19 tion.”;

20 (4) by striking subsection (m) and inserting the
21 following:

22 “(m) PREAWARD AND POSTDELIVERY REVIEW OF
23 ROLLING STOCK PURCHASES.—The Secretary shall pre-
24 scribe regulations requiring a preaward and postdelivery
25 review of a grant under this chapter to buy rolling stock

1 to ensure compliance with bid specifications requirements
2 of grant recipients under this chapter. Under this sub-
3 section, grantee inspections and review are required, and
4 a manufacturer certification is not sufficient.”;

5 (5) in subsection (r)—

6 (A) by inserting “or beneficial” after “det-
7 rimental”;

8 (B) by striking the period at the end and
9 inserting “; and”;

10 (C) by striking “under this chapter may
11 not deny” and inserting the following: “under
12 this chapter—

13 “(1) may not deny”; and

14 (D) by adding at the end the following:

15 “(2) shall respond to any request for reasonable
16 access within 75 days of the receipt of the request.”;

17 and

18 (6) by striking subsection (t) and redesignating
19 subsections (u) and (v) as subsections (t) and (u),
20 respectively.

21 **SEC. 2104. MISCELLANEOUS PROVISIONS.**

22 (a) STATE OF GOOD REPAIR GRANTS.—Section
23 5337(e) of title 49, United States Code, is amended by
24 adding at the end the following:

1 “(3) ACCESSIBILITY COSTS.—Notwithstanding
2 paragraph (1), the Federal share of the net project
3 cost of a project to provide accessibility in compli-
4 ance with the Americans with Disabilities Act of
5 1990 (42 U.S.C. 12101 et seq.) shall be 90 per-
6 cent.”.

7 (b) APPORTIONMENTS BASED ON GROWING STATES
8 AND HIGH DENSITY STATES FORMULA FACTORS.—Sec-
9 tion 5340(a) of title 49, United States Code, is amended
10 by inserting “and the District of Columbia” after “United
11 States”.

12 (c) TECHNICAL ASSISTANCE AND WORKFORCE DE-
13 VELOPMENT.—Section 5314 of title 49, United States
14 Code, is amended—

15 (1) in subsection (a)(1)(B)—

16 (A) in clause (i) by striking “; and” and
17 inserting a semicolon;

18 (B) in clause (ii) by striking the period
19 and inserting “; and”; and

20 (C) by adding at the end the following:

21 “(iii) technical assistance to assist re-
22 cipients with the impacts of a new census
23 count.”; and

24 (2) in subsection (c)(4)(A) by inserting “,
25 5311” after “5307”.

1 (d) ADMINISTRATIVE PROVISIONS.—Section 5334 of
2 title 49, United States Code, is amended by adding at the
3 end the following:

4 “(1) NECESSARILY IMPLIED ACTIVITIES.—Notwith-
5 standing any other provision of law, in the event of a lapse
6 in authorization or appropriations for the Federal transit
7 program under this title, the administrative activities that
8 are necessary to disburse valid obligations are necessarily
9 implied by the continued availability of funding for making
10 disbursements of amounts previously obligated, pursuant
11 to section 1553 of title 31.”.

12 (e) NATIONAL TRANSIT DATABASE.—Section 5335
13 of title 49, United States Code, is amended by inserting
14 “and any information on each assault on a transit worker”
15 after “by the recipient”.

16 (f) URBANIZED AREA FORMULA GRANTS.—Section
17 5307 of title 49, United States Code, is amended—

18 (1) in subsection (a)(2)(A)—

19 (A) in clause (i) by striking “or” at the
20 end; and

21 (B) by adding at the end the following:

22 “(iii) operate a minimum of 101 buses
23 and a maximum of 125 buses in fixed
24 route service or demand response service,
25 excluding ADA complementary paratransit

1 service, during peak service hours, in an
2 amount not to exceed 25 percent of the
3 share of the apportionment which is attrib-
4 utable to such systems within the urban-
5 ized area, as measured by vehicle revenue
6 hours; or”;

7 (2) in subsection (a)(2)(B)—

8 (A) in clause (i) by striking “or” at the
9 end;

10 (B) in clause (ii) by striking the period at
11 the end and inserting “; or”; and

12 (C) by adding at the end the following:

13 “(iii) operate a minimum of 101 buses
14 and a maximum of 125 buses in fixed
15 route service or demand response service,
16 excluding ADA complementary paratransit
17 service, during peak service hours, in an
18 amount not to exceed 25 percent of the
19 share of the apportionment allocated to
20 such systems within the urbanized area, as
21 determined by the local planning process
22 and included in the designated recipient’s
23 final program of projects prepared under
24 subsection (b).”;

25 (3) in subsection (b)—

1 (A) in paragraph (6) by striking “and” at
2 the end;

3 (B) by redesignating paragraph (7) as
4 paragraph (8); and

5 (C) by inserting after paragraph (6) the
6 following:

7 “(7) ensure that the proposed program of
8 projects provides improved access to transit for the
9 individuals described in section 5336(j); and”.

10 (g) TECHNICAL CORRECTION.—Section
11 5307(a)(2)(B)(ii) of title 49, United States Code, is
12 amended by striking “service during peak” and inserting
13 “service, during peak”.

14 **SEC. 2105. POLICIES AND PURPOSES.**

15 Section 5301(b) of title 49, United States Code, is
16 amended—

17 (1) in paragraph (7) by striking “; and” and in-
18 serting a semicolon;

19 (2) in paragraph (8) by striking the period and
20 inserting a semicolon; and

21 (3) by adding at the end the following:

22 “(8) reduce the contributions of the surface
23 transportation system to the total carbon pollution
24 of the United States; and

1 “(9) improve the resiliency of the public trans-
2 portation network to withstand weather events and
3 other natural disasters.”.

4 **SEC. 2106. FISCAL YEAR 2022 FORMULAS.**

5 For fiscal year 2022, the Secretary shall apportion
6 and distribute formula funds provided for under chapter
7 53 of title 49, United States Code, using data submitted
8 to the 2019 National Transit Database.

9 **Subtitle B—Improving Frequency**
10 **and Ridership**

11 **SEC. 2201. MULTI-JURISDICTIONAL BUS FREQUENCY AND**
12 **RIDERSHIP COMPETITIVE GRANTS.**

13 (a) IN GENERAL.—Chapter 53 of title 49, United
14 States Code, is amended by inserting after section 5307
15 the following new section:

16 **“§ 5308. Multi-jurisdictional bus frequency and rider-**
17 **ship competitive grants**

18 “(a) IN GENERAL.—The Secretary shall make grants
19 under this section, on a competitive basis, to eligible re-
20 cipients to increase the frequency and ridership of public
21 transit buses.

22 “(b) APPLICATIONS.—To be eligible for a grant
23 under this section, an eligible recipient shall submit to the
24 Secretary an application at such time, in such manner,

1 and containing such information as the Secretary may re-
2 quire.

3 “(c) APPLICATION TIMING.—Not later than 90 days
4 after amounts are made available to carry out this section,
5 the Secretary shall solicit grant applications from eligible
6 recipients for projects described in subsection (d).

7 “(d) USES OF FUNDS.—An eligible recipient of a
8 grant under this section shall use such grant for capital
9 projects that—

10 “(1) increase—

11 “(A) the frequency of bus service;

12 “(B) bus ridership; and

13 “(C) total person throughput; and

14 “(2) are consistent with, and as described in,
15 the design guidance issued by the National Associa-
16 tion of City Transportation Officials and titled
17 ‘Transit Street Design Guide’.

18 “(e) GRANT CRITERIA.—In making grants under this
19 section, the Secretary shall consider the following:

20 “(1) Each eligible recipient’s projected increase
21 in bus frequency.

22 “(2) Each eligible recipient’s projected increase
23 in bus ridership.

24 “(3) Each eligible recipient’s projected increase
25 in total person throughput.

1 “(4) The degree of regional collaboration de-
2 scribed in each eligible recipient’s application, in-
3 cluding collaboration with—

4 “(A) a local government entity that oper-
5 ates a public transportation service;

6 “(B) local government agencies that con-
7 trol street design;

8 “(C) metropolitan planning organizations
9 (as such term is defined in section 5303); and

10 “(D) State departments of transportation.

11 “(f) GRANT TIMING.—The Secretary shall award
12 grants under this section not later than 120 days after
13 the date on which the Secretary completes the solicitation
14 described in subsection (e).

15 “(g) REQUIREMENTS OF THE SECRETARY.—In car-
16 rying out the program under this section, the Secretary
17 shall—

18 “(1) not later than the date described in sub-
19 section (c), publish in the Federal Register a list of
20 all metrics and evaluation procedures to be used in
21 making grants under this section; and

22 “(2) publish in the Federal Register—

23 “(A) a summary of the final metrics and
24 evaluations used in making grants under this
25 section; and

1 “(B) a list of the ratings of eligible recipi-
2 ents receiving a grant under this section based
3 on such metrics and evaluations.

4 “(h) FEDERAL SHARE.—

5 “(1) IN GENERAL.—The Federal share of the
6 cost of a project carried out under this section shall
7 not exceed 80 percent.

8 “(2) RESTRICTION ON GRANT AMOUNTS.—The
9 Secretary may make a grant for a project under this
10 section in an amount up to 150 percent of the
11 amount—

12 “(A) provided for such project under title
13 23; and

14 “(B) of remaining costs, as defined under
15 section 5307(d)(3), that were budgeted for
16 roadways for such project.

17 “(i) REQUIREMENTS OF SECTION 5307.—Except as
18 otherwise provided in this section, a grant under this sec-
19 tion shall be subject to the requirements of section 5307.

20 “(j) AVAILABILITY OF FUNDS.—

21 “(1) IN GENERAL.—Amounts made available to
22 carry out this section shall remain available for 4
23 fiscal years after the fiscal year for which the
24 amount was made available.

1 (II) in clause (i) by striking
2 “95.61 percent” and inserting “95
3 percent”; and

4 (III) in clause (ii) by striking
5 “95.61 percent” and inserting “95
6 percent”; and

7 (ii) in subparagraph (B)—

8 (I) in the matter preceding clause
9 (i) by striking “4.39 percent” and in-
10 sserting “5 percent”;

11 (II) in clause (i)—

12 (aa) by inserting “in the
13 highest 25 percent of routes by
14 ridership” before “multiplied
15 by”; and

16 (bb) by striking “vehicle
17 passenger miles traveled for each
18 dollar of operating cost in an
19 area” and inserting “vehicles op-
20 erating in peak revenue service
21 per hour in the highest 25 per-
22 cent of routes by ridership”; and

23 (III) in clause (ii)—

24 (aa) by inserting “in the
25 highest 25 percent of routes by

1 ridership” before “multiplied
2 by”; and

3 (bb) by striking “vehicle
4 passenger miles traveled for each
5 dollar of operating cost in all
6 areas” and inserting “vehicles
7 operating in peak revenue service
8 per hour in the highest 25 per-
9 cent of routes by ridership”; and

10 (B) by adding at the end the following:

11 “(3) SPECIAL RULE.—For fiscal year 2022, the
12 percentage—

13 “(A) in paragraph (2)(A) in the matter
14 preceding clause (i) shall be treated as 100 per-
15 cent; and

16 “(B) in paragraph (2)(B) in the matter
17 preceding clause (i) shall be treated as 0 per-
18 cent.”;

19 (2) in subsection (c)—

20 (A) in paragraph (1) by striking “90.8
21 percent” and inserting “90 percent” each place
22 it appears;

23 (B) in paragraph (2)—

24 (i) by striking “9.2 percent” and in-
25 serting “8 percent”;

1 (ii) by striking “200,000” and insert-
2 ing “500,000”;

3 (iii) by striking subparagraph (A) and
4 inserting the following:

5 “(A) the number of bus passenger miles
6 traveled on the highest 25 percent of routes by
7 ridership multiplied by the number of buses op-
8 erating in peak revenue service per hour on the
9 highest 25 percent of routes by ridership; di-
10 vided by”; and

11 (iv) by striking subparagraph (B) and
12 inserting the following:

13 “(B) the total number of bus passenger
14 miles traveled on the highest 25 percent of
15 routes by ridership multiplied by the total num-
16 ber of buses operating in peak revenue service
17 per hour on the highest 25 percent of routes by
18 ridership in all areas.”; and

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

20 “(3) 2 percent of the total amount apportioned
21 under this subsection shall be apportioned so that
22 each urbanized area with a population of at least
23 200,000 and less than 500,000 is entitled to receive
24 an amount using the formula in paragraph (1).

25 “(4) For fiscal year 2022, the percentage—

1 “(A) in paragraph (1) in the matter pre-
2 ceding subparagraph (A) shall be treated as
3 100 percent;

4 “(B) in paragraph (2) in the matter pre-
5 ceding subparagraph (A) shall be treated as 0
6 percent; and

7 “(C) in paragraph (3) shall be treated as
8 0 percent.”; and

9 (3) by adding at the end the following:

10 “(k) **PEAK REVENUE SERVICE DEFINED.**—In this
11 section, the term ‘peak revenue service’ means the time
12 period between the time that an agency exceeds the num-
13 ber of midday vehicles in revenue service per hour in the
14 morning peak and the time that an agency falls below the
15 number of midday vehicles in revenue service per hour in
16 the evening peak.”.

17 **SEC. 2203. MOBILITY INNOVATION.**

18 (a) **IN GENERAL.**—Chapter 53 of title 49, United
19 States Code, is amended by inserting after section 5315
20 the following new section:

21 **“§ 5316. Mobility innovation**

22 “(a) **IN GENERAL.**—Amounts made available to a
23 covered recipient to carry out sections 5307, 5310, and
24 5311 may be used by such covered recipient under this
25 section to assist in the financing of—

1 “(1) mobility as a service; and

2 “(2) mobility on demand services.

3 “(b) FEDERAL SHARE.—

4 “(1) IN GENERAL.—Except as provided in para-
5 graphs (2), (3), and (4), the Federal share of the
6 net cost of a project carried out under this section
7 shall not exceed 80 percent.

8 “(2) MOBILITY ON DEMAND SERVICE OPER-
9 ATING COSTS.—The Federal share of the net cost of
10 a project to provide for net operating costs for mo-
11 bility on demand services shall not exceed 50 percent
12 for any funds provided under section 5307.

13 “(3) MOBILITY AS A SERVICE COST SHARE.—
14 Notwithstanding paragraph (1), the Federal share of
15 the net cost of mobility as a service shall not exceed
16 90 percent.

17 “(4) ZERO EMISSION INCENTIVE.—Notwith-
18 standing paragraphs (1) and (2), the Federal share
19 of the net cost of a project described in paragraph
20 (1) or (2) shall be reduced by 25 percent if such
21 project involves an eligible use that uses a vehicle
22 that produces carbon dioxide or particulate matter.

23 “(c) ELIGIBLE USES.—

1 “(1) IN GENERAL.—The Secretary shall publish
2 guidance describing eligible activities that are rea-
3 sonably expected to—

4 “(A) increase transit ridership;

5 “(B) be complementary to fixed route tran-
6 sit service; and

7 “(C) demonstrate substantial improve-
8 ments in—

9 “(i) environmental metrics, including
10 standards established pursuant to the
11 Clean Air Act (42 U.S.C. 7401 et seq.)
12 and greenhouse gas performance targets
13 established pursuant to section 150(d) of
14 title 23;

15 “(ii) traffic congestion;

16 “(iii) compliance with the require-
17 ments under the Americans with Disabil-
18 ities Act of 1990 (42 U.S.C. 12101 et
19 seq.);

20 “(iv) low-income service to increase
21 access to employment, healthcare, and
22 other essential services;

23 “(v) service outside of transit agency
24 operating hours;

25 “(vi) low density service; and

1 “(vii) rural service.

2 “(2) PROHIBITION ON USE OF FUNDS.—

3 Amounts used by a covered recipient for projects eli-
4 gible under this section may not be used for—

5 “(A) single passenger vehicle miles (in a
6 passenger motor vehicle, as such term is de-
7 fined in section 32101, that carries less than 9
8 passengers), unless the trip—

9 “(i) meets the definition of public
10 transportation; and

11 “(ii) begins or completes a fixed route
12 public transportation trip; or

13 “(B) deadhead vehicle miles.

14 “(d) FEDERAL REQUIREMENTS.—A project carried
15 out under this section shall be treated as if such project
16 were carried out under the section from which the funds
17 were provided to carry out such project, including the ap-
18 plication of any additional requirements provided for by
19 law that apply to section 5307, 5310, or 5311, as applica-
20 ble.

21 “(e) WAIVER.—

22 “(1) NATIONAL WAIVER.—

23 “(A) IN GENERAL.—Except as provided in
24 paragraph (3), the Secretary may issue a na-
25 tional waiver for a requirement applied to

1 projects carried out under this section pursuant
2 to subsection (d) if the Secretary determines
3 that applying such requirement would be incon-
4 sistent with the public interest.

5 “(B) PUBLIC NOTIFICATION AND COM-
6 MENT.—

7 “(i) IN GENERAL.—Not later than 30
8 days before issuing a waiver described in
9 subparagraph (A), the Secretary shall pro-
10 vide notification and an opportunity for
11 public comment on such waiver.

12 “(ii) NOTIFICATION REQUIRE-
13 MENTS.—The notification required under
14 clause (i) shall be provided to the public by
15 electronic means, including on the public
16 website of the Department of Transpor-
17 tation.

18 “(C) FINAL WAIVER.—Before a national
19 waiver takes effect, the Secretary shall publish
20 a detailed justification for such waiver that ad-
21 dresses all public comments received under sub-
22 paragraph (B) on the public website for the De-
23 partment of Transportation and in the Federal
24 Register.

1 “(2) INDIVIDUAL WAIVER.—Except as provided
2 in paragraph (3), the Secretary may waive any re-
3 quirement applied to a project carried out under this
4 section pursuant to subsection (d) if the Secretary
5 determines that applying such requirement would be
6 inconsistent with the public interest.

7 “(3) WAIVER UNDER OTHER SECTIONS.—The
8 Secretary may not waive any requirement under
9 paragraph (1) or (2) for which a waiver is otherwise
10 available.

11 “(4) PROHIBITION OF WAIVER.—Notwith-
12 standing paragraphs (1) and (2), the Secretary may
13 not waive any requirement of—

14 “(A) section 5333;

15 “(B) section 5331; and

16 “(C) section 5302(14).

17 “(5) APPLICATION OF SECTION 5320.—Notwith-
18 standing paragraphs (1), (2), and (3), the Secretary
19 may only waive the requirements of section 5320
20 with respect to—

21 “(A) a passenger vehicle owned by an indi-
22 vidual; and

23 “(B) subsection (q) of such section for any
24 passenger vehicle not owned by an individual
25 for the period beginning on the date of enact-

1 ment of this section and ending 3 years after
2 such date.

3 “(f) OPEN DATA STANDARDS.—

4 “(1) IN GENERAL.—Not later than 90 days
5 after the date of enactment of this section, the Sec-
6 retary shall initiate procedures under subchapter III
7 of chapter 5 of title 5 to develop an open data stand-
8 ard and an application programming interface nec-
9 essary to carry out this section.

10 “(2) REGULATIONS.—The regulations required
11 under paragraph (1) shall enable public transpor-
12 tation agencies, mobility on demand providers, mo-
13 bility as a service technology providers, and local
14 governments the efficient means to transfer data
15 to—

16 “(A) foster the efficient use of transpor-
17 tation capacity;

18 “(B) enhance the management of new
19 modes of mobility;

20 “(C) enable the use of innovative planning
21 tools;

22 “(D) enable single payment systems for all
23 mobility on demand services;

24 “(E) establish metropolitan planning orga-
25 nization, State, and local government access to

1 anonymized data for transportation planning,
2 real time operations data, and rules;

3 “(F) safeguard personally identifiable in-
4 formation;

5 “(G) protect confidential business informa-
6 tion; and

7 “(H) enhance cybersecurity protections.

8 “(3) COMMITTEE.—A negotiated rulemaking
9 committee established pursuant to section 565 of
10 title 5 to carry out this subsection shall have a max-
11 imum of 17 members limited to representatives of
12 the Department of Transportation, State and local
13 governments, metropolitan planning organizations,
14 urban and rural covered recipients, associations that
15 represent public transit agencies, labor representa-
16 tives, mobility on demand providers, and mobility as
17 a service technology providers.

18 “(4) PUBLICATION OF PROPOSED REGULA-
19 TIONS.—Proposed regulations to implement this sec-
20 tion shall be published in the Federal Register by
21 the Secretary not later than 18 months after such
22 date of enactment.

23 “(5) EXTENSION OF DEADLINES.—A deadline
24 set forth in paragraph (3) may be extended up to
25 180 days if the negotiated rulemaking committee re-

1 ferred to in paragraph (4) concludes that the com-
2 mittee cannot meet the deadline and the Secretary
3 so notifies the Committee on Transportation and In-
4 frastructure of the House of Representatives and the
5 Committee on Banking, Housing, and Urban Affairs
6 of the Senate.

7 “(g) APPLICATION OF RECIPIENT REVENUE VEHI-
8 CLE MILES.—With respect to revenue vehicle miles with
9 one passenger of a covered recipient using amounts under
10 this section, such miles—

11 “(1) shall be included in the National Transit
12 Database under section 5335; and

13 “(2) shall be excluded from vehicle revenue
14 miles data used in the calculation described in sec-
15 tion 5336.

16 “(h) SAVINGS CLAUSE.—Subsection (c)(2) and sub-
17 section (g) shall not apply to any eligible activities under
18 this section if such activities are being carried out in com-
19 pliance with the Americans with Disabilities Act of 1990
20 (42 U.S.C. 12101 et seq.).

21 “(i) DEFINITIONS.—In this section:

22 “(1) DEADHEAD VEHICLE MILES.—The term
23 ‘deadhead vehicle miles’ means the miles that a vehi-
24 cle travels when out of revenue service, including
25 leaving or returning to the garage or yard facility,

1 changing routes, when there is no expectation of car-
2 rying revenue passengers, and any miles traveled by
3 a private operator without a passenger.

4 “(2) MOBILITY AS A SERVICE.—The term ‘mo-
5 bility as a service’ means services that constitute the
6 integration of mobility on demand services and pub-
7 lic transportation that are available and accessible to
8 all travelers, provide multimodal trip planning, and
9 a unified payment system.

10 “(3) MOBILITY ON DEMAND.—The term ‘mobil-
11 ity on demand’ means an on-demand transportation
12 service shared among individuals, either concurrently
13 or one after another.

14 “(4) COVERED RECIPIENT.—The term ‘covered
15 recipient’ means a State or local government entity,
16 private nonprofit organization, or Tribe that—

17 “(A) operates a public transportation serv-
18 ice; and

19 “(B) is a recipient or subrecipient of funds
20 under section 5307, 5310, or 5311.”.

21 (b) CLERICAL AMENDMENT.—The analysis for chap-
22 ter 53 of title 49, United States Code, is amended by in-
23 serting after the item relating to section 5315 the fol-
24 lowing new item:

“5316. Mobility innovation.”.

1 **SEC. 2204. FORMULA GRANTS FOR RURAL AREAS.**

2 Section 5311 of title 49, United States Code, is
3 amended—

4 (1) in subsection (b)—

5 (A) in paragraph (2) by adding at the end
6 the following:

7 “(D) CENSUS DESIGNATION.—The Sec-
8 retary may approve a State program that allo-
9 cates not more than 5 percent of such State’s
10 apportionment to assist rural areas that were
11 redesignated as urban areas not more than 2
12 fiscal years after the last census designation of
13 urbanized area boundaries.”; and

14 (B) in paragraph (3) by striking “section
15 5338(a)(2)(F)” and inserting “section
16 5338(a)(2)(E)”;

17 (2) in subsection (c)—

18 (A) in paragraph (1)—

19 (i) in the matter preceding subpara-
20 graph (A) by striking “section
21 5338(a)(2)(F)” and inserting “section
22 5338(a)(2)(E)”;

23 (ii) in subparagraph (A) by striking
24 “\$5,000,000” and inserting
25 “\$10,000,000”; and

1 (iii) in subparagraph (B) by striking
2 “\$30,000,000” and inserting “the amount
3 remaining under section 5338(a)(2)(E)(i)
4 after the amount under subparagraph (A)
5 is distributed”;

6 (B) in paragraph (2)(C) by striking “sec-
7 tion 5338(a)(2)(F)” and inserting “section
8 5338(a)(2)(E)”;

9 (C) in paragraph (3)—

10 (i) in subparagraph (A) by striking
11 “section 5338(a)(2)(F)” and inserting
12 “section 5338(a)(2)(E)”;

13 (ii) by striking subparagraphs (B) and
14 (C) and inserting the following:

15 “(B) LAND AREA.—

16 “(i) IN GENERAL.—Subject to clause
17 (ii), each State shall receive an amount
18 that is equal to 15 percent of the amount
19 apportioned under this paragraph, multi-
20 plied by the ratio of the land area in rural
21 areas in that State and divided by the land
22 area in all rural areas in the United
23 States, as shown by the most recent decen-
24 nial census of population.

1 “(ii) MAXIMUM APPORTIONMENT.—
2 No State shall receive more than 5 percent
3 of the amount apportioned under clause
4 (i).

5 “(C) POPULATION.—Each State shall re-
6 ceive an amount equal to 50 percent of the
7 amount apportioned under this paragraph, mul-
8 tiplied by the ratio of the population of rural
9 areas in that State and divided by the popu-
10 lation of all rural areas in the United States, as
11 shown by the most recent decennial census of
12 population.

13 “(D) VEHICLE REVENUE MILES.—

14 “(i) IN GENERAL.—Subject to clause
15 (ii), each State shall receive an amount
16 that is equal to 25 percent of the amount
17 apportioned under this paragraph, multi-
18 plied by the ratio of vehicle revenue miles
19 in rural areas in that State and divided by
20 the vehicle revenue miles in all rural areas
21 in the United States, as determined by na-
22 tional transit database reporting.

23 “(ii) MAXIMUM APPORTIONMENT.—
24 No State shall receive more than 5 percent

1 of the amount apportioned under clause
2 (i).

3 “(E) LOW-INCOME INDIVIDUALS.—Each
4 State shall receive an amount that is equal to
5 10 percent of the amount apportioned under
6 this paragraph, multiplied by the ratio of low-
7 income individuals in rural areas in that State
8 and divided by the number of low-income indi-
9 viduals in all rural areas in the United States,
10 as shown by the Bureau of the Census.”;

11 (3) in subsection (f)—

12 (A) in paragraph (1) by inserting “A State
13 may expend funds to continue service into an-
14 other State to extend a route.” before “Eligible
15 activities under”; and

16 (B) in paragraph (2) by inserting “and
17 makes the certification and supporting docu-
18 ments publicly available” before the period at
19 the end; and

20 (4) in subsection (g) by adding at the end the
21 following:

22 “(6) ALLOWANCE FOR VOLUNTEER HOURS.—

23 “(A) APPLICABLE REGULATIONS.—For
24 any funds provided by a department or agency
25 of the Government under paragraph (3)(D) or

1 by a service agreement under paragraph (3)(C),
2 and such department or agency has regulations
3 in place that provide for the valuation of volun-
4 teer hours as allowable in-kind contributions to-
5 ward the non-Federal share of project costs,
6 such regulations shall be used to determine the
7 allowable valuation of volunteer hours as an in-
8 kind contribution toward the non-Federal re-
9 mainder of net project costs for a transit
10 project funded under this section.

11 “(B) LIMITATIONS.—Subparagraph (A)
12 shall not apply to the provision of fixed-route
13 bus services funded under this section.”.

14 **SEC. 2205. ONE-STOP PARATRANSIT PROGRAM.**

15 Section 5310 of title 49, United States Code, is
16 amended by adding at the end the following:

17 “(j) ONE-STOP PARATRANSIT PROGRAM.—

18 “(1) IN GENERAL.—Not later than 6 months
19 after the date of enactment of this subsection, the
20 Secretary shall establish a one-stop paratransit com-
21 petitive grant program to encourage an extra stop in
22 non-fixed route Americans with Disabilities Act of
23 1990 (42 U.S.C. 12101 et seq.) service for a para-
24 transit rider to complete essential tasks.

1 “(2) PREFERENCE.—The Secretary shall give
2 preference to eligible recipients that—

3 “(A) have comparable data for the year
4 prior to implementation of the grant program
5 and made available to the Secretary, academic
6 and nonprofit organizations for research pur-
7 poses; and

8 “(B) plan to use agency personnel to im-
9 plement the pilot program.

10 “(3) APPLICATION CRITERIA.—To be eligible to
11 participate in the grant program, an eligible recipi-
12 ent shall submit to the Secretary an application con-
13 taining such information as the Secretary may re-
14 quire, including information on—

15 “(A) locations the eligible entity intends to
16 allow a stop at, if stops are limited, including—

17 “(i) childcare or education facilities;

18 “(ii) pharmacies;

19 “(iii) grocery stores; and

20 “(iv) bank or ATM locations;

21 “(B) methodology for informing the public
22 of the grant program;

23 “(C) vehicles, personnel, and other re-
24 sources that will be used to implement the
25 grant program;

1 “(D) if the applicant does not intend the
2 grant program to apply to the full area under
3 the jurisdiction of the applicant, a description
4 of the geographic area in which the applicant
5 intends the grant program to apply; and

6 “(E) the anticipated amount of increased
7 operating costs.

8 “(4) SELECTION.—The Secretary shall seek to
9 achieve diversity of participants in the grant pro-
10 gram by selecting a range of eligible entities that in-
11 cludes at least—

12 “(A) 5 eligible recipients that serve an
13 area with a population of 50,000 to 200,000;

14 “(B) 10 eligible recipients that serve an
15 area with a population of over 200,000; and

16 “(C) 5 eligible recipients that provide
17 transportation for rural communities.

18 “(5) DATA-SHARING CRITERIA.—An eligible re-
19 cipient in this subsection shall provide data as the
20 Secretary requires, including—

21 “(A) number of ADA paratransit trips
22 conducted each year;

23 “(B) requested time of each paratransit
24 trip;

1 “(C) scheduled time of each paratransit
2 trip;

3 “(D) actual pickup time for each para-
4 transit trip;

5 “(E) average length of a stop in the middle
6 of a ride as allowed by this subsection;

7 “(F) any complaints received by a para-
8 transit rider;

9 “(G) rider satisfaction with paratransit
10 services; and

11 “(H) after the completion of the grant, an
12 assessment by the eligible recipient of its capac-
13 ity to continue a one-stop program independ-
14 ently.

15 “(6) REPORT.—

16 “(A) IN GENERAL.—The Secretary shall
17 make publicly available an annual report on the
18 program carried out under this subsection for
19 each fiscal year, not later than December 31 of
20 the calendar year in which such fiscal year
21 ends.

22 “(B) CONTENTS.—The report required
23 under subparagraph (A) shall include a detailed
24 description of the activities carried out under
25 the program, and an evaluation of the program,

1 including an evaluation of the data shared by
2 eligible recipients under paragraph (5).”.

3 **Subtitle C—Buy America and**
4 **Other Procurement Reforms**

5 **SEC. 2301. BUY AMERICA.**

6 (a) BUY AMERICA.—

7 (1) IN GENERAL.—Chapter 53 of title 49,
8 United States Code, is amended by inserting before
9 section 5321 the following:

10 **“§ 5320. Buy America**

11 “(a) IN GENERAL.—The Secretary may obligate an
12 amount that may be appropriated to carry out this chapter
13 for a project only if the steel, iron, and manufactured
14 goods used in the project are produced in the United
15 States.

16 “(b) WAIVER.—The Secretary may waive subsection
17 (a) if the Secretary finds that—

18 “(1) applying subsection (a) would be incon-
19 sistent with the public interest;

20 “(2) the steel, iron, and goods produced in the
21 United States are not produced in a sufficient and
22 reasonably available amount or are not of a satisfac-
23 tory quality;

24 “(3) when procuring rolling stock (including
25 train control, communication, traction power equip-

1 ment, and rolling stock prototypes) under this chap-
2 ter—

3 “(A) the cost of components and sub-
4 components produced in the United States is
5 more than 70 percent of the cost of all compo-
6 nents of the rolling stock; and

7 “(B) final assembly of the rolling stock has
8 occurred in the United States; or

9 “(4) including domestic material will increase
10 the cost of the overall project by more than 25 per-
11 cent.

12 “(c) WRITTEN WAIVER DETERMINATION AND AN-
13 NUAL REPORT.—

14 “(1) WAIVER PROCEDURE.—Not later than 120
15 days after the submission of a request for a waiver,
16 the Secretary shall make a determination under sub-
17 section (b)(1), (b)(2), or (b)(4) as to whether to
18 waive subsection (a).

19 “(2) PUBLIC NOTIFICATION AND COMMENT.—

20 “(A) IN GENERAL.—Not later than 30
21 days before making a determination regarding a
22 waiver described in paragraph (1), the Sec-
23 retary shall provide notification and an oppor-
24 tunity for public comment on the request for
25 such waiver.

1 “(B) NOTIFICATION REQUIREMENTS.—The
2 notification required under subparagraph (A)
3 shall—

4 “(i) describe whether the application
5 is being made for a waiver described in
6 subsection (b)(1), (b)(2) or (b)(4); and

7 “(ii) be provided to the public by elec-
8 tronic means, including on the public
9 website of the Department of Transpor-
10 tation.

11 “(3) DETERMINATION.—Before a determination
12 described in paragraph (1) takes effect, the Sec-
13 retary shall publish a detailed justification for such
14 determination that addresses all public comments re-
15 ceived under paragraph (2)—

16 “(A) on the public website of the Depart-
17 ment of Transportation; and

18 “(B) if the Secretary issues a waiver with
19 respect to such determination, in the Federal
20 Register.

21 “(4) ANNUAL REPORT.—Annually, the Sec-
22 retary shall submit to the Committee on Banking,
23 Housing, and Urban Affairs of the Senate and the
24 Committee on Transportation and Infrastructure of
25 the House of Representatives a report listing any

1 waiver issued under paragraph (1) during the pre-
2 ceding year.

3 “(d) ROLLING STOCK WAIVER CONDITIONS.—

4 “(1) LABOR COSTS FOR FINAL ASSEMBLY.—In
5 this section, labor costs involved in final assembly
6 shall be included as a separate component in the
7 cost of components and subcomponents under sub-
8 section (b)(3)(A).

9 “(2) HIGH DOMESTIC CONTENT COMPONENT
10 BONUS.—In this section, in calculating the domestic
11 content of the rolling stock under subsection (b)(3),
12 the percent, rounded to the nearest whole number,
13 of the domestic content in components of such roll-
14 ing stock, weighted by cost, shall be used in calcu-
15 lating the domestic content of the rolling stock, ex-
16 cept—

17 “(A) with respect to components that ex-
18 ceed—

19 “(i) 70 percent domestic content, the
20 Secretary shall add 10 additional percent
21 to the component’s domestic content when
22 calculating the domestic content of the
23 rolling stock; and

24 “(ii) 75 percent domestic content, the
25 Secretary shall add 15 additional percent

1 to the component's domestic content when
2 calculating the domestic content of the
3 rolling stock; and

4 “(B) in no case may a component exceed
5 100 domestic content when calculating the do-
6 mestic content of the rolling stock.

7 “(3) ROLLING STOCK FRAMES OR CAR
8 SHELLS.—In calculating the cost of the domestic
9 content of the rolling stock under subsection (b)(3),
10 in the case of a rolling stock procurement receiving
11 assistance under this chapter in which the average
12 cost of a rolling stock vehicle in the procurement is
13 more than \$300,000, if rolling stock frames or car
14 shells are not produced in the United States, the
15 Secretary shall include in the calculation of the do-
16 mestic content of the rolling stock the cost of the
17 steel or iron that is produced in the United States
18 and used in the rolling stock frames or car shells.

19 “(4) TREATMENT OF WAIVED COMPONENTS
20 AND SUBCOMPONENTS.—In this section, a compo-
21 nent or subcomponent waived under subsection (b)
22 shall be excluded from any part of the calculation re-
23 quired under subsection (b)(3)(A).

24 “(5) ZERO-EMISSION VEHICLE DOMESTIC BAT-
25 TERY CELL INCENTIVE.—The Secretary shall pro-

1 vide an additional 2.5 percent of domestic content to
2 the total rolling stock domestic content percentage
3 calculated under this section for any zero-emission
4 vehicle that uses only battery cells for propulsion
5 that are manufactured domestically.

6 “(e) CERTIFICATION OF DOMESTIC SUPPLY AND
7 DISCLOSURE.—

8 “(1) CERTIFICATION OF DOMESTIC SUPPLY.—If
9 the Secretary denies an application for a waiver
10 under subsection (b), the Secretary shall provide to
11 the applicant a written certification that—

12 “(A) the steel, iron, or manufactured
13 goods, as applicable, (referred to in this para-
14 graph as the ‘item’) is produced in the United
15 States in a sufficient and reasonably available
16 amount;

17 “(B) the item produced in the United
18 States is of a satisfactory quality; and

19 “(C) includes a list of known manufactur-
20 ers in the United States from which the item
21 can be obtained.

22 “(2) DISCLOSURE.—The Secretary shall dis-
23 close the waiver denial and the written certification
24 to the public in an easily identifiable location on the
25 website of the Department of Transportation.

1 “(f) WAIVER PROHIBITED.—The Secretary may not
2 make a waiver under subsection (b) for goods produced
3 in a foreign country if the Secretary, in consultation with
4 the United States Trade Representative, decides that the
5 government of that foreign country—

6 “(1) has an agreement with the United States
7 Government under which the Secretary has waived
8 the requirement of this section; and

9 “(2) has violated the agreement by discrimi-
10 nating against goods to which this section applies
11 that are produced in the United States and to which
12 the agreement applies.

13 “(g) PENALTY FOR MISLABELING AND MISREPRE-
14 SENTATION.—A person is ineligible under subpart 9.4 of
15 the Federal Acquisition Regulation, or any successor
16 thereto, to receive a contract or subcontract made with
17 amounts authorized under title II of the INVEST in
18 America Act if a court or department, agency, or instru-
19 mentality of the Government decides the person inten-
20 tionally—

21 “(1) affixed a ‘Made in America’ label, or a
22 label with an inscription having the same meaning,
23 to goods sold in or shipped to the United States that
24 are used in a project to which this section applies
25 but not produced in the United States; or

1 “(2) represented that goods described in para-
2 graph (1) were produced in the United States.

3 “(h) STATE REQUIREMENTS.—The Secretary may
4 not impose any limitation on assistance provided under
5 this chapter that restricts a State from imposing more
6 stringent requirements than this subsection on the use of
7 articles, materials, and supplies mined, produced, or man-
8 ufactured in foreign countries in projects carried out with
9 that assistance or restricts a recipient of that assistance
10 from complying with those State-imposed requirements.

11 “(i) OPPORTUNITY TO CORRECT INADVERTENT
12 ERROR.—The Secretary may allow a manufacturer or
13 supplier of steel, iron, or manufactured goods to correct
14 after bid opening any certification of noncompliance or
15 failure to properly complete the certification (but not in-
16 cluding failure to sign the certification) under this sub-
17 section if such manufacturer or supplier attests under pen-
18 alty of perjury that such manufacturer or supplier sub-
19 mitted an incorrect certification as a result of an inad-
20 vertent or clerical error. The burden of establishing inad-
21 vertent or clerical error is on the manufacturer or supplier.

22 “(j) ADMINISTRATIVE REVIEW.—A party adversely
23 affected by an agency action under this subsection shall
24 have the right to seek review under section 702 of title
25 5.

1 “(k) STEEL AND IRON.—For purposes of this section,
2 steel and iron meeting the requirements of section
3 661.5(b) of title 49, Code of Federal Regulations, may be
4 considered produced in the United States.

5 “(l) DEFINITION OF SMALL PURCHASE.—For pur-
6 poses of determining whether a purchase qualifies for a
7 general public interest waiver under subsection (b)(1), in-
8 cluding under any regulation promulgated under such sub-
9 section, the term ‘small purchase’ means a purchase of
10 not more than \$150,000.

11 “(m) PREAWARD AND POSTDELIVERY REVIEW OF
12 ROLLING STOCK PURCHASES.—

13 “(1) IN GENERAL.—The Secretary shall pre-
14 scribe regulations requiring a preaward and
15 postdelivery certification of a rolling stock vehicle
16 that meets the requirements of this section and Gov-
17 ernment motor vehicle safety requirements to be eli-
18 gible for a grant under this chapter. For compliance
19 with this section—

20 “(A) Federal inspections and review are
21 required;

22 “(B) a manufacturer certification is not
23 sufficient; and

24 “(C) a rolling stock vehicle that has been
25 certified by the Secretary remains certified until

1 the manufacturer makes a material change to
2 the vehicle, or adjusts the price of the vehicle,
3 that reduces, by more than half, the percentage
4 of domestic content above 70 percent.

5 “(2) CERTIFICATION OF PERCENTAGE.—The
6 Secretary may, at the request of a component or
7 subcomponent manufacturer, certify the percentage
8 of domestic content and final assembly for a compo-
9 nent or subcomponent.

10 “(3) FREEDOM OF INFORMATION ACT.—In car-
11 rying out this subsection, the Secretary shall consist-
12 ently apply the provisions of section 552 of title 5,
13 including subsection (b)(4) of such section.

14 “(4) NONCOMPLIANCE.—The Secretary shall
15 prohibit recipients from procuring rolling stock, com-
16 ponents, or subcomponents from a supplier that in-
17 tentionally provides false information to comply with
18 this subsection.

19 “(n) SCOPE.—The requirements of this section apply
20 to all contracts for a public transportation project carried
21 out within the scope of the applicable finding, determina-
22 tion, or decision under the National Environmental Policy
23 Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the
24 funding source of such contracts, if at least one contract

1 for the public transportation project is funded with
2 amounts made available to carry out this chapter.

3 “(o) BUY AMERICA CONFORMITY.—The Secretary
4 shall ensure that all Federal funds for commuter rail
5 projects shall comply with this section and shall not be
6 subject to section 22905(a).

7 “(p) AUDITS AND REPORTING OF WASTE, FRAUD,
8 AND ABUSE.—

9 “(1) IN GENERAL.—The Inspector General of
10 the Department of Transportation shall conduct an
11 annual audit on certifications under subsection (m).

12 “(2) REPORT FRAUD, WASTE, AND ABUSE.—
13 The Secretary shall display a ‘Report Fraud, Waste,
14 and Abuse’ button and link to Department of Trans-
15 portation’s Office of Inspector General Hotline on
16 the Federal Transit Administration’s Buy America
17 landing page.

18 “(3) CONTRACT REQUIREMENT.—The Secretary
19 shall require all recipients who enter into contracts
20 to purchase rolling stock with funds provided under
21 this chapter to include in such contract information
22 on how to contact the Department of Transpor-
23 tation’s Office of Inspector General Hotline to report
24 suspicions of fraud, waste, and abuse.

25 “(q) PASSENGER MOTOR VEHICLES.—

1 “(1) IN GENERAL.—Any domestically manufac-
2 tured passenger motor vehicle shall be considered to
3 be produced in the United States under this section.

4 “(2) DOMESTICALLY MANUFACTURED PAS-
5 SENGER MOTOR VEHICLE.—In this subsection, the
6 term ‘domestically manufactured passenger motor
7 vehicle’ means any passenger motor vehicle, as such
8 term is defined in section 32304(a) that—

9 “(A) has under section 32304(b)(1)(B) its
10 final assembly place in the United States; and

11 “(B) the percentage (by value) of pas-
12 senger motor equipment under section
13 32304(b)(1)(A) equals or exceeds 60 percent
14 value added.”.

15 (2) CLERICAL AMENDMENT.—The analysis for
16 chapter 53 of title 49, United States Code, is
17 amended by inserting before the item relating to sec-
18 tion 5321 the following:

“5320. Buy America.”.

19 (3) CONFORMING AMENDMENTS.—

20 (A) TECHNICAL ASSISTANCE AND WORK-
21 FORCE DEVELOPMENT.—Section 5314(a)(2)(G)
22 of title 49, United States Code, is amended by
23 striking “sections 5323(j) and 5323(m)” and
24 inserting “section 5320”.

1 (B) URBANIZED AREA FORMULA
2 GRANTS.—Section 5307(c)(1)(E) of title 49,
3 United States Code, is amended by inserting “,
4 5320,” after “5323”.

5 (C) INNOVATIVE PROCUREMENT.—Section
6 3019(c)(2)(E)(ii) of the FAST Act (49 U.S.C.
7 5325 note) is amended by striking “5232(j)”
8 and inserting “5320”.

9 (b) BUS ROLLING STOCK.—Not later than 18
10 months after the date of enactment of this Act, the Sec-
11 retary of Transportation shall issue such regulations as
12 are necessary to revise Appendix B and Appendix D of
13 section 661.11 of title 49, Code of Federal Regulations,
14 with respect to bus rolling stock to maximize job creation
15 and align such section with modern manufacturing tech-
16 niques.

17 (c) RAIL ROLLING STOCK.—Not later than 30
18 months after the date of enactment of this Act, the Sec-
19 retary shall issue such regulations as are necessary to re-
20 vise subsections (t), (u), and (v) of section 661.11 of title
21 49, Code of Federal Regulations, with respect to rail roll-
22 ing stock to maximize job creation and align such section
23 with modern manufacturing techniques.

24 (d) RULE OF APPLICABILITY.—

1 (1) IN GENERAL.—Except as otherwise pro-
2 vided in this subsection, the amendments made by
3 this section shall apply to any contract entered into
4 on or after the date of enactment of this Act.

5 (2) DELAYED APPLICABILITY OF CERTAIN PRO-
6 VISIONS.—Contracts described in paragraph (1)
7 shall be subject to the following delayed applicability
8 requirements:

9 (A) Section 5320(m)(2) shall apply to con-
10 tracts entered into on or after the date that is
11 30 days after the date of enactment of this Act.

12 (B) Notwithstanding subparagraph (A),
13 section 5320(m) shall apply to contracts for the
14 procurement of bus rolling stock beginning on
15 the earlier of—

16 (i) 180 days after the date on which
17 final regulations are issued pursuant to
18 subsection (b); or

19 (ii) the date that is 1 year after the
20 date of enactment of this Act.

21 (C) Notwithstanding subparagraph (A),
22 section 5320(m) shall apply to contracts for the
23 procurement of rail rolling stock beginning on
24 the earlier of—

1 (i) 180 days after the date on which
2 final regulations are issued pursuant to
3 subsection (c); or

4 (ii) the date that is 2 years after the
5 date of enactment of this Act.

6 (D) Section 5320(p)(1) shall apply on the
7 date that is 1 year after the latest of the appli-
8 cation dates described in subparagraphs (A)
9 through (C).

10 (3) SPECIAL RULE FOR CERTAIN CONTRACTS.—

11 For any contract described in paragraph (1) for
12 which the delivery for the first production vehicle oc-
13 curs before October 1, 2024, paragraphs (1) and (4)
14 of section 5320(d) shall not apply.

15 (4) SPECIAL RULE FOR BATTERY CELL INCEN-
16 TIVES.—For any contract described in paragraph
17 (1) for which the delivery for the first production ve-
18 hicle occurs before October 1, 2022, section
19 5320(d)(5) shall not apply.

20 (e) SPECIAL RULE FOR DOMESTIC CONTENT.—For
21 the calculation of the percent of domestic content cal-
22 culated under section 5320(d)(2) for a contract for rolling
23 stock entered into on or after October 1, 2020—

24 (1) if the delivery of the first production vehicle
25 occurs in fiscal year 2022 or fiscal year 2023, for

1 components that exceed 70 percent domestic con-
2 tent, the Secretary shall add 20 additional percent
3 to the component’s domestic content; and

4 (2) if the delivery of the first production vehicle
5 occurs in fiscal year 2024 or fiscal year 2025—

6 (A) for components that exceed 70 percent
7 but do not exceed 75 percent domestic content,
8 the Secretary shall add 15 additional percent to
9 the component’s domestic content; or

10 (B) for components that exceed 75 percent
11 domestic content, the Secretary shall add 20
12 additional percent to the component’s domestic
13 content.

14 **SEC. 2302. BUS PROCUREMENT STREAMLINING.**

15 Section 5323 of title 49, United States Code, is
16 amended by adding at the end the following:

17 “(v) BUS PROCUREMENT STREAMLINING.—

18 “(1) IN GENERAL.—The Secretary may only ob-
19 ligate amounts for acquisition of buses under this
20 chapter to a recipient that issues a request for pro-
21 posals for an open market procurement that meets
22 the following criteria:

23 “(A) Such request for proposals is limited
24 to performance specifications, except for compo-
25 nents or subcomponents identified in the nego-

1 tiated rulemaking carried out pursuant to this
2 subsection.

3 “(B) Such request for proposals does not
4 seek any alternative design or manufacture
5 specification of a bus offered by a manufac-
6 turer, except to require a component or sub-
7 component identified in the negotiated rule-
8 making carried out pursuant to this subsection.

9 “(2) SPECIFIC BUS COMPONENT NEGOTIATED
10 RULEMAKING.—

11 “(A) INITIATION.—Not later than 120
12 days after the date of enactment of the IN-
13 VEST in America Act, the Secretary shall ini-
14 tiate procedures under subchapter III of chap-
15 ter 5 of title 5 to negotiate and issue such regu-
16 lations as are necessary to establish as limited
17 a list as is practicable of bus components and
18 subcomponents described in subparagraph (B).

19 “(B) LIST OF COMPONENTS.—The regula-
20 tions required under subparagraph (A) shall es-
21 tablish a list of bus components and subcompo-
22 nents that may be specified in a request for
23 proposals described in paragraph (1) by a re-
24 cipient. The Secretary shall ensure the list is
25 limited in scope and limited to only components

1 and subcomponents that cannot be selected with
2 performance specifications to ensure interoper-
3 ability.

4 “(C) PUBLICATION OF PROPOSED REGULA-
5 TIONS.—Proposed regulations to implement this
6 section shall be published in the Federal Reg-
7 ister by the Secretary not later than 18 months
8 after such date of enactment.

9 “(D) COMMITTEE.—A negotiated rule-
10 making committee established pursuant to sec-
11 tion 565 of title 5 to carry out this paragraph
12 shall have a maximum of 11 members limited
13 to representatives of the Department of Trans-
14 portation, urban and rural recipients (including
15 State government recipients), and transit vehi-
16 cle manufacturers.

17 “(E) EXTENSION OF DEADLINES.—A
18 deadline set forth in subparagraph (C) may be
19 extended up to 180 days if the negotiated rule-
20 making committee referred to in subparagraph
21 (D) concludes that the committee cannot meet
22 the deadline and the Secretary so notifies the
23 Committee on Transportation and Infrastruc-
24 ture of the House of Representatives and the

1 Committee on Banking, Housing, and Urban
2 Affairs of the Senate.

3 “(3) SAVINGS CLAUSE.—Nothing in this section
4 shall be construed to provide additional authority for
5 the Secretary to restrict what a bus manufacturer
6 offers to sell to a public transportation agency.”.

7 **SEC. 2303. BUS TESTING FACILITY.**

8 Section 5318 of title 49, United States Code, is
9 amended by adding at the end the following:

10 “(f) TESTING SCHEDULE.—The Secretary shall—

11 “(1) determine eligibility of a bus manufactur-
12 er’s request for testing within 10 business days; and

13 “(2) make publicly available the current backlog
14 (in months) to begin testing a new bus at the bus
15 testing facility.”.

16 **Subtitle D—Bus Grant Reforms**

17 **SEC. 2401. FORMULA GRANTS FOR BUSES.**

18 Section 5339(a) of title 49, United States Code, is
19 amended—

20 (1) in paragraph (1)—

21 (A) by inserting “and subsection (d)” after

22 “In this subsection”;

23 (B) in subparagraph (A) by striking “term
24 ‘low or no emission vehicle’ has” and inserting

25 “term ‘zero emission vehicle’ has”;

1 (C) in subparagraph (B) by inserting “and
2 the District of Columbia” after “United
3 States”; and

4 (D) in subparagraph (C) by striking “the
5 District of Columbia,”;

6 (2) in paragraph (2)(A) by striking “low or no
7 emission vehicles” and inserting “zero emission vehi-
8 cles”;

9 (3) in paragraph (4)—

10 (A) in subparagraph (A) by inserting “and
11 subsection (d)” after “this subsection”; and

12 (B) in subparagraph (B) by inserting “and
13 subsection (d)” after “this subsection”;

14 (4) in paragraph (5)(A)—

15 (A) by striking “\$90,500,000” and insert-
16 ing “\$156,750,000”;

17 (B) by striking “2016 through 2020” and
18 inserting “2022 through 2025”;

19 (C) by striking “\$1,750,000” and inserting
20 “\$3,000,000”; and

21 (D) by striking “\$500,000” and inserting
22 “\$750,000”;

23 (5) in paragraph (8) by striking “3 fiscal
24 years” and inserting “4 fiscal years” each place such
25 term appears; and

1 (6) by striking paragraph (9).

2 **SEC. 2402. BUS FACILITIES AND FLEET EXPANSION COM-**
3 **PETITIVE GRANTS.**

4 Section 5339(b) of title 49, United States Code, is
5 amended—

6 (1) in the heading by striking “BUSES AND
7 BUS FACILITIES COMPETITIVE GRANTS” and insert-
8 ing “BUS FACILITIES AND FLEET EXPANSION COM-
9 PETITIVE GRANTS”;

10 (2) in paragraph (1)—

11 (A) by striking “buses and”;

12 (B) by inserting “and certain buses” after
13 “capital projects”;

14 (C) in subparagraph (A) by striking
15 “buses or related equipment” and inserting
16 “bus-related facilities”; and

17 (D) by striking subparagraph (B) and in-
18 serting the following:

19 “(B) purchasing or leasing buses that will
20 not replace buses in the applicant’s fleet at the
21 time of application and will be used to—

22 “(i) increase the frequency of bus
23 service; or

24 “(ii) increase the service area of the
25 applicant.”; and

1 (3) by striking paragraph (2) and inserting the
2 following:

3 “(2) GRANT CONSIDERATIONS.—In making
4 grants—

5 “(A) under subparagraph (1)(A), the Sec-
6 retary shall only consider—

7 “(i) the age and condition of bus-re-
8 lated facilities of the applicant compared to
9 all applicants and proposed improvements
10 to the resilience (as such term is defined in
11 section 5302) of such facilities;

12 “(ii) for a facility within or partially
13 within the 100-year floodplain, whether
14 such facility will be at least 2 feet above
15 the base flood elevation; and

16 “(iii) for a bus station, the degree of
17 multi-modal connections at such station;
18 and

19 “(B) under paragraph (1)(B), the Sec-
20 retary shall consider the improvements to head-
21 way and projected new ridership.”.

22 **SEC. 2403. ZERO EMISSION BUS GRANTS.**

23 (a) IN GENERAL.—Section 5339(c) of title 49,
24 United States Code, is amended—

1 (1) in the heading by striking “LOW OR NO
2 EMISSION GRANTS” and inserting “ZERO EMISSION
3 GRANTS”;

4 (2) in paragraph (1)—

5 (A) in subparagraph (B)—

6 (i) in clause (i) by striking “low or no
7 emission” and inserting “zero emission”;

8 (ii) in clause (ii) by striking “low or
9 no emission” and inserting “zero emis-
10 sion”;

11 (iii) in clause (iii) by striking “low or
12 no emission” and inserting “zero emis-
13 sion”;

14 (iv) in clause (iv) by striking “facili-
15 ties and related equipment for low or no
16 emission” and inserting “related equip-
17 ment for zero emission”;

18 (v) in clause (v) by striking “facilities
19 and related equipment for low or no emis-
20 sion vehicles;” and inserting “related
21 equipment for zero emission vehicles; or”;

22 (vi) in clause (vii) by striking “low or
23 no emission” and inserting “zero emis-
24 sion”;

25 (vii) by striking clause (vi); and

1 (viii) by redesignating clause (vii) as
2 clause (vi);

3 (B) by striking subparagraph (D) and in-
4 serting the following:

5 “(D) the term ‘zero emission bus’ means a
6 bus that is a zero emission vehicle;”;

7 (C) by striking subparagraph (E) and in-
8 serting the following:

9 “(E) the term ‘zero emission vehicle’
10 means a vehicle used to provide public transpor-
11 tation that produces no carbon dioxide or par-
12 ticulate matter;”;

13 (D) by striking subparagraph (G) and in-
14 serting the following:

15 “(G) the term ‘eligible area’ means an area
16 that is—

17 “(i) designated as a nonattainment
18 area for ozone or particulate matter under
19 section 107(d) of the Clean Air Act (42
20 U.S.C. 7407(d)); or

21 “(ii) a maintenance area, as such
22 term is defined in section 5303, for ozone
23 or particulate matter.”;

24 (3) by striking paragraph (5) and inserting the
25 following:

1 “(5) GRANT ELIGIBILITY.—In awarding grants
2 under this subsection, the Secretary shall make
3 grants to eligible projects relating to the acquisition
4 or leasing of zero emission buses or bus facility im-
5 provements—

6 “(A) that procure—

7 “(i) at least 10 zero emission buses;

8 or

9 “(ii) if the recipient operates less than
10 50 buses in peak service, at least 5 zero
11 emission buses;

12 “(B) for which the recipient’s board of di-
13 rectors has approved a long-term integrated
14 fleet management plan that—

15 “(i) establishes a goal by a set date to
16 convert the entire bus fleet to zero emis-
17 sion buses; or

18 “(ii) establishes a goal that within 10
19 years from the date of approval of such
20 plan the recipient will convert a set per-
21 centage of the total bus fleet of such re-
22 cipient to zero emission buses; and

23 “(C) for which the recipient has performed
24 a fleet transition study that includes optimal
25 route planning and an analysis of how utility

1 rates may impact the recipient's operations and
2 maintenance budget.”.

3 (b) METROPOLITAN TRANSPORTATION PLANNING.—
4 Section 5303(b) of title 49, United States Code, is amend-
5 ed by adding at the end the following:

6 “(8) MAINTENANCE AREA.—The term ‘mainte-
7 nance area’ has the meaning given the term in sec-
8 tions 171(2) and 175A of the Clean Air Act (42
9 U.S.C. 7501(2); 7505a).”.

10 **SEC. 2404. RESTORATION TO STATE OF GOOD REPAIR FOR-**
11 **MULA SUBGRANT.**

12 Section 5339 of title 49, United States Code, is
13 amended by adding at the end the following:

14 “(d) RESTORATION TO STATE OF GOOD REPAIR
15 FORMULA SUBGRANT.—

16 “(1) GENERAL AUTHORITY.—The Secretary
17 may make grants under this subsection to assist eli-
18 gible recipients and subrecipients described in para-
19 graph (2) in financing capital projects to replace, re-
20 habilitate, and purchase buses and related equip-
21 ment.

22 “(2) ELIGIBLE RECIPIENTS AND SUBRECIPI-
23 ENTS.—Not later than September 1 annually, the
24 Secretary shall make public a list of eligible recipi-
25 ents and subrecipients based on the most recent

1 data available in the National Transit Database to
2 calculate the 20 percent of eligible recipients and
3 subrecipients with the highest percentage of asset
4 vehicle miles for buses beyond the useful life bench-
5 mark established by the Federal Transit Administra-
6 tion.

7 “(3) URBAN APPORTIONMENTS.—Funds allo-
8 cated under section 5338(a)(2)(L)(ii) shall be—

9 “(A) distributed to—

10 “(i) designated recipients in an urban-
11 ized area with a population of more than
12 200,000 made eligible by paragraph (1);
13 and

14 “(ii) States based on subrecipients
15 made eligible by paragraph (1) in an ur-
16 banized area under 200,000; and

17 “(B) allocated pursuant to the formula set
18 forth in section 5336 other than subsection (b).

19 “(4) RURAL ALLOCATION.—The Secretary
20 shall—

21 “(A) calculate the percentage of funds
22 under section 5338(a)(2)(L)(ii) to allocate to
23 rural subrecipients by dividing—

24 “(i) the asset vehicle miles for buses
25 beyond the useful life benchmark (estab-

1 lished by the Federal Transit Administra-
2 tion) of the rural subrecipients described in
3 paragraph (2); by

4 “(ii) the total asset vehicle miles for
5 buses beyond such benchmark of all eligi-
6 ble recipients and subrecipients described
7 in paragraph (2); and

8 “(B) prior to the allocation described in
9 paragraph (3)(B), apportion to each State the
10 amount of the total rural allocation calculated
11 under subparagraph (A) attributable to such
12 State based the proportion that—

13 “(i) the asset vehicle miles for buses
14 beyond the useful life benchmark (estab-
15 lished by the Federal Transit Administra-
16 tion) for rural subrecipients described in
17 paragraph (2) in such State; bears to

18 “(ii) the total asset vehicle miles de-
19 scribed in subparagraph (A)(i).

20 “(5) APPLICATION OF OTHER PROVISIONS.—
21 Paragraphs (3), (7), and (8) of subsection (a) shall
22 apply to eligible recipients and subrecipients de-
23 scribed in paragraph (2) of a grant under this sub-
24 section.

1 “(6) PROHIBITION.—No eligible recipient or
2 subrecipient outside the top 5 percent of asset vehi-
3 cle miles for buses beyond the useful life benchmark
4 established by the Federal Transit Administration
5 may receive a grant in both fiscal year 2022 and fis-
6 cal year 2023.

7 “(7) REQUIREMENT.—The Secretary shall re-
8 quire—

9 “(A) States to expend, to the benefit of the
10 subrecipients eligible under paragraph (2), the
11 apportioned funds attributed to such subrecipi-
12 ents; and

13 “(B) designated recipients to provide the
14 allocated funds to the recipients eligible under
15 paragraph (2) the apportioned funds attributed
16 to such recipients.”.

17 **Subtitle E—Supporting All Riders**

18 **SEC. 2501. LOW-INCOME URBAN FORMULA FUNDS.**

19 Section 5336(j) of title 49, United States Code, is
20 amended

21 (1) in paragraph (1) by striking “75 percent”
22 and inserting “50 percent”;

23 (2) in paragraph (2) by striking “25 percent”
24 and inserting “12.5 percent”; and

25 (3) by adding at the end the following:

1 “(3) 30 percent of the funds shall be appor-
2 tioned among designated recipients for urbanized
3 areas with a population of 200,000 or more in the
4 ratio that—

5 “(A) the number of individuals in each
6 such urbanized area residing in an urban cen-
7 sus tract with a poverty rate of at least 20 per-
8 cent during the 5 years most recently ending;
9 bears to

10 “(B) the number of individuals in all such
11 urbanized areas residing in an urban census
12 tract with a poverty rate of at least 20 percent
13 during the 5 years most recently ending; and

14 “(4) 7.5 percent of the funds shall be appor-
15 tioned among designated recipients for urbanized
16 areas with a population less than 200,000 in the
17 ratio that—

18 “(A) the number of individuals in each
19 such urbanized area residing in an urban cen-
20 sus tract with a poverty rate of at least 20 per-
21 cent during the 5 years most recently ending;
22 bears to

23 “(B) the number of individuals in all such
24 areas residing in an urban census tract with a

1 poverty rate of at least 20 percent during the
2 5 years most recently ending.”.

3 **SEC. 2502. RURAL PERSISTENT POVERTY FORMULA.**

4 Section 5311 of title 49, United States Code, as
5 amended in section 2204, is further amended—

6 (1) in subsection (a) by adding at the end the
7 following:

8 “(3) PERSISTENT POVERTY COUNTY.—The
9 term ‘persistent poverty county’ means any county
10 with a poverty rate of at least 20 percent—

11 “(A) as determined in each of the 1990
12 and 2000 decennial censuses;

13 “(B) in the Small Area Income and Pov-
14 erty Estimates of the Bureau of the Census for
15 the most recent year for which the estimates
16 are available; and

17 “(C) has at least 25 percent of its popu-
18 lation in rural areas.”;

19 (2) in subsection (b)(2)(C)(i) by inserting “and
20 persistent poverty counties” before the semicolon;
21 and

22 (3) in subsection (c) by striking paragraph (2)
23 and inserting the following:

24 “(2) PERSISTENT POVERTY PUBLIC TRANSPOR-
25 TATION ASSISTANCE PROGRAM.—

1 “(A) IN GENERAL.—The Secretary shall
2 carry out a public transportation assistance
3 program for areas of persistent poverty.

4 “(B) APPORTIONMENT.—Of amounts
5 made available or appropriated for each fiscal
6 year under section 5338(a)(2)(E)(ii) to carry
7 out this paragraph, the Secretary shall appor-
8 tion funds to recipients for service in, or di-
9 rectly benefitting, persistent poverty counties
10 for any eligible purpose under this section in
11 the ratio that—

12 “(i) the number of individuals in each
13 such rural area residing in a persistent
14 poverty county; bears to

15 “(ii) the number of individuals in all
16 such rural areas residing in a persistent
17 poverty county.”.

18 **SEC. 2503. DEMONSTRATION GRANTS TO SUPPORT RE-**
19 **DUCE FARE TRANSIT.**

20 Section 5312 of title 49, United States Code, is
21 amended by adding at the end the following:

22 “(j) DEMONSTRATION GRANTS TO SUPPORT RE-
23 DUCED FARE TRANSIT.—

24 “(1) IN GENERAL.—Not later than 300 days
25 after the date of enactment of the INVEST in

1 America Act, the Secretary shall award grants
2 (which shall be known as ‘Access to Jobs Grants’)
3 to eligible entities, on a competitive basis, to imple-
4 ment reduced fare transit service.

5 “(2) NOTICE.—Not later than 180 days after
6 the date of enactment of the INVEST in America
7 Act, the Secretary shall provide notice to eligible en-
8 tities of the availability of grants under paragraph
9 (1).

10 “(3) APPLICATION.—To be eligible to receive a
11 grant under this subsection, an eligible recipient
12 shall submit to the Secretary an application con-
13 taining such information as the Secretary may re-
14 quire, including, at a minimum, the following:

15 “(A) A description of how the eligible enti-
16 ty plans to implement reduced fare transit ac-
17 cess with respect to low-income individuals, in-
18 cluding any eligibility requirements for such
19 transit access.

20 “(B) A description of how the eligible enti-
21 ty will consult with local community stake-
22 holders, labor unions, local education agencies
23 and institutions of higher education, public
24 housing agencies, and workforce development
25 boards in the implementation of reduced fares.

1 “(C) A description of the eligible entity’s
2 current fare evasion enforcement policies, in-
3 cluding how the eligible entity plans to use the
4 reduced fare program to reduce fare evasion.

5 “(D) An estimate of additional costs to
6 such eligible entity as a result of reduced tran-
7 sit fares.

8 “(4) GRANT DURATION.—Grants awarded
9 under this subsection shall be for a 2-year period.

10 “(5) SELECTION OF ELIGIBLE RECIPIENTS.—In
11 carrying out the program under this subsection, the
12 Secretary shall award not more than 20 percent of
13 grants to eligible entities located in rural areas.

14 “(6) USES OF FUNDS.—An eligible entity re-
15 ceiving a grant under this subsection shall use such
16 grant to implement a reduced fare transit program
17 and offset lost fare revenue.

18 “(7) DEFINITIONS.—In this subsection:

19 “(A) ELIGIBLE ENTITY.—The term ‘eligi-
20 ble entity’ means a State, local, or Tribal gov-
21 ernmental entity that operates a public trans-
22 portation service and is a recipient or sub-
23 recipient of funds under this chapter.

1 “(B) LOW-INCOME INDIVIDUAL.—The
2 term ‘low-income individual’ means an indi-
3 vidual—

4 “(i) that has qualified for—

5 “(I) any program of medical as-
6 sistance under a State plan or under
7 a waiver of the plan under title XIX
8 of the Social Security Act (42 U.S.C.
9 1396 et seq.);

10 “(II) supplemental nutrition as-
11 sistance program (SNAP) under the
12 Food and Nutrition Act of 2008 (7
13 U.S.C. 2011 et seq.);

14 “(III) the program of block
15 grants for States for temporary assist-
16 ance for needy families (TANF) es-
17 tablished under part A of title IV of
18 the Social Security Act (42 U.S.C.
19 601 et seq.);

20 “(IV) the free and reduced price
21 school lunch program established
22 under the Richard B. Russell National
23 School Lunch Act (42 U.S.C. 1751 et
24 seq.);

1 “(V) a housing voucher through
2 section 8(o) of the United States
3 Housing Act of 1937 (42 U.S.C.
4 1437f(o));

5 “(VI) benefits under the Low-In-
6 come Home Energy Assistance Act of
7 1981; or

8 “(VII) special supplemental food
9 program for women, infants and chil-
10 dren (WIC) under section 17 of the
11 Child Nutrition Act of 1966 (42
12 U.S.C. 1786); or

13 “(ii) whose family income is at or
14 below a set percent (as determined by the
15 eligible recipient) of the poverty line (as
16 that term is defined in section 673(2) of
17 the Community Service Block Grant Act
18 (42 U.S.C. 9902(2)), including any revi-
19 sion required by that section) for a family
20 of the size involved.

21 “(8) REPORT.—The Secretary shall designate a
22 university transportation center under section 5505
23 to collaborate with the eligible entities receiving a
24 grant under this subsection to collect necessary data
25 to evaluate the effectiveness of meeting the targets

1 described in the application of such recipient, includ-
2 ing increased ridership and progress towards signifi-
3 cantly closing transit equity gaps.”.

4 **Subtitle F—Supporting Frontline** 5 **Workers and Passenger Safety**

6 **SEC. 2601. NATIONAL TRANSIT FRONTLINE WORKFORCE** 7 **TRAINING CENTER.**

8 Section 5314(b) of title 49, United States Code, is
9 amended—

10 (1) by striking paragraph (2) and inserting the
11 following:

12 “(2) NATIONAL TRANSIT FRONTLINE WORK-
13 FORCE TRAINING CENTER.—

14 “(A) ESTABLISHMENT.—The Secretary
15 shall establish a national transit frontline work-
16 force training center (hereinafter referred to as
17 the ‘Center’) and award grants to a nonprofit
18 organization with a demonstrated capacity to
19 develop and provide transit career ladder pro-
20 grams through labor-management partnerships
21 and apprenticeships on a nationwide basis, in
22 order to carry out the duties under subpara-
23 graph (B). The Center shall be dedicated to the
24 needs of the frontline transit workforce in both
25 rural and urban transit systems by providing

1 standards-based training in the maintenance
2 and operations occupations.

3 “(B) DUTIES.—

4 “(i) IN GENERAL.—In cooperation
5 with the Administrator of the Federal
6 Transit Administration, public transpor-
7 tation authorities, and national entities,
8 the Center shall develop and conduct train-
9 ing and educational programs for frontline
10 local transportation employees of recipients
11 eligible for funds under this chapter.

12 “(ii) TRAINING AND EDUCATIONAL
13 PROGRAMS.—The training and educational
14 programs developed under clause (i) may
15 include courses in recent developments,
16 techniques, and procedures related to—

17 “(I) developing consensus na-
18 tional training standards in partner-
19 ship with industry stakeholders for
20 key frontline transit occupations with
21 demonstrated skill gaps;

22 “(II) developing national systems
23 of qualification and apprenticeship for
24 transit maintenance and operations
25 occupations;

1 “(III) building local, regional,
2 and statewide transit training part-
3 nerships to identify and address work-
4 force skill gaps and develop skills
5 needed for delivering quality transit
6 service and supporting employee ca-
7 reer advancement;

8 “(IV) developing programs for
9 training of transit frontline workers,
10 instructors, mentors, and labor-man-
11 agement partnership representatives,
12 in the form of classroom, hands-on,
13 on-the-job, and web-based training,
14 delivered at a national center, region-
15 ally, or at individual transit agencies;

16 “(V) developing training pro-
17 grams for skills related to existing
18 and emerging transit technologies, in-
19 cluding zero emission buses;

20 “(VI) developing improved capac-
21 ity for safety, security, and emergency
22 preparedness in local transit systems
23 and in the industry as a whole
24 through—

1 “(aa) developing the role of
2 the transit frontline workforce in
3 building and sustaining safety
4 culture and safety systems in the
5 industry and in individual public
6 transportation systems; and

7 “(bb) training to address
8 transit frontline worker roles in
9 promoting health and safety for
10 transit workers and the riding
11 public;

12 “(VII) developing local transit
13 capacity for career pathways partner-
14 ships with schools and other commu-
15 nity organizations for recruiting and
16 training under-represented popu-
17 lations as successful transit employees
18 who can develop careers in the transit
19 industry; and

20 “(VIII) in collaboration with the
21 Administrator of the Federal Transit
22 Administration and organizations rep-
23 resenting public transit agencies, con-
24 ducting and disseminating research
25 to—

1 “(aa) provide transit work-
2 force job projections and identify
3 training needs and gaps;

4 “(bb) determine the most
5 cost-effective methods for transit
6 workforce training and develop-
7 ment, including return on invest-
8 ment analysis;

9 “(cc) identify the most effec-
10 tive methods for implementing
11 successful safety systems and a
12 positive safety culture; and

13 “(dd) promote transit work-
14 force best practices for achieving
15 cost-effective, quality, safe, and
16 reliable public transportation
17 services.

18 “(C) COORDINATION.—The Secretary shall
19 coordinate activities under this section, to the
20 maximum extent practicable, with the National
21 Office of Apprenticeship of the Department of
22 Labor and the Office of Career, Technical, and
23 Adult Education of the Department of Edu-
24 cation.

25 “(D) AVAILABILITY OF AMOUNTS.—

1 “(i) IN GENERAL.—Not more than 1
2 percent of amounts made available to a re-
3 cipient under sections 5307, 5311, 5337,
4 and 5339 is available for expenditures by
5 the recipient, with the approval of the Sec-
6 retary, to pay not more than 80 percent of
7 the cost of eligible activities under this
8 subsection.

9 “(ii) EXISTING PROGRAMS.—A recipi-
10 ent may use amounts made available under
11 clause (i) to carry out existing local edu-
12 cation and training programs for public
13 transportation employees supported by the
14 Secretary, the Department of Labor, or
15 the Department of Education.”;

16 (2) in paragraph (3) by striking “or (2)”; and

17 (3) by striking paragraph (4).

18 **SEC. 2602. PUBLIC TRANSPORTATION SAFETY PROGRAM.**

19 Section 5329 of title 49, United States Code, is
20 amended—

21 (1) in subsection (b)(2)(C)(ii)—

22 (A) in subclause (I) by striking “and” at
23 the end;

24 (B) in subclause (II) by striking the semi-
25 colon and inserting “; and”; and

1 (C) by adding at the end the following:

2 “(III) innovations in driver as-
3 sistance technologies and driver pro-
4 tection infrastructure where appro-
5 priate.”;

6 (2) in subsection (d)—

7 (A) in paragraph (1)—

8 (i) in subparagraph (A) by inserting
9 “the safety committee established under
10 paragraph (4), and subsequently,” before
11 “the board of directors”;

12 (ii) in subparagraph (C) by striking
13 “public, personnel, and property” and in-
14 serting “public and personnel to injuries,
15 assaults, and fatalities, and strategies to
16 minimize the exposure of property”;

17 (iii) by striking subparagraph (G) and
18 inserting the following:

19 “(G) a comprehensive staff training pro-
20 gram for the operations and maintenance per-
21 sonnel and personnel directly responsible for
22 safety of the recipient that includes—

23 “(i) the completion of a safety train-
24 ing program;

1 “(ii) continuing safety education and
2 training; and

3 “(iii) de-escalation training; and

4 “(H) a requirement that the safety com-
5 mittee only approve a safety plan under sub-
6 paragraph (A) if such plan does not amend,
7 modify or conflict with the recipient’s fiscal
8 budget.”; and

9 (B) by adding at the end the following:

10 “(4) SAFETY COMMITTEE.—For purposes of the
11 approval process of an agency safety plan under
12 paragraph (1), the safety committee shall be con-
13 vened by a joint labor-management process and con-
14 sist of an equal number of—

15 “(A) frontline employee representatives, se-
16 lected by the labor organization representing
17 the plurality of the frontline workforce em-
18 ployed by the recipient, if applicable; and

19 “(B) employer or State representatives.”;
20 and

21 (3) in subsection (e)(4)(A)(v) by inserting “, in-
22 spection,” after “has investigative”.

1 **SEC. 2603. AUTOMATED VEHICLE TRANSIT WORKFORCE**
2 **STANDARDS.**

3 (a) PROHIBITION ON USE OF FUNDS.—No financial
4 assistance under chapter 53 of title 49, United States
5 Code, may be used for an automated vehicle providing
6 public transportation unless—

7 (1) the recipient of such assistance that pro-
8 poses to deploy an automated vehicle providing pub-
9 lic transportation certifies to the Secretary of Trans-
10 portation that the deployment does not duplicate,
11 eliminate, or reduce the frequency of existing public
12 transportation service; and

13 (2) the Secretary receives, approves, and pub-
14 lishes the workforce development plan under sub-
15 section (b) submitted by the eligible entity when re-
16 quired by subsection (b)(1).

17 (b) WORKFORCE DEVELOPMENT PLAN.—

18 (1) IN GENERAL.—A recipient of financial as-
19 sistance under chapter 53 of title 49, United States
20 Code, proposing to deploy an automated vehicle pro-
21 viding public transportation shall submit to the Sec-
22 retary, prior to implementation of such service, a
23 workforce development plan if such service, com-
24 bined with any other automated vehicle providing
25 public transportation offered by such recipient,

1 would exceed by more than 0.5 percent of the recipi-
2 ent's total transit passenger miles traveled.

3 (2) CONTENTS.—The workforce development
4 plan under subsection (a) shall include the following:

5 (A) A description of services offered by ex-
6 isting modes of public transportation in the
7 area served by the recipient that could be af-
8 fected by the proposed automated vehicle pro-
9 viding public transportation, including jobs and
10 functions of such jobs.

11 (B) A forecast of the number of jobs pro-
12 vided by existing modes of public transportation
13 that would be eliminated or that would be sub-
14 stantially changed and the number of jobs ex-
15 pected to be created by the proposed automated
16 vehicle providing public transportation over a 5-
17 year period from the date of the publication of
18 the workforce development plan.

19 (C) Identified gaps in skills needed to op-
20 erate and maintain the proposed automated ve-
21 hicle providing public transportation.

22 (D) A comprehensive plan to transition,
23 train, or retrain employees that could be af-
24 fected by the proposed automated vehicle pro-
25 viding public transportation.

1 (E) An estimated budget to transition,
2 train, or retrain employees impacted by the pro-
3 posed automated vehicle providing public trans-
4 portation over a 5-year period from the date of
5 the publication of the workforce development
6 plan.

7 (c) NOTICE REQUIRED.—

8 (1) IN GENERAL.—A recipient of financial as-
9 sistance under chapter 53 of title 49, United States
10 Code, shall issue a notice to employees who, due to
11 the use of an automated vehicle providing public
12 transportation, may be subjected to a loss of employ-
13 ment or a change in responsibilities not later than
14 60 days before issuing a request for proposals to
15 procure or contract for such a vehicle.

16 (2) CONTENT.—The notice required in para-
17 graph (1) shall include the following:

18 (A) A description of the automated vehicle
19 providing public transportation.

20 (B) The impact of the automated vehicle
21 providing public transportation on employment
22 positions, including a description of which em-
23 ployment positions will be affected and whether
24 any new positions will be created.

25 (d) DEFINITIONS.—In this section:

1 (1) AUTOMATED VEHICLE.—The term “auto-
2 mated vehicle” means a motor vehicle that—

3 (A) is capable of performing the entire
4 task of driving (including steering, accelerating
5 and decelerating, and reacting to external stim-
6 ulus) without human intervention; and

7 (B) is designed to be operated exclusively
8 by a Level 4 or Level 5 automated driving sys-
9 tem for all trips according to the recommended
10 practice standards published on June 15, 2018,
11 by the Society of Automotive Engineers Inter-
12 national (J3016__201806) or equivalent stand-
13 ards adopted by the Secretary with respect to
14 automated motor vehicles.

15 (2) PUBLIC TRANSPORTATION.—The term
16 “public transportation” has the meaning given such
17 term in section 5302 of title 49, United States Code.

18 **SEC. 2604. PERFORMANCE-BASED METRICS.**

19 Section 5329(d)(2) of title 49, United States Code,
20 is amended to read as follows:

21 “(2) PERFORMANCE-BASED METRICS SPECIAL
22 RULE.—

23 “(A) IN GENERAL.—

24 “(i) POPULATION OVER 200,000.—

25 With respect to a recipient serving an ur-

1 banized area with a population of over
2 200,000 that receives funds under section
3 5307, for each reported exceeded metric in
4 a fiscal year, such recipient shall allocate
5 2.5 percent of such funds for the subse-
6 quent 2 fiscal years to projects described
7 in subparagraph (B).

8 “(ii) POPULATION OF 200,000 OR
9 LESS.—With respect to a recipient serving
10 an urbanized area with a population of
11 200,000 or less that receives funds under
12 section 5307, if such recipient submits a
13 reported exceeded metric for the perform-
14 ance-based metric described in subpara-
15 graph (C)(i)(III), such recipient shall allo-
16 cate 2.5 percent of such funds for the sub-
17 sequent 2 fiscal years to projects described
18 in subparagraph (B).

19 “(B) ELIGIBLE PROJECTS.—Funds set
20 aside under this paragraph shall be used for
21 projects that are reasonably likely to reduce in-
22 juries and fatalities identified in a reported ex-
23 ceeded metric, including state of good repair
24 projects, increased safety inspections, modifica-

1 tions to rolling stock, and de-escalation train-
2 ing.

3 “(C) DEFINITIONS.—In this paragraph:

4 “(i) PERFORMANCE-BASED METRIC.—
5 The term ‘performance-based metric’
6 means the number of—

7 “(I) passenger and workforce in-
8 juries by total revenue vehicle miles
9 attributed to rail;

10 “(II) passenger and workforce fa-
11 talities by total revenue vehicle miles
12 attributed to rail;

13 “(III) passenger and workforce
14 injuries by total revenue vehicle miles
15 attributed to buses; and

16 “(IV) passenger and workforce
17 fatalities by total revenue vehicle miles
18 attributed to buses.

19 “(ii) REPORTED EXCEEDED MET-
20 RIC.—The term ‘reported exceeded metric’
21 means a performance-based metric based
22 on a recipient report to the National Tran-
23 sit Database that demonstrates such met-
24 ric exceeds the national average (as deter-

1 mined by the Secretary) by 50 percent in
2 a fiscal year.”.

3 **Subtitle G—Transit-Supportive**
4 **Communities**

5 **SEC. 2701. TRANSIT-SUPPORTIVE COMMUNITIES.**

6 (a) IN GENERAL.—Chapter 53 of subtitle III of title
7 49, United States Code, is amended by inserting after sec-
8 tion 5327 the following:

9 **“§ 5328. Transit-supportive communities**

10 “(a) ESTABLISHMENT.—The Secretary shall estab-
11 lish within the Federal Transit Administration, an Office
12 of Transit-Supportive Communities to make grants, pro-
13 vide technical assistance, and assist in the coordination
14 of transit and housing policies within the Federal Transit
15 Administration, the Department of Transportation, and
16 across the Federal Government.

17 “(b) TRANSIT ORIENTED DEVELOPMENT PLANNING
18 GRANT PROGRAM.—

19 “(1) DEFINITION.—In this subsection the term
20 ‘eligible project’ means—

21 “(A) a new fixed guideway capital project
22 or a core capacity improvement project as de-
23 fined in section 5309;

1 “(B) an existing fixed guideway system, or
2 an existing station that is served by a fixed
3 guideway system; or

4 “(C) the immediate corridor along the
5 highest 25 percent of routes by ridership as
6 demonstrated in section 5336(b)(2)(B).

7 “(2) GENERAL AUTHORITY.—The Secretary
8 may make grants under this subsection to a State
9 or local governmental authority to assist in financing
10 comprehensive planning associated with an eligible
11 project that seeks to—

12 “(A) enhance economic development, rider-
13 ship, and other goals established during the
14 project development and engineering processes
15 or the grant application;

16 “(B) facilitate multimodal connectivity and
17 accessibility;

18 “(C) increase access to transit hubs for pe-
19 destrian and bicycle traffic;

20 “(D) enable mixed-use development;

21 “(E) identify infrastructure needs associ-
22 ated with the eligible project; and

23 “(F) include private sector participation.

24 “(3) ELIGIBILITY.—A State or local govern-
25 mental authority that desires to participate in the

1 program under this subsection shall submit to the
2 Secretary an application that contains at a min-
3 imum—

4 “(A) an identification of an eligible project;

5 “(B) a schedule and process for the devel-
6 opment of a comprehensive plan;

7 “(C) a description of how the eligible
8 project and the proposed comprehensive plan
9 advance the metropolitan transportation plan of
10 the metropolitan planning organization;

11 “(D) proposed performance criteria for the
12 development and implementation of the com-
13 prehensive plan;

14 “(E) a description of how the project will
15 reduce and mitigate social and economic im-
16 pacts on existing residents and businesses vul-
17 nerable to displacement; and

18 “(F) identification of—

19 “(i) partners;

20 “(ii) availability of and authority for
21 funding; and

22 “(iii) potential State, local or other
23 impediments to the implementation of the
24 comprehensive plan.

1 “(4) COST SHARE.—A grant under this sub-
2 section shall not exceed an amount in excess of 80
3 percent of total project costs, except that a grant
4 that includes an affordable housing component shall
5 not exceed an amount in excess of 90 percent of
6 total project costs.

7 “(c) TECHNICAL ASSISTANCE.—The Secretary shall
8 provide technical assistance to local governmental authori-
9 ties and states in the planning and development of transit-
10 oriented development projects and transit supportive cor-
11 ridor policies, including—

12 “(1) the siting, planning, financing, and inte-
13 gration of transit-oriented development projects;

14 “(2) the integration of transit-oriented develop-
15 ment and transit-supportive corridor policies in the
16 preparation for and development of an application
17 for funding under section 602 of title 23;

18 “(3) the siting, planning, financing, and inte-
19 gration of transit-oriented development and transit
20 supportive corridor policies associated with projects
21 under section 5309;

22 “(4) the development of housing feasibility as-
23 sessments as allowed under section 5309(g)(3)(B);

1 “(5) the development of transit-supportive cor-
2 ridor policies that promote transit ridership and
3 transit-oriented development;

4 “(6) the development, implementation, and
5 management of land value capture programs; and

6 “(7) the development of model contracts, model
7 codes, and best practices for the implementation of
8 transit-oriented development projects and transit-
9 supportive corridor policies.

10 “(d) EQUITY.—In providing technical assistance
11 under subsection (c), the Secretary shall incorporate strat-
12 egies to promote equity for underrepresented and under-
13 served communities, including—

14 “(1) preventing displacement of existing resi-
15 dents and businesses;

16 “(2) mitigating rent and housing price in-
17 creases;

18 “(3) incorporating affordable rental and owner-
19 ship housing in transit-oriented development;

20 “(4) engaging under-served, limited English
21 proficiency, low income, and minority communities
22 in the planning process; and

23 “(5) fostering economic development opportuni-
24 ties for existing residents and businesses.

1 “(e) AUTHORITY TO REQUEST STAFFING ASSIST-
2 ANCE.—In fulfilling the duties of this section, the Sec-
3 retary shall, as needed, request staffing and technical as-
4 sistance from other Federal agencies, programs, adminis-
5 trations, boards, or commissions.

6 “(f) REVIEW EXISTING POLICIES AND PROGRAMS.—
7 Not later than 24 months after the date of enactment of
8 this section, the Secretary shall review and evaluate all
9 existing policies and programs within the Federal Transit
10 Administration that support or promote transit-oriented
11 development to ensure their coordination and effectiveness
12 relative to the goals of this section.

13 “(g) REPORTING.—Not later than February 1 of
14 each year beginning the year after the date of enactment
15 of this section, the Secretary shall prepare a report detail-
16 ing the grants and technical assistance provided under this
17 section. The report shall be provided to the Committee on
18 Transportation and Infrastructure of the House of Rep-
19 resentatives and the Committee on Banking, Housing and
20 Urban Affairs of the Senate.

21 “(h) SAVINGS CLAUSE.—Nothing in this section au-
22 thorizes the Secretary to provide any financial assistance
23 for the construction of housing.”.

24 (b) CLERICAL AMENDMENT.—The analysis for chap-
25 ter 53 of subtitle III of title 49, United States Code, is

1 amended by inserting after the item relating to section
2 5327 the following:

“5328. Transit-supportive communities.”.

3 (c) TECHNICAL AND CONFORMING AMENDMENT.—
4 Section 20005 of the MAP-21 (Public Law 112-141) is
5 amended—

6 (1) by striking “(a) AMENDMENT.—”; and

7 (2) by striking subsection (b).

8 **SEC. 2702. PROPERTY DISPOSITION FOR AFFORDABLE**
9 **HOUSING.**

10 Section 5334(h)(1) of title 49, United States Code,
11 is amended to read as follows:

12 “(1) IN GENERAL.—If a recipient of assistance
13 under this chapter decides an asset acquired under
14 this chapter at least in part with that assistance is
15 no longer needed for the purpose for which such
16 asset was acquired, the Secretary may authorize the
17 recipient to transfer such asset to—

18 “(A) a local governmental authority to be
19 used for a public purpose with no further obli-
20 gation to the Government if the Secretary de-
21 cides—

22 “(i) the asset will remain in public use
23 for at least 5 years after the date the asset
24 is transferred;

1 “(ii) there is no purpose eligible for
2 assistance under this chapter for which the
3 asset should be used;

4 “(iii) the overall benefit of allowing
5 the transfer is greater than the interest of
6 the Government in liquidation and return
7 of the financial interest of the Government
8 in the asset, after considering fair market
9 value and other factors; and

10 “(iv) through an appropriate screen-
11 ing or survey process, that there is no in-
12 terest in acquiring the asset for Govern-
13 ment use if the asset is a facility or land;
14 or

15 “(B) a local governmental authority, non-
16 profit organization, or other third party entity
17 to be used for the purpose of transit-oriented
18 development with no further obligation to the
19 Government if the Secretary decides—

20 “(i) the asset is a necessary compo-
21 nent of a proposed transit-oriented devel-
22 opment project;

23 “(ii) the transit-oriented development
24 project will increase transit ridership;

1 “(iii) at least 15 percent of the hous-
2 ing units offered in the transit-oriented de-
3 velopment are legally binding affordability
4 restricted to tenants with incomes below
5 60 percent of the area median income and/
6 or owners with incomes below 60 percent
7 the area median income;

8 “(iv) the asset will remain in use as
9 described in this section for at least 15
10 years after the date the asset is trans-
11 ferred; and

12 “(v) with respect to a transfer to a
13 third party entity—

14 “(I) a local government authority
15 or nonprofit organization is unable to
16 receive the property; and

17 “(II) the overall benefit of allow-
18 ing the transfer is greater than the in-
19 terest of the Government in liquida-
20 tion and return of the financial inter-
21 est of the Government in the asset,
22 after considering fair market value
23 and other factors.”.

1 **SEC. 2703. AFFORDABLE HOUSING INCENTIVES IN CAPITAL**
2 **INVESTMENT GRANTS.**

3 Section 5309 of title 49, United States Code, is
4 amended—

5 (1) in subsection (g)—

6 (A) in paragraph (2)(B)—

7 (i) in clause (i) by striking “; and”
8 and inserting a semicolon;

9 (ii) in clause (ii) by striking the pe-
10 riod and inserting “; and”; and

11 (iii) by adding at the end the fol-
12 lowing:

13 “(iii) in the case of a new fixed guide-
14 way capital project or a core capacity im-
15 provement project, allow a weighting five
16 points greater to the economic development
17 subfactor and five points lesser to the low-
18 est scoring subfactor if the applicant dem-
19 onstrates substantial efforts to preserve or
20 encourage affordable housing near the
21 project by providing documentation of poli-
22 cies that allow by-right multi-family hous-
23 ing, single room occupancy units, or acces-
24 sory dwelling units, providing local capital
25 sources for transit-oriented development,

1 or demonstrate other methods as deter-
2 mined by the Secretary.”; and

3 (B) in paragraph (3), as amended by this
4 Act, by adding at the end the following:

5 “(B) establish a warrant that applies to
6 the economic development project justification
7 criteria, provided that the applicant that re-
8 quests a warrant under this process has com-
9 pleted and submitted a housing feasibility as-
10 sessment.”; and

11 (2) in subsection (l)(4)—

12 (A) in subparagraph (B) by striking “; or”
13 and inserting a semicolon;

14 (B) in subparagraph (C) by striking the
15 period and inserting “; or”; and

16 (C) by adding at the end the following:

17 “(D) from grant proceeds distributed
18 under section 103 of the Housing and Commu-
19 nity Development Act of 1974 (42 U.S.C.
20 5303) or section 201 of the Public Works and
21 Economic Development Act of 1965 (42 U.S.C.
22 3141) provided that—

23 “(i) such funds are used in conjunc-
24 tion with the planning or development of
25 affordable housing; and

1 “(ii) such affordable housing is lo-
2 cated within one-half of a mile of a new
3 station.”.

4 **Subtitle H—Innovation**

5 **SEC. 2801. MOBILITY INNOVATION SANDBOX PROGRAM.**

6 Section 5312(d) of title 49, United States Code, is
7 amended by adding at the end the following:

8 “(3) MOBILITY INNOVATION SANDBOX PRO-
9 GRAM.—The Secretary may make funding available
10 under this subsection to carry out research on mobil-
11 ity on demand and mobility as a service activities eli-
12 gible under section 5316.”.

13 **SEC. 2802. TRANSIT BUS OPERATOR COMPARTMENT REDE- 14 SIGN PROGRAM.**

15 Section 5312(d) of title 49, United States Code, is
16 further amended by adding at the end the following:

17 “(4) TRANSIT BUS OPERATOR COMPARTMENT
18 REDESIGN PROGRAM.—

19 “(A) IN GENERAL.—The Secretary may
20 make funding available under this subsection to
21 carry out research on redesigning transit bus
22 operator compartments to improve safety, oper-
23 ational efficiency, and passenger accessibility.

24 “(B) OBJECTIVES.—Research objectives
25 under this paragraph shall include—

1 “(i) increasing bus operator safety
2 from assaults;

3 “(ii) optimizing operator visibility and
4 reducing operator distractions to improve
5 safety of bus passengers, pedestrians,
6 bicyclists, and other roadway users;

7 “(iii) expanding passenger accessi-
8 bility for positive interactions between op-
9 erators and passengers, including assisting
10 passengers in need of special assistance;

11 “(iv) accommodating compliance for
12 passenger boarding, alighting, and secure-
13 ment with the Americans with Disabilities
14 Act of 1990 (42 U.S.C. 12101 et seq.);
15 and

16 “(v) improving ergonomics to reduce
17 bus operator work-related health issues
18 and injuries, as well as locate key instru-
19 ment and control interfaces to improve
20 operational efficiency and convenience.

21 “(C) ACTIVITIES.—Eligible activities under
22 this paragraph shall include—

23 “(i) measures to reduce visibility im-
24 pairments and distractions for bus opera-
25 tors that contribute to accidents, including

1 retrofits to buses in revenue service and
2 specifications for future procurements that
3 reduce visibility impairments and distrac-
4 tions;

5 “(ii) the deployment of assault mitiga-
6 tion infrastructure and technology on
7 buses, including barriers to restrict the un-
8 wanted entry of individuals and objects
9 into bus operators’ workstations;

10 “(iii) technologies to improve pas-
11 senger accessibility, including boarding,
12 alighting, and securement in compliance
13 with the Americans with Disabilities Act of
14 1990 (42 U.S.C. 12101 et seq.);

15 “(iv) installation of seating and modi-
16 fication to design specifications of bus op-
17 erator workstations that reduce or prevent
18 injuries from ergonomic risks; or

19 “(v) other measures that align with
20 the objectives under subparagraph (B).

21 “(D) ELIGIBLE ENTITIES.—Entities eligi-
22 ble to receive funding under this paragraph
23 shall include consortia consisting of, at a min-
24 imum:

1 “(i) recipients of funds under this
2 chapter that provide public transportation
3 services;

4 “(ii) transit vehicle manufacturers;

5 “(iii) representatives from organiza-
6 tions engaged in collective bargaining on
7 behalf of transit workers in not fewer than
8 3 States; and

9 “(iv) any nonprofit institution of high-
10 er education, as defined in section 101 of
11 the Higher Education Act of 1965 (20
12 U.S.C. 1001).”.

13 **SEC. 2803. FEDERAL TRANSIT ADMINISTRATION EVERY DAY**
14 **COUNTS INITIATIVE.**

15 Section 5312 of title 49, United States Code, as
16 amended by section 2503, is further amended by adding
17 at the end the following:

18 “(k) EVERY DAY COUNTS INITIATIVE.—

19 “(1) IN GENERAL.—It is in the national inter-
20 est for the Department of Transportation and recipi-
21 ents of Federal public transportation funds—

22 “(A) to identify, accelerate, and deploy in-
23 novation aimed at expediting project delivery,
24 enhancing the safety of transit systems of the
25 United States, and protecting the environment;

1 “(B) to ensure that the planning, design,
2 engineering, construction, and financing of
3 transportation projects is done in an efficient
4 and effective manner;

5 “(C) to promote the rapid deployment of
6 proven solutions that provide greater account-
7 ability for public investments; and

8 “(D) to create a culture of innovation
9 within the transit community.

10 “(2) FTA EVERY DAY COUNTS INITIATIVE.—To
11 advance the policies described in paragraph (1), the
12 Administrator of the Federal Transit Administration
13 shall adopt the Every Day Counts initiative to work
14 with recipients to identify and deploy the proven in-
15 novation practices and products that—

16 “(A) accelerate innovation deployment;

17 “(B) expedite the project delivery process;

18 “(C) improve environmental sustainability;

19 “(D) enhance transit safety;

20 “(E) expand mobility; and

21 “(F) reduce greenhouse gas emissions.

22 “(3) CONSIDERATION.—In accordance with the
23 Every Day Counts goals described in paragraphs (1)
24 and (2), the Administrator shall consider research

1 conducted through the university transportation cen-
2 ters program in section 5505.

3 “(4) INNOVATION DEPLOYMENT.—

4 “(A) IN GENERAL.—At least every 2 years,
5 the Administrator shall work collaboratively
6 with recipients to identify a new collection of in-
7 novations, best practices, and data to be de-
8 ployed to recipients through case studies,
9 webinars, and demonstration projects.

10 “(B) REQUIREMENTS.—In identifying a
11 collection described in subparagraph (A), the
12 Secretary shall take into account market readi-
13 ness, impacts, benefits, and ease of adoption of
14 the innovation or practice.

15 “(5) PUBLICATION.—Each collection identified
16 under paragraph (4) shall be published by the Ad-
17 ministrator on a publicly available website.”.

18 **SEC. 2804. TECHNICAL CORRECTIONS.**

19 Section 5312 of title 49, United States Code, as
20 amended in section 2503 and 2803, is further amended—

21 (1) in subsection (e)—

22 (A) in paragraph (3)(C) by striking “low
23 or no emission vehicles, zero emission vehicles,”
24 and inserting “zero emission vehicles”; and

1 (B) by striking paragraph (6) and insert-
2 ing the following:

3 “(6) ZERO EMISSION VEHICLE DEFINED.—In
4 this subsection, the term ‘zero emission vehicle’
5 means a passenger vehicle used to provide public
6 transportation that produces no carbon or particu-
7 late matter.”;

8 (2) by redesignating the first subsection (g) as
9 subsection (f); and

10 (3) in subsection (h)—

11 (A) in the header by striking “LOW OR NO
12 EMISSION” and inserting “ZERO EMISSION”;

13 (B) in paragraph (1)—

14 (i) by striking subparagraph (B) and
15 inserting the following:

16 “(B) the term ‘zero emission vehicle’ has
17 the meaning given such term in subsection
18 (e)(6);” and

19 (ii) in subparagraph (D) by striking
20 “low or no emission vehicle” and inserting
21 “zero emission vehicle” each place such
22 term appears;

23 (C) in paragraph (2)—

1 (i) in the heading by striking “LOW
2 OR NO EMISSION” and inserting “ZERO
3 EMISSION”; and

4 (ii) by striking “low or no emission”
5 and inserting “zero emission” each place
6 such term appears;

7 (D) in paragraph (3) by striking “low or
8 no emission” and inserting “zero emission”
9 each place such term appears; and

10 (E) in paragraph (5)(A) by striking “low
11 or no emission” and inserting “zero emission”.

12 **Subtitle I—Other Program** 13 **Reauthorizations**

14 **SEC. 2901. REAUTHORIZATION FOR CAPITAL AND PREVEN-** 15 **TIVE MAINTENANCE PROJECTS FOR WASH-** 16 **INGTON METROPOLITAN AREA TRANSIT AU-** 17 **THORITY.**

18 Section 601 of the Passenger Rail Investment and
19 Improvement Act of 2008 (Public Law 110–432) is
20 amended—

21 (1) in subsection (b) by striking “The Federal”
22 and inserting “Except as provided in subsection
23 (f)(2), the Federal”;

24 (2) by striking subsections (d) through (f) and
25 inserting the following:

1 “(d) REQUIRED BOARD APPROVAL.—No amounts
2 may be provided to the Transit Authority under this sec-
3 tion until the Transit Authority certifies to the Secretary
4 of Transportation that—

5 “(1) a board resolution has passed on or before
6 July 1, 2021, and is in effect for the period of July
7 1, 2022 through June 30, 2031, that—

8 “(A) establishes an independent budget au-
9 thority for the Office of Inspector General of
10 the Transit Authority;

11 “(B) establishes an independent procure-
12 ment authority for the Office of Inspector Gen-
13 eral of the Transit Authority;

14 “(C) establishes an independent hiring au-
15 thority for the Office of Inspector General of
16 the Transit Authority;

17 “(D) ensures the Inspector General of the
18 Transit Authority can obtain legal advice from
19 a counsel reporting directly to the Inspector
20 General;

21 “(E) requires the Inspector General of the
22 Transit Authority to submit recommendations
23 for corrective action to the General Manager
24 and the Board of Directors of the Transit Au-
25 thority;

1 “(F) requires the Inspector General of the
2 Transit Authority to publish any recommenda-
3 tion described in subparagraph (E) on the
4 website of the Office of Inspector General of the
5 Transit Authority, except that the Inspector
6 General may redact personally identifiable in-
7 formation and information that, in the deter-
8 mination of the Inspector General, would pose
9 a security risk to the systems of the Transit
10 Authority;

11 “(G) requires the Board of Directors of
12 the Transit Authority to provide written notice
13 to the Committee on Transportation and Infra-
14 structure of the House of Representatives and
15 the Committee on Banking, Housing, and
16 Urban Affairs of the Senate not less than 30
17 days before the Board of Directors removes the
18 Inspector General of the Transit Authority,
19 which shall include the reasons for removal and
20 supporting documentation; and

21 “(H) prohibits the Board of Directors from
22 removing the Inspector General of the Transit
23 Authority unless the Board of Directors has
24 provided a 30 day written notification as de-
25 scribed in subparagraph (G) that documents—

- 1 “(i) a permanent incapacity;
2 “(ii) a neglect of duty;
3 “(iii) malfeasance;
4 “(iv) a conviction of a felony or con-
5 duct involving moral turpitude;
6 “(v) a knowing violation of a law or
7 regulation;
8 “(vi) gross mismanagement;
9 “(vii) a gross waste of funds;
10 “(viii) an abuse of authority; or
11 “(ix) inefficiency; and

12 “(2) the Code of Ethics for Members of the
13 WMATA Board of Directors passed on September
14 26, 2019, remains in effect, or the Inspector General
15 of the Transit Authority has concurred with any
16 modifications to the Code of Ethics by the Board.

17 “(e) AUTHORIZATIONS.—

18 “(1) IN GENERAL.—There are authorized to be
19 appropriated to the Secretary of Transportation for
20 grants under this section—

21 “(A) for fiscal year 2021, \$150,000,000;

22 “(B) for fiscal year 2022, \$155,000,000;

23 “(C) for fiscal year 2023, \$160,000,000;

24 “(D) for fiscal year 2024, \$165,000,000;

25 “(E) for fiscal year 2025, \$170,000,000;

1 “(F) for fiscal year 2026, \$175,000,000;
2 “(G) for fiscal year 2027, \$180,000,000;
3 “(H) for fiscal year 2028, \$185,000,000;
4 “(I) for fiscal year 2029, \$190,000,000;
5 and
6 “(J) for fiscal year 2030, \$200,000,000.

7 “(2) SET ASIDE FOR OFFICE OF INSPECTOR
8 GENERAL OF TRANSIT AUTHORITY.—From the
9 amounts in paragraph (1), the Transit Authority
10 shall provide at least 7 percent for each fiscal year
11 to the Office of Inspector General of the Transit Au-
12 thority to carry out independent and objective au-
13 dits, investigations, and reviews of Transit Authority
14 programs and operations to promote economy, effi-
15 ciency, and effectiveness, and to prevent and detect
16 fraud, waste, and abuse in such programs and oper-
17 ations.”; and

18 (3) by redesignating subsection (g) as sub-
19 section (f).

20 **SEC. 2902. OTHER APPORTIONMENTS.**

21 Section 5336 of title 49, United States Code, is
22 amended—

23 (1) in subsection (h)—

1 (A) in the matter preceding paragraph (1)
2 by striking “section 5336(a)(2)(C)” and insert-
3 ing “section 5336(a)(2)(B)”;

4 (B) by amending paragraph (1) to read as
5 follows:

6 “(1) to carry out section 5307(h)—

7 “(A) \$60,906,000 shall be set aside in fis-
8 cal year 2022;

9 “(B) \$61,856,134 shall be set aside in fis-
10 cal year 2023;

11 “(C) \$62,845,832 shall be set aside in fis-
12 cal year 2024; and

13 “(D) \$63,832,511 shall be set aside in fis-
14 cal year 2025;”;

15 (C) in paragraph (2) by striking “3.07
16 percent” and inserting “6 percent”; and

17 (D) by amending paragraph (3) to read as
18 follows:

19 “(3) of amounts not apportioned under para-
20 graphs (1) and (2), 3 percent shall be apportioned
21 to urbanized areas with populations of less than
22 200,000 in accordance with subsection (i);”;

23 (2) in subsection (i) by adding at the end the
24 following:

1 “(3) CENSUS PHASE-OUT.—Before apportioning
 2 funds under subsection (h)(3), for any urbanized
 3 area that is no longer an eligible area due to a
 4 change in population in the most recent decennial
 5 census, the Secretary shall apportion to such urban-
 6 ized area, for 3 fiscal years, an amount equal to half
 7 of the funds apportioned to such urbanized area pur-
 8 suant to this subsection for the previous fiscal
 9 year.”.

10 **Subtitle J—Streamlining**

11 **SEC. 2911. FIXED GUIDEWAY CAPITAL INVESTMENT** 12 **GRANTS.**

13 Section 5309 of title 49, United States Code, as
 14 amended by section 2703 of this Act, is further amend-
 15 ed—

16 (1) in subsection (a)—

17 (A) by striking paragraph (6);

18 (B) by redesignating paragraph (7) as
 19 paragraph (6); and

20 (C) in paragraph (6), as so redesignated;

21 (i) in subparagraph (A) by striking
 22 “\$100,000,000” and inserting
 23 “\$320,000,000”; and

1 (ii) in subparagraph (B) by striking
2 “\$300,000,000” and inserting
3 “\$400,000,000”;

4 (2) in subsection (b)(2) by inserting “expanding
5 station capacity,” after “construction of infill sta-
6 tions,”;

7 (3) in subsection (d)(1)—

8 (A) in subparagraph (C)(i) by striking “2
9 years” and inserting “3 years”; and

10 (B) by adding at the end the following:

11 “(D) OPTIONAL PROJECT DEVELOPMENT
12 ACTIVITIES.—An applicant may perform cost
13 and schedule risk assessments with technical
14 assistance provided by the Secretary.

15 “(E) STATUTORY CONSTRUCTION.—Noth-
16 ing in this section shall be construed as author-
17 izing the Secretary to require cost and schedule
18 risk assessments in the project development
19 phase.”;

20 (4) in subsection (e)(1)—

21 (A) in subparagraph (C)(i) by striking “2
22 years” and inserting “3 years”; and

23 (B) by adding at the end the following:

24 “(D) OPTIONAL PROJECT DEVELOPMENT
25 ACTIVITIES.—An applicant may perform cost

1 and schedule risk assessments with technical
2 assistance provided by the Secretary.

3 “(E) STATUTORY CONSTRUCTION.—Noth-
4 ing in this section shall be construed as author-
5 izing the Secretary to require cost and schedule
6 risk assessments in the project development
7 phase.”;

8 (5) in subsection (e)(2)(A)(iii)(II) by striking
9 “5 years” and inserting “10 years”;

10 (6) in subsection (f)—

11 (A) in paragraph (1) by striking “sub-
12 section (d)(2)(A)(v)” and inserting “subsection
13 (d)(2)(A)(iv)”;

14 (B) in paragraph (2)—

15 (i) by striking “subsection
16 (d)(2)(A)(v)” and inserting “subsection
17 (d)(2)(A)(iv)”;

18 (ii) in subparagraph (D) by adding
19 “and” at the end;

20 (iii) by striking subparagraph (E);

21 and

22 (iv) by redesignating subparagraph
23 (F) as subparagraph (E); and

24 (C) by adding at the end the following:

1 “(3) COST-SHARE INCENTIVES.—For a project
2 for which a lower cost share is elected by the appli-
3 cant under subsection (l)(1)(C), the Secretary shall
4 apply the following requirements and considerations
5 in lieu of paragraphs (1) and (2):

6 “(A) REQUIREMENTS.—In determining
7 whether a project is supported by local financial
8 commitment and shows evidence of stable and
9 dependable financing sources for purposes of
10 subsection (d)(2)(A)(iv) or (e)(2)(A)(v), the
11 Secretary shall require that—

12 “(i) the proposed project plan pro-
13 vides for the availability of contingency
14 amounts that the applicant determines to
15 be reasonable to cover unanticipated cost
16 increases or funding shortfalls;

17 “(ii) each proposed local source of
18 capital and operating financing is stable,
19 reliable, and available within the proposed
20 project timetable;

21 “(iii) an applicant certifies that local
22 resources are available to recapitalize,
23 maintain, and operate the overall existing
24 and proposed public transportation system,
25 including essential feeder bus and other

1 services necessary to achieve the projected
2 ridership levels without requiring a reduc-
3 tion in existing public transportation serv-
4 ices or level of service to operate the
5 project; and

6 “(iv) an executed full funding grant
7 agreement has at least 75 percent of local
8 financial commitment committed and the
9 remaining percentage budgeted for the pro-
10 posed purposes.

11 “(B) CONSIDERATIONS.—In assessing the
12 stability, reliability, and availability of proposed
13 sources of local financing for purposes of sub-
14 section (d)(2)(A)(iv) or (e)(2)(A)(v), the Sec-
15 retary shall consider—

16 “(i) the reliability of the forecasting
17 methods used to estimate costs and reve-
18 nues made by the recipient and the con-
19 tractors to the recipient;

20 “(ii) existing grant commitments;

21 “(iii) any debt obligation that exists,
22 or is proposed by the recipient, for the pro-
23 posed project or other public transpor-
24 tation purpose; and

1 “(iv) private contributions to the
2 project, including cost-effective project de-
3 livery, management or transfer of project
4 risks, expedited project schedule, financial
5 partnering, and other public-private part-
6 nership strategies.

7 “(4) CONTINGENCY SHARE.—For purposes of
8 paragraph (1)(A), the Secretary shall provide 50
9 percent of the recommended contingency established
10 by the project management oversight contractor
11 under section 5327 in addition to the grant amount
12 set in subsection (k)(2)(C)(ii).”;

13 (7) in subsection (g)—

14 (A) in paragraph (2)(A) by striking “de-
15 gree of local financial commitment” and insert-
16 ing “criteria in subsection (f)” each place it ap-
17 pears;

18 (B) in paragraph (3) by striking “The Sec-
19 retary shall” and all that follows through the
20 end and inserting the following: “The Secretary
21 shall—

22 “(A) to the maximum extent practicable,
23 develop and use special warrants for making a
24 project justification determination under sub-
25 section (d)(2) or (e)(2), as applicable, for a

1 project proposed to be funded using a grant
2 under this section if—

3 “(i) the share of the cost of the
4 project to be provided under this section—

5 “(I) does not exceed
6 \$500,000,000 and the total project
7 cost does not exceed \$1,000,000,000;
8 or

9 “(II) complies with subsection
10 (l)(1)(C);

11 “(ii) the applicant requests the use of
12 the warrants;

13 “(iii) the applicant certifies that its
14 existing public transportation system is in
15 a state of good repair; and

16 “(iv) the applicant meets any other
17 requirements that the Secretary considers
18 appropriate to carry out this subsection;
19 and”;

20 (C) by striking paragraph (5) and insert-
21 ing the following:

22 “(5) POLICY GUIDANCE.—The Secretary shall
23 issue policy guidance on the review and evaluation
24 process and criteria not later than 180 days after

1 the date of enactment of the INVEST in America
2 Act.”;

3 (D) by striking paragraph (6) and insert-
4 ing the following:

5 “(6) TRANSPARENCY.—Not later than 30 days
6 after the Secretary receives a written request from
7 an applicant for all remaining information necessary
8 to obtain 1 or more of the following, the Secretary
9 shall provide such information to the applicant:

10 “(A) Project advancement.

11 “(B) Medium or higher rating.

12 “(C) Warrant.

13 “(D) Letter of intent.

14 “(E) Early systems work agreement.”; and

15 (E) in paragraph (7) by striking “the Fed-
16 eral Public Transportation Act of 2012” and
17 inserting “the INVEST in America Act”;

18 (8) in subsection (h)—

19 (A) in paragraph (5) by striking the period
20 at the end and inserting the following: “, except
21 that for a project for which a lower local cost
22 share is elected under subsection (l)(1)(C), the
23 Secretary shall enter into a grant agreement
24 under this subsection for any such project
25 that—

1 “(A) has at least 75 percent of local finan-
2 cial commitment committed and the remaining
3 percentage budgeted for the proposed purposes;
4 and

5 “(B) establishes contingency amounts that
6 the applicant determines to be reasonable to
7 cover unanticipated cost increases or funding
8 shortfalls.”; and

9 (B) in paragraph (7)(C) by striking “10
10 days” and inserting “3 days”;

11 (9) by striking subsection (i) and inserting the
12 following:

13 “(i) INTERRELATED PROJECTS.—

14 “(1) RATINGS IMPROVEMENT.—The Secretary
15 shall grant a rating increase of 1 level in mobility
16 improvements to any project being rated under sub-
17 section (d), (e), or (h), if the Secretary certifies that
18 the project has a qualifying interrelated project that
19 meets the requirements of paragraph (2).

20 “(2) INTERRELATED PROJECT.—A qualifying
21 interrelated project is a transit project that—

22 “(A) is adopted into the metropolitan
23 transportation plan required under section
24 5303;

1 “(B) has received a class of action designa-
2 tion under the National Environmental Policy
3 Act of 1969 (42 U.S.C. 4321 et seq.);

4 “(C) will likely increase ridership on the
5 project being rated in subsection (d), (e), or
6 (h), respectively, as determined by the Sec-
7 retary; and

8 “(D) meets 1 of the following criteria:

9 “(i) Extends the corridor of the
10 project being rated in subsection (d), (e),
11 or (h), respectively.

12 “(ii) Provides a direct passenger
13 transfer to the project being rated in sub-
14 section (d), (e), or (h), respectively.”;

15 (10) in subsection (k)(5) by striking “30 days”
16 and inserting “3 days”;

17 (11) in subsection (l)—

18 (A) in paragraph (1) by striking subpara-
19 graph (B) and inserting the following:

20 “(B) CAP.—Except as provided in sub-
21 paragraph (C), a grant for a project under this
22 section shall not exceed 80 percent of the net
23 capital project cost, except that a grant for a
24 core capacity improvement project shall not ex-
25 ceed 80 percent of the net capital project cost

1 of the incremental cost to increase the capacity
2 in the corridor.

3 “(C) APPLICANT ELECTION OF LOWER
4 LOCAL COST SHARE.—An applicant may elect a
5 lower local cost share for a project under this
6 section for purposes of application of the cost-
7 share incentives under subsection (f)(3). Such
8 cost share shall not exceed 60 percent of the
9 net capital project cost, except that for a grant
10 for a core capacity improvement project such
11 cost share shall not exceed 60 percent of the
12 net capital project cost of the incremental cost
13 to increase the capacity in the corridor.”;

14 (B) by striking paragraph (5) and insert-
15 ing the following:

16 “(5) LIMITATION ON STATUTORY CONSTRUC-
17 TION.—Nothing in this section shall be construed as
18 authorizing the Secretary to require, incentivize (in
19 any manner not specified in this section), or place
20 additional conditions upon a non-Federal financial
21 commitment for a project that is more than 20 per-
22 cent of the net capital project cost or, for a core ca-
23 pacity improvement project, 20 percent of the net
24 capital project cost of the incremental cost to in-
25 crease the capacity in the corridor.”; and

1 (C) by striking paragraph (8);
2 (12) in subsection (o) by adding at the end the
3 following:

4 “(4) CIG PROGRAM DASHBOARD.—Not later
5 than the fifth day of each month, the Secretary shall
6 make publicly available on a website data on, includ-
7 ing the status of, each project under this section
8 that is in the project development phase, in the engi-
9 neering phase, or has received a grant agreement
10 and remains under construction. Such data shall in-
11 clude, for each project—

12 “(A) the amount and fiscal year of any
13 funding appropriated, allocated, or obligated for
14 the project;

15 “(B) the date on which the project—

16 “(i) entered the project development
17 phase;

18 “(ii) entered the engineering phase, if
19 applicable; and

20 “(iii) received a grant agreement, if
21 applicable; and

22 “(C) the status of review by the Federal
23 Transit Administration and the Secretary, in-
24 cluding dates of request, dates of acceptance of

1 request, and dates of a decision for each of the
2 following, if applicable:

3 “(i) A letter of no prejudice.

4 “(ii) An environmental impact state-
5 ment notice of intent.

6 “(iii) A finding of no significant envi-
7 ronmental impact.

8 “(iv) A draft environmental impact
9 statement.

10 “(v) A final environmental impact
11 statement.

12 “(vi) A record of decision on the final
13 environmental impact statement; and

14 “(vii) The status of the applicant in
15 securing the non-Federal match, based on
16 information provided by the applicant, in-
17 cluding the amount committed, budgeted,
18 planned, and undetermined.”; and

19 (13) by striking “an acceptable degree of” and
20 inserting “a” each place it appears.

21 **SEC. 2912. RURAL AND SMALL URBAN APPORTIONMENT**
22 **DEADLINE.**

23 Section 5336(d) of title 49, United States Code, is
24 amended—

1 (1) by redesignating paragraph (2) as para-
2 graph (3); and

3 (2) by inserting after paragraph (1) the fol-
4 lowing:

5 “(2) notwithstanding paragraph (1), apportion
6 amounts to the States appropriated under section
7 5338(a)(2) to carry out sections 5307, 5310, and
8 5311 not later than December 15 for which any
9 amounts are appropriated; and”.

10 **SEC. 2913. DISPOSITION OF ASSETS BEYOND USEFUL LIFE.**

11 Section 5334 of title 49, United States Code, is fur-
12 ther amended by adding at the end the following:

13 “(1) DISPOSITION OF ASSETS BEYOND USEFUL
14 LIFE.—

15 “(1) IN GENERAL.—If a recipient, or sub-
16 recipient, for assistance under this chapter disposes
17 of an asset with a current market value, or proceed
18 from the sale of such asset, acquired under this
19 chapter at least in part with such assistance, after
20 such asset has reached the useful life of such asset,
21 the Secretary shall allow the recipient, or sub-
22 recipient, to use the proceeds attributable to the
23 Federal share of such asset calculated under para-
24 graph (3) for capital projects under section 5307,
25 5310, or 5311.

1 “(2) MINIMUM VALUE.—This subsection shall
2 only apply to assets with a current market value, or
3 proceeds from sale, of at least \$5,000.

4 “(3) CALCULATION OF FEDERAL SHARE AT-
5 TRIBUTABLE.—The proceeds attributable to the
6 Federal share of an asset described in paragraph (1)
7 shall be calculated by multiplying—

8 “(A) the current market value of, or the
9 proceeds from the disposition of, such asset; by

10 “(B) the Federal share percentage for the
11 acquisition of such asset at the time of acquisi-
12 tion of such asset.”.

13 **SEC. 2914. INNOVATIVE COORDINATED ACCESS AND MOBIL-**
14 **ITY.**

15 Section 5310 of title 49, United States Code, as
16 amended by section 2205, is further amended by adding
17 at the end the following:

18 “(k) INNOVATIVE COORDINATED ACCESS AND MO-
19 BILITY.—

20 “(1) START UP GRANTS.—

21 “(A) IN GENERAL.—The Secretary may
22 make grants under this paragraph to eligible
23 recipients to assist in financing innovative
24 projects for the transportation disadvantaged
25 that improve the coordination of transportation

1 services and non-emergency medical transpor-
2 tation services.

3 “(B) APPLICATION.—An eligible recipient
4 shall submit to the Secretary an application
5 that, at a minimum, contains—

6 “(i) a detailed description of the eligi-
7 ble project;

8 “(ii) an identification of all eligible
9 project partners and the specific role of
10 each eligible project partner in the eligible
11 project, including—

12 “(I) private entities engaged in
13 the coordination of nonemergency
14 medical transportation services for the
15 transportation disadvantaged;

16 “(II) nonprofit entities engaged
17 in the coordination of nonemergency
18 medical transportation services for the
19 transportation disadvantaged; or

20 “(III) Federal entities engaged in
21 the coordination of nonemergency
22 medical transportation services for the
23 transportation disadvantaged; and

24 “(iii) a description of how the eligible
25 project shall—

1 “(I) improve local coordination or
2 access to coordinated transportation
3 services;

4 “(II) reduce duplication of serv-
5 ice, if applicable; and

6 “(III) provide innovative solu-
7 tions in the State or community.

8 “(C) PERFORMANCE MEASURES.—An eligi-
9 ble recipient shall specify, in an application for
10 a grant under this paragraph, the performance
11 measures the eligible project will use to quan-
12 tify actual outcomes against expected outcomes,
13 including—

14 “(i) reduced transportation expendi-
15 tures as a result of improved coordination;
16 and

17 “(ii) reduced healthcare expenditures
18 as a result of improved coordination.

19 “(D) ELIGIBLE USES.—Eligible recipients
20 receiving a grant under this section may use
21 such funds for—

22 “(i) the deployment of coordination
23 technology;

1 “(ii) projects that create or increase
2 access to community One-Call/One-Click
3 Centers;

4 “(iii) projects that integrate transpor-
5 tation for 3 or more of—

6 “(I) public transportation pro-
7 vided under this section;

8 “(II) a State plan approved
9 under title XIX of the Social Security
10 Act (42 U.S.C. 1396 et seq.);

11 “(III) title XVIII of the Social
12 Security Act (42 U.S.C. 1395 et seq.);

13 “(IV) Veterans Health Adminis-
14 tration; or

15 “(V) private health care facilities;
16 and

17 “(iv) such other projects as deter-
18 mined appropriate by the Secretary.

19 “(2) INCENTIVE GRANTS.—

20 “(A) IN GENERAL.—The Secretary may
21 make grants under this paragraph to eligible
22 recipients to incentivize innovative projects for
23 the transportation disadvantaged that improve
24 the coordination of transportation services and
25 non-emergency medical transportation services.

1 “(B) SELECTION OF GRANT RECIPI-
2 ENTS.—The Secretary shall distribute grant
3 funds made available to carry out this para-
4 graph as described in subparagraph (E) to eli-
5 gible recipients that apply and propose to dem-
6 onstrate improvement in the metrics described
7 in subparagraph (F).

8 “(C) ELIGIBILITY.—An eligible recipient
9 shall not be required to have received a grant
10 under paragraph (1) to be eligible to receive a
11 grant under this paragraph.

12 “(D) APPLICATIONS.—Eligible recipients
13 shall submit to the Secretary an application
14 that includes—

15 “(i) which metrics under subpara-
16 graph (F) the eligible recipient intends to
17 improve;

18 “(ii) the performance data eligible re-
19 cipients and the Federal, State, nonprofit,
20 and private partners of the eligible recipi-
21 ent will make available; and

22 “(iii) a proposed incentive formula
23 that makes payments to the eligible recipi-
24 ent based on the proposed data and
25 metrics.

1 “(E) DISTRIBUTION.—The Secretary shall
2 distribute funds made available to carry out
3 this paragraph based upon the number of grant
4 applications approved by the Secretary, number
5 of individuals served by each grant, and the in-
6 centive formulas approved by the Secretary
7 using the following metrics:

8 “(i) The reduced transportation ex-
9 penditures as a result of improved coordi-
10 nation.

11 “(ii) The reduced Federal healthcare
12 expenditures using the metrics described in
13 subparagraph (F).

14 “(iii) The reduced private healthcare
15 expenditures using the metrics described in
16 subparagraph (F).

17 “(F) HEALTHCARE METRICS.—Healthcare
18 metrics described in this subparagraph shall
19 be—

20 “(i) reducing missed medical appoint-
21 ments;

22 “(ii) the timely discharge of patients
23 from hospitals;

24 “(iii) reducing readmissions of pa-
25 tients into hospitals; and

1 “(iv) other measureable healthcare
2 metrics, as determined appropriate by the
3 Secretary.

4 “(G) ELIGIBLE EXPENDITURES.—The Sec-
5 retary shall allow the funds distributed by this
6 grant program to be expended on eligible activi-
7 ties described in paragraph (1)(D) and any eli-
8 gible activity under this section that is likely to
9 improve the metrics described in subparagraph
10 (F).

11 “(H) RECIPIENT CAP.—The Secretary—

12 “(i) may not provide more than 20
13 grants under this paragraph; and

14 “(ii) shall reduce the maximum num-
15 ber of grants under this paragraph to en-
16 sure projects are fully funded, if necessary.

17 “(3) REPORT.—The Secretary shall make pub-
18 licly available an annual report on the program car-
19 ried out under this subsection for each fiscal year,
20 not later than December 31 of the calendar year in
21 which that fiscal year ends. The report shall include
22 a detailed description of the activities carried out
23 under the program, and an evaluation of the pro-
24 gram, including an evaluation of the performance
25 measures used by eligible recipients.

1 “(4) FEDERAL SHARE.—

2 “(A) IN GENERAL.—The Federal share of
3 the costs of a project carried out under this
4 subsection shall not exceed 80 percent.

5 “(B) NON-FEDERAL SHARE.—The non-
6 Federal share of the costs of a project carried
7 out under this subsection may be derived from
8 in-kind contributions.

9 “(5) RULE OF CONSTRUCTION.—For purposes
10 of this subsection, nonemergency medical transpor-
11 tation services shall be limited to services eligible
12 under Federal programs other than programs au-
13 thorized under this chapter.”.

14 **TITLE III—HIGHWAY TRAFFIC**
15 **SAFETY**

16 **SEC. 3001. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) IN GENERAL.—The following sums are author-
18 ized to be appropriated out of the Highway Trust Fund
19 (other than the Mass Transit Account):

20 (1) HIGHWAY SAFETY PROGRAMS.—For car-
21 rying out section 402 of title 23, United States
22 Code—

23 (A) \$378,400,000 for fiscal year 2022;

24 (B) \$382,400,000 for fiscal year 2023;

25 (C) \$386,500,000 for fiscal year 2024; and

1 (D) \$390,400,000 for fiscal year 2025.

2 (2) HIGHWAY SAFETY RESEARCH AND DEVEL-
3 OPMENT.—For carrying out section 403 of title 23,
4 United States Code—

5 (A) \$182,495,000 for fiscal year 2022;

6 (B) \$184,795,000 for fiscal year 2023;

7 (C) \$187,795,000 for fiscal year 2024; and

8 (D) \$190,695,000 for fiscal year 2025.

9 (3) NATIONAL PRIORITY SAFETY PROGRAMS.—
10 For carrying out section 405 of title 23, United
11 States Code—

12 (A) \$384,119,000 for fiscal year 2022;

13 (B) \$393,205,000 for fiscal year 2023;

14 (C) \$402,205,000 for fiscal year 2024; and

15 (D) \$411,388,000 for fiscal year 2025.

16 (4) NATIONAL DRIVER REGISTER.—For the Na-
17 tional Highway Traffic Safety Administration to
18 carry out chapter 303 of title 49, United States
19 Code—

20 (A) \$5,700,000 for fiscal year 2022;

21 (B) \$5,800,000 for fiscal year 2023;

22 (C) \$5,900,000 for fiscal year 2024; and

23 (D) \$6,000,000 for fiscal year 2025.

1 (5) HIGH-VISIBILITY ENFORCEMENT PRO-
2 GRAM.—For carrying out section 404 of title 23,
3 United States Code—

4 (A) \$60,200,000 for fiscal year 2022;

5 (B) \$60,600,000 for fiscal year 2023;

6 (C) \$60,800,000 for fiscal year 2024; and

7 (D) \$61,200,000 for fiscal year 2025.

8 (6) ADMINISTRATIVE EXPENSES.—For adminis-
9 trative and related operating expenses of the Na-
10 tional Highway Traffic Safety Administration in car-
11 rying out chapter 4 of title 23, United States
12 Code—

13 (A) \$30,586,000 for fiscal year 2022;

14 (B) \$31,000,000 for fiscal year 2023;

15 (C) \$31,500,000 for fiscal year 2024; and

16 (D) \$31,917,000 for fiscal year 2025.

17 (b) PROHIBITION ON OTHER USES.—Except as oth-
18 erwise provided in chapter 4 of title 23, United States
19 Code, and chapter 303 of title 49, United States Code,
20 the amounts made available from the Highway Trust
21 Fund (other than the Mass Transit Account) for a pro-
22 gram under such chapters—

23 (1) shall only be used to carry out such pro-
24 gram; and

1 (2) may not be used by States or local govern-
2 ments for construction purposes.

3 (c) **APPLICABILITY OF TITLE 23.**—Except as other-
4 wise provided in chapter 4 of title 23, United States Code,
5 and chapter 303 of title 49, United States Code, amounts
6 made available under subsection (a) for fiscal years 2022
7 through 2025 shall be available for obligation in the same
8 manner as if such funds were apportioned under chapter
9 1 of title 23, United States Code.

10 (d) **REGULATORY AUTHORITY.**—Grants awarded
11 under chapter 4 of title 23, United States Code, including
12 any amendments made by this title, shall be carried out
13 in accordance with regulations issued by the Secretary of
14 Transportation.

15 (e) **STATE MATCHING REQUIREMENTS.**—If a grant
16 awarded under chapter 4 of title 23, United States Code,
17 requires a State to share in the cost, the aggregate of all
18 expenditures for highway safety activities made during a
19 fiscal year by the State and its political subdivisions (ex-
20 clusive of Federal funds) for carrying out the grant (other
21 than planning and administration) shall be available for
22 the purpose of crediting the State during such fiscal year
23 for the non-Federal share of the cost of any other project
24 carried out under chapter 4 of title 23, United States Code
25 (other than planning or administration), without regard

1 to whether such expenditures were made in connection
2 with such project.

3 (f) GRANT APPLICATION AND DEADLINE.—To re-
4 ceive a grant under chapter 4 of title 23, United States
5 Code, a State shall submit an application, and the Sec-
6 retary of Transportation shall establish a single deadline
7 for such applications to enable the award of grants early
8 in the next fiscal year.

9 **SEC. 3002. HIGHWAY SAFETY PROGRAMS.**

10 Section 402 of title 23, United States Code, is
11 amended—

12 (1) in subsection (a)—

13 (A) in paragraph (2)(A)—

14 (i) in clause (ii) by striking “occupant
15 protection devices (including the use of
16 safety belts and child restraint systems)”
17 and inserting “safety belts”;

18 (ii) in clause (vii) by striking “; and”
19 and inserting a semicolon; and

20 (iii) by inserting after clause (viii) the
21 following:

22 “(ix) to encourage more widespread
23 and proper use of child safety seats (in-
24 cluding booster seats) with an emphasis on
25 underserved populations;

1 “(x) to reduce injuries and deaths re-
2 sulting from drivers of motor vehicles not
3 moving to another traffic lane or reducing
4 the speed of such driver’s vehicle when
5 passing an emergency, law enforcement, or
6 other vehicle stopped or parked on or near
7 the roadway; and

8 “(xi) to increase driver awareness of
9 the dangers of leaving an unattended child
10 or other occupant in a vehicle when there
11 is a risk of hyperthermia;”;

12 (B) by adding at the end the following:

13 “(3) **ADDITIONAL CONSIDERATIONS.**—States
14 which have legalized medicinal or recreational mari-
15 juana shall consider programs in addition to the pro-
16 grams described in paragraph (2)(A) to educate
17 drivers on the risks associated with marijuana-im-
18 paired driving and to reduce injuries and deaths re-
19 sulting from individuals driving motor vehicles while
20 impaired by marijuana.”;

21 (2) in subsection (c)(4)—

22 (A) by striking subparagraph (C);

23 (B) by redesignating subparagraph (B) as
24 subparagraph (D); and

1 (C) by inserting after subparagraph (A)
2 the following:

3 “(B) SPECIAL RULE FOR SCHOOL AND
4 WORK ZONES.—Notwithstanding subparagraph
5 (A), a State may expend funds apportioned to
6 that State under this section to carry out a pro-
7 gram to purchase, operate, or maintain an
8 automated traffic system in a work zone or
9 school zone.

10 “(C) AUTOMATED TRAFFIC ENFORCEMENT
11 SYSTEM GUIDELINES.—Any automated traffic
12 enforcement system installed pursuant to sub-
13 paragraph (B) shall comply with—

14 “(i) Speed Enforcement Camera Sys-
15 tems Operational Guidelines (DOT HS
16 810 916, March 2008); or

17 “(ii) Red Light Camera Systems
18 Operational Guidelines (FHWA–SA–05–
19 002, January 2005).”; and

20 (3) in subsection (n)—

21 (A) by striking “PUBLIC TRANSPARENCY”
22 and all that follows through “The Secretary”
23 and inserting the following: “PUBLIC TRANS-
24 PARENCY.—

25 “(1) IN GENERAL.—The Secretary”; and

1 (B) by adding at the end the following:

2 “(2) STATE HIGHWAY SAFETY PLAN
3 WEBSITE.—

4 “(A) IN GENERAL.—In carrying out the
5 requirements of paragraph (1), the Secretary
6 shall establish a public website that is easily ac-
7 cessible, navigable, and searchable for the infor-
8 mation required under paragraph (1), in order
9 to foster greater transparency in approved
10 State highway safety programs.

11 “(B) CONTENTS.—The website established
12 under subparagraph (A) shall—

13 “(i) include each State highway safety
14 plan and annual report submitted and ap-
15 proved by the Secretary under subsection
16 (k);

17 “(ii) provide a means for the public to
18 search such website for State highway
19 safety program content required in sub-
20 section (k), including—

21 “(I) performance measures re-
22 quired by the Secretary under para-
23 graph (3)(A);

1 “(II) progress made toward
2 meeting the State’s performance tar-
3 gets for the previous year;

4 “(III) program areas and ex-
5 penditures; and

6 “(IV) a description of any
7 sources of funds other than funds pro-
8 vided under this section that the State
9 proposes to use to carry out the State
10 highway safety plan of such State.”.

11 **SEC. 3003. TRAFFIC SAFETY ENFORCEMENT GRANTS.**

12 Section 402 of title 23, United States Code, as
13 amended by section 3002 of this Act, is further amended
14 by inserting after subsection (k) the following:

15 “(1) TRAFFIC SAFETY ENFORCEMENT GRANTS.—

16 “(1) GENERAL AUTHORITY.—Subject to the re-
17 quirements under this subsection, the Secretary shall
18 award grants to States for the purpose of carrying
19 out top-rated traffic safety enforcement counter-
20 measures to reduce traffic-related injuries and fatali-
21 ties.

22 “(2) COUNTERMEASURE DEFINED.—In this
23 subsection, the term ‘countermeasure’ means a coun-
24 termeasure rated 3, 4, or 5 stars in the most recent
25 edition of the National Highway Traffic Safety Ad-

1 ministration’s Countermeasures That Work highway
2 safety guide.

3 “(3) FUNDING.—Before making any distribu-
4 tion under this section, the Secretary shall set aside
5 not more than \$35,000,000 of the funds made avail-
6 able under this section for each fiscal year to be allo-
7 cated among up to 10 States.

8 “(4) SELECTION CRITERIA.—The Secretary
9 shall select up to 10 applicants based on the fol-
10 lowing criteria:

11 “(A) Geographical diversity.

12 “(B) Higher State average of traffic fatali-
13 ties per vehicle mile traveled.

14 “(C) A preference to applications that in-
15 clude under paragraph (6)(C) the data derived
16 from law enforcement activities funded by a
17 State under this section.

18 “(5) ELIGIBILITY.—A State may receive a
19 grant under this subsection in a fiscal year if the
20 State demonstrates, to the satisfaction of the Sec-
21 retary, that the State is able to meet the require-
22 ments in paragraph (6).

23 “(6) REQUIREMENTS.—In order to receive
24 funds, a State must establish an agreement with the
25 Secretary to—

1 “(A) identify areas with the highest risk of
2 traffic fatalities and injuries;

3 “(B) determine the most effective counter-
4 measures to implement in those areas, with pri-
5 ority given to countermeasures rated above 3
6 stars; and

7 “(C) report annual data under uniform re-
8 porting requirements established by the Sec-
9 retary, including—

10 “(i) traffic citations and arrests;

11 “(ii) the increase in traffic safety en-
12 forcement activity supported by these
13 funds; and

14 “(iii) any other metrics the Secretary
15 determines appropriate to determine the
16 success of the grant.

17 “(7) USE OF FUNDS.—

18 “(A) IN GENERAL.—Grant funds received
19 by a State under this subsection may be used
20 for—

21 “(i) implementing countermeasures
22 determined under paragraph (6); and

23 “(ii) law enforcement-related ex-
24 penses, such as officer training, overtime,
25 technology, and equipment, if the Sec-

1 retary determines countermeasures have
2 been implemented successfully and the Sec-
3 retary provides approval.

4 “(B) BROADCAST AND PRINT MEDIA.—Up
5 to 5 percent of grant funds received by a State
6 under this subsection may be used for the de-
7 velopment, production, and use of broadcast
8 and print media advertising in carrying out
9 traffic safety law enforcement efforts under this
10 subsection.

11 “(8) ALLOCATION.—Grant funds allocated to a
12 State under this subsection for a fiscal year shall be
13 in proportion to the State’s apportionment under
14 this section for the fiscal year.

15 “(9) MAINTENANCE OF EFFORT.—No grant
16 may be made to a State in any fiscal year under this
17 subsection unless the State enters into such an
18 agreement with the Secretary, as the Secretary may
19 require, to ensure that the State will maintain its
20 aggregate expenditures from all State and local
21 sources for activities described in this subsection at
22 or above the average level of expenditures in the 2
23 fiscal years preceding the date of enactment of this
24 subsection.

1 “(10) ANNUAL EVALUATION AND REPORT TO
2 CONGRESS.—The Secretary shall conduct an annual
3 evaluation of the effectiveness of grants awarded
4 under this subsection and shall submit to the Com-
5 mittee on Transportation and Infrastructure of the
6 House of Representatives and the Committee on
7 Commerce, Science, and Transportation of the Sen-
8 ate an annual report on the effectiveness of the
9 grants.”.

10 **SEC. 3004. HIGHWAY SAFETY RESEARCH AND DEVELOP-**
11 **MENT.**

12 Section 403 of title 23, United States Code, is
13 amended—

14 (1) in subsection (b) by inserting “, training,”
15 after “demonstration projects”;

16 (2) in subsection (f)(1) by striking “subsection
17 402(c) in each fiscal year ending before October 1,
18 2015, and \$443,989 of the total amount available
19 for apportionment to the States for highway safety
20 programs under section 402(c) in the period begin-
21 ning on October 1, 2015, and ending on December
22 4, 2015,” and inserting “section 402(c)(2) in each
23 fiscal year”; and

1 (3) by striking subsection (h) and redesignating
2 subsections (i) and (j) as subsections (h) and (i), re-
3 spectively.

4 **SEC. 3005. GRANT PROGRAM TO PROHIBIT RACIAL**
5 **PROFILING.**

6 Section 403 of title 23, United States Code, as
7 amended by section 3004 of this Act, is further amended
8 by adding at the end the following:

9 “(j) GRANT PROGRAM TO PROHIBIT RACIAL
10 PROFILING.—

11 “(1) GENERAL AUTHORITY.—Subject to the re-
12 quirements of this subsection, the Secretary shall
13 make grants to a State that—

14 “(A) is maintaining and allows public in-
15 spection of statistical information for each
16 motor vehicle stop made by a law enforcement
17 officer on a Federal-aid highway in the State
18 regarding the race and ethnicity of the driver;
19 or

20 “(B) provides assurances satisfactory to
21 the Secretary that the State is undertaking ac-
22 tivities to comply with the requirements of sub-
23 paragraph (A).

1 “(2) USE OF GRANT FUNDS.—A grant received
2 by a State under paragraph (1) shall be used by the
3 State for the costs of—

4 “(A) collecting and maintaining data on
5 traffic stops; and

6 “(B) evaluating the results of such data.

7 “(3) LIMITATIONS.—

8 “(A) MAXIMUM AMOUNT OF GRANTS.—
9 The total amount of grants made to a State
10 under this section in a fiscal year may not ex-
11 ceed 5 percent of the amount made available to
12 carry out this section in the fiscal year.

13 “(B) ELIGIBILITY.—On or after October
14 1, 2022, a State may not receive a grant under
15 paragraph (1)(B) in more than 2 fiscal years.

16 “(4) FUNDING.—

17 “(A) IN GENERAL.—From funds made
18 available under this section, the Secretary shall
19 set aside \$7,500,000 for each fiscal year to
20 carry out this subsection.

21 “(B) FEDERAL SHARE.—The Federal
22 share of the cost of activities carried out using
23 such funds shall be 80 percent.

24 “(C) OTHER USES.—The Secretary may
25 reallocate, before the last day of any fiscal year,

1 amounts remaining available under subpara-
2 graph (A) to increase the amounts made avail-
3 able to carry out any other activities authorized
4 under this section in order to ensure, to the
5 maximum extent possible, that all such amounts
6 are obligated during such fiscal year.”.

7 **SEC. 3006. HIGH-VISIBILITY ENFORCEMENT PROGRAM.**

8 Section 404 of title 23, United States Code, is
9 amended—

10 (1) in subsection (a) by striking “3 campaigns
11 will be carried out in each of fiscal years 2016
12 through 2020” and inserting “6 campaigns will be
13 carried out in each of fiscal years 2022 through
14 2025”;

15 (2) in subsection (b)—

16 (A) in paragraph (1) by striking “or drug-
17 impaired”;

18 (B) in paragraph (2) by inserting “and
19 child restraints” after “seatbelts”;

20 (C) by redesignating paragraph (2) as
21 paragraph (3);

22 (D) by inserting after paragraph (1) the
23 following:

24 “(2) Reduce drug-impaired operation of motor
25 vehicles.”; and

1 (E) by adding at the end the following:

2 “(4) Reduce texting through a personal wireless
3 communications device by drivers while operating a
4 motor vehicle.

5 “(5) Reduce violations of move over laws of a
6 State that require motorists to change lanes or slow
7 down when emergency, law enforcement, or other ve-
8 hicles are stopped or parked on or next to a road-
9 way.”;

10 (3) by redesignating subsections (e) and (f) as
11 subsections (g) and (h), respectively;

12 (4) by inserting after subsection (d) the fol-
13 lowing:

14 “(e) FREQUENCY.—Each campaign administered
15 under this section shall occur not less than once in each
16 of fiscal years 2022 through 2025 with the exception of
17 campaigns to reduce alcohol-impaired operation of motor
18 vehicles which shall occur not less than twice in each of
19 fiscal years 2022 through 2025.

20 “(f) COORDINATION OF DYNAMIC HIGHWAY MES-
21 SAGE SIGNS.—During the time a State is carrying out a
22 campaign, the Secretary shall coordinate with States car-
23 rying out the campaigns under this section on the use of
24 dynamic highway message signs to support national high-

1 visibility advertising and education efforts associated with
2 the campaigns.”; and

3 (5) in subsection (f)—

4 (A) by redesignating paragraph (2) as
5 paragraph (3);

6 (B) by inserting after paragraph (1) the
7 following:

8 “(2) DYNAMIC HIGHWAY MESSAGE SIGN.—The
9 term ‘dynamic highway message sign’ means a traf-
10 fic control device that is capable of displaying one or
11 more alternative messages which convey information
12 to occupants of motor vehicles.”; and

13 (C) by adding at the end the following:

14 “(4) TEXTING.—The term ‘texting’ has the
15 meaning given such term in section 405(e).”.

16 **SEC. 3007. NATIONAL PRIORITY SAFETY PROGRAMS.**

17 Section 405 of title 23, United States Code, is
18 amended—

19 (1) in subsection (a)—

20 (A) in paragraph (1) by striking “13 per-
21 cent” and inserting “12.85 percent”;

22 (B) in paragraph (2) by striking “14.5
23 percent” and inserting “14.3 percent”;

24 (C) in paragraph (3) by striking “52.5
25 percent” and inserting “51.75 percent”;

1 (D) in paragraph (4) by striking “8.5 per-
2 cent” and inserting “8.3 percent”;

3 (E) in paragraph (6) by striking “5 per-
4 cent” and inserting “4.9 percent”;

5 (F) in paragraph (7) by striking “5 per-
6 cent” and inserting “4.9 percent”;

7 (G) in paragraph (8)—

8 (i) by striking “paragraphs (1)
9 through (7)” and inserting “paragraphs
10 (1) through (8)”;

11 (ii) by striking “subsection (b)
12 through (h)” and inserting “subsections
13 (b) through (i)”;

14 (iii) by inserting “to carry out any of
15 the other activities described in such sub-
16 sections, or the amount made available”
17 before “under section 402”;

18 (H) in paragraph (9)(A) by striking “date
19 of enactment of the FAST Act” and inserting
20 “date of enactment of the INVEST in America
21 Act”;

22 (I) by redesignating paragraphs (8) and
23 (9) as paragraphs (9) and (10), respectively;
24 and

1 (J) by inserting after paragraph (7) the
2 following:

3 “(8) DRIVER AND OFFICER SAFETY EDU-
4 CATION.—In each fiscal year, 1.5 percent of the
5 funds provided under this section shall be allocated
6 among States that meet the requirements with re-
7 spect to driver and officer safety education (as de-
8 scribed in subsection (i)).”;

9 (2) by striking subsection (c)(4) and inserting
10 the following:

11 “(4) USE OF GRANT AMOUNTS.—Grant funds
12 received by a State under this subsection shall be
13 used for—

14 “(A) making data program improvements
15 to core highway safety databases related to
16 quantifiable, measurable progress in any of the
17 6 significant data program attributes set forth
18 in paragraph (3)(D);

19 “(B) developing or acquiring programs to
20 identify, collect, and report data to State and
21 local government agencies, and enter data, in-
22 cluding crash, citation or adjudication, driver,
23 emergency medical services or injury surveil-
24 lance system, roadway, and vehicle, into the
25 core highway safety databases of a State;

1 “(C) purchasing equipment to improve
2 processes by which data is identified, collected,
3 and reported to State and local government
4 agencies;

5 “(D) linking core highway safety databases
6 of a State with such databases of other States
7 or with other data systems within the State, in-
8 cluding systems that contain medical, roadway,
9 and economic data;

10 “(E) improving the compatibility and
11 interoperability of the core highway safety data-
12 bases of the State with national data systems
13 and data systems of other States;

14 “(F) enhancing the ability of a State and
15 the Secretary to observe and analyze local,
16 State, and national trends in crash occurrences,
17 rates, outcomes, and circumstances;

18 “(G) supporting traffic records-related
19 training and related expenditures for law en-
20 forcement, emergency medical, judicial, prosecu-
21 torial, and traffic records professionals;

22 “(H) hiring traffic records professionals,
23 including a Fatality Analysis Reporting System
24 liaison for a State; and

1 “(I) conducting research on State traffic
2 safety information systems, including devel-
3 oping and evaluating programs to improve core
4 highway safety databases of such State and
5 processes by which data is identified, collected,
6 reported to State and local government agen-
7 cies, and entered into such core safety data-
8 bases.”;

9 (3) by striking subsection (d)(6)(A) and insert-
10 ing the following:

11 “(A) GRANTS TO STATES WITH ALCOHOL-
12 IGNITION INTERLOCK LAWS.—The Secretary
13 shall make a separate grant under this sub-
14 section to each State that—

15 “(i) adopts and is enforcing a manda-
16 tory alcohol-ignition interlock law for all
17 individuals arrested or convicted of driving
18 under the influence of alcohol or of driving
19 while intoxicated;

20 “(ii) does not allow any individual ar-
21 rested or convicted of driving under the in-
22 fluence of alcohol or driving while intoxi-
23 cated to drive a motor vehicle unless such
24 individual installs an ignition interlock for
25 a minimum 6-month interlock period; or

1 “(iii) has—

2 “(I) enacted and is enforcing a
3 state law requiring all individuals con-
4 victed of, or whose driving privilege is
5 revoked or denied for, refusing to sub-
6 mit to a chemical or other test for the
7 purpose of determining the presence
8 or concentration of any intoxicating
9 substance to install an ignition inter-
10 lock for a minimum 6-month interlock
11 period; and

12 “(II) a compliance-based removal
13 program in which an individual ar-
14 rested or convicted of driving under
15 the influence of alcohol or driving
16 while intoxicated shall install an igni-
17 tion interlock for a minimum 6-month
18 interlock period and have completed a
19 minimum consecutive period of not
20 less than 40 percent of the required
21 interlock period immediately preceding
22 the date of release, without a con-
23 firmed violation of driving under the
24 influence of alcohol or driving while
25 intoxicated.”;

1 (4) in subsection (e)—

2 (A) in paragraph (1) by striking “para-
3 graphs (2) and (3)” and inserting “paragraph
4 (2)”;

5 (B) in paragraph (4)—

6 (i) by striking “paragraph (2) or (3)”
7 and inserting “paragraph (3) or (4)”;

8 (ii) in subparagraph (A) by striking
9 “communications device to contact emer-
10 gency services” and inserting “communica-
11 tions device during an emergency to con-
12 tact emergency services or to prevent in-
13 jury to persons or property”;

14 (iii) in subparagraph (C) by striking
15 “; and” and inserting a semicolon;

16 (iv) by redesignating subparagraph
17 (D) as subparagraph (E); and

18 (v) by inserting after subparagraph
19 (C) the following:

20 “(D) a driver who uses a personal wireless
21 communication device for navigation; and”;

22 (C) in paragraph (5)(A)(i) by striking
23 “texting or using a cell phone while” and in-
24 serting “distracted”;

25 (D) in paragraph (9)—

1 (i) by striking subparagraph (B) and
2 inserting the following:

3 “(B) PERSONAL WIRELESS COMMUNICA-
4 TIONS DEVICE.—The term ‘personal wireless
5 communications device’ means—

6 “(i) until the date on which the Sec-
7 retary issues a regulation pursuant to
8 paragraph (8)(A), a device through which
9 personal services (as such term is defined
10 in section 332(e)(7)(C)(i) of the Commu-
11 nications Act of 1934 (47 U.S.C.
12 332(e)(7)(C)(i)) are transmitted, but not
13 including the use of such a device as a
14 global navigation system receiver used for
15 positioning, emergency notification, or
16 navigation purposes; and

17 “(ii) on and after the date on which
18 the Secretary issues a regulation pursuant
19 to paragraph (8)(A), the definition de-
20 scribed in such regulation.”; and

21 (ii) by striking subparagraph (E) and
22 inserting the following:

23 “(E) TEXTING.—The term ‘texting’
24 means—

1 “(i) until the date on which the Sec-
2 retary issues a regulation pursuant to
3 paragraph (8)(A), reading from or manu-
4 ally entering data into a personal wireless
5 communications device, including doing so
6 for the purpose of SMS texting, emailing,
7 instant messaging, or engaging in any
8 other form of electronic data retrieval or
9 electronic data communication; and

10 “(ii) on and after the date on which
11 the Secretary issues a regulation pursuant
12 to paragraph (8)(A), the definition de-
13 scribed in such regulation.”;

14 (E) by striking paragraphs (2), (3), (6),
15 and (8);

16 (F) by redesignating paragraphs (4) and
17 (5) as paragraphs (5) and (6), respectively;

18 (G) by inserting after paragraph (1) the
19 following:

20 “(2) ALLOCATION.—

21 “(A) IN GENERAL.—Subject to subpara-
22 graphs (B) and (C), the allocation of grant
23 funds to a State under this subsection for a fis-
24 cal year shall be in proportion to the State’s ap-

1 portionment under section 402 for fiscal year
2 2009.

3 “(B) PRIMARY OFFENSE LAWS.—A State
4 that has enacted and is enforcing a law that
5 meets the requirements set forth in paragraphs
6 (3) and (4) as a primary offense shall be allo-
7 cated 100 percent of the amount calculated
8 under subparagraph (A).

9 “(C) SECONDARY OFFENSE LAWS.—A
10 State that has enacted and is enforcing a law
11 that meets the requirements set forth in para-
12 graphs (3) and (4) as a secondary offense shall
13 be allocated 50 percent of the amount cal-
14 culated under subparagraph (A).

15 “(3) PROHIBITION ON HANDHELD PERSONAL
16 WIRELESS COMMUNICATION DEVICE USE WHILE
17 DRIVING.—A State law meets the requirements set
18 forth in this paragraph if the law—

19 “(A) prohibits a driver from holding or
20 using, including texting, a personal wireless
21 communications device while driving, except for
22 the use of a personal wireless communications
23 device—

24 “(i) in a hands-free manner or with a
25 hands-free accessory, or

1 “(ii) to activate or deactivate a fea-
2 ture or function of the personal wireless
3 communications device;

4 “(B) establishes a fine for a violation of
5 the law; and

6 “(C) does not provide for an exemption
7 that specifically allows a driver to hold or use
8 a personal wireless communication device while
9 stopped in traffic.

10 “(4) PROHIBITION ON PERSONAL WIRELESS
11 COMMUNICATION DEVICE USE WHILE DRIVING OR
12 STOPPED IN TRAFFIC.—A State law meets the re-
13 quirements set forth in this paragraph if the law—

14 “(A) prohibits a driver from using a per-
15 sonal wireless communications device while driv-
16 ing if the driver is—

17 “(i) younger than 18 years of age; or

18 “(ii) in the learner’s permit or inter-
19 mediate license stage described in subpara-
20 graph (A) or (B) of subsection (g)(2);

21 “(B) establishes a fine for a violation of
22 the law; and

23 “(C) does not provide for an exemption
24 that specifically allows a driver to use a per-

1 sonal wireless communication device while
2 stopped in traffic.”; and

3 (H) by inserting after paragraph (7) the
4 following:

5 “(8) RULEMAKING.—Not later than 1 year
6 after the date of enactment of this paragraph, the
7 Secretary shall issue such regulations as are nec-
8 essary to account for diverse State approaches to
9 combating distracted driving that—

10 “(A) defines the terms personal wireless
11 communications device and texting for the pur-
12 poses of this subsection; and

13 “(B) determines additional permitted ex-
14 ceptions that are appropriate for a State law
15 that meets the requirements under paragraph
16 (3) or (4).”;
17 (5) in subsection (g)—

18 (A) in paragraph (1) by inserting “sub-
19 paragraphs (A) and (B) of” before “paragraph
20 (2)”;

21 (B) by striking paragraph (2) and insert-
22 ing the following:

23 “(2) MINIMUM REQUIREMENTS.—

24 “(A) TIER 1 STATE.—A State shall be eli-
25 gible for a grant under this subsection as a Tier

1 State if such State requires novice drivers
2 younger than 18 years of age to comply with a
3 2-stage graduated driver licensing process be-
4 fore receiving an unrestricted driver's license
5 that includes—

6 “(i) a learner's permit stage that—

7 “(I) is at least 180 days in dura-
8 tion;

9 “(II) requires that the driver be
10 accompanied and supervised at all
11 times; and

12 “(III) has a requirement that the
13 driver obtain at least 40 hours of be-
14 hind-the-wheel training with a super-
15 visor; and

16 “(ii) an intermediate stage that—

17 “(I) commences immediately
18 after the expiration of the learner's
19 permit stage;

20 “(II) is at least 180 days in du-
21 ration; and

22 “(III) for the first 180 days of
23 the intermediate stage, restricts the
24 driver from—

1 “(aa) driving at night be-
2 tween the hours of 11:00 p.m.
3 and at least 4:00 a.m. except—

4 “(AA) when a parent,
5 guardian, driving instructor,
6 or licensed driver who is at
7 least 21 years of age is in
8 the motor vehicle; and

9 “(BB) when driving to
10 and from work, school and
11 school-related activities, reli-
12 gious activities, for emer-
13 gencies, or as a member of
14 voluntary emergency service;
15 and

16 “(bb) operating a motor ve-
17 hicle with more than 1 non-
18 familial passenger younger than
19 18 years of age, except when a
20 parent, guardian, driving instruc-
21 tor, or licensed driver who is at
22 least 21 years of age is in the
23 motor vehicle.

24 “(B) TIER 2 STATE.—A State shall be eli-
25 gible for a grant under this subsection as a Tier

1 State if such State requires novice drivers
2 younger than 18 years of age to comply with a
3 2-stage graduated driver licensing process be-
4 fore receiving an unrestricted driver's license
5 that includes—

6 “(i) a learner's permit stage that—

7 “(I) is at least 180 days in dura-
8 tion;

9 “(II) requires that the driver be
10 accompanied and supervised at all
11 times; and

12 “(III) has a requirement that the
13 driver obtain at least 50 hours of be-
14 hind-the-wheel training, with at least
15 10 hours at night, with a supervisor;
16 and

17 “(ii) an intermediate stage that—

18 “(I) commences immediately
19 after the expiration of the learner's
20 permit stage;

21 “(II) is at least 180 days in du-
22 ration; and

23 “(III) for the first 180 days of
24 the intermediate stage, restricts the
25 driver from—

1 “(aa) driving at night be-
2 tween the hours of 10:00 p.m.
3 and at least 4:00 a.m. except—

4 “(AA) when a parent,
5 guardian, driving instructor,
6 or licensed driver who is at
7 least 21 years of age is in
8 the motor vehicle; and

9 “(BB) when driving to
10 and from work, school and
11 school-related activities, reli-
12 gious activities, for emer-
13 gencies, or as a member of
14 voluntary emergency service;
15 and

16 “(bb) operating a motor ve-
17 hicle with any nonfamilial pas-
18 senger younger than 18 years of
19 age, except when a parent,
20 guardian, driving instructor, or
21 licensed driver who is at least 21
22 years of age is in the motor vehi-
23 cle.”;

24 (C) in paragraph (3)—

1 (i) in subparagraph (A) by inserting
2 “subparagraphs (A) and (B) of” before
3 “paragraph (2)”; and

4 (ii) in subparagraph (B) by inserting
5 “subparagraphs (A) and (B) of” before
6 “paragraph (2)” each place such term ap-
7 pears; and

8 (D) by striking paragraph (5) and insert-
9 ing the following:

10 “(5) USE OF FUNDS.—

11 “(A) TIER 1 STATES.—A Tier 1 State shall
12 use grant funds provided under this subsection
13 for—

14 “(i) enforcing a 2-stage licensing
15 process that complies with paragraph (2);

16 “(ii) training for law enforcement per-
17 sonnel and other relevant State agency
18 personnel relating to the enforcement de-
19 scribed in clause (i);

20 “(iii) publishing relevant educational
21 materials that pertain directly or indirectly
22 to the State graduated driver licensing law;

23 “(iv) carrying out other administrative
24 activities that the Secretary considers rel-

1 evant to the State’s 2-stage licensing proc-
2 ess; or

3 “(v) carrying out a teen traffic safety
4 program described in section 402(m).

5 “(B) TIER 2 STATES.—Of the grant funds
6 made available to a Tier 2 State under this
7 subsection—

8 “(i) 25 percent shall be used for any
9 activity described in subparagraph (A);
10 and

11 “(ii) 75 percent may be used for any
12 project or activity eligible under section
13 402.”; and

14 (6) by adding at the end the following:

15 “(i) DRIVER AND OFFICER SAFETY EDUCATION.—

16 “(1) GENERAL AUTHORITY.—Subject to the re-
17 quirements under this subsection, the Secretary shall
18 award grants to—

19 “(A) States that enact a commuter safety
20 education program; and

21 “(B) States qualifying under paragraph
22 (5)(A).

23 “(2) FEDERAL SHARE.—The Federal share of
24 the costs of activities carried out using amounts

1 from a grant awarded under this subsection may not
2 exceed 80 percent.

3 “(3) ELIGIBILITY.—To be eligible for a grant
4 under this subsection, a State shall enact a law or
5 adopt a program that requires the following:

6 “(A) DRIVER EDUCATION AND DRIVING
7 SAFETY COURSES.—Inclusion, in driver edu-
8 cation and driver safety courses provided to in-
9 dividuals by educational and motor vehicle
10 agencies of the State, of instruction and testing
11 concerning law enforcement practices during
12 traffic stops, including information on—

13 “(i) the role of law enforcement and
14 the duties and responsibilities of peace offi-
15 cers;

16 “(ii) an individual’s legal rights con-
17 cerning interactions with peace officers;

18 “(iii) best practices for civilians and
19 peace officers during such interactions;

20 “(iv) the consequences for an individ-
21 ual’s or officer’s failure to comply with
22 those laws and programs; and

23 “(v) how and where to file a com-
24 plaint against or a compliment on behalf of
25 a peace officer.

1 “(B) PEACE OFFICER TRAINING PRO-
2 GRAMS.—Development and implementation of a
3 training program, including instruction and
4 testing materials, for peace officers and reserve
5 law enforcement officers (other than officers
6 who have received training in a civilian course
7 described in subparagraph (A)) with respect to
8 proper interaction with civilians during traffic
9 stops.

10 “(4) GRANT AMOUNT.—The allocation of grant
11 funds to a State under this subsection for a fiscal
12 year shall be in proportion to the State’s apporportion-
13 ment under section 402 for fiscal year 2009.

14 “(5) SPECIAL RULE FOR CERTAIN STATES.—

15 “(A) QUALIFYING STATE.—A State quali-
16 fies pursuant to this subparagraph if—

17 “(i) the Secretary determines such
18 State has taken meaningful steps toward
19 the full implementation of a law or pro-
20 gram described in paragraph (3);

21 “(ii) the Secretary determines such
22 State has established a timetable for the
23 implementation of such a law or program;
24 and

1 “(iii) such State has received a grant
2 pursuant to this subsection for a period of
3 not more than 5 years.

4 “(B) WITHHOLDING.—With respect to a
5 State that qualifies pursuant to subparagraph
6 (A), the Secretary shall—

7 “(i) withhold 50 percent of the
8 amount that such State would otherwise
9 receive if such State were a State described
10 in paragraph (1)(A); and

11 “(ii) direct any such amounts for dis-
12 tribution among the States that are enforce-
13 ing and carrying out a law or program de-
14 scribed in paragraph (3).

15 “(6) USE OF GRANT AMOUNTS.—A State re-
16 ceiving a grant under this subsection may use such
17 grant—

18 “(A) for the production of educational ma-
19 terials and training of staff for driver education
20 and driving safety courses and peace officer
21 training described in paragraph (3); and

22 “(B) for the implementation of the law de-
23 scribed in paragraph (3).”.

1 **SEC. 3008. MINIMUM PENALTIES FOR REPEAT OFFENDERS**
2 **FOR DRIVING WHILE INTOXICATED OR DRIV-**
3 **ING UNDER THE INFLUENCE.**

4 Section 164(b)(1) of title 23, United States Code, is
5 amended—

6 (1) in subparagraph (A) by striking “alcohol-
7 impaired” and inserting “alcohol or polysubstance-
8 impaired”; and

9 (2) in subparagraph (B)—

10 (A) by striking “alcohol-impaired” and in-
11 serting “alcohol or polysubstance-impaired”;

12 (B) by striking “or” and inserting a
13 comma; and

14 (C) by inserting “, or driving while
15 polysubstance-impaired” after “driving under
16 the influence”.

17 **SEC. 3009. NATIONAL PRIORITY SAFETY PROGRAM GRANT**
18 **ELIGIBILITY.**

19 Section 4010(2) of the FAST Act (23 U.S.C. 405
20 note) is amended by striking “deficiencies” and inserting
21 “all deficiencies”.

1 **TITLE IV—MOTOR CARRIER**
2 **SAFETY**
3 **Subtitle A—Motor Carrier Safety**
4 **Grants, Operations, and Programs**

5 **SEC. 4101. MOTOR CARRIER SAFETY GRANTS.**

6 Section 31104 of title 49, United States Code, is
7 amended—

8 (1) by striking subsection (a) and inserting the
9 following:

10 “(a) **FINANCIAL ASSISTANCE PROGRAMS.**—The fol-
11 lowing sums are authorized to be appropriated from the
12 Highway Trust Fund (other than the Mass Transit Ac-
13 count):

14 “(1) **MOTOR CARRIER SAFETY ASSISTANCE PRO-**
15 **GRAM.**—Subject to paragraph (2) and subsection (c),
16 to carry out section 31102 (except subsection (l))—

17 “(A) \$388,950,000 for fiscal year 2022;

18 “(B) \$398,700,000 for fiscal year 2023;

19 “(C) \$408,900,000 for fiscal year 2024;

20 and

21 “(D) \$418,425,000 for fiscal year 2025.

22 “(2) **HIGH PRIORITY ACTIVITIES PROGRAM.**—
23 Subject to subsection (c), to carry out section
24 31102(l)—

25 “(A) \$72,604,000 for fiscal year 2022;

1 “(B) \$74,424,000 for fiscal year 2023;

2 “(C) \$76,328,000 for fiscal year 2024; and

3 “(D) \$78,106,000 for fiscal year 2025.

4 “(3) COMMERCIAL MOTOR VEHICLE OPERATORS
5 GRANT PROGRAM.—To carry out section 31103—

6 “(A) \$1,037,200 for fiscal year 2022;

7 “(B) \$1,063,200 for fiscal year 2023;

8 “(C) \$1,090,400 for fiscal year 2024; and

9 “(D) \$1,115,800 for fiscal year 2025.

10 “(4) COMMERCIAL DRIVER’S LICENSE PROGRAM
11 IMPLEMENTATION PROGRAM.—Subject to subsection
12 (c), to carry out section 31313—

13 “(A) \$56,008,800 for fiscal year 2022;

14 “(B) \$57,412,800 for fiscal year 2023;

15 “(C) \$58,881,600 for fiscal year 2024; and

16 “(D) \$60,253,200 for fiscal year 2025.”;

17 (2) by striking subsection (c) and inserting the
18 following:

19 “(c) PARTNER TRAINING AND PROGRAM SUPPORT.—

20 “(1) IN GENERAL.—On October 1 of each fiscal
21 year, or as soon after that date as practicable, the
22 Secretary may deduct from amounts made available
23 under paragraphs (1), (2), and (4) of subsection (a)
24 for that fiscal year not more than 1.50 percent of

1 those amounts for partner training and program
2 support in that fiscal year.

3 “(2) USE OF FUNDS.—The Secretary shall use
4 at least 75 percent of the amounts deducted under
5 paragraph (1) on training and related training mate-
6 rials for non-Federal Government employees.

7 “(3) PARTNERSHIP.—The Secretary shall carry
8 out the training and development of materials pursu-
9 ant to paragraph (2) in partnership with one or
10 more nonprofit organizations, selected on a competi-
11 tive basis, that have—

12 “(A) expertise in conducting a training
13 program for non-Federal Government employ-
14 ees; and

15 “(B) a demonstrated ability to involve in a
16 training program the target population of com-
17 mercial motor vehicle safety enforcement em-
18 ployees.”;

19 (3) in subsection (f)—

20 (A) in paragraph (1) by striking “the next
21 fiscal year” and inserting “the following 2 fiscal
22 years”;

23 (B) in paragraph (2) by striking “the next
24 2 fiscal years” and inserting “the following 3
25 fiscal years”; and

1 (C) in paragraph (3) by striking “the next
2 4 fiscal years” and inserting “the following 5
3 fiscal years”; and

4 (4) by adding at the end the following:

5 “(j) TREATMENT OF REALLOCATIONS.—Amounts
6 that are obligated and subsequently, after the date of en-
7 actment of this subsection, released back to the Secretary
8 under subsection (i) shall not be subject to limitations on
9 obligations provided under any other provision of law.”.

10 **SEC. 4102. MOTOR CARRIER SAFETY OPERATIONS AND**
11 **PROGRAMS.**

12 (a) IN GENERAL.—Section 31110 of title 49, United
13 States Code, is amended by striking subsection (a) and
14 inserting the following:

15 “(a) ADMINISTRATIVE EXPENSES.—There is author-
16 ized to be appropriated from the Highway Trust Fund
17 (other than the Mass Transit Account) for the Secretary
18 of Transportation to pay administrative expenses of the
19 Federal Motor Carrier Safety Administration—

20 “(1) \$380,500,000 for fiscal year 2022;

21 “(2) \$381,500,000 for fiscal year 2023;

22 “(3) \$382,500,000 for fiscal year 2024; and

23 “(4) \$384,500,000 for fiscal year 2025.”.

24 (b) ADMINISTRATIVE EXPENSES.—

1 (1) USE OF FUNDS.—The Administrator of the
2 Federal Motor Carrier Safety Administration shall
3 use funds made available in subsection (a) for—

4 (A) acceleration of planned investments to
5 modernize the Administration’s information
6 technology and information management sys-
7 tems;

8 (B) completing outstanding mandates;

9 (C) carrying out a Large Truck Crash
10 Causal Factors Study of the Administration;

11 (D) construction and maintenance of bor-
12 der facilities; and

13 (E) other activities authorized under sec-
14 tion 31110(b) of title 49, United States Code.

15 (2) DEFINITION OF OUTSTANDING MANDATE.—

16 In this subsection, the term “outstanding mandate”
17 means a requirement for the Federal Motor Carrier
18 Safety Administration to issue regulations, under-
19 take a comprehensive review or study, conduct a
20 safety assessment, or collect data—

21 (A) under this Act;

22 (B) under MAP–21 (Public Law 112–
23 141), that has not been published in the Fed-
24 eral Register, if required, or otherwise com-
25 pleted as of the date of enactment of this Act;

1 (C) under the FAST Act (Public Law
2 114–94), that has not been published in the
3 Federal Register, if required, or otherwise com-
4 pleted as the of the date of enactment of this
5 Act; and

6 (D) under any other Act enacted before
7 the date of enactment of this Act that has not
8 been published in the Federal Register by the
9 date required in such Act.

10 **Subtitle B—Motor Carrier Safety** 11 **Oversight**

12 **SEC. 4201. MOTOR CARRIER SAFETY ADVISORY COM-** 13 **MITTEE.**

14 Section 4144 of SAFETEA–LU (49 U.S.C. 31100
15 note) is amended—

16 (1) in subsection (b)(1) by inserting “, includ-
17 ing small business motor carriers” after “industry”;
18 and

19 (2) in subsection (d) by striking “September
20 30, 2013” and inserting “September 30, 2025”.

21 **SEC. 4202. COMPLIANCE, SAFETY, ACCOUNTABILITY.**

22 (a) IN GENERAL.—Not later than 1 year after the
23 date of enactment of this Act, the Secretary of Transpor-
24 tation shall implement a revised methodology to be used
25 in the Compliance, Safety, Accountability program of the

1 Federal Motor Carrier Safety Administration to identify
2 and prioritize motor carriers for intervention, using the
3 recommendations of the study required by section 5221(a)
4 of the FAST Act (49 U.S.C. 31100 note).

5 (b) DATA AVAILABILITY.—The Secretary shall, in
6 working toward implementation of the revised method-
7 ology described in subsection (a)—

8 (1) prioritize revisions necessary to restore the
9 public availability of all relevant safety data under a
10 revised methodology; and

11 (2) make such safety data publicly available
12 that was made publicly available on the day before
13 the date of enactment of the FAST Act, and make
14 publicly available any safety data that was required
15 to be made available by section 5223 of the FAST
16 Act (49 U.S.C. 31100 note).

17 (c) IMPLEMENTATION.—

18 (1) PROGRESS REPORTS.—Not later than 30
19 days after the date of enactment of this Act, and
20 every 90 days thereafter until the date on which the
21 Secretary implements the revised methodology de-
22 scribed in subsection (a), the Secretary shall submit
23 to the Committee on Transportation and Infrastruc-
24 ture of the House of Representatives and the Com-
25 mittee on Commerce, Science, and Transportation of

1 the Senate, and make publicly available on a website
2 of the Department of Transportation, a progress re-
3 port on—

4 (A) the status of the revision of the meth-
5 odology and related data modifications under
6 subsection (a), a timeline for completion of such
7 revision, and an estimated date for implementa-
8 tion of such revised methodology;

9 (B) an explanation for any delays in devel-
10 opment or implementation of the revised meth-
11 odology over the reporting period; and

12 (C) if the Secretary has not resumed mak-
13 ing publicly available the data described in sub-
14 section (b), an updated timeline for the restora-
15 tion of the public availability of data and a de-
16 tailed explanation for why such restoration has
17 not occurred.

18 (2) PUBLICATION AND NOTIFICATION.—Prior
19 to commencing the use of the revised methodology
20 described in subsection (a) to identify and prioritize
21 motor carriers for intervention (other than in a test-
22 ing capacity), the Secretary shall—

23 (A) publish the methodology in the Federal
24 Register and provide a period for public com-
25 ment; and

1 (B) notify the Committee on Transpor-
2 tation and Infrastructure of the House of Rep-
3 resentatives and the Committee on Commerce,
4 Science, and Transportation of the Senate, in
5 writing.

6 (d) SAFETY FITNESS RULE.—

7 (1) RULEMAKING.—Not later than 1 year after
8 the date on which the Secretary notifies Congress
9 under subsection (c)(2), the Secretary shall issue
10 final regulations pursuant to section 31144(b) of
11 title 49, United States Code, to revise the method-
12 ology for issuance of motor carrier safety fitness de-
13 terminations.

14 (2) CONSIDERATIONS.—In issuing the regula-
15 tions under paragraph (1), the Secretary shall con-
16 sider the use of all available data to determine the
17 fitness of a motor carrier.

18 (e) REPEAL.—Section 5223 of the FAST Act (49
19 U.S.C. 31100 note), and the item related to such section
20 in the table of contents in section 1(b) of such Act, are
21 repealed.

22 **SEC. 4203. TERMS AND CONDITIONS FOR EXEMPTIONS.**

23 Section 31315 of title 49, United States Code, is
24 amended—

25 (1) in subsection (b)—

1 (A) in paragraph (4)(A) by inserting “, in-
2 cluding data submission requirements,” after
3 “terms and conditions”; and

4 (B) by striking paragraph (8) and insert-
5 ing the following:

6 “(8) TERMS AND CONDITIONS.—

7 “(A) IN GENERAL.—The Secretary shall
8 establish terms and conditions for each exemp-
9 tion to ensure that the exemption does not de-
10 grade the level of safety achieved by the person
11 or class of persons granted the exemption, in-
12 cluding—

13 “(i) requiring the regular submission
14 of accident and incident data to the Sec-
15 retary;

16 “(ii) requiring immediate notification
17 to the Secretary in the event of a fatal ac-
18 cident; and

19 “(iii) for exemptions granted by the
20 Secretary related to hours of service rules
21 under part 395 of title 49, Code of Federal
22 Regulations, requiring that the exempt
23 person or class of persons submit to the
24 Secretary evidence of participation in a
25 recognized fatigue management plan.

1 “(B) IMPLEMENTATION.—The Secretary
2 shall monitor the implementation of the exemp-
3 tion to ensure compliance with its terms and
4 conditions.”; and

5 (2) in subsection (e) by inserting “, based on an
6 analysis of data collected by the Secretary and sub-
7 mitted to the Secretary under subsection (b)(8)”
8 after “safety”.

9 **SEC. 4204. SAFETY FITNESS OF MOTOR CARRIERS OF PAS-**
10 **SENGERS.**

11 Section 31144(i) of title 49, United States Code, is
12 amended—

13 (1) in paragraph (1)—

14 (A) in subparagraph (A) by striking “who
15 the Secretary registers under section 13902 or
16 31134”; and

17 (B) in subparagraph (B) by inserting “to
18 motor carriers of passengers and” after
19 “apply”; and

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

21 “(5) MOTOR CARRIER OF PASSENGERS DE-
22 FINED.—In this subsection, the term ‘motor carrier
23 of passengers’ includes an offeror of motorcoach
24 services that sells scheduled transportation of pas-
25 sengers for compensation at fares and on schedules

1 and routes determined by such offeror, regardless of
 2 ownership or control of the vehicles or drivers used
 3 to provide the transportation by motorcoach.”.

4 **Subtitle C—Commercial Motor** 5 **Vehicle Driver Safety**

6 **SEC. 4301. COMMERCIAL DRIVERS LICENSE FOR PAS-** 7 **SENGER CARRIERS.**

8 Section 31301(4)(B) of title 49, United States Code,
 9 is amended to read as follows:

10 “(B) is designed or used to transport—
 11 “(i) more than 8 passengers (includ-
 12 ing the driver) for compensation; or
 13 “(ii) more than 15 passengers (includ-
 14 ing the driver), whether or not the trans-
 15 portation is provided for compensation;
 16 or”.

17 **SEC. 4302. ALCOHOL AND CONTROLLED SUBSTANCES TEST-** 18 **ING.**

19 Section 31306(c)(2) of title 49, United States Code,
 20 is amended by striking “, for urine testing,”.

21 **SEC. 4303. ENTRY-LEVEL DRIVER TRAINING.**

22 Not later than January 1, 2021, and every 90 days
 23 thereafter until the compliance date for the final rule pub-
 24 lished on December 8, 2016, titled “Minimum Training
 25 Requirements for Entry-Level Commercial Motor Vehicle

1 Operators” (81 Fed. Reg. 88732), the Secretary shall sub-
2 mit to the Committee on Transportation and Infrastruc-
3 ture of the House of Representatives and the Committee
4 on Commerce, Science, and Transportation of the Senate
5 a report on—

6 (1) a schedule, including benchmarks, to com-
7 plete implementation of the requirements under such
8 final rule;

9 (2) any anticipated delays, if applicable, in
10 meeting the benchmarks described in paragraph (1);

11 (3) the progress that the Secretary has made in
12 updating the Department of Transportation’s infor-
13 mation technology infrastructure to support the
14 training provider registry;

15 (4) a list of States that have adopted laws or
16 regulations to implement such final rule; and

17 (5) a list of States, if applicable, that are imple-
18 menting the rule and confirming that an applicant
19 for a Commercial Drivers License has complied with
20 the requirements.

21 **SEC. 4304. DRIVER DETENTION TIME.**

22 (a) DATA COLLECTION.—Not later than 30 days
23 after the date of enactment of this Act, the Secretary
24 shall—

1 (1) begin to collect data on delays experienced
2 by operators of commercial motor vehicles, as re-
3 quired under section 5501 of the FAST Act (49
4 U.S.C. 14103 note) and as referenced in the request
5 for information published on June 10, 2019, titled
6 “Request for Information Concerning Commercial
7 Motor Vehicle Driver Detention Times During Load-
8 ing and Unloading” (84 Fed. Reg. 26932); and

9 (2) make such data available on a publicly ac-
10 cessible website of the Department of Transpor-
11 tation.

12 (b) DETENTION TIME LIMITS.—

13 (1) RULEMAKING.—Not later than 1 year after
14 the date of enactment of this Act, the Secretary
15 shall initiate a rulemaking to establish limits on the
16 amount of time that an operator of a commercial
17 motor vehicle may be reasonably detained by a ship-
18 per or receiver before the loading or unloading the
19 vehicle, if the operator is not compensated for such
20 time detained.

21 (2) CONTENTS.—As part of the rulemaking
22 conducted pursuant to subsection (a), the Secretary
23 shall—

1 (A) consider the diverse nature of oper-
2 ations in the movement of goods by commercial
3 motor vehicle;

4 (B) examine any correlation between time
5 detained and violations of the hours-of-service
6 rules under part 395 of title 49, Code of Fed-
7 eral Regulations;

8 (C) determine whether the effect of deten-
9 tion time on safety differs based on—

10 (i) how an operator is compensated;

11 and

12 (ii) the contractual relationship be-
13 tween the operator and the motor carrier,
14 including whether an operator is an em-
15 ployee, a leased owner-operator, or an
16 owner-operator with independent authority;

17 and

18 (D) establish a process for a motor carrier,
19 shipper, receiver, broker, or commercial motor
20 vehicle operator to report instances of time de-
21 tained beyond the Secretary's established limits.

22 (3) INCORPORATION OF INFORMATION.—The
23 Secretary shall incorporate information received
24 under paragraph (2)(D) into the process established

1 pursuant to subsection (a) once a final rule takes ef-
2 fect.

3 (c) DATA PROTECTION.—Data made available pursu-
4 ant to this section shall be made available in a manner
5 that—

6 (1) precludes the connection of the data to any
7 individual motor carrier or commercial motor vehicle
8 operator; and

9 (2) protects privacy and confidentiality of indi-
10 viduals, operators, and motor carriers submitting the
11 data.

12 (d) COMMERCIAL MOTOR VEHICLE DEFINED.—In
13 this section, the term “commercial motor vehicle” has the
14 meaning given such term in section 31101 of title 49,
15 United States Code.

16 **SEC. 4305. TRUCK LEASING TASK FORCE.**

17 (a) ESTABLISHMENT.—Not later than 6 months after
18 the date of enactment of this Act, the Secretary of Trans-
19 portation, in consultation with the Secretary of Labor,
20 shall establish a Truck Leasing Task Force (hereinafter
21 referred to as the “Task Force”).

22 (b) MEMBERSHIP.—The Secretary of Transportation
23 shall select not more than 15 individuals to serve as mem-
24 bers of the Task Force, including equal representation
25 from each of the following:

1 (1) Labor organizations.

2 (2) The motor carrier industry, including inde-
3 pendent owner-operators.

4 (3) Consumer protection groups.

5 (4) Safety groups.

6 (5) Members of the legal profession who spe-
7 cialize in consumer finance issues.

8 (c) DUTIES.—The Task Force shall examine, at a
9 minimum—

10 (1) common truck leasing arrangements avail-
11 able to commercial motor vehicle drivers, including
12 lease-purchase agreements;

13 (2) the terms of such leasing agreements;

14 (3) the prevalence of predatory leasing agree-
15 ments in the motor carrier industry;

16 (4) specific agreements available to drayage
17 drivers at ports related to the Clean Truck Program
18 or similar programs to decrease emissions from port
19 operations;

20 (5) the impact of truck leasing agreements on
21 the net compensation of commercial motor vehicle
22 drivers, including port drayage drivers;

23 (6) resources to assist commercial motor vehicle
24 drivers in assessing the impacts of leasing agree-
25 ments; and

1 (7) the classification of commercial motor vehi-
2 cle drivers under lease-purchase agreements.

3 (d) COMPENSATION.—A member of the Task Force
4 shall serve without compensation.

5 (e) REPORT.—Upon completion of the examination
6 described in subsection (c), the Task Force shall submit
7 to the Secretary of Transportation, Secretary of Labor,
8 and appropriate congressional committees a report con-
9 taining the following:

10 (1) the findings of the Task Force on the mat-
11 ters described in subsection (c);

12 (2) best practices related to—

13 (A) assisting a commercial motor vehicle
14 driver in assessing the impacts of leasing agree-
15 ments prior to entering into such agreements;
16 and

17 (B) assisting a commercial motor vehicle
18 driver who has entered into a predatory lease
19 agreement; and

20 (3) recommendations on changes to laws or reg-
21 ulations, as applicable, at the Federal, State, or local
22 level to promote fair leasing agreements under which
23 a commercial motor vehicle driver is able to earn a
24 living wage.

1 (f) TERMINATION.—Not later than 1 month after the
2 date of submission of the report pursuant to subsection
3 (e), the Task Force shall terminate.

4 **SEC. 4306. HOURS OF SERVICE.**

5 (a) AUTHORITY TO ISSUE REGULATIONS.—Notwith-
6 standing the authority of the Secretary of Transportation
7 to issue regulations under section 31502 of title 49,
8 United States Code, the Secretary shall delay the effective
9 date of the final rule published on June 1, 2020, titled
10 “Hours of Service of Drivers” (85 Fed. Reg. 33396) until
11 60 days after the date on which the Secretary submits
12 the report required under subsection (c).

13 (b) COMPREHENSIVE REVIEW.—

14 (1) COMPREHENSIVE REVIEW OF HOURS OF
15 SERVICE RULES.—Not later than 60 days after the
16 date of enactment of this Act, the Secretary shall
17 initiate a comprehensive review of hours of service
18 rules and the impacts of waivers, exemptions, and
19 other allowances that limit the applicability of such
20 rules.

21 (2) LIST OF EXEMPTIONS.—In carrying out the
22 comprehensive review required under paragraph (1),
23 the Secretary shall—

24 (A) compile a list of waivers, exemptions,
25 and other allowances—

1 (i) under which a driver may operate
2 in excess of the otherwise applicable limits
3 on on-duty or driving time in absence of
4 such exemption, waiver, or other allowance;

5 (ii) under which a driver may operate
6 without recording compliance with hours of
7 service rules through the use of an elec-
8 tronic logging device; and

9 (iii) applicable—

10 (I) to specific segments of the
11 motor carrier industry or sectors of
12 the economy;

13 (II) on a periodic or seasonal
14 basis; and

15 (III) to specific types of oper-
16 ations, including the short haul ex-
17 emption under part 395 of title 49,
18 Code of Federal Regulations;

19 (B) specify whether each such waiver, ex-
20 emption, or other allowance was granted by the
21 Department of Transportation or enacted by
22 Congress, and how long such waiver, exemption,
23 or other allowance has been in effect; and

24 (C) estimate the number of motor carriers,
25 motor private carriers, and drivers that may

1 qualify to use each waiver, exemption, or other
2 allowance.

3 (3) SAFETY IMPACT ANALYSIS.—

4 (A) IN GENERAL.—In carrying out the
5 comprehensive review under paragraph (1), the
6 Secretary, in consultation with State motor car-
7 rier enforcement entities, shall undertake a sta-
8 tistically valid analysis to determine the safety
9 impact, including on enforcement, of the exemp-
10 tions, waivers, or other allowances compiled
11 under paragraph (2) by—

12 (i) using available data, or collecting
13 from motor carriers or motor private car-
14 riers and drivers operating under an ex-
15 emption, waiver, or other allowance if the
16 Secretary does not have sufficient data, to
17 determine the incidence of accidents, fa-
18 tigue-related incidents, and other relevant
19 safety information related to hours of serv-
20 ice among motor carriers, private motor
21 carriers, and drivers permitted to operate
22 under each exemption, waiver, or other al-
23 lowance;

24 (ii) comparing the data described in
25 subparagraph (A) to safety data from

1 motor carriers, motor private carriers, and
2 drivers that are subject to the hours of
3 service rules and not operating under an
4 exemption, waiver, or other allowance; and

5 (iii) based on the comparison under
6 subparagraph (B), determining whether
7 waivers, exemptions, and other allowances
8 in effect provide an equivalent level of safe-
9 ty as would exist in the absence of exemp-
10 tions, waivers, or other allowances.

11 (B) CONSULTATION.—The Secretary shall
12 consult with State motor carrier enforcement
13 entities in carrying out this paragraph.

14 (C) EXCLUSIONS.—The Secretary shall ex-
15 clude data related to exemptions, waivers, or
16 other allowances made pursuant to an emer-
17 gency declaration under section 390.23 of title
18 49, Code of Federal Regulations, or extended
19 under section 390.25 of title 49, Code of Fed-
20 eral Regulations, from the analysis required
21 under this paragraph.

22 (4) DRIVER IMPACT ANALYSIS.—In carrying out
23 the comprehensive review under paragraph (1), the
24 Secretary shall further consider—

1 (A) data on driver detention collected by
2 the Secretary pursuant to section 4304 of this
3 Act and other conditions affecting the move-
4 ment of goods by commercial motor vehicle, and
5 how such conditions interact with the Sec-
6 retary's regulations on hours of service;

7 (B) whether exemptions, waivers, or other
8 allowances that permit additional on-duty time
9 or driving time have a deleterious effect on the
10 physical condition of drivers; and

11 (C) whether differences in the manner in
12 which drivers are compensated result in dif-
13 ferent levels of burden for drivers in complying
14 with hours of service rules.

15 (c) PUBLICATION.—Not later than 18 months after
16 the date that the Secretary initiates the comprehensive re-
17 view under subsection (b)(1), the Secretary shall publish
18 the findings of such review in the Federal Register and
19 provide for a period for public comment.

20 (d) REPORT TO CONGRESS.—Not later than 30 days
21 after the conclusion of the public comment period under
22 subsection (c), the Secretary shall submit to the Com-
23 mittee on Commerce, Science, and Transportation and the
24 Committee on Environment and Public Works of the Sen-
25 ate and the Committee on Transportation and Infrastruc-

1 ture of the House of Representatives and make publicly
2 available on a website of the Department of Transpor-
3 tation a report containing the information and analyses
4 required under subsection (b).

5 (e) REVISION OF GUIDANCE.—Notwithstanding sub-
6 section (a), the Secretary shall revise the Department of
7 Transportation guidance published on June 7, 2018, titled
8 “Hours of Service of Drivers of Commercial Motor Vehi-
9 cles: Regulatory Guidance Concerning the Use of a Com-
10 mercial Motor Vehicle for Personal Conveyance” (83 Fed.
11 Reg. 26377) to establish specific mileage or time limits,
12 or both, for the use of personal conveyance.

13 (f) DEFINITIONS.—In this section:

14 (1) MOTOR CARRIER; MOTOR PRIVATE CAR-
15 RIER.—The terms “motor carrier” and “motor pri-
16 vate carrier” have the meanings given such terms in
17 section 31501 of title 49, United States Code.

18 (2) ON-DUTY TIME; DRIVING TIME; ELEC-
19 TRONIC LOGGING DEVICE.—The terms “on-duty
20 time”, “driving time”, and “electronic logging de-
21 vice” have the meanings given such terms in section
22 395.2 of title 49, Code of Federal Regulations (as
23 in effect on June 1, 2020).

1 **SEC. 4307. DRIVER RECRUITMENT.**

2 (a) IN GENERAL.—Not later than 1 year after the
3 date of enactment of this Act, the Inspector General of
4 the Department of Transportation shall submit to the
5 Committee on Transportation and Infrastructure of the
6 House of Representatives and the Committee on Com-
7 merce, Science, and Transportation of the Senate a report
8 examining the operation of commercial motor vehicles in
9 the United States by drivers admitted to the United States
10 under temporary business visas.

11 (b) CONTENTS.—The report under paragraph (1)
12 shall include—

13 (1) an assessment of—

14 (A) the prevalence of the operation of com-
15 mercial motor vehicles in the United States by
16 drivers admitted to the United States under
17 temporary business visas;

18 (B) the characteristics of motor carriers
19 that recruit and use such drivers, including the
20 country of domicile of the motor carrier or sub-
21 sidiary;

22 (C) the demographics of drivers operating
23 in the United States under such visas, including
24 the country of domicile of such drivers; and

25 (D) the contractual relationship between
26 such motor carriers and such drivers;

1 (2) an analysis of whether such drivers are re-
2 quired to comply with—

3 (A) motor carrier safety regulations under
4 subchapter B of chapter III of title 49, Code of
5 Federal Regulations, including—

6 (i) the English proficiency require-
7 ment under section 391.11(2) of title 49,
8 Code of Federal Regulations;

9 (ii) the requirement for drivers of a
10 motor carrier to report any violations of a
11 regulation to such motor carrier under sec-
12 tion 391.27 of title 49, Code of Federal
13 Regulations; and

14 (iii) drivers licensing requirements
15 under part 383 of title 49, Code of Federal
16 Regulations, including entry level driver
17 training and drug and alcohol testing
18 under part 382 of such title; and

19 (B) regulations prohibiting point-to-point
20 transportation in the United States, or cabo-
21 tage, under part 365 of title 49, Code of Fed-
22 eral Regulations;

23 (3) an evaluation of the safety record of the op-
24 erations and drivers described in paragraph (1), in-
25 cluding—

1 (A) violations of the motor carrier safety
2 regulations under subchapter B of chapter III
3 of title 49, Code of Federal Regulations, includ-
4 ing applicable requirements described in para-
5 graph (2)(A); and

6 (B) the number of crashes involving such
7 operations and drivers; and

8 (4) the impact of such operations and drivers
9 on—

10 (A) commercial motor vehicle drivers domi-
11 ciled in the United States, including employ-
12 ment levels and driver compensation of such
13 drivers; and

14 (B) the competitiveness of motor carriers
15 domiciled in the United States.

16 (c) DEFINITIONS.—In this section:

17 (1) COMMERCIAL MOTOR VEHICLE.—In this
18 section, the term “commercial motor vehicle” has
19 the meaning given such term in section 31101 of
20 title 49, United States Code.

21 (2) TEMPORARY BUSINESS VISA.—The term
22 “temporary business visa” means any driver who is
23 present in the United States with status under sec-
24 tion 101(a)(15)(H)(i)(b) of the Immigration and
25 Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)).

1 **Subtitle D—Commercial Motor**
2 **Vehicle and School Bus Safety**

3 **SEC. 4401. SCHOOL BUS SAFETY STANDARDS.**

4 (a) SCHOOL BUS SEAT BELTS.—

5 (1) IN GENERAL.—Not later than 1 year after
6 the date of enactment of this Act, the Secretary
7 shall issue a notice of proposed rulemaking to con-
8 sider requiring large school buses to be equipped
9 with safety belts for all seating positions, if the Sec-
10 retary determines that such standards meet the re-
11 quirements and considerations set forth in sub-
12 sections (a) and (b) of section 30111 of title 49,
13 United States Code.

14 (2) CONSIDERATIONS.—In issuing a notice of
15 proposed rulemaking under paragraph (1), the Sec-
16 retary shall consider—

17 (A) the safety benefits of a lap/shoulder
18 belt system (also known as a “Type 2 seat belt
19 assembly”);

20 (B) the recommendations of the National
21 Transportation Safety Board on seat belts in
22 school buses; and

23 (C) existing experience from States that
24 require school buses to be equipped with seat
25 belts, including Type 2 seat belt assembly.

1 (3) REPORT.—If the Secretary determines that
2 a standard described in paragraph (1) does not meet
3 the requirements and considerations set forth in sub-
4 sections (a) and (b) of section 30111 of title 49,
5 United States Code, the Secretary shall submit to
6 the Committee on Transportation and Infrastructure
7 of the House of Representatives and the Committee
8 on Commerce, Science, and Transportation of the
9 Senate a report that describes the reasons for not
10 prescribing such a standard.

11 (4) APPLICATION OF REGULATIONS.—Any regu-
12 lation issued based on the notice of proposed rule-
13 making described in paragraph (1) shall apply to
14 school buses manufactured more than 3 years after
15 the date on which the regulation takes effect.

16 (b) AUTOMATIC EMERGENCY BRAKING.—Not later
17 than 2 years after the date of enactment of this Act, the
18 Secretary shall—

19 (1) prescribe a motor vehicle safety standard
20 under section 30111 of title 49, United States Code,
21 that requires all school buses manufactured after the
22 effective date of such standard to be equipped with
23 an automatic emergency braking system; and

1 (2) as part of such standard, establish perform-
2 ance requirements for automatic emergency braking
3 systems, including operation of such systems.

4 (c) ELECTRONIC STABILITY CONTROL.—Not later
5 than 2 years after the date of enactment of this Act, the
6 Secretary shall—

7 (1) prescribe a motor vehicle safety standard
8 under section 30111 of title 49, United States Code,
9 that requires all school buses manufactured after the
10 effective date of such standard to be equipped with
11 an electronic stability control system (as such term
12 is defined in section 571.136 of title 49, Code of
13 Federal Regulations (as in effect on the date of en-
14 actment of this Act)); and

15 (2) as part of such standard, establish perform-
16 ance requirements for electronic stability control sys-
17 tems, including operation of such systems.

18 (d) FIRE PREVENTION AND MITIGATION.—

19 (1) RESEARCH AND TESTING.—The Secretary
20 shall conduct research and testing to determine the
21 most prevalent causes of school bus fires and the
22 best methods to prevent such fires and to mitigate
23 the effect of such fires, both inside and outside the
24 school bus. Such research and testing shall con-
25 sider—

1 (A) fire suppression systems standards,
2 which at a minimum prevent engine fires;

3 (B) firewall standards to prevent gas or
4 flames from entering into the passenger com-
5 partment in school buses with engines that ex-
6 tend beyond the firewall; and

7 (C) interior flammability and smoke emis-
8 sions characteristics standards.

9 (2) STANDARDS.—The Secretary may issue fire
10 prevention and mitigation standards for school
11 buses, based on the results of the Secretary’s re-
12 search and testing under paragraph (1), if the Sec-
13 retary determines that such standards meet the re-
14 quirements and considerations set forth in sub-
15 sections (a) and (b) of section 30111 of title 49,
16 United States Code.

17 (e) DEFINITIONS.—In this section:

18 (1) AUTOMATIC BRAKING SYSTEM.—The term
19 “automatic braking system” means a crash avoid-
20 ance system installed and operational in a vehicle
21 that consists of—

22 (A) a forward warning function—

23 (i) to detect vehicles and objects
24 ahead of the vehicle; and

1 (ii) to alert the operator of an im-
2 pending collision; and

3 (B) a crash-imminent braking function to
4 provide automatic braking when forward-look-
5 ing sensors of the vehicle indicate that—

6 (i) a crash is imminent; and

7 (ii) the operator of the vehicle is not
8 applying the brakes.

9 (2) SCHOOL BUS.—The term “school bus” has
10 the meaning given the term “schoolbus” in section
11 30125(a) of title 49, United States Code.

12 (3) LARGE SCHOOL BUS.—The term “large
13 school bus” means a school bus with a gross vehicle
14 weight rating of more than 10,000 pounds.

15 **SEC. 4402. ILLEGAL PASSING OF SCHOOL BUSES.**

16 (a) REVIEW OF ILLEGAL PASSING LAWS.—

17 (1) IN GENERAL.—Not later than 2 years after
18 the date of enactment of this Act, the Secretary of
19 Transportation shall—

20 (A) prepare a compilation of illegal passing
21 laws in all States, including levels of enforce-
22 ment and penalties and enforcement issues with
23 such laws and the impact of such laws on illegal
24 passing of school buses in each State;

1 (B) review existing State laws that may in-
2 hibit effective school bus loading zone counter-
3 measures, which may include laws requiring
4 camera visibility of a driver's face for enforce-
5 ment action, laws that may reduce stop arm
6 camera effectiveness, the need for an officer to
7 witness the event for enforcement, and the lack
8 of primary enforcement for texting and driving;

9 (C) evaluate methods used by States to re-
10 view, document, and report to law enforcement
11 school bus stop arm violations; and

12 (D) following the completion of the com-
13 pilation, issue recommendations on best prac-
14 tices on the most-effective approaches to ad-
15 dress illegal passing of school buses.

16 (2) PUBLICATION.—The compilation and rec-
17 ommendations prepared under paragraph (1) shall
18 be made publicly available on the website of the De-
19 partment of Transportation.

20 (b) PUBLIC SAFETY MESSAGING CAMPAIGN.—

21 (1) IN GENERAL.—Not later than 1 year after
22 the date on which the Secretary makes the compila-
23 tion and recommendations under subsection (a)(2)
24 publicly available, the Secretary shall create and exe-
25 cute a public safety messaging campaign for dis-

1 tribution to States, divisions of motor vehicles,
2 schools, and other public outlets to highlight the
3 dangers of the illegal passing of school buses, and
4 should include educating students and the public on
5 safe loading and unloading of school buses.

6 (2) CONSULTATION.—The Secretary shall con-
7 sult with public and private school bus industry rep-
8 resentatives and States in developing the campaign
9 materials.

10 (3) UPDATE.—The Secretary shall periodically
11 update such materials.

12 (c) REVIEW OF TECHNOLOGIES.—

13 (1) IN GENERAL.—Not later than 2 years after
14 the date of enactment of this Act, the Secretary
15 shall review and evaluate the effectiveness of various
16 technologies to enhance school bus safety, including
17 cameras, audible warning systems, enhanced light-
18 ing, and other technological solutions.

19 (2) CONTENT.—The review under paragraph
20 (1)—

21 (A) shall include an evaluation of the costs
22 of new equipment and the potential impact on
23 overall school bus ridership;

24 (B) shall include an evaluation of advanced
25 technologies surrounding loading zone safety;

1 (C) shall include an evaluation of motion-
2 activated detection systems that are capable
3 of—

4 (i) detecting pedestrians, bicyclists,
5 and other road users located near the exte-
6 rior of the school bus; and

7 (ii) alerting the operator of the school
8 bus of the road users described in clause
9 (i);

10 (D) shall include an evaluation of school
11 bus lighting systems, to ensure clear commu-
12 nication to surrounding drivers on their appro-
13 priate action; and

14 (E) may include other technological solu-
15 tions that enhance school bus safety.

16 (3) CONSULTATION.—The Secretary shall con-
17 sult with manufacturers of school bus vehicles, man-
18 ufacturers of various technologies, and school bus in-
19 dustry representatives in conducting the review
20 under paragraph (1).

21 (4) PUBLICATION.—The Secretary shall make
22 the findings of the review under paragraph (1) pub-
23 licly available on the website of the Department.

24 (d) REVIEW OF DRIVER EDUCATION MATERIALS.—

1 (1) IN GENERAL.—Not later than 2 years after
2 the date of enactment of this Act, the Secretary
3 shall—

4 (A) review driver education materials
5 across all States to determine whether and how
6 illegal passing of school buses is addressed in
7 driver education materials, manuals, non-com-
8 mercial driver’s license testing, and road tests;
9 and

10 (B) make recommendations on how States
11 can improve education about illegal passing of
12 school buses, particularly with new drivers.

13 (2) CONSULTATION.—The Secretary shall con-
14 sult with school bus industry representatives, States,
15 motor vehicle administrators, and other appropriate
16 motor vehicle experts in the preparation of the re-
17 view under paragraph (1).

18 (3) PUBLICATION.—The Secretary shall make
19 the findings of the review under paragraph (1) pub-
20 licly available on the website of the Department.

21 (e) REVIEW OF OTHER SAFETY ISSUES.—

22 (1) IN GENERAL.—Not later than 2 years after
23 the date of enactment of this Act, the Secretary
24 shall—

1 (A) research the connections between ille-
2 gal passing of school buses and other safety
3 issues, including distracted driving, morning
4 darkness, illumination and reach of vehicle
5 headlights, speed limits, and school bus stop lo-
6 cations in rural areas; and

7 (B) create a report containing the findings.

8 (2) PUBLICATION.—The Secretary shall make
9 the report created under paragraph (1)(B) publicly
10 available on the website of the Department.

11 **SEC. 4403. STATE INSPECTION OF PASSENGER-CARRYING**
12 **COMMERCIAL MOTOR VEHICLES.**

13 (a) IN GENERAL.—Not later than 2 years after the
14 date of enactment of this Act, the Secretary of Transpor-
15 tation shall issue a final rule based on the advance notice
16 of proposed rulemaking published on April 27, 2016, titled
17 “State Inspection Programs for Passenger-Carrier Vehi-
18 cles” (81 Fed. Reg. 24769).

19 (b) CONSIDERATIONS.—In issuing a final rule under
20 subsection (a), the Secretary shall consider the impact of
21 continuing to allow self-inspection as a means to satisfy
22 periodic inspection requirements on the safety of pas-
23 senger carrier operations.

1 **SEC. 4404. AUTOMATIC EMERGENCY BRAKING.**

2 (a) FEDERAL MOTOR VEHICLE SAFETY STAND-
3 ARD.—

4 (1) IN GENERAL.—Not later than 1 year after
5 the date of enactment of this Act, the Secretary of
6 Transportation shall—

7 (A) prescribe a motor vehicle safety stand-
8 ard under section 30111 of title 49, United
9 States Code, that requires all commercial motor
10 vehicles manufactured after the effective date of
11 such standard to be equipped with an automatic
12 emergency braking system; and

13 (B) as part of such standard, establish
14 performance requirements for automatic emer-
15 gency braking systems, including operation of
16 such systems.

17 (2) CONSIDERATIONS.—Prior to prescribing the
18 standard required under paragraph (1)(A), the Sec-
19 retary shall—

20 (A) conduct a review of automatic emer-
21 gency braking systems in use in commercial
22 motor vehicles and address any identified defi-
23 ciencies with such systems in the rulemaking
24 proceeding to prescribe the standard, if prac-
25 ticable;

1 (B) assess the feasibility of updating the
2 software of emergency braking systems in use
3 in commercial motor vehicles to address any de-
4 ficiencies and to enable such systems to meet
5 the new standard; and

6 (C) consult with representatives of com-
7 mercial motor vehicle drivers regarding the ex-
8 periences of drivers with automatic emergency
9 braking systems in use in commercial motor ve-
10 hicles, including malfunctions or unwarranted
11 activations of such systems.

12 (3) COMPLIANCE DATE.—The Secretary shall
13 ensure that the compliance date of the standard pre-
14 scribed pursuant to paragraph (1) shall be not later
15 than 2 years after the date of publication of the
16 final rule prescribing such standard.

17 (b) FEDERAL MOTOR CARRIER SAFETY REGULA-
18 TION.—Not later than 1 year after the date of enactment
19 of this Act, the Secretary shall issue a regulation under
20 section 31136 of title 49, United States Code, that re-
21 quires that an automatic emergency braking system in-
22 stalled in a commercial motor vehicle in operation on or
23 after the effective date of the standard prescribed under
24 subsection (a) to be used at any time during which such
25 commercial motor vehicle is in operation.

1 (c) DEFINITIONS.—In this section:

2 (1) AUTOMATIC EMERGENCY BRAKING SYS-
3 TEM.—The term “automatic emergency braking sys-
4 tem” means a crash avoidance system installed and
5 operational in a vehicle that consists of—

6 (A) a forward collision warning function—

7 (i) to detect vehicles and objects
8 ahead of the vehicle; and

9 (ii) to alert the operator of the vehicle
10 of an impending collision; and

11 (B) a crash-imminent braking function to
12 provide automatic braking when forward-look-
13 ing sensors of the vehicle indicate that—

14 (i) a crash is imminent; and

15 (ii) the operator of the vehicle is not
16 applying the brakes.

17 (2) COMMERCIAL MOTOR VEHICLE.—The term
18 “commercial motor vehicle” has the meaning given
19 such term in section 31101 of title 49, United
20 States Code.

21 **SEC. 4405. UNDERRIDE PROTECTION.**

22 (a) REAR UNDERRIDE GUARDS.—

23 (1) REAR GUARDS ON TRAILERS AND SEMI-
24 TRAILERS.—

1 (A) IN GENERAL.—Not later than 1 year
2 after the date of enactment of this Act, the Sec-
3 retary of Transportation shall issue such regu-
4 lations as are necessary to revise motor vehicle
5 safety standards under sections 571.223 and
6 571.224 of title 49, Code of Federal Regula-
7 tions, to require trailers and semi-trailers man-
8 ufactured after the date on which such regula-
9 tion is issued to be equipped with rear impact
10 guards that are designed to prevent passenger
11 compartment intrusion from a trailer or semi-
12 trailer when a passenger vehicle traveling at 35
13 miles per hour makes—

14 (i) an impact in which the passenger
15 vehicle impacts the center of the rear of
16 the trailer or semi-trailer;

17 (ii) an impact in which 50 percent the
18 width of the passenger vehicle overlaps the
19 rear of the trailer or semi-trailer; and

20 (iii) an impact in which 30 percent of
21 the width of the passenger vehicle overlaps
22 the rear of the trailer or semi-trailer.

23 (B) EFFECTIVE DATE.—The rule issued
24 under subparagraph (A) shall require full com-
25 pliance with the motor carrier safety standard

1 prescribed in such rule not later than 2 years
2 after the date on which a final rule is issued.

3 (2) ADDITIONAL RESEARCH.—The Secretary
4 shall conduct additional research on the design and
5 development of rear impact guards that can prevent
6 underride crashes and protect motor vehicle pas-
7 sengers against severe injury at crash speeds of up
8 to 65 miles per hour.

9 (3) REVIEW OF STANDARDS.—Not later than 5
10 years after any revisions to standards or require-
11 ments related to rear impact guards pursuant to
12 paragraph (1), the Secretary shall review the stand-
13 ards or requirements to evaluate the need for
14 changes in response to advancements in technology
15 and upgrade such standards accordingly.

16 (4) INSPECTIONS.—

17 (A) IN GENERAL.—Not later than 1 year
18 after the date of enactment of this Act, the Sec-
19 retary shall issue such regulations as are nec-
20 essary to amend the regulations on minimum
21 periodic inspection standards under appendix G
22 to subchapter B of chapter III of title 49, Code
23 of Federal Regulations, and driver vehicle in-
24 spection reports under section 396.11 of title
25 49, Code of Federal Regulations, to include

1 rear impact guards and rear end protection (as
2 required by section 393.86 of title 49, Code of
3 Federal Regulations).

4 (B) CONSIDERATIONS.—In updating the
5 regulations described in subparagraph (A), the
6 Secretary shall consider it to be a defect or a
7 deficiency if a rear impact guard is missing or
8 has a corroded or compromised element that af-
9 fects the structural integrity and protective fea-
10 ture of such guard.

11 (b) SIDE UNDERRIDE GUARDS.—

12 (1) IN GENERAL.—Not later than 1 year after
13 the date of enactment of this Act, the Secretary
14 shall—

15 (A) complete additional research on side
16 underride guards to better understand the over-
17 all effectiveness of such guards;

18 (B) assess the feasibility, benefits, and
19 costs associated with installing side underride
20 guards on newly-manufactured trailers and
21 semitrailers with a gross vehicle weight rating
22 of 10,000 pounds or more; and

23 (C) if warranted, develop performance
24 standards for such guards.

1 (2) INDEPENDENT RESEARCH.—If the Sec-
2 retary enters into a contract with a third party to
3 perform the research required under paragraph
4 (1)(A), the Secretary shall ensure that such third
5 party does not have any financial or contractual ties
6 or relationship with a motor carrier that transports
7 passengers or property for compensation, the motor
8 carrier industry, or an entity producing or supplying
9 underride guards.

10 (3) PUBLICATION OF ASSESSMENT.—Not later
11 than 90 days after completing the assessment re-
12 quired under paragraph (1)(B), the Secretary shall
13 issue a notice in the Federal Register containing the
14 findings of the assessment and provide an oppor-
15 tunity for public comment.

16 (4) REPORT TO CONGRESS.—After the conclu-
17 sion of the public comment period under paragraph
18 (3), the Secretary shall submit to the Committee on
19 Transportation and Infrastructure of the House of
20 Representatives and the Committee on Commerce,
21 Science, and Transportation of the Senate a report
22 that provides—

23 (A) the results of the assessment under
24 this subsection;

1 (B) a summary of the public comments re-
2 ceived by the Secretary under paragraph (3);
3 and

4 (C) a determination as to whether the Sec-
5 retary intends to develop performance require-
6 ments for side underride guards, including any
7 analysis that led to such determination.

8 (c) ADVISORY COMMITTEE ON UNDERRIDE PROTEC-
9 TION.—

10 (1) ESTABLISHMENT.—The Secretary of Trans-
11 portation shall establish an Advisory Committee on
12 Underride Protection (in this subsection referred to
13 as the “Committee”) to provide advice and rec-
14 ommendations to the Secretary on safety regulations
15 to reduce crashes and fatalities involving truck
16 underrides.

17 (2) REPRESENTATION.—

18 (A) IN GENERAL.—The Committee shall be
19 composed of not more than 20 members ap-
20 pointed by the Secretary who are not employees
21 of the Department of Transportation and who
22 are qualified to serve because of their expertise,
23 training, or experience.

24 (B) MEMBERSHIP.—Members shall include
25 2 representatives of each of the following:

- 1 (i) Truck and trailer manufacturers.
- 2 (ii) Motor carriers, including inde-
3 pendent owner-operators.
- 4 (iii) Law enforcement.
- 5 (iv) Motor vehicle engineers.
- 6 (v) Motor vehicle crash investigators.
- 7 (vi) Truck safety organizations.
- 8 (vii) The insurance industry.
- 9 (viii) Emergency medical service pro-
10 viders.
- 11 (ix) Families of underride crash vic-
12 tims.
- 13 (x) Labor organizations.

14 (3) COMPENSATION.—Members of the Com-
15 mittee shall serve without compensation.

16 (4) MEETINGS.—The Committee shall meet at
17 least annually.

18 (5) SUPPORT.—On request of the Committee,
19 the Secretary shall provide information, administra-
20 tive services, and supplies necessary for the Com-
21 mittee to carry out the duties described in para-
22 graph (1).

23 (6) REPORT.—The Committee shall submit to
24 the Committee on Transportation and Infrastructure
25 of the House of Representatives and the Committee

1 on Commerce, Science, and Transportation of the
2 Senate a biennial report that shall—

3 (A) describe the advice and recommenda-
4 tions made to the Secretary; and

5 (B) include an assessment of progress
6 made by the Secretary in advancing safety reg-
7 ulations.

8 (d) DATA COLLECTION.—Not later than 1 year after
9 the date of enactment of this Act, the Secretary shall im-
10 plement recommendations 1 and 2 described in the report
11 by the Government Accountability Office published on
12 March 14, 2019, titled “Truck Underride Guards: Im-
13 proved Data Collection, Inspections, and Research Need-
14 ed” (GAO–19–264).

15 **SEC. 4406. TRANSPORTATION OF HORSES.**

16 Section 80502 of title 49, United States Code, is
17 amended—

18 (1) in subsection (c), by striking “This section
19 does not” and inserting “Subsections (a) and (b)
20 shall not”;

21 (2) by redesignating subsection (d) as sub-
22 section (e);

23 (3) by inserting after subsection (c) the fol-
24 lowing:

25 “(d) TRANSPORTATION OF HORSES.—

1 “(1) PROHIBITION.—No person may transport,
2 or cause to be transported, a horse from a place in
3 a State, the District of Columbia, or a territory or
4 possession of the United States through or to a
5 place in another State, the District of Columbia, or
6 a territory or possession of the United States in a
7 motor vehicle containing 2 or more levels stacked on
8 top of each other.

9 “(2) MOTOR VEHICLE DEFINED.—In this sub-
10 section, the term ‘motor vehicle’—

11 “(A) means a vehicle driven or drawn by
12 mechanical power and manufactured primarily
13 for use on public highways; and

14 “(B) does not include a vehicle operated
15 exclusively on a rail or rails.”; and

16 (4) in subsection (e), as redesignated—

17 (A) by striking “A rail carrier” and insert-
18 ing the following:

19 “(1) IN GENERAL.—A rail carrier”;

20 (B) by striking “this section” and insert-
21 ing “subsection (a) or (b)”;

22 (C) by striking “On learning” and insert-
23 ing the following:

24 “(2) TRANSPORTATION OF HORSES IN MULTI-
25 LEVEL TRAILER.—

1 “(A) CIVIL PENALTY.—A person that
2 knowingly violates subsection (d) is liable to the
3 United States Government for a civil penalty of
4 at least \$100, but not more than \$500, for each
5 violation. A separate violation of subsection (d)
6 occurs for each horse that is transported, or
7 caused to be transported, in violation of sub-
8 section (d).

9 “(B) RELATIONSHIP TO OTHER LAWS.—
10 The penalty imposed under subparagraph (A)
11 shall be in addition to any penalty or remedy
12 available under any other law.

13 “(3) CIVIL ACTION.—On learning”.

14 **TITLE V—INNOVATION**

15 **SEC. 5001. AUTHORIZATION OF APPROPRIATIONS.**

16 (a) IN GENERAL.—The following amounts are au-
17 thorized to be appropriated out of the Highway Trust
18 Fund (other than the Mass Transit Account):

19 (1) HIGHWAY RESEARCH AND DEVELOPMENT
20 PROGRAM.—To carry out section 503(b) of title 23,
21 United States Code, \$144,000,000 for each of fiscal
22 years 2022 through 2025.

23 (2) TECHNOLOGY AND INNOVATION DEPLOY-
24 MENT PROGRAM.—To carry out section 503(c) of

1 title 23, United States Code, \$152,000,000 for each
2 of fiscal years 2022 through 2025.

3 (3) TRAINING AND EDUCATION.—To carry out
4 section 504 of title 23, United States Code,
5 \$26,000,000 for each of fiscal years 2022 through
6 2025.

7 (4) INTELLIGENT TRANSPORTATION SYSTEMS
8 PROGRAM.—To carry out sections 512 through 518
9 of title 23, United States Code, \$100,000,000 for
10 each of fiscal years 2022 through 2025.

11 (5) UNIVERSITY TRANSPORTATION CENTERS
12 PROGRAM.—To carry out section 5505 of title 49,
13 United States Code, \$96,000,000 for each of fiscal
14 years 2022 through 2025.

15 (6) BUREAU OF TRANSPORTATION STATIS-
16 TICS.—To carry out chapter 63 of title 49, United
17 States Code, \$27,000,000 for each of fiscal years
18 2022 through 2025.

19 (b) ADDITIONAL PROGRAMS.—The following
20 amounts are authorized to be appropriated out of the
21 Highway Trust Fund (other than the Mass Transit Ac-
22 count):

23 (1) SAFE, EFFICIENT MOBILITY THROUGH AD-
24 VANCED TECHNOLOGIES.—To carry out section
25 503(c)(4) of title 23, United States Code,

1 \$70,000,000 for each of fiscal years 2022 through
2 2025 from funds made available to carry out section
3 503(c) of such title.

4 (2) MATERIALS TO REDUCE GREENHOUSE GAS
5 EMISSIONS PROGRAM.—To carry out section 503(d)
6 of title 23, United States Code, \$10,000,000 for
7 each of fiscal years 2022 through 2025 from funds
8 made available to carry out section 503(c) of such
9 title.

10 (3) NATIONAL HIGHLY AUTOMATED VEHICLE
11 AND MOBILITY INNOVATION CLEARINGHOUSE.—To
12 carry out section 5507 of title 49, United States
13 Code, \$2,000,000 for each of fiscal years 2022
14 through 2025 from funds made available to carry
15 out sections 512 through 518 of title 23, United
16 States Code.

17 (4) NATIONAL COOPERATIVE MULTIMODAL
18 FREIGHT TRANSPORTATION RESEARCH PROGRAM.—
19 To carry out section 70205 of title 49, United
20 States Code, \$4,000,000 for each of fiscal years
21 2022 through 2025.

22 (5) STATE SURFACE TRANSPORTATION SYSTEM
23 FUNDING PILOTS.—To carry out section 6020 of the
24 FAST Act (23 U.S.C. 503 note), \$35,000,000 for
25 each of fiscal years 2022 through 2025 from funds

1 made available to carry out section 503(b) of title
2 23, United States Code.

3 (6) NATIONAL SURFACE TRANSPORTATION SYS-
4 TEM FUNDING PILOT.—To carry out section 5402 of
5 this title, \$10,000,000 for each of fiscal years 2022
6 through 2025 from funds made available to carry
7 out section 503(b) of title 23, United States Code.

8 (c) ADMINISTRATION.—The Federal Highway Ad-
9 ministration shall—

10 (1) administer the programs described in para-
11 graphs (1), (2), and (3) of subsection (a) and para-
12 graph (1) of subsection (b); and

13 (2) in consultation with relevant modal adminis-
14 trations, administer the programs described in sub-
15 sections (a)(4) and (b)(2).

16 (d) TREATMENT OF FUNDS.—Funds authorized to be
17 appropriated by subsections (a) and (b) shall—

18 (1) be available for obligation in the same man-
19 ner as if those funds were apportioned under chap-
20 ter 1 of title 23, United States Code, except that the
21 Federal share of the cost of a project or activity car-
22 ried out using those funds shall be 80 percent, un-
23 less otherwise expressly provided by this title (in-
24 cluding the amendments by this title) or otherwise
25 determined by the Secretary; and

1 (2) remain available until expended and not be
2 transferable, except as otherwise provided in this
3 title.

4 **Subtitle A—Research and** 5 **Development**

6 **SEC. 5101. HIGHWAY RESEARCH AND DEVELOPMENT PRO-** 7 **GRAM.**

8 (a) IN GENERAL.—Section 503 of title 23, United
9 States Code, is amended—

10 (1) in subsection (a)(2) by striking “section
11 508” and inserting “section 6503 of title 49”; and

12 (2) in subsection (b)—

13 (A) in paragraph (3)—

14 (i) in subparagraph (A)—

15 (I) in clause (ii) by striking “;
16 and” and inserting a semicolon;

17 (II) in clause (iii) by striking the
18 period and inserting “; and”; and

19 (III) by adding at the end the
20 following:

21 “(iv) to reduce greenhouse gas emis-
22 sions and limit the effects of climate
23 change.”; and

24 (ii) by striking subparagraphs (D)
25 and (E);

1 (B) in paragraph (4)(A)—

2 (i) in clause (ii) by striking “; and”

3 and inserting a semicolon;

4 (ii) in clause (iii) by striking the pe-
5 riod and inserting “; and”; and

6 (iii) by adding at the end the fol-
7 lowing:

8 “(iv) to reduce greenhouse gas emis-
9 sions and limit the effects of climate
10 change.”;

11 (C) in paragraph (5)(A)—

12 (i) in clause (iv) by striking “; and”

13 and inserting a semicolon;

14 (ii) in clause (v) by striking the period
15 and inserting “; and”; and

16 (iii) by adding at the end the fol-
17 lowing:

18 “(vi) reducing greenhouse gas emis-
19 sions and limiting the effects of climate
20 change.”;

21 (D) in paragraph (8)(A) by inserting “,
22 ferry,” after “highway” each place it appears;
23 and

24 (E) by adding at the end the following:

1 “(9) ANALYSIS TOOLS.—The Secretary may de-
2 velop interactive modeling tools and databases
3 that—

4 “(A) track the condition of highway assets,
5 including interchanges, and the reconstruction
6 history of such assets;

7 “(B) can be used to assess transportation
8 options;

9 “(C) allow for the monitoring and mod-
10 eling of network-level traffic flows on highways;
11 and

12 “(D) further Federal and State under-
13 standing of the importance of national and re-
14 gional connectivity and the need for long-dis-
15 tance and interregional passenger and freight
16 travel by highway and other surface transpor-
17 tation modes.

18 “(10) PERFORMANCE MANAGEMENT DATA SUP-
19 PORT PROGRAM.—

20 “(A) PERFORMANCE MANAGEMENT DATA
21 SUPPORT.—The Administrator of the Federal
22 Highway Administration shall develop, use, and
23 maintain data sets and data analysis tools to
24 assist metropolitan planning organizations,
25 States, and the Federal Highway Administra-

1 tion in carrying out performance management
2 analyses (including the performance manage-
3 ment requirements under section 150).

4 “(B) INCLUSIONS.—The data analysis ac-
5 tivities authorized under subparagraph (A) may
6 include—

7 “(i) collecting and distributing vehicle
8 probe data describing traffic on Federal-
9 aid highways;

10 “(ii) collecting household travel behav-
11 ior data to assess local and cross-jurisdic-
12 tional travel, including to accommodate ex-
13 ternal and through travel;

14 “(iii) enhancing existing data collec-
15 tion and analysis tools to accommodate
16 performance measures, targets, and related
17 data, so as to better understand trip origin
18 and destination, trip time, and mode;

19 “(iv) enhancing existing data analysis
20 tools to improve performance predictions
21 and travel models in reports described in
22 section 150(e);

23 “(v) developing tools—

24 “(I) to improve performance
25 analysis; and

1 “(II) to evaluate the effects of
2 project investments on performance;

3 “(vi) assisting in the development or
4 procurement of the transportation system
5 access data under section 1403(g) of the
6 INVEST in America Act; and

7 “(vii) developing tools and acquiring
8 data described under paragraph (9).

9 “(C) FUNDING.—The Administrator of the
10 Federal Highway Administration may use up to
11 \$15,000,000 for each of fiscal years 2022
12 through 2025 to carry out this paragraph.”.

13 (b) REPEAL.—Section 6028 of the FAST Act (23
14 U.S.C. 150 note), and the item relating to such section
15 in the table of contents in section 1(b) of such Act, are
16 repealed.

17 **SEC. 5102. MATERIALS TO REDUCE GREENHOUSE GAS**
18 **EMISSIONS PROGRAM.**

19 Section 503 of title 23, United States Code, as
20 amended by section 5101, is further amended by adding
21 at the end the following:

22 “(d) MATERIALS TO REDUCE GREENHOUSE GAS
23 EMISSIONS PROGRAM.—

24 “(1) IN GENERAL.—Not later than 6 months
25 after the date of enactment of this subsection, the

1 Secretary shall establish and implement a program
2 under which the Secretary shall award grants to eli-
3 gible entities to research and support the develop-
4 ment of materials that will reduce or sequester the
5 amount of greenhouse gas emissions generated dur-
6 ing the production of highway materials and the
7 construction of highways.

8 “(2) ACTIVITIES.—The Secretary shall ensure
9 that the program, at a minimum—

10 “(A) carries out research to determine the
11 materials proven to most effectively reduce or
12 sequester greenhouse gas emissions;

13 “(B) evaluates and improves the ability of
14 materials to most effectively reduce or sequester
15 greenhouse gas emissions; and

16 “(C) supports the development and deploy-
17 ment of materials that will reduce or sequester
18 greenhouse gas emissions.

19 “(3) COMPETITIVE SELECTION PROCESS.—

20 “(A) APPLICATIONS.—To be eligible to re-
21 ceive a grant under this subsection, an eligible
22 entity shall submit to the Secretary an applica-
23 tion in such form and containing such informa-
24 tion as the Secretary may require.

1 “(B) CONSIDERATION.—In making grants
2 under this subsection, the Secretary shall con-
3 sider the degree to which applicants presently
4 carry out research on materials that reduce or
5 sequester greenhouse gas emissions.

6 “(C) SELECTION CRITERIA.—The Sec-
7 retary may make grants under this subsection
8 to any eligible entity based on the demonstrated
9 ability of the applicant to fulfill the activities
10 described in paragraph (2).

11 “(D) TRANSPARENCY.—

12 “(i) IN GENERAL.—The Secretary
13 shall provide to each eligible entity submit-
14 ting an application under this subsection,
15 upon request, any materials, including cop-
16 ies of reviews (with any information that
17 would identify a reviewer redacted), used
18 in the evaluation process of the application
19 of such entity.

20 “(ii) REPORTS.—The Secretary shall
21 submit to the Committee on Transpor-
22 tation and Infrastructure of the House of
23 Representatives and the Committee on En-
24 vironment and Public Works of the Senate
25 a report describing the overall review proc-

1 ess for a grant under this subsection, in-
2 cluding—

3 “(I) specific criteria of evaluation
4 used in the review;

5 “(II) descriptions of the review
6 process; and

7 “(III) explanations of the grants
8 awarded.

9 “(4) GRANTS.—

10 “(A) RESTRICTIONS.—

11 “(i) IN GENERAL.—For each fiscal
12 year, a grant made available under this
13 subsection shall be not greater than
14 \$4,000,000 and not less than \$2,000,000
15 per recipient.

16 “(ii) LIMITATION.—An eligible entity
17 may only receive 1 grant in a fiscal year
18 under this subsection.

19 “(B) MATCHING REQUIREMENTS.—

20 “(i) IN GENERAL.—As a condition of
21 receiving a grant under this subsection, a
22 grant recipient shall match 50 percent of
23 the amounts made available under the
24 grant.

1 “(ii) SOURCES.—The matching
2 amounts referred to in clause (i) may in-
3 clude amounts made available to the recipi-
4 ent under—

5 “(I) section 504(b); or

6 “(II) section 505.

7 “(5) PROGRAM COORDINATION.—

8 “(A) IN GENERAL.—The Secretary shall—

9 “(i) coordinate the research, edu-
10 cation, and technology transfer activities
11 carried out by grant recipients under this
12 subsection;

13 “(ii) disseminate the results of that
14 research through the establishment and op-
15 eration of a publicly accessible online infor-
16 mation clearinghouse; and

17 “(iii) to the extent practicable, sup-
18 port the deployment and commercial adop-
19 tion of effective materials researched or de-
20 veloped under this subsection to relevant
21 stakeholders.

22 “(B) ANNUAL REVIEW AND EVALUA-
23 TION.—Not later than 2 years after the date of
24 enactment of this subsection, and not less fre-
25 quently than annually thereafter, the Secretary

1 shall, consistent with the activities in paragraph
2 (3)—

3 “(i) review and evaluate the programs
4 carried out under this subsection by grant
5 recipients, describing the effectiveness of
6 the program in identifying materials that
7 reduce or sequester greenhouse gas emis-
8 sions;

9 “(ii) submit to the Committee on
10 Transportation and Infrastructure of the
11 House of Representatives and the Com-
12 mittee on Environment and Public Works
13 of the Senate a report describing such re-
14 view and evaluation; and

15 “(iii) make the report in clause (ii)
16 available to the public on a website.

17 “(6) LIMITATION ON AVAILABILITY OF
18 AMOUNTS.—Amounts made available to carry out
19 this subsection shall remain available for obligation
20 by the Secretary for a period of 3 years after the
21 last day of the fiscal year for which the amounts are
22 authorized.

23 “(7) INFORMATION COLLECTION.—Any survey,
24 questionnaire, or interview that the Secretary deter-
25 mines to be necessary to carry out reporting require-

1 ments relating to any program assessment or evalua-
2 tion activity under this subsection, including cus-
3 tomer satisfaction assessments, shall not be subject
4 to chapter 35 of title 44.

5 “(8) DEFINITION OF ELIGIBLE ENTITY.—In
6 this subsection, the term ‘eligible entity’ means a
7 nonprofit institution of higher education, as such
8 term is defined in section 101 of the Higher Edu-
9 cation Act of 1965 (20 U.S.C. 1001).”.

10 **SEC. 5103. TRANSPORTATION RESEARCH AND DEVELOP-**
11 **MENT 5-YEAR STRATEGIC PLAN.**

12 Section 6503 of title 49, United States Code, is
13 amended—

14 (1) in subsection (a) by striking “The Sec-
15 retary” and inserting “For the period of fiscal years
16 2017 through 2021, and for each 5-year period
17 thereafter, the Secretary”;

18 (2) in subsection (c)(1)—

19 (A) in subparagraph (D) by inserting “and
20 the existing transportation system” after “in-
21 frastructure”;

22 (B) in subparagraph (E) by striking “;
23 and” and inserting a semicolon;

24 (C) by amending subparagraph (F) to read
25 as follows:

1 “(F) reducing greenhouse gas emissions;
2 and”;

3 (D) by adding at the end the following:

4 “(G) developing and maintaining a diverse
5 workforce in transportation sectors;”;

6 (3) in subsection (d) by striking “not later than
7 December 31, 2016,” and inserting “not later than
8 December 31, 2021,”.

9 **SEC. 5104. UNIVERSITY TRANSPORTATION CENTERS PRO-**
10 **GRAM.**

11 Section 5505 of title 49, United States Code, is
12 amended—

13 (1) in subsection (b)(4)—

14 (A) in subparagraph (A) by striking “re-
15 search priorities identified in chapter 65.” and
16 inserting the following: “following research pri-
17 orities:

18 “(i) Improving the mobility of people
19 and goods.

20 “(ii) Reducing congestion.

21 “(iii) Promoting safety.

22 “(iv) Improving the durability and ex-
23 tending the life of transportation infra-
24 structure and the existing transportation
25 system.

1 “(v) Preserving the environment.

2 “(vi) Reducing greenhouse gas emis-
3 sions.”; and

4 (B) in subparagraph (B)—

5 (i) by striking “Technology and” and
6 inserting “Technology,”; and

7 (ii) by inserting “, the Associate Ad-
8 ministrator for Research, Demonstration,
9 and Innovation and Administrator of the
10 Federal Transit Administration,” after
11 “Federal Highway Administration”;

12 (2) in subsection (c)—

13 (A) in paragraph (1)—

14 (i) by striking “Not later than 1 year
15 after the date of enactment of this sec-
16 tion,” and inserting the following:

17 “(A) SELECTION OF GRANTS.—Not later
18 than 1 year after the date of enactment of the
19 INVEST in America Act,”; and

20 (ii) by adding at the end the fol-
21 lowing:

22 “(B) LIMITATIONS.—A grant under this
23 subsection may not include a cooperative agree-
24 ment described in section 6305 of title 31.”;

25 (B) in paragraph (2)—

- 1 (i) in subparagraph (A) by striking “5
2 consortia” and inserting “6 consortia”;
- 3 (ii) in subparagraph (B)—
- 4 (I) in clause (i) by striking “not
5 greater than \$4,000,000 and not less
6 than \$2,000,000” and inserting “not
7 greater than \$4,250,000 and not less
8 than \$2,250,000”; and
- 9 (II) in clause (ii) by striking
10 “section 6503(e)” and inserting “sub-
11 section (b)(4)(A)”;
- 12 (iii) in subparagraph (C) by striking
13 “100 percent” and inserting “50 percent”;
14 and
- 15 (iv) by adding at the end the fol-
16 lowing:
- 17 “(D) REQUIREMENT.—In awarding grants
18 under this section, the Secretary shall award 1
19 grant to a national consortia for each focus
20 area described in subsection (b)(4)(A).”;
- 21 (C) in paragraph (3)—
- 22 (i) in subparagraph (C) by striking
23 “not greater than \$3,000,000 and not less
24 than \$1,500,000” and inserting “not

1 greater than \$3,250,000 and not less than
2 \$1,750,000”;

3 (ii) in subparagraph (D)(i) by striking
4 “100 percent” and inserting “50 percent”;
5 and

6 (iii) by striking subparagraph (E);
7 and

8 (D) in paragraph (4)—

9 (i) in subparagraph (A) by striking
10 “greater than \$2,000,000 and not less
11 than \$1,000,000” and inserting “greater
12 than \$2,250,000 and not less than
13 \$1,250,000”; and

14 (ii) by striking subparagraph (C) and
15 inserting the following:

16 “(C) REQUIREMENTS.—In awarding
17 grants under this paragraph, the Secretary
18 shall—

19 “(i) consider consortia that include in-
20 stitutions that have demonstrated an abil-
21 ity in transportation-related research; and

22 “(ii) award not less than 2 grants
23 under this section to minority institutions,
24 as such term is defined in section 365 of

1 the Higher Education Act of 1965 (20
2 U.S.C. 1067k).

3 “(D) FOCUSED RESEARCH.—

4 “(i) IN GENERAL.—In awarding
5 grants under this section, the Secretary
6 shall select not less than 1 grant recipient
7 with each of the following focus areas:

8 “(I) Transit.

9 “(II) Connected and automated
10 vehicle technology.

11 “(III) Non-motorized transpor-
12 tation, including bicycle and pedes-
13 trian safety.

14 “(IV) Developing metropolitan
15 planning practices to meet the consid-
16 erations described in section 134(e)(4)
17 of title 23 and section 5303(e)(4).

18 “(V) The surface transportation
19 workforce, including current and fu-
20 ture workforce needs and challenges;
21 and

22 “(VI) Climate change mitigation,
23 including—

24 “(aa) researching the types
25 of transportation projects that

1 are expected to provide the most
2 significant greenhouse gas emis-
3 sions reductions from the surface
4 transportation sector; and

5 “(bb) researching the types
6 of transportation projects that
7 are not expected to provide sig-
8 nificant greenhouse gas emissions
9 reductions from the surface
10 transportation sector.

11 “(ii) ADDITIONAL GRANTS.—In
12 awarding grants under this section and
13 after awarding grants pursuant to clause
14 (i), the Secretary may award any remain-
15 ing grants to any grant recipient based on
16 the criteria described in subsection
17 (b)(4)(A).

18 “(E) CONSIDERATIONS FOR SELECTED IN-
19 STITUTIONS.—

20 “(i) IN GENERAL.—Tier 1 transpor-
21 tation centers awarded a grant under this
22 paragraph with a focus area described in
23 subparagraph (D)(i)(IV) shall consider the
24 following areas for research:

1 “(I) strategies to address climate
2 change mitigation and impacts de-
3 scribed in section 134(i)(2)(I)(ii) of
4 title 23 and the incorporation of such
5 strategies into long range transpor-
6 tation plan; and

7 “(II) preparation of a vulner-
8 ability assessment described in section
9 134(i)(2)(I)(iii) of title 23.

10 “(ii) ACTIVITIES.—A tier 1 transpor-
11 tation center receiving a grant under this
12 section with a focus area described in sub-
13 paragraph (D)(i)(IV) may—

14 “(I) establish best practices;

15 “(II) develop modeling tools; and

16 “(III) carry out other activities
17 and develop technology that addresses
18 the planning considerations described
19 in clause (i).

20 “(iii) LIMITATION.—Research under
21 this paragraph shall focus on metropolitan
22 planning organizations that represent ur-
23 banized areas with populations of 200,000
24 or fewer.”;

1 (3) in subsection (d)(3) by striking “fiscal years
2 2016 through 2020” and inserting “fiscal years
3 2022 through 2025”;

4 (4) by redesignating subsection (f) as sub-
5 section (g); and

6 (5) by inserting after subsection (e) the fol-
7 lowing:

8 “(f) SURPLUS AMOUNTS.—

9 “(1) IN GENERAL.—Amounts made available to
10 the Secretary to carry out this section that remain
11 unobligated after awarding grants under subsection
12 (e) shall be made available under the unsolicited re-
13 search initiative under section 5506.

14 “(2) LIMITATION ON AMOUNTS.—Amounts
15 under paragraph (1) shall not exceed \$2,000,000 for
16 any given fiscal year.”.

17 **SEC. 5105. UNSOLICITED RESEARCH INITIATIVE.**

18 (a) IN GENERAL.—Chapter 55 of title 49, United
19 States Code, is amended by inserting after section 5505
20 the following new section:

21 **“§ 5506. Unsolicited research initiative**

22 “(a) IN GENERAL.—Not later than 180 days after
23 the date of enactment of this section, the Secretary shall
24 establish a program under which an eligible entity may

1 at any time submit unsolicited research proposals for
2 funding under this section.

3 “(b) CRITERIA.—A research proposal submitted
4 under subsection (a) shall meet the purposes of the Sec-
5 retary’s 5-year transportation research and development
6 strategic plan described in section 6503(c)(1).

7 “(c) PROJECT REVIEW.—Not later than 90 days
8 after an eligible entity submits a proposal under sub-
9 section (a), the Secretary shall—

10 “(1) review the research proposal submitted
11 under subsection (a);

12 “(2) evaluate such research proposal relative to
13 the criteria described in subsection (b);

14 “(3) provide to such eligible entity a written no-
15 tice that—

16 “(A) if the research proposal is not se-
17 lected for funding under this section—

18 “(i) notifies the eligible entity that the
19 research proposal has not been selected for
20 funding;

21 “(ii) provides an explanation as to
22 why the research proposal was not se-
23 lected, including if the research proposal
24 does not cover an area of need; and

1 “(iii) if applicable, recommend that
2 the research proposal be submitted to an-
3 other research program; and

4 “(B) if the research proposal is selected for
5 funding under this section, notifies the eligible
6 entity that the research proposal has been se-
7 lected for funding; and

8 “(4) fund the proposals described in paragraph
9 (3)(B).

10 “(d) REPORT.—Not later than 18 months after the
11 date of enactment of this section, and annually thereafter,
12 the Secretary shall make available to the public on a public
13 website, a report on the progress and findings of the pro-
14 gram established under subsection (a).

15 “(e) FEDERAL SHARE.—

16 “(1) IN GENERAL.—The Federal share of the
17 cost of an activity carried out under this section may
18 not exceed 50 percent.

19 “(2) NON-FEDERAL SHARE.—All costs directly
20 incurred by the non-Federal partners, including per-
21 sonnel, travel, facility, and hardware development
22 costs, shall be credited toward the non-Federal share
23 of the cost of an activity carried out under this sec-
24 tion.

25 “(f) FUNDING.—

1 “(1) IN GENERAL.—Of the funds made avail-
2 able to carry out the university transportation cen-
3 ters program under section 5505, \$2,000,000 shall
4 be available for each of fiscal years 2022 through
5 2025 to carry out this section.

6 “(2) FUNDING FLEXIBILITY.—

7 “(A) IN GENERAL.—For fiscal years 2022
8 through 2025, funds made available under
9 paragraph (1) shall remain available until ex-
10 pended.

11 “(B) UNCOMMITTED FUNDS.—If the Sec-
12 retary determines, at the end of a fiscal year,
13 funds under paragraph (1) remain unexpended
14 as a result of a lack of meritorious projects
15 under this section, the Secretary may, for the
16 following fiscal year, make remaining funds
17 available under either this section or under sec-
18 tion 5505.

19 “(g) ELIGIBLE ENTITY DEFINED.—In this section,
20 the term ‘eligible entity’ means

21 “(1) a State;

22 “(2) a unit of local government;

23 “(3) a transit agency;

1 “(4) any nonprofit institution of higher edu-
2 cation, including a university transportation center
3 under section 5505; and

4 “(5) a nonprofit organization.”.

5 (b) CLERICAL AMENDMENT.—The analysis for chap-
6 ter 55 of title 49, United States Code, is amended by in-
7 serting after the item relating to section 5505 the fol-
8 lowing new item:

“5506. Unsolicited research initiative.”.

9 **SEC. 5106. NATIONAL COOPERATIVE MULTIMODAL**
10 **FREIGHT TRANSPORTATION RESEARCH PRO-**
11 **GRAM.**

12 (a) IN GENERAL.—Chapter 702 of title 49, United
13 States Code, is amended by adding at the end the fol-
14 lowing:

15 **“§ 70205. National cooperative multimodal freight**
16 **transportation research program**

17 “(a) ESTABLISHMENT.—Not later than 1 year after
18 the date of enactment of this section, the Secretary shall
19 establish and support a national cooperative multimodal
20 freight transportation research program.

21 “(b) AGREEMENT.—Not later than 6 months after
22 the date of enactment of this section, the Secretary shall
23 seek to enter into an agreement with the National Acad-
24 emy of Sciences to support and carry out administrative
25 and management activities relating to the governance of

1 the national cooperative multimodal freight transportation
2 research program.

3 “(c) ADVISORY COMMITTEE.—In carrying out the
4 agreement described in subsection (b), the National Acad-
5 emy of Sciences shall select a multimodal freight transpor-
6 tation research advisory committee consisting of
7 multimodal freight stakeholders, including, at a min-
8 imum—

9 “(1) a representative of the Department of
10 Transportation;

11 “(2) representatives of any other Federal agen-
12 cies relevant in supporting the nation’s multimodal
13 freight transportation research needs;

14 “(3) a representative of a State department of
15 transportation;

16 “(4) a representative of a local government
17 (other than a metropolitan planning organization);

18 “(5) a representative of a metropolitan planning
19 organization;

20 “(6) a representative of the trucking industry;

21 “(7) a representative of the railroad industry;

22 “(8) a representative of the port industry;

23 “(9) a representative of logistics industry;

24 “(10) a representative of shipping industry;

1 “(11) a representative of a safety advocacy
2 group with expertise in freight transportation;

3 “(12) an academic expert on multimodal freight
4 transportation;

5 “(13) an academic expert on the contributions
6 of freight movement to greenhouse gas emissions;
7 and

8 “(14) representatives of labor organizations.

9 “(d) ELEMENTS.—The national cooperative
10 multimodal freight transportation research program estab-
11 lished under this section shall include the following ele-
12 ments:

13 “(1) NATIONAL RESEARCH AGENDA.—The advi-
14 sory committee under subsection (c), in consultation
15 with interested parties, shall recommend a national
16 research agenda for the program established in this
17 section.

18 “(2) INVOLVEMENT.—Interested parties may—

19 “(A) submit research proposals to the advi-
20 sory committee;

21 “(B) participate in merit reviews of re-
22 search proposals and peer reviews of research
23 products; and

24 “(C) receive research results.

1 “(3) OPEN COMPETITION AND PEER REVIEW OF
2 RESEARCH PROPOSALS.—The National Academy of
3 Sciences may award research contracts and grants
4 under the program through open competition and
5 merit review conducted on a regular basis.

6 “(4) EVALUATION OF RESEARCH.—

7 “(A) PEER REVIEW.—Research contracts
8 and grants under the program may allow peer
9 review of the research results.

10 “(B) PROGRAMMATIC EVALUATIONS.—The
11 National Academy of Sciences shall conduct
12 periodic programmatic evaluations on a regular
13 basis of research contracts and grants.

14 “(5) DISSEMINATION OF RESEARCH FIND-
15 INGS.—

16 “(A) IN GENERAL.—The National Acad-
17 emy of Sciences shall disseminate research find-
18 ings to researchers, practitioners, and decision-
19 makers, through conferences and seminars, field
20 demonstrations, workshops, training programs,
21 presentations, testimony to government offi-
22 cials, a public website for the National Academy
23 of Sciences, publications for the general public,
24 and other appropriate means.

1 “(B) REPORT.—Not more than 18 months
2 after the date of enactment of this section, and
3 annually thereafter, the Secretary shall make
4 available on a public website a report that de-
5 scribes the ongoing research and findings of the
6 program.

7 “(e) CONTENTS.—The national research agenda
8 under subsection (d)(1) shall include—

9 “(1) techniques and tools for estimating and
10 identifying both quantitative and qualitative public
11 benefits derived from multimodal freight transpor-
12 tation projects, including—

13 “(A) greenhouse gas emissions reduction;

14 “(B) congestion reduction; and

15 “(C) safety benefits;

16 “(2) the impact of freight delivery vehicles, in-
17 cluding trucks, railcars, and non-motorized vehicles,
18 on congestion in urban and rural areas;

19 “(3) the impact of both centralized and dis-
20 parate origins and destinations on freight movement;

21 “(4) the impacts of increasing freight volumes
22 on transportation planning, including—

23 “(A) first-mile and last-mile challenges to
24 multimodal freight movement;

1 “(B) multimodal freight travel in both
2 urban and rural areas; and

3 “(C) commercial motor vehicle parking and
4 rest areas;

5 “(5) the effects of Internet commerce and accel-
6 erated delivery speeds on freight movement and in-
7 creased commercial motor vehicle volume, including
8 impacts on—

9 “(A) safety on public roads;

10 “(B) congestion in both urban and rural
11 areas;

12 “(C) first-mile and last-mile challenges and
13 opportunities;

14 “(D) the environmental impact of freight
15 transportation, including on air quality and on
16 greenhouse gas emissions; and

17 “(E) vehicle miles-traveled by freight-deliv-
18 ering vehicles;

19 “(6) the impacts of technological advancements
20 in freight movement, including impacts on—

21 “(A) congestion in both urban and rural
22 areas;

23 “(B) first-mile and last-mile challenges
24 and opportunities; and

25 “(C) vehicle miles-traveled;

1 “(7) methods and best practices for aligning
2 multimodal infrastructure improvements with
3 multimodal freight transportation demand, including
4 improvements to the National Multimodal Freight
5 Network under section 70103; and

6 “(8) other research areas to identify and ad-
7 dress current, emerging, and future needs related to
8 multimodal freight transportation.

9 “(f) FUNDING.—

10 “(1) FEDERAL SHARE.—The Federal share of
11 the cost of an activity carried out under this section
12 shall be 100 percent.

13 “(2) PERIOD OF AVAILABILITY.—Amounts
14 made available to carry out this section shall remain
15 available until expended.

16 “(g) DEFINITION OF GREENHOUSE GAS.—In this
17 section, the term ‘greenhouse gas’ has the meaning given
18 such term in section 211(o)(1) of the Clean Air Act (42
19 U.S.C. 7545(o)(1)).”.

20 (b) CLERICAL AMENDMENT.—The analysis for chap-
21 ter 702 of title 49, United States Code, is amended by
22 adding at the end the following new item:

 “70205. National cooperative multimodal freight transportation research pro-
 gram.”.

1 **SEC. 5107. WILDLIFE-VEHICLE COLLISION REDUCTION AND**
2 **HABITAT CONNECTIVITY IMPROVEMENT.**

3 (a) STUDY.—

4 (1) IN GENERAL.—The Secretary of Transpor-
5 tation shall conduct a study examining methods to
6 reduce collisions between motorists and wildlife (re-
7 ferred to in this section as “wildlife-vehicle colli-
8 sions”).

9 (2) CONTENTS.—

10 (A) AREAS OF STUDY.—The study re-
11 quired under paragraph (1) shall—

12 (i) update and expand on, as appro-
13 priate—

14 (I) the report titled “Wildlife Ve-
15 hicle Collision Reduction Study: 2008
16 Report to Congress”: and

17 (II) the document titled “Wildlife
18 Vehicle Collision Reduction Study:
19 Best Practices Manual” and dated
20 October 2008; and

21 (ii) include—

22 (I) an assessment, as of the date
23 of the study, of—

24 (aa) the causes of wildlife-
25 vehicle collisions;

1 (bb) the impact of wildlife-
2 vehicle collisions on motorists
3 and wildlife; and

4 (cc) the impacts of roads
5 and traffic on habitat
6 connectivity for terrestrial and
7 aquatic species; and

8 (II) solutions and best practices
9 for—

10 (aa) reducing wildlife-vehicle
11 collisions; and

12 (bb) improving habitat
13 connectivity for terrestrial and
14 aquatic species.

15 (B) METHODS.—In carrying out the study
16 required under paragraph (1), the Secretary
17 shall—

18 (i) conduct a thorough review of re-
19 search and data relating to—

20 (I) wildlife-vehicle collisions; and

21 (II) habitat fragmentation that
22 results from transportation infrastruc-
23 ture;

24 (ii) survey current practices of the
25 Department of Transportation and State

1 departments of transportation to reduce
2 wildlife-vehicle collisions; and

3 (iii) consult with—

4 (I) appropriate experts in the
5 field of wildlife-vehicle collisions; and

6 (II) appropriate experts on the
7 effects of roads and traffic on habitat
8 connectivity for terrestrial and aquatic
9 species.

10 (3) REPORT.—

11 (A) IN GENERAL.—Not later than 18
12 months after the date of enactment of this Act,
13 the Secretary shall submit to Congress a report
14 on the results of the study required under para-
15 graph (1).

16 (B) CONTENTS.—The report required
17 under subparagraph (A) shall include—

18 (i) a description of—

19 (I) the causes of wildlife-vehicle
20 collisions;

21 (II) the impacts of wildlife-vehicle
22 collisions; and

23 (III) the impacts of roads and
24 traffic on—

- 1 (aa) species listed as threat-
2 ened species or endangered spe-
3 cies under the Endangered Spe-
4 cies Act of 1973 (16 U.S.C. 1531
5 et seq.);
- 6 (bb) species identified by
7 States as species of greatest con-
8 servation need;
- 9 (cc) species identified in
10 State wildlife plans; and
- 11 (dd) medium and small ter-
12 restrial and aquatic species;
- 13 (ii) an economic evaluation of the
14 costs and benefits of installing highway in-
15 frastructure and other measures to miti-
16 gate damage to terrestrial and aquatic spe-
17 cies, including the effect on jobs, property
18 values, and economic growth to society, ad-
19 jacent communities, and landowners;
- 20 (iii) recommendations for preventing
21 wildlife-vehicle collisions, including rec-
22 ommended best practices, funding re-
23 sources, or other recommendations for ad-
24 dressing wildlife-vehicle collisions; and

1 (iv) guidance to develop, for each
2 State that agrees to participate, a vol-
3 untary joint statewide transportation and
4 wildlife action plan.

5 (C) PURPOSES.—The purpose of the guid-
6 ance described in subparagraph (B)(iv) shall
7 be—

8 (i) to address wildlife-vehicle colli-
9 sions; and

10 (ii) to improve habitat connectivity for
11 terrestrial and aquatic species;

12 (D) CONSULTATION.—The Secretary shall
13 develop the guidance described under subpara-
14 graph (B)(iv) in consultation with—

15 (i) Federal land management agen-
16 cies;

17 (ii) State departments of transpor-
18 tation;

19 (iii) State fish and wildlife agencies;
20 and

21 (iv) Tribal governments.

22 (b) STANDARDIZATION OF WILDLIFE COLLISION AND
23 CARCASS DATA.—

24 (1) STANDARDIZATION METHODOLOGY.—

1 (A) IN GENERAL.—The Secretary of
2 Transportation, acting through the Adminis-
3 trator of the Federal Highway Administration,
4 shall develop a quality standardized method-
5 ology for collecting and reporting spatially accu-
6 rate wildlife collision and carcass data for the
7 National Highway System, taking into consider-
8 ation the practicability of the methodology with
9 respect to technology and cost.

10 (B) METHODOLOGY.—In developing the
11 standardized methodology under subparagraph
12 (A), the Secretary shall—

13 (i) survey existing methodologies and
14 sources of data collection, including the
15 Fatality Analysis Reporting System, the
16 General Estimates System of the National
17 Automotive Sampling System, and the
18 Highway Safety Information System; and

19 (ii) to the extent practicable, identify
20 and correct limitations of such existing
21 methodologies and sources of data collec-
22 tion.

23 (C) CONSULTATION.—In developing the
24 standardized methodology under subparagraph
25 (A), the Secretary shall consult with—

- 1 (i) the Secretary of the Interior;
- 2 (ii) the Secretary of Agriculture, act-
- 3 ing through the Chief of the Forest Serv-
- 4 ice;
- 5 (iii) Tribal, State, and local transpor-
- 6 tation and wildlife authorities;
- 7 (iv) metropolitan planning organiza-
- 8 tions (as such term is defined in section
- 9 134(b) of title 23, United States Code);
- 10 (v) members of the American Associa-
- 11 tion of State Highway and Transportation
- 12 Officials;
- 13 (vi) members of the Association of
- 14 Fish and Wildlife Agencies;
- 15 (vii) experts in the field of wildlife-ve-
- 16 hicle collisions;
- 17 (viii) nongovernmental organizations;
- 18 and
- 19 (ix) other interested stakeholders, as
- 20 appropriate.

- 21 (2) STANDARDIZED NATIONAL DATA SYSTEM
- 22 WITH VOLUNTARY TEMPLATE IMPLEMENTATION.—
- 23 The Secretary shall—
- 24 (A) develop a template for State implemen-
- 25 tation of a standardized national wildlife colli-

1 sion and carcass data system for the National
2 Highway System that is based on the standard-
3 ized methodology developed under paragraph
4 (1); and

5 (B) encourage the voluntary implementa-
6 tion of the template developed under subpara-
7 graph (A) for States, metropolitan planning or-
8 ganizations, and additional relevant transpor-
9 tation stakeholders.

10 (3) REPORTS.—

11 (A) METHODOLOGY.—The Secretary shall
12 submit to Congress a report describing the de-
13 velopment of the standardized methodology re-
14 quired under paragraph (1) not later than—

15 (i) the date that is 18 months after
16 the date of enactment of this Act; and

17 (ii) the date that is 180 days after the
18 date on which the Secretary completes the
19 development of such standardized method-
20 ology.

21 (B) IMPLEMENTATION.—Not later than 3
22 years after the date of enactment of this Act,
23 the Secretary shall submit to Congress a report
24 describing—

1 (i) the status of the voluntary imple-
2 mentation of the standardized methodology
3 developed under paragraph (1) and the
4 template developed under paragraph
5 (2)(A);

6 (ii) whether the implementation of the
7 standardized methodology developed under
8 paragraph (1) and the template developed
9 under paragraph (2)(A) has impacted ef-
10 forts by States, units of local government,
11 and other entities—

12 (I) to reduce the number of wild-
13 life-vehicle collisions; and

14 (II) to improve habitat
15 connectivity;

16 (iii) the degree of the impact de-
17 scribed in clause (ii); and

18 (iv) the recommendations of the Sec-
19 retary, including recommendations for fur-
20 ther study aimed at reducing motorist col-
21 lisions involving wildlife and improving
22 habitat connectivity for terrestrial and
23 aquatic species on the National Highway
24 System, if any.

1 (c) NATIONAL THRESHOLD GUIDANCE.—The Sec-
2 retary of Transportation shall—

3 (1) establish guidance, to be carried out by
4 States on a voluntary basis, that contains a thresh-
5 old for determining whether a highway shall be eval-
6 uated for potential mitigation measures to reduce
7 wildlife-vehicle collisions and increase habitat
8 connectivity for terrestrial and aquatic species, tak-
9 ing into consideration—

10 (A) the number of wildlife-vehicle collisions
11 on the highway that pose a human safety risk;

12 (B) highway-related mortality and effects
13 of traffic on the highway on—

14 (i) species listed as endangered spe-
15 cies or threatened species under the En-
16 dangered Species Act of 1973 (16 U.S.C.
17 1531 et seq.);

18 (ii) species identified by a State as
19 species of greatest conservation need;

20 (iii) species identified in State wildlife
21 plans; and

22 (iv) medium and small terrestrial and
23 aquatic species; and

24 (C) habitat connectivity values for terres-
25 trial and aquatic species and the barrier effect

1 of the highway on the movements and migra-
2 tions of those species.

3 **SEC. 5108. RESEARCH ACTIVITIES.**

4 Section 330(g) of title 49, United States Code, is
5 amended by striking “each of fiscal years 2016 through
6 2020” and inserting “each of fiscal years 2022 through
7 2025”.

8 **Subtitle B—Technology**
9 **Deployment**

10 **SEC. 5201. TECHNOLOGY AND INNOVATION DEPLOYMENT**
11 **PROGRAM.**

12 Section 503(c) of title 23, United States Code, is
13 amended—

14 (1) in paragraph (1)—

15 (A) in subparagraph (D) by striking “;
16 and” and inserting a semicolon;

17 (B) in subparagraph (E) by striking the
18 period and inserting “; and”; and

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

20 “(F) reducing greenhouse gas emissions
21 and limiting the effects of climate change.”;

22 and

23 (2) in paragraph (2)(A) by striking the period
24 and inserting “and findings from the materials to

1 reduce greenhouse gas emissions program under
2 subsection (d).”.

3 **SEC. 5202. ACCELERATED IMPLEMENTATION AND DEPLOY-**
4 **MENT OF PAVEMENT TECHNOLOGIES.**

5 Section 503(c)(3) of title 23, United States Code, is
6 amended—

7 (1) in subparagraph (B)—

8 (A) in clause (v) by striking “; and” and
9 inserting a semicolon;

10 (B) in clause (vi) by striking the period
11 and inserting “; and”; and

12 (C) by adding at the end the following:

13 “(vii) the deployment of innovative
14 pavement designs, materials, and practices
15 that reduce or sequester the amount of
16 greenhouse gas emissions generated during
17 the production of highway materials and
18 the construction of highways, with consid-
19 eration for findings from the materials to
20 reduce greenhouse gas emissions program
21 under subsection (d).”;

22 (2) in subparagraph (C) by striking “fiscal
23 years 2016 through 2020” and inserting “fiscal
24 years 2022 through 2025”; and

25 (3) in subparagraph (D)(ii)—

1 (A) in subclause (III) by striking “; and”
2 and inserting a semicolon;

3 (B) in subclause (IV) by striking the pe-
4 riod and inserting a semicolon; and

5 (C) by adding at the end the following:

6 “(V) pavement monitoring and
7 data collection practices;

8 “(VI) pavement durability and
9 resilience;

10 “(VII) stormwater management;

11 “(VIII) impacts on vehicle effi-
12 ciency;

13 “(IX) the energy efficiency of the
14 production of paving materials and
15 the ability of paving materials to en-
16 hance the environment and promote
17 sustainability;

18 “(X) integration of renewable en-
19 ergy in pavement designs; and

20 “(XI) greenhouse gas emissions
21 reduction, including findings from the
22 materials to reduce greenhouse gas
23 emissions program under subsection
24 (d).”.

1 **SEC. 5203. FEDERAL HIGHWAY ADMINISTRATION EVERY**
2 **DAY COUNTS INITIATIVE.**

3 (a) IN GENERAL.—Chapter 5 of title 23, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“§ 520. Every Day Counts initiative**

7 “(a) IN GENERAL.—It is in the national interest for
8 the Department of Transportation, State departments of
9 transportation, and all other recipients of Federal surface
10 transportation funds—

11 “(1) to identify, accelerate, and deploy innova-
12 tion aimed at expediting project delivery;

13 “(2) enhancing the safety of the roadways of
14 the United States, and protecting the environment;

15 “(3) to ensure that the planning, design, engi-
16 neering, construction, and financing of transpor-
17 tation projects is done in an efficient and effective
18 manner;

19 “(4) to promote the rapid deployment of proven
20 solutions that provide greater accountability for pub-
21 lic investments and encourage greater private sector
22 involvement; and

23 “(5) to create a culture of innovation within the
24 highway community.

25 “(b) EVERY DAY COUNTS INITIATIVE.—To advance
26 the policy described in subsection (a), the Administrator

1 of the Federal Highway Administration shall continue the
2 Every Day Counts initiative to work with States, local
3 transportation agencies, and industry stakeholders to
4 identify and deploy proven innovative practices and prod-
5 ucts that—

6 “(1) accelerate innovation deployment;

7 “(2) expedite the project delivery process;

8 “(3) improve environmental sustainability;

9 “(4) enhance roadway safety;

10 “(5) reduce congestion; and

11 “(6) reduce greenhouse gas emissions.

12 “(c) CONSIDERATIONS.—In carrying out the Every
13 Day Counts initiative, the Administrator shall consider
14 any innovative practices and products in accordance with
15 subsections (a) and (b), including—

16 “(1) research results from the university trans-
17 portation centers program under section 5505 of
18 title 49; and

19 “(2) results from the materials to reduce green-
20 house gas emissions program in section 503(d).

21 “(d) INNOVATION DEPLOYMENT.—

22 “(1) IN GENERAL.—At least every 2 years, the
23 Administrator shall work collaboratively with stake-
24 holders to identify a new collection of innovations,
25 best practices, and data to be deployed to highway

1 stakeholders through case studies, outreach, and
2 demonstration projects.

3 “(2) REQUIREMENTS.—In identifying a collec-
4 tion described in paragraph (1), the Secretary shall
5 take into account market readiness, impacts, bene-
6 fits, and ease of adoption of the innovation or prac-
7 tice.

8 “(e) PUBLICATION.—Each collection identified under
9 subsection (d) shall be published by the Administrator on
10 a publicly available website.

11 “(f) FUNDING.—The Secretary may use funds made
12 available to carry out section 503(c) to carry out this sec-
13 tion.”.

14 (b) CLERICAL AMENDMENT.—The analysis for chap-
15 ter 5 of title 23, United States Code, is amended by add-
16 ing at the end the following new item:

“520. Every Day Counts initiative.”.

17 (c) REPEAL.—Section 1444 of the FAST Act (23
18 U.S.C. 101 note), and the item related to such section in
19 the table of contents in section 1(b) of such Act, are re-
20 pealed.

21 **Subtitle C—Emerging Technologies**

22 **SEC. 5301. SAFE, EFFICIENT MOBILITY THROUGH AD- 23 VANCED TECHNOLOGIES.**

24 Section 503(c)(4) of title 23, United States Code, is
25 amended—

1 (1) in subparagraph (A)—

2 (A) by striking “Not later than 6 months
3 after the date of enactment of this paragraph,
4 the” and inserting “The”;

5 (B) by striking “establish an advanced
6 transportation and congestion management
7 technologies deployment” and inserting “estab-
8 lish a safe, efficient mobility through advanced
9 technologies”;

10 (C) by inserting “mobility,” before “effi-
11 ciency,”; and

12 (D) by inserting “environmental impacts,”
13 after “system performance,”;

14 (2) in subparagraph (B)—

15 (A) by striking clause (i) and inserting the
16 following:

17 “(i) reduce costs, improve return on
18 investments, and improve person through-
19 put and mobility, including through the op-
20 timization of existing transportation capac-
21 ity;”;

22 (B) in clause (iv) by inserting “bicyclist
23 and” before “pedestrian”;

24 (C) in clause (vii) by striking “; or” and
25 inserting a semicolon;

1 (D) in clause (viii)—

2 (i) by striking “accelerate” and insert-
3 ing “prepare for”;

4 (ii) by striking “autonomous” and in-
5 serting “automated”; and

6 (iii) by striking the period and insert-
7 ing “; or”; and

8 (E) by adding at the end the following:

9 “(ix) reduce greenhouse gas emissions
10 and limit the effects of climate change.”;

11 (3) in subparagraph (C)—

12 (A) in clause (ii)(II)(aa) by striking “con-
13 gestion, and costs” and inserting “congestion
14 and delays, greenhouse gas emissions, and costs
15 incurred by road users”; and

16 (B) by adding at the end the following:

17 “(iii) CONSIDERATIONS.—An applica-
18 tion submitted under this paragraph may
19 include a description of how the proposed
20 project would support the national goals
21 described in section 150(b), the achieve-
22 ment of metropolitan and statewide targets
23 established under section 150(d), or the
24 improvement of transportation system ac-

1 cess consistent with section 150(f), includ-
2 ing through—

3 “(I) the congestion and on-road
4 mobile-source emissions performance
5 measure established under section
6 150(c)(5); or

7 “(II) the greenhouse gas emis-
8 sions performance measure estab-
9 lished under section 150(c)(7).”;

10 (4) in subparagraph (D) by adding at the end
11 the following:

12 “(iv) PRIORITIZATION.—In awarding
13 a grant under this paragraph, the Sec-
14 retary shall prioritize projects that, in ac-
15 cordance with the criteria described in sub-
16 paragraph (B)—

17 “(I) improve person throughput
18 and mobility, including through the
19 optimization of existing transportation
20 capacity;

21 “(II) deliver environmental bene-
22 fits;

23 “(III) reduce the number and se-
24 verity of traffic accidents and increase

1 driver, passenger, and bicyclist and
2 pedestrian safety; or

3 “(IV) reduce greenhouse gas
4 emissions.

5 “(v) GRANT DISTRIBUTION.—The
6 Secretary shall award not fewer than 3
7 grants under this paragraph based on the
8 potential of the project to reduce the num-
9 ber and severity of traffic crashes and in-
10 crease, driver, passenger, and bicyclist and
11 pedestrian safety.”;

12 (5) in subparagraph (E)—

13 (A) in clause (vi)—

14 (i) by inserting “, vehicle-to-pedes-
15 trian,” after “vehicle-to-vehicle”; and

16 (ii) by inserting “automated vehicles,
17 systems to improve vulnerable road user
18 safety,” after “technologies associated
19 with” ; and

20 (B) in clause (ix) by inserting “, including
21 activities under section 5316 of title 49” after
22 “disabled individuals”;

23 (6) by striking subparagraph (G) and inserting
24 the following:

25 “(G) REPORTING.—

1 “(i) APPLICABILITY OF LAW.—The
2 program under this paragraph shall be
3 subject to the accountability and oversight
4 requirements in section 106(m).

5 “(ii) REPORT.—Not later than 1 year
6 after the date that the first grant is
7 awarded under this paragraph, and each
8 year thereafter, the Secretary shall make
9 available to the public on a website a re-
10 port that describes the effectiveness of
11 grant recipients in meeting their projected
12 deployment plans, including data provided
13 under subparagraph (F) on how the pro-
14 gram has—

15 “(I) reduced traffic-related fatali-
16 ties and injuries;

17 “(II) reduced traffic congestion
18 and improved travel time reliability;

19 “(III) reduced transportation-re-
20 lated emissions;

21 “(IV) optimized multimodal sys-
22 tem performance;

23 “(V) improved access to trans-
24 portation alternatives;

1 “(VI) provided the public with
2 access to real-time integrated traffic,
3 transit, and multimodal transpor-
4 tation information to make informed
5 travel decisions;

6 “(VII) provided cost savings to
7 transportation agencies, businesses,
8 and the traveling public; or

9 “(VIII) provided other benefits to
10 transportation users and the general
11 public.

12 “(iii) CONSIDERATIONS.—If applica-
13 ble, the Secretary shall ensure that the ac-
14 tivities described in subclauses (I) and (IV)
15 of clause (ii) reflect—

16 “(I) any information described in
17 subparagraph (C)(iii) that is included
18 by an applicant; or

19 “(II) the project prioritization
20 guidelines under subparagraph
21 (D)(iv).”;

22 (7) in subparagraph (I) by striking “(i) IN
23 GENERAL” and all that follows through “the Sec-
24 retary may set aside” and inserting “Of the

1 amounts made available to carry out this paragraph,
2 the Secretary may set aside”;

3 (8) in subparagraph (J) by striking the period
4 at the end and inserting “, except that the Federal
5 share of the cost of a project for which a grant is
6 awarded under this paragraph shall not exceed 80
7 percent.”;

8 (9) by striking subparagraph (M) and inserting
9 the following:

10 “(M) GRANT FLEXIBILITY.—If, by August
11 1 of each fiscal year, the Secretary determines
12 that there are not enough grant applications
13 that meet the requirements described in sub-
14 subparagraph (C) to carry out this paragraph for
15 a fiscal year, the Secretary shall transfer to the
16 technology and innovation deployment pro-
17 gram—

18 “(i) any of the funds reserved for the
19 fiscal year under subparagraph (I) that the
20 Secretary has not yet awarded under this
21 paragraph; and

22 “(ii) an amount of obligation limita-
23 tion equal to the amount of funds that the
24 Secretary transfers under subclause (I).”;
25 and

1 (10) in subparagraph (N)—

2 (A) in clause (i) by inserting “an urban-
3 ized area with” before “a population of”; and

4 (B) in clause (iii) by striking “a any” and
5 inserting “any”.

6 **SEC. 5302. INTELLIGENT TRANSPORTATION SYSTEMS PRO-**
7 **GRAM.**

8 (a) USE OF FUNDS FOR ITS ACTIVITIES.—Section
9 513(c)(1) of title 23, United States Code, is amended by
10 inserting “greenhouse gas emissions reduction,” before
11 “and congestion management”.

12 (b) GOALS AND PURPOSES.—Section 514(a) of title
13 23, United States Code, is amended—

14 (1) in paragraph (6) by striking “national
15 freight policy goals” and inserting “national
16 multimodal freight policy goals and activities de-
17 scribed in subtitle IX of title 49”;

18 (2) by redesignating paragraphs (4), (5), and
19 (6) as paragraphs (5), (6), and (7), respectively; and

20 (3) by inserting after paragraph (3) the fol-
21 lowing:

22 “(4) reduction of greenhouse gas emissions and
23 mitigation of the effects of climate change;”.

1 (c) GENERAL AUTHORITIES AND REQUIREMENTS.—
2 Section 515(h) of title 23, United States Code, is amend-
3 ed—

4 (1) in paragraph (2)—

5 (A) by striking “20 members” and insert-
6 ing “25 members”;

7 (B) in subparagraph (A) by striking
8 “State highway department” and inserting
9 “State department of transportation”;

10 (C) in subparagraph (B) by striking “local
11 highway department” and inserting “local de-
12 partment of transportation”;

13 (D) by striking subparagraphs (E), (F),
14 (G), (H), (I), and (J) and inserting the fol-
15 lowing:

16 “(E) a private sector representative of the
17 intelligent transportation systems industry;

18 “(F) a representative from an advocacy
19 group concerned with safety, including bicycle
20 and pedestrian interests;

21 “(G) a representative with expertise in
22 labor issues, including—

23 “(i) disruptions due to technology;
24 and

1 “(ii) opportunities and barriers re-
2 lated to transportation and the incorpora-
3 tion of emerging technology; and”;

4 (E) by redesignating subparagraph (K) as
5 subparagraph (H); and

6 (F) by striking subparagraph (L);

7 (2) in paragraph (3)—

8 (A) in subparagraph (A) by striking “sec-
9 tion 508” and inserting “section 6503 of title
10 49”;

11 (B) in subparagraph (B)—

12 (i) in clause (ii)—

13 (I) by inserting “in both urban
14 and rural areas” after “by users”;
15 and

16 (II) by striking “; and” and in-
17 serting a semicolon;

18 (ii) in clause (iii) by striking the pe-
19 riod and inserting “; and”; and

20 (iii) by adding at the end the fol-
21 lowing:

22 “(iv) assess how Federal transpor-
23 tation resources, including programs under
24 this title, are being used to advance intel-
25 ligent transportation systems.”; and

1 (C) by adding at the end the following:

2 “(C) Convene not less frequently than
3 twice each year, either in person or remotely.”;

4 (3) in paragraph (4) by striking “May 1” and
5 inserting “April 1”; and

6 (4) in paragraph (5) by inserting “, except that
7 section 14 of such Act shall not apply” before the
8 period at the end.

9 (d) RESEARCH AND DEVELOPMENT.—Section 516(b)
10 of title 23, United States Code, is amended—

11 (1) by redesignating paragraphs (5), (6), and
12 (7) as paragraphs (6), (7), and (8), respectively; and

13 (2) by inserting after paragraph (4) the fol-
14 lowing:

15 “(5) demonstrate reductions in greenhouse gas
16 emissions;”.

17 **SEC. 5303. NATIONAL HIGHLY AUTOMATED VEHICLE AND**
18 **MOBILITY INNOVATION CLEARINGHOUSE.**

19 (a) IN GENERAL.—Chapter 55 of title 49, United
20 States Code, is amended by adding at the end the fol-
21 lowing:

22 **“§ 5507. National highly automated vehicle and mo-**
23 **bility innovation clearinghouse**

24 “(a) IN GENERAL.—The Secretary shall make a
25 grant to an institution of higher education engaged in re-

1 search on the secondary impacts of highly automated vehi-
2 cles to—

3 “(1) operate a national highly automated vehi-
4 cle and mobility innovation clearinghouse;

5 “(2) collect, conduct, and fund research on the
6 secondary impacts of highly automated vehicles and
7 mobility innovation;

8 “(3) make such research available on a public
9 website; and

10 “(4) conduct outreach and dissemination of the
11 information described in this subsection to assist
12 communities.

13 “(b) DEFINITIONS.—In this section:

14 “(1) HIGHLY AUTOMATED VEHICLE.—The term
15 ‘highly automated vehicle’ means a motor vehicle
16 that—

17 “(A) is capable of performing the entire
18 task of driving (including steering, accelerating
19 and decelerating, and reacting to external stim-
20 ulus) without human intervention; and

21 “(B) is designed to be operated exclusively
22 by a Level 4 or Level 5 automated driving sys-
23 tem for all trips according to the recommended
24 practice standards published on June 15, 2018,
25 by the Society of Automotive Engineers Inter-

1 national (J3016__201806) or equivalent stand-
2 ards adopted by the Secretary with respect to
3 automated motor vehicles.

4 “(2) MOBILITY INNOVATION.—The term ‘mobil-
5 ity innovation’ means an activity described in section
6 5316, including mobility on demand and mobility as
7 a service (as such terms are defined in such section).

8 “(3) INSTITUTION OF HIGHER EDUCATION .—
9 The term ‘institution of higher education’ has the
10 meaning given the term in section 101 of the Higher
11 Education Act of 1965 (20 U.S.C. 1001).

12 “(4) SECONDARY IMPACTS.—The term ‘sec-
13 ondary impacts’ means the impacts on land use,
14 urban design, transportation, real estate, accessi-
15 bility, municipal budgets, social equity, and the envi-
16 ronment.”.

17 (b) CLERICAL AMENDMENT.—The analysis for chap-
18 ter 55 of title 49, United States Code, is amended by add-
19 ing at the end the following:

“5507. National highly automated vehicle and mobility innovation clearing-
house.”.

20 (c) DEADLINE FOR CLEARINGHOUSE.—The Sec-
21 retary of Transportation shall ensure that the institution
22 of higher education that receives the grant described in
23 section 5507(a)(1) of title 49, United States Code, as
24 added by subsection (a), shall establish the national highly

1 automated vehicle clearinghouse described in such section
2 not later than 180 days after the date of enactment of
3 this Act.

4 **SEC. 5304. STUDY ON SAFE INTERACTIONS BETWEEN AUTO-**
5 **MATED VEHICLES AND ROAD USERS.**

6 (a) **PURPOSE.**—The purpose of this section shall be
7 to ensure that the increasing deployment of automated ve-
8 hicles does not jeopardize the safety of road users.

9 (b) **STUDY.**—

10 (1) **ESTABLISHMENT.**—Not later than 9
11 months after the date of enactment of this Act, the
12 Secretary of Transportation shall initiate a study on
13 the ability of automated vehicles to safely interact
14 with other road users.

15 (2) **CONTENTS.**—In carrying out the study
16 under paragraph (1), the Secretary shall—

17 (A) examine the ability of automated vehi-
18 cles to safely interact with general road users,
19 including vulnerable road users;

20 (B) identify barriers to improving the safe-
21 ty of interactions between automated vehicles
22 and general road users; and

23 (C) issue recommendations to improve the
24 safety of interactions between automated vehi-

1 cles and general road users, including, at a
2 minimum—

3 (i) technology advancements with the
4 potential to facilitate safer interactions be-
5 tween automated vehicles and general road
6 users given the safety considerations in
7 paragraph (3);

8 (ii) road user public awareness; and

9 (iii) improvements to transportation
10 planning and road design.

11 (3) CONSIDERATIONS.—In carrying out the
12 study under paragraph (1), the Secretary shall take
13 into consideration whether automated vehicles can
14 safely operate within the surface transportation sys-
15 tem, including—

16 (A) the degree to which ordinary human
17 behaviors make it difficult for an automated ve-
18 hicle to safely, reliably predict human actions;

19 (B) unique challenges for automated vehi-
20 cles in urban and rural areas;

21 (C) the degree to which an automated ve-
22 hicle is capable of uniformly recognizing and re-
23 sponding to individuals with disabilities and in-
24 dividuals of different sizes, ages, races, and
25 other varying characteristics;

1 (D) for bicyclist and pedestrian road
2 users—

3 (i) the varying and non-standardized
4 nature of bicyclist and pedestrian infra-
5 structure in different locations;

6 (ii) the close proximity to motor vehi-
7 cles within which bicyclists often operate,
8 including riding in unprotected bike lanes
9 and crossing lanes to make a left turn, and
10 the risk of such close proximity; and

11 (iii) roadways that lack marked bicy-
12 clist infrastructure, particularly in
13 midsized and rural areas, on which
14 bicyclists often operate; and

15 (E) depending on the level of automation
16 of the vehicle, the degree to which human inter-
17 vention remains necessary to safely operate an
18 automated vehicle to ensure the safety of gen-
19 eral road users in circumstances including—

20 (i) dangerous weather;

21 (ii) an electronic or system malfunc-
22 tion of the automated vehicle; and

23 (iii) a cybersecurity threat to the op-
24 eration of the vehicle.

1 (4) PUBLIC COMMENT.—Before conducting the
2 study under paragraph (1), the Secretary shall pro-
3 vide an opportunity for public comment on the study
4 proposal.

5 (c) WORKING GROUP.—

6 (1) ESTABLISHMENT.—Not later than 6
7 months after the date of enactment of this Act, the
8 Secretary of Transportation shall establish a work-
9 ing group to assist in the development of the study
10 and recommendations under subsection (b).

11 (2) MEMBERSHIP.—The working group estab-
12 lished under paragraph (1) shall include representa-
13 tion from—

14 (A) the National Highway Traffic Safety
15 Administration;

16 (B) State departments of transportation;

17 (C) local governments (other than metro-
18 politan planning organizations, as such term is
19 defined in section 134(b) of title 23, United
20 States Code);

21 (D) transit agencies;

22 (E) metropolitan planning organizations
23 (as such term is defined in section 134(b) of
24 title 23, United States Code);

25 (F) bicycle and pedestrian safety groups;

1 (G) highway and automobile safety groups;

2 (H) truck safety groups;

3 (I) law enforcement officers and first re-
4 sponders;

5 (J) motor carriers and independent owner-
6 operators;

7 (K) the road construction industry;

8 (L) labor organizations;

9 (M) academic experts on automated vehicle
10 technologies;

11 (N) manufacturers of both passenger and
12 commercial automated vehicles; and

13 (O) other industries and entities as the
14 Secretary determines appropriate.

15 (3) DUTIES.—The working group established
16 under paragraph (1) shall assist the Secretary by, at
17 a minimum—

18 (A) assisting in the development of the
19 scope of the study under subsection (b);

20 (B) reviewing the data and analysis from
21 such study;

22 (C) provide ongoing recommendations and
23 feedback to ensure that such study reflects the
24 contents described in paragraphs (2) and (3) of
25 subsection (b); and

1 (D) providing input to the Secretary on
2 recommendations required under subsection
3 (b)(2)(C).

4 (4) APPLICABILITY OF THE FEDERAL ADVISORY
5 COMMITTEE ACT.—The working group under this
6 subsection shall be subject to the Federal Advisory
7 Committee Act (5 U.S.C. App.), except that section
8 14 of such Act shall not apply.

9 (d) REPORT.—Not later than 2 years after the date
10 of enactment of this Act, the Secretary of Transportation
11 shall submit to the Committee on Transportation and In-
12 frastructure of the House of Representatives and the Com-
13 mittee on Commerce, Science, and Transportation of the
14 Senate, and make publicly available, the study initiated
15 under subsection (b), including recommendations for en-
16 suring that automated vehicles safely interact with general
17 road users.

18 (e) DEFINITIONS.—In this section:

19 (1) AUTOMATED VEHICLE.—The term “auto-
20 mated vehicle” means a motor vehicle equipped with
21 Level 3, Level 4, or Level 5 automated driving sys-
22 tems for all trips according to the recommended
23 practice standards published on June 15, 2018 by
24 the Society of Automotive Engineers International
25 (J3016__201806) or equivalent standards adopted

1 by the Secretary with respect to automated motor
2 vehicles.

3 (2) GENERAL ROAD USERS.—The term “gen-
4 eral road users” means—

5 (A) motor vehicles driven by individuals;

6 (B) bicyclists and pedestrians;

7 (C) motorecyclists;

8 (D) workers in roadside construction
9 zones;

10 (E) emergency response vehicles, including
11 first responders;

12 (F) vehicles providing local government
13 services, including street sweepers and waste
14 collection vehicles;

15 (G) law enforcement officers;

16 (H) personnel who manually direct traffic,
17 including crossing guards; and

18 (I) other road users that may interact with
19 automated vehicles, as determined by the Sec-
20 retary of Transportation.

21 (3) VULNERABLE ROAD USER.—The term “vul-
22 nerable road user” has the meaning given such term
23 in section 148(a) of title 23, United States Code.

1 **SEC. 5305. NONTRADITIONAL AND EMERGING TRANSPOR-**
2 **TATION TECHNOLOGY COUNCIL.**

3 (a) IN GENERAL.—Chapter 1 of title 49, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“§ 118. Nontraditional and Emerging Transportation**
7 **Technology Council**

8 “(a) ESTABLISHMENT.—The Secretary of Transpor-
9 tation shall establish a Nontraditional and Emerging
10 Transportation Technology Council (hereinafter referred
11 to as the ‘Council’) in accordance with this section.

12 “(b) MEMBERSHIP.—

13 “(1) IN GENERAL.—The Council shall be com-
14 posed of the following officers of the Department of
15 Transportation:

16 “(A) The Secretary of Transportation.

17 “(B) The Deputy Secretary of Transpor-
18 tation.

19 “(C) The Under Secretary of Transpor-
20 tation for Policy.

21 “(D) The General Counsel of the Depart-
22 ment of Transportation.

23 “(E) The Chief Information Officer of the
24 Department of Transportation.

25 “(F) The Assistant Secretary for Research
26 and Technology.

1 “(G) The Assistant Secretary for Budget
2 and Programs.

3 “(H) The Administrator of the Federal
4 Aviation Administration.

5 “(I) The Administrator of the Federal
6 Highway Administration.

7 “(J) The Administrator of the Federal
8 Motor Carrier Safety Administration.

9 “(K) The Administrator of the Federal
10 Railroad Administration.

11 “(L) The Administrator of the Federal
12 Transit Administration.

13 “(M) The Administrator of the Federal
14 Maritime Administration.

15 “(N) The Administrator of the National
16 Highway Traffic Safety Administration.

17 “(O) The Administrator of the Pipeline
18 and Hazardous Materials Safety Administra-
19 tion.

20 “(2) ADDITIONAL MEMBERS.—The Secretary
21 may designate additional members of the Depart-
22 ment to serve as at-large members of the Council.

23 “(3) CHAIR AND VICE CHAIR.—The Secretary
24 may designate officials to serve as the Chair and

1 Vice Chair of the Council and of any working groups
2 of the Council.

3 “(c) DUTIES.—The Council shall—

4 “(1) identify and resolve any jurisdictional or
5 regulatory gaps or inconsistencies associated with
6 nontraditional and emerging transportation tech-
7 nologies, modes, or projects pending or brought be-
8 fore the Department to eliminate, so far as prac-
9 ticable, impediments to the prompt and safe deploy-
10 ment of new and innovative transportation tech-
11 nology, including with respect to safety regulation
12 and oversight, environmental review, and funding
13 issues;

14 “(2) coordinate the Department’s internal over-
15 sight of nontraditional and emerging transportation
16 technologies, modes, or projects and engagement
17 with external stakeholders;

18 “(3) within applicable statutory authority other
19 than this paragraph, develop and establish depart-
20 ment-wide processes, solutions, and best practices
21 for identifying, managing and resolving issues re-
22 garding emerging transportation technologies,
23 modes, or projects pending or brought before the
24 Department; and

1 “(4) carry out such additional duties as the
2 Secretary may prescribe, to the extent consistent
3 with this title, including subsections (f)(2) and (g)
4 of section 106.”.

5 (b) CLERICAL AMENDMENT.—The analysis for chap-
6 ter 1 of title 49, United States Code, is amended by add-
7 ing at the end the following:

 “118. Nontraditional and Emerging Transportation Technology Council.”.

8 **SEC. 5306. HYPERLOOP TRANSPORTATION.**

9 (a) IN GENERAL.—Not later than 6 months after the
10 date of enactment of this Act, the Secretary of Transpor-
11 tation, acting through the Nontraditional and Emerging
12 Transportation Technology Council of the Department of
13 Transportation, shall issue guidance to provide a clear
14 regulatory framework for the safe deployment of hyperloop
15 transportation.

16 (b) ELEMENTS.—In developing the guidance under
17 subsection (a), the Council shall—

18 (1) consider safety, oversight, environmental,
19 project delivery, and other regulatory requirements
20 prescribed by various modal administrations in the
21 Department;

22 (2) clearly delineate between relevant authori-
23 ties with respect to hyperloop transportation in the
24 Department and provide project sponsors with a sin-

1 gle point of access to the Department to inquire
2 about projects, plans, and proposals;

3 (3) establish clear, coordinated procedures for
4 the regulation of hyperloop transportation projects;
5 and

6 (4) develop and establish department-wide proc-
7 esses, solutions, and best practices for identifying,
8 managing, and resolving matters regarding
9 hyperloop transportation subject to the Depart-
10 ment’s jurisdiction.

11 **Subtitle D—Surface Transportation** 12 **Funding Pilot Programs**

13 **SEC. 5401. STATE SURFACE TRANSPORTATION SYSTEM** 14 **FUNDING PILOTS.**

15 Section 6020 of the FAST Act (23 U.S.C. 503 note)
16 is amended—

17 (1) by striking subsection (b) and inserting the
18 following:

19 “(b) **ELIGIBILITY.**—

20 “(1) **APPLICATION.**—To be eligible for a grant
21 under this section, a State or group of States shall
22 submit to the Secretary an application in such form
23 and containing such information as the Secretary
24 may require.

1 “(2) ELIGIBLE PROJECTS.—The Secretary may
2 provide grants to States under this section for the
3 following projects:

4 “(A) STATE PILOT PROJECTS.—A pilot
5 project to demonstrate a user-based alternative
6 revenue mechanism in a State that has received
7 not more than 1 grant under this section.

8 “(B) STATE IMPLEMENTATION
9 PROJECTS.—A project—

10 “(i) to implement a user-based alter-
11 native revenue mechanism that collects rev-
12 enue to be expended on projects for the
13 surface transportation system of the State;
14 and

15 “(ii) that is comprised of activities not
16 substantially similar in manner or scope to
17 activities previously carried out by the re-
18 cipient with a grant for a pilot project to
19 demonstrate such a mechanism under this
20 section, unless such activities are essential
21 to the implementation of a surface trans-
22 portation system funding alternative.”;

23 (2) in subsection (c)—

24 (A) in paragraph (1) by striking “2 or
25 more future”; and

1 (B) by adding at the end the following:

2 “(6) To test solutions to ensure the privacy and
3 security of data collected for the purpose of imple-
4 menting a user-based alternative revenue mecha-
5 nism.”;

6 (3) in subsection (d) by striking “to test the de-
7 sign, acceptance, and implementation of a user-
8 based alternative revenue mechanism” and inserting
9 “to test the design and acceptance of, or implement,
10 a user-based alternative revenue mechanism”;

11 (4) in subsection (g) by striking “50 percent”
12 and inserting “80 percent”;

13 (5) in subsection (i)—

14 (A) in the heading by striking “BIENNIAL”
15 and inserting “ANNUAL”;

16 (B) by striking “2 years after the date of
17 enactment of this Act” and inserting “1 year
18 after the date of enactment of the INVEST in
19 America Act”;

20 (C) by striking “every 2 years thereafter”
21 and inserting “every year thereafter”; and

22 (D) by inserting “and containing a deter-
23 mination of the characteristics of the most suc-
24 cessful mechanisms with the highest potential

1 for future widespread deployment” before the
2 period at the end; and

3 (6) by striking subsections (j) and (k) and in-
4 serting the following:

5 “(j) FUNDING.—Of amounts made available to carry
6 out this section—

7 “(1) for fiscal year 2022, \$17,500,000 shall be
8 used to carry out projects under subsection
9 (b)(2)(A) and \$17,500,000 shall be used to carry
10 out projects under subsection (b)(2)(B);

11 “(2) for fiscal year 2023, \$15,000,000 shall be
12 used to carry out projects under subsection
13 (b)(2)(A) and \$20,000,000 shall be used to carry
14 out projects under subsection (b)(2)(B);

15 “(3) for fiscal year 2024, \$12,500,000 shall be
16 used to carry out projects under subsection
17 (b)(2)(A) and \$22,500,000 shall be used to carry
18 out projects under subsection (b)(2)(B); and

19 “(4) for fiscal year 2025, \$10,000,000 shall be
20 used to carry out projects under subsection
21 (b)(2)(A) and \$25,000,000 shall be used to carry
22 out projects under subsection (b)(2)(B).

23 “(k) FUNDING FLEXIBILITY.—Funds made available
24 in a fiscal year for making grants for projects under sub-
25 section (b)(2) that are not expended in such fiscal year

1 may be made available in the following fiscal year for
2 projects under such subsection or for the national surface
3 transportation system funding pilot under section 5402 of
4 the INVEST in America Act.”.

5 **SEC. 5402. NATIONAL SURFACE TRANSPORTATION SYSTEM**
6 **FUNDING PILOT.**

7 (a) ESTABLISHMENT.—

8 (1) IN GENERAL.—The Secretary of Transpor-
9 tation, in coordination with the Secretary of the
10 Treasury, shall establish a pilot program to dem-
11 onstrate a national motor vehicle per-mile user fee to
12 restore and maintain the long-term solvency of the
13 Highway Trust Fund and achieve and maintain a
14 state of good repair in the surface transportation
15 system.

16 (2) OBJECTIVES.—The objectives of the pilot
17 program are to—

18 (A) test the design, acceptance, implemen-
19 tation, and financial sustainability of a national
20 per-mile user fee;

21 (B) address the need for additional rev-
22 enue for surface transportation infrastructure
23 and a national per-mile user fee; and

1 (C) provide recommendations regarding
2 adoption and implementation of a national per-
3 mile user fee.

4 (b) PARAMETERS.—In carrying out the pilot program
5 established under subsection (a), the Secretary of Trans-
6 portation, in coordination with the Secretary of the Treas-
7 ury, shall—

8 (1) provide different methods that volunteer
9 participants can choose from to track motor vehicle
10 miles traveled;

11 (2) solicit volunteer participants from all 50
12 States and the District of Columbia;

13 (3) ensure an equitable geographic distribution
14 by population among volunteer participants;

15 (4) include commercial vehicles and passenger
16 motor vehicles in the pilot program; and

17 (5) use components of, and information from,
18 the States selected for the State surface transpor-
19 tation system funding pilot program under section
20 6020 of the FAST Act (23 U.S.C. 503 note).

21 (c) METHODS.—

22 (1) TOOLS.—In selecting the methods described
23 in subsection (b)(1), the Secretary of Transportation
24 shall coordinate with entities that voluntarily provide

1 to the Secretary for use in the program any of the
2 following vehicle-miles-traveled collection tools:

3 (A) Third-party on-board diagnostic
4 (OBD–II) devices.

5 (B) Smart phone applications.

6 (C) Telemetric data collected by auto-
7 makers.

8 (D) Motor vehicle data obtained by car in-
9 surance companies.

10 (E) Data from the States selected for the
11 State surface transportation system funding
12 pilot program under section 6020 of the FAST
13 Act (23 U.S.C. 503 note).

14 (F) Motor vehicle data obtained from fuel-
15 ing stations.

16 (G) Any other method that the Secretary
17 considers appropriate.

18 (2) COORDINATION.—

19 (A) SELECTION.—The Secretary shall de-
20 termine which methods under paragraph (1) are
21 selected for the pilot program.

22 (B) VOLUNTEER PARTICIPANTS.—In a
23 manner that the Secretary considers appro-
24 priate, the Secretary shall provide each selected
25 method to each volunteer participant.

1 (d) PER-MILE USER FEES.—For the purposes of the
2 pilot program established in subsection (a), the Secretary
3 of the Treasury shall establish on an annual basis—

4 (1) for passenger vehicles and light trucks, a
5 per-mile user fee that is equivalent to—

6 (A) the average annual taxes imposed by
7 sections 4041 and 4081 of the Internal Rev-
8 enue Code of 1986 with respect to gasoline or
9 any other fuel used in a motor vehicle (other
10 than aviation gasoline or diesel), divided by

11 (B) the total vehicle miles traveled by pas-
12 senger vehicles and light trucks; and

13 (2) for medium- and heavy-duty trucks, a per-
14 mile user fee that is equivalent to—

15 (A) the average annual taxes imposed by
16 sections 4041 and 4081 of such Code with re-
17 spect to diesel fuel, divided by

18 (B) the total vehicle miles traveled by
19 medium- and heavy-duty trucks.

20 Taxes shall only be taken into account under the
21 preceding sentence to the extent taken into account
22 in determining appropriations to the Highway Trust
23 Fund under section 9503(b) of such Code, and the
24 amount so determined shall be reduced to account

1 for transfers from such fund under paragraphs (3),
2 (4), and (5) of section 9503(c) of such Code.

3 (e) VOLUNTEER PARTICIPANTS.—The Secretary of
4 Transportation, in coordination with the Secretary of the
5 Treasury, shall—

6 (1) ensure, to the extent practicable, that an
7 appropriate number of volunteer participants partici-
8 pate in the pilot program; and

9 (2) issue policies to—

10 (A) protect the privacy of volunteer partici-
11 pants; and

12 (B) secure the data provided by volunteer
13 participants.

14 (f) PUBLIC AWARENESS CAMPAIGN.—The Secretary
15 of Transportation may carry out a public awareness cam-
16 paign to increase public awareness regarding a national
17 per-mile user fee, including distributing information re-
18 lated to the pilot program carried out under this section,
19 information from the State surface transportation system
20 funding pilot program under section 6020 of the FAST
21 Act (23 U.S.C. 503 note).

22 (g) REVENUE COLLECTION.—The Secretary of the
23 Treasury, in coordination with the Secretary of Transpor-
24 tation, shall establish a mechanism to collect per-mile user

1 fees established under subsection (d) from volunteer par-
2 ticipants. Such mechanism—

3 (1) may be adjusted as needed to address tech-
4 nical challenges; and

5 (2) may allow third-party vendors to collect the
6 per-mile user fees and forward such fees to the
7 Treasury.

8 (h) AGREEMENT.—The Secretary of Transportation
9 may enter into an agreement with a volunteer participant
10 containing such terms and conditions as the Secretary
11 considers necessary for participation in the pilot program.

12 (i) LIMITATION.—Any revenue collected through the
13 mechanism established in subsection (g) shall not be con-
14 sidered a toll under section 301 of title 23, United States
15 Code.

16 (j) HIGHWAY TRUST FUND.—The Secretary of the
17 Treasury shall ensure that any revenue collected under
18 subsection (f) is deposited into the Highway Trust Fund.

19 (k) REFUND.—Not more than 45 days after the end
20 of each calendar quarter in which a volunteer participant
21 has participated in the pilot program, the Secretary of the
22 Treasury shall calculate and issue an equivalent refund
23 to volunteer participants for applicable Federal motor fuel
24 taxes under section 4041 and section 4081 of the Internal

1 Revenue Code of 1986, the applicable battery tax under
2 section 4111 of such Code, or both, if applicable.

3 (l) REPORT TO CONGRESS.—Not later than 1 year
4 after the date on which volunteer participants begin par-
5 ticipating in the pilot program, and each year thereafter
6 for the duration of the pilot program, the Secretary of
7 Transportation and the Secretary of the Treasury shall
8 submit to the Committee on Transportation and Infra-
9 structure of the House of Representatives and the Com-
10 mittee on Environment and Public Works of the Senate
11 a report that includes an analysis of—

12 (1) whether the objectives described in sub-
13 section (a)(2) were achieved;

14 (2) how volunteer protections in subsection
15 (f)(2) were complied with; and

16 (3) whether per-mile user fees can maintain the
17 long-term solvency of the Highway Trust Fund and
18 achieve and maintain a state of good repair in the
19 surface transportation system.

20 (m) SUNSET.—The pilot program established under
21 this section shall expire on the date that is 4 years after
22 the date on which volunteer participants begin partici-
23 pating in such program.

24 (n) DEFINITIONS.—In this section, the following defi-
25 nitions apply:

1 (1) COMMERCIAL VEHICLE.—The term “com-
2 mercial vehicle” has the meaning given the term
3 commercial motor vehicle in section 31101 of title
4 49, United States Code.

5 (2) HIGHWAY TRUST FUND.—The term “High-
6 way Trust Fund” means the Highway Trust Fund
7 established under section 9503 of the Internal Rev-
8 enue Code of 1986.

9 (3) LIGHT TRUCK.—The term “light truck” has
10 the meaning given the term in section 523.2 of title
11 49, Code of Federal Regulations.

12 (4) MEDIUM- AND HEAVY-DUTY TRUCK.—The
13 term “medium- and heavy-duty truck” has the
14 meaning given the term “commercial medium- and
15 heavy-duty on-highway vehicle” in section 32901(a)
16 of title 49, United States Code.

17 (5) PER-MILE USER FEE.—The term “per-mile
18 user fee” means a revenue mechanism that—

19 (A) is applied to road users operating
20 motor vehicles on the surface transportation
21 system; and

22 (B) is based on the number of vehicle miles
23 traveled by an individual road user.

24 (6) VOLUNTEER PARTICIPANT.—The term “vol-
25 unteer participant” means—

1 (A) an owner or lessee of an individual pri-
2 vate motor vehicle who volunteers to participate
3 in the pilot program;

4 (B) a commercial vehicle operator who vol-
5 unteers to participate in the pilot program; or

6 (C) an owner of a motor vehicle fleet who
7 volunteers to participate in the pilot program.

8 **Subtitle E—Miscellaneous**

9 **SEC. 5501. ERGONOMIC SEATING WORKING GROUP.**

10 (a) IN GENERAL.—

11 (1) ESTABLISHMENT.—Not later than 180 days
12 after the date of enactment of this Act, the Sec-
13 retary of Transportation shall convene a working
14 group to examine the seating standards for commer-
15 cial drivers.

16 (2) MEMBERS.—At a minimum, the working
17 group shall include—

18 (A) seat manufacturers;

19 (B) commercial vehicle manufacturers;

20 (C) transit vehicle manufacturers;

21 (D) labor representatives for the trucking
22 industry;

23 (E) representatives from organizations en-
24 gaged in collective bargaining on behalf of tran-
25 sit workers in not fewer than 3 States; and

1 (F) musculoskeletal health experts.

2 (b) OBJECTIVES.—The Secretary shall pursue the
3 following objectives through the working group:

4 (1) To identify health issues, including mus-
5 culoskeletal health issues, that afflict commercial
6 drivers due to sitting for long periods of time while
7 on duty.

8 (2) To identify research topics for further devel-
9 opment and best practices to improve seating.

10 (3) To determine ways to incorporate improved
11 seating into manufacturing standards for public
12 transit vehicles and commercial vehicles.

13 (c) REPORT.—

14 (1) SUBMISSION.—Not later than 18 months
15 after the date of enactment of this Act, the working
16 group shall submit to the Secretary, the Committee
17 on Transportation and Infrastructure of the House
18 of Representatives, and the Committee on Banking,
19 Housing, and Urban Affairs and the Committee on
20 Commerce, Science, and Transportation of the Sen-
21 ate a report on the findings of the working group
22 under this section and any recommendations for the
23 adoption of better ergonomic seating for commercial
24 drivers.

1 (B) in paragraph (2)(A) by striking “or
2 section 6314(b)”.

3 **SEC. 5503. REPORTS.**

4 Section 308(e)(1) of title 49, United States Code, is
5 amended by inserting “, including public ferry systems,”
6 after “mass transportation systems”.

7 **TITLE VI—MULTIMODAL**
8 **TRANSPORTATION**

9 **SEC. 6001. NATIONAL MULTIMODAL FREIGHT POLICY.**

10 Section 70101(b) of title 49, United States Code, is
11 amended—

12 (1) in paragraph (2) by inserting “in rural and
13 urban areas” after “freight transportation”;

14 (2) in paragraph (7)—

15 (A) in subparagraph (B) by striking “;
16 and” and inserting a semicolon;

17 (B) by redesignating subparagraph (C) as
18 subparagraph (D); and

19 (C) by inserting after subparagraph (B)
20 the following:

21 “(C) travel within population centers;
22 and”;

23 (3) in paragraph (9) by striking “; and” and in-
24 serting the following: “including—

25 “(A) greenhouse gas emissions;

1 “(B) local air pollution;

2 “(C) minimizing, capturing, or treating
3 stormwater runoff or other adverse impacts to
4 water quality; and

5 “(D) wildlife habitat loss;”;

6 (4) by redesignating paragraph (10) as para-
7 graph (11); and

8 (5) by inserting after paragraph (9) the fol-
9 lowing:

10 “(10) to decrease any adverse impact of freight
11 transportation on communities located near freight
12 facilities or freight corridors; and”.

13 **SEC. 6002. NATIONAL FREIGHT STRATEGIC PLAN.**

14 Section 70102(c) of title 49, United States Code, is
15 amended by striking “shall” and all that follows through
16 the end and inserting the following: “shall—

17 “(1) update the plan and publish the updated
18 plan on the public website of the Department of
19 Transportation; and

20 “(2) include in the update described in para-
21 graph (1)—

22 “(A) each item described in subsection (b);

23 and

24 “(B) best practices to reduce the adverse
25 environmental impacts of freight-related—

- 1 “(i) greenhouse gas emissions;
2 “(ii) local air pollution;
3 “(iii) stormwater runoff or other ad-
4 verse impacts to water quality; and
5 “(iv) wildlife habitat loss.”.

6 **SEC. 6003. NATIONAL MULTIMODAL FREIGHT NETWORK.**

7 Section 70103 of title 49, United States Code, is
8 amended—

9 (1) in subsection (b)(2)(C) by striking “of the
10 United States that have” and inserting the fol-
11 lowing: “of the United States that—

12 “(i) have a total annual value of cargo
13 of at least \$1,000,000,000, as identified by
14 United States Customs and Border Protec-
15 tion and reported by the Bureau of the
16 Census; or

17 “(ii) have”;

18 (2) in subsection (c)—

19 (A) in paragraph (1) by striking “Not
20 later than 1 year after the date of enactment of
21 this section,” and inserting the following:

22 “(A) REPORT TO CONGRESS.—Not later
23 than 30 days after the date of enactment of the
24 INVEST in America Act, the Secretary shall
25 submit to the Committee on Transportation and

1 Infrastructure of the House of Representatives
2 and the Committee on Commerce, Science, and
3 Transportation of the Senate a report detailing
4 a plan to designate a final National Multimodal
5 Freight Network, including a detailed summary
6 of the resources within the Office of the Sec-
7 retary that will be dedicated to carrying out
8 such plan.

9 “(B) DESIGNATION OF NATIONAL
10 MULTIMODAL FREIGHT NETWORK.—Not later
11 than 60 days after the submission of the report
12 described in subparagraph (A),”;

13 (B) in paragraph (3)(C)—

14 (i) by inserting “and metropolitan
15 planning organizations” after “States”;

16 and

17 (ii) by striking “paragraph (4)” and
18 inserting “paragraphs (4) and (5)”;

19 (C) in paragraph (4)—

20 (i) in the header by inserting “AND
21 METROPOLITAN PLANNING ORGANIZATION”

22 after “STATE”;

23 (ii) by redesignating subparagraph
24 (D) as subparagraph (E); and

1 (iii) by striking subparagraph (C) and
2 inserting the following:

3 “(C) CRITICAL URBAN FREIGHT FACILI-
4 TIES AND CORRIDORS.—

5 “(i) AREA WITH A POPULATION OF
6 OVER 500,000.—In an urbanized area with
7 a population of 500,000 or more individ-
8 uals, the representative metropolitan plan-
9 ning organization, in consultation with the
10 State, may designate a freight facility or
11 corridor within the borders of the State as
12 a critical urban freight facility or corridor.

13 “(ii) AREA WITH A POPULATION OF
14 LESS THAN 500,000.—In an urbanized area
15 with a population of less than 500,000 in-
16 dividuals, the State, in consultation with
17 the representative metropolitan planning
18 organization, may designate a freight facil-
19 ity or corridor within the borders of the
20 State as a critical urban freight corridor.

21 “(iii) DESIGNATION.—A designation
22 may be made under subparagraph (i) or
23 (ii) if the facility or corridor is in an ur-
24 banized area, regardless of population, and
25 such facility or corridor—

1 “(I) provides access to the pri-
2 mary highway freight system, the
3 Interstate system, or an intermodal
4 freight facility;

5 “(II) is located within a corridor
6 of a route on the primary highway
7 freight system and provides an alter-
8 native option important to goods
9 movement;

10 “(III) serves a major freight gen-
11 erator, logistics center, or manufac-
12 turing and warehouse industrial land;

13 “(IV) connects to an inter-
14 national port of entry;

15 “(V) provides access to a signifi-
16 cant air, rail, water, or other freight
17 facility in the State; or

18 “(VI) is important to the move-
19 ment of freight within the region, as
20 determined by the metropolitan plan-
21 ning organization or the State.

22 “(D) LIMITATION.—A State may propose
23 additional designations to the National
24 Multimodal Freight Network in the State in an
25 amount that is—

1 “(i) for a highway project, not more
2 than 20 percent of the total mileage des-
3 ignated by the Under Secretary in the
4 State; and

5 “(ii) for a non-highway project, using
6 a limitation determined by the Under Sec-
7 retary.”; and

8 (D) by adding at the end the following:

9 “(5) REQUIRED NETWORK COMPONENTS.—In
10 designating or redesignating the National
11 Multimodal Freight Network, the Under Secretary
12 shall ensure that the National Multimodal Freight
13 Network includes the components described in sub-
14 section (b)(2).”.

15 **SEC. 6004. STATE FREIGHT ADVISORY COMMITTEES.**

16 Section 70201(a) of title 49, United States Code, is
17 amended by striking “and local governments” and insert-
18 ing “local governments, metropolitan planning organiza-
19 tions, and the departments with responsibility for environ-
20 mental protection and air quality of the State”.

21 **SEC. 6005. STATE FREIGHT PLANS.**

22 Section 70202(b) of title 49, United States Code, is
23 amended—

24 (1) in paragraph (3)(A) by inserting “and
25 urban” after “rural”;

1 (2) in paragraph (9) by striking “; and” and in-
2 serting a semicolon;

3 (3) by redesignating paragraph (10) as para-
4 graph (12); and

5 (4) by inserting after paragraph (9) the fol-
6 lowing:

7 “(10) strategies and goals to decrease freight-
8 related—

9 “(A) greenhouse gas emissions;

10 “(B) local air pollution;

11 “(C) stormwater runoff or other adverse
12 impacts to water quality; and

13 “(D) wildlife habitat loss;

14 “(11) strategies and goals to decrease any ad-
15 verse impact of freight transportation on commu-
16 nities located near freight facilities or freight cor-
17 ridors; and”.

18 **SEC. 6006. STUDY OF FREIGHT TRANSPORTATION FEE.**

19 (a) **STUDY.**—Not later than 90 days after the date
20 of enactment of this Act, the Secretary of Transportation,
21 in consultation with the Secretary of the Treasury and the
22 Commissioner of the Internal Revenue Service, shall es-
23 tablish a joint task force to study the establishment and
24 administration of a fee on multimodal freight surface
25 transportation services.

1 (b) CONTENTS.—The study required under sub-
2 section (a) shall include the following:

3 (1) An estimation of the revenue that a fee of
4 up to 1 percent on freight transportation services
5 would raise.

6 (2) An identification of the entities that would
7 be subject to such a fee paid by the owners or sup-
8 pliers of cargo.

9 (3) An analysis of the administrative capacity
10 of Federal agencies and freight industry participants
11 to collect such a fee and ensure compliance with fee
12 requirements.

13 (4) Policy options to prevent avoidance of such
14 a fee, including diversion of freight services to for-
15 eign countries.

16 (c) REPORT.—Not later than 1 year after the date
17 of enactment of this Act, the Secretary of Transportation
18 shall submit to the Committee on Transportation and In-
19 frastructure and the Committee on Ways and Means of
20 the House of Representatives and the Committee on Envi-
21 ronment and Public Works and the Committee on Finance
22 of the Senate the study required under subsection (a).

1 **SEC. 6007. NATIONAL SURFACE TRANSPORTATION AND IN-**
2 **NOVATIVE FINANCE BUREAU.**

3 Section 116 of title 49, United States Code, is
4 amended—

5 (1) in subsection (b) by striking paragraph (1)
6 and inserting the following:

7 “(1) to provide assistance and communicate
8 best practices and financing and funding opportuni-
9 ties to eligible entities for the programs referred to
10 in subsection (d)(1), including by—

11 “(A) conducting proactive outreach to com-
12 munities located outside of metropolitan or
13 micropolitan statistical areas (as such areas are
14 defined by the Office of Management and
15 Budget); and

16 “(B) coordinating with the Office of Rural
17 Development of the Department of Agriculture,
18 the Office of Community Revitalization of the
19 Environmental Protection Agency, and any
20 other agencies that provide technical assistance
21 for rural communities, as determined by the
22 Executive Director;”;

23 (2) by redesignating subsection (j) as sub-
24 section (k); and

25 (3) by inserting after subsection (i) the fol-
26 lowing:

1 “(j) ANNUAL PROGRESS REPORT.—Not later than 1
2 year after the date of enactment of this subsection, and
3 annually thereafter, the Executive Director shall submit
4 to the Committee on Transportation and Infrastructure
5 of the House of Representatives and the Committee on
6 Environment and Public Works of the Senate a report de-
7 tailing—

8 “(1) the use of funds authorized under section
9 605(f) of title 23; and

10 “(2) the progress of the Bureau in carrying out
11 the purposes described in subsection (b).”.

12 **SEC. 6008. LOCAL HIRE.**

13 (a) ESTABLISHMENT.—The Secretary of Transpor-
14 tation shall immediately reinstate the local labor hiring
15 pilot program containing the contracting initiative estab-
16 lished by the Secretary and published in the Federal Reg-
17 ister on March 6, 2015 (80 Fed. Reg. 12257), under the
18 same terms, conditions, and requirements as so published.

19 (b) DURATION.—The Secretary shall continue the
20 local labor hiring pilot program reinstated under this sec-
21 tion through September 30, 2025.

1 **TITLE VII—TRANSPORTATION**
2 **INFRASTRUCTURE FINANCE**
3 **AND INNOVATION ACT**

4 **SEC. 7001. TRANSPORTATION INFRASTRUCTURE FINANCE**
5 **AND INNOVATION ACT.**

6 (a) CREDITWORTHINESS.—Section 602(a)(2) of title
7 23, United States Code, is amended—

8 (1) in subparagraph (A)(iv)—

9 (A) by striking “a rating” and inserting
10 “an investment grade rating”; and

11 (B) by striking “\$75,000,000” and insert-
12 ing “\$150,000,000”; and

13 (2) in subparagraph (B)—

14 (A) by striking “the senior debt” and in-
15 serting “senior debt”; and

16 (B) by striking “credit instrument is for
17 an amount less than \$75,000,000” and insert-
18 ing “total amount of other senior debt and the
19 Federal credit instrument is less than
20 \$150,000,000”.

21 (b) NON-FEDERAL SHARE.—Section 603(b) of title
22 23, United States Code, is amended by striking paragraph
23 (8) and inserting the following:

24 “(8) NON-FEDERAL SHARE.—Notwithstanding
25 paragraph (9) and section 117(j)(2), the proceeds of

1 a secured loan under the TIFIA program shall be
2 considered to be part of the non-Federal share of
3 project costs required under this title or chapter 53
4 of title 49, if the loan is repayable from non-Federal
5 funds.”.

6 (c) EXEMPTION OF FUNDS FROM TIFIA FEDERAL
7 SHARE REQUIREMENT.—Section 603(b)(9) of title 23,
8 United States Code, is amended by adding at the end the
9 following:

10 “(C) TERRITORIES.—Funds provided for a
11 territory under section 165(c) shall not be con-
12 sidered Federal assistance for purposes of sub-
13 paragraph (A).”.

14 (d) STREAMLINED APPLICATION PROCESS.—Section
15 603(f) of title 23, United States Code, is amended by add-
16 ing at the end the following:

17 “(3) ADDITIONAL TERMS FOR EXPEDITED DE-
18 CISIONS.—

19 “(A) IN GENERAL.—Not later than 120
20 days after the date of enactment of this para-
21 graph, the Secretary shall implement an expe-
22 dited decision timeline for public agency bor-
23 rowers seeking secured loans that meet—

24 “(i) the terms under paragraph (2);
25 and

1 “(ii) the additional criteria described
2 in subparagraph (B).

3 “(B) ADDITIONAL CRITERIA.—The addi-
4 tional criteria referred to in subparagraph
5 (A)(ii) are the following:

6 “(i) The secured loan is made on
7 terms and conditions that substantially
8 conform to the conventional terms and
9 conditions established by the National Sur-
10 face Transportation Innovative Finance
11 Bureau.

12 “(ii) The secured loan is rated in the
13 A category or higher.

14 “(iii) The TIFIA program share of el-
15 igible project costs is 33 percent or less.

16 “(iv) The applicant demonstrates a
17 reasonable expectation that the contracting
18 process for the project can commence by
19 not later than 90 days after the date on
20 which a Federal credit instrument is obli-
21 gated for the project under the TIFIA pro-
22 gram.

23 “(v) The project has received a cat-
24 egorical exclusion, a finding of no signifi-
25 cant impact, or a record of decision under

1 the National Environmental Policy Act of
2 1969 (42 U.S.C. 4321 et seq.).

3 “(C) WRITTEN NOTICE.—The Secretary
4 shall provide to an applicant seeking a secured
5 loan under the expedited decision process under
6 this paragraph a written notice informing the
7 applicant whether the Secretary has approved
8 or disapproved the application by not later than
9 180 days after the date on which the Secretary
10 submits to the applicant a letter indicating that
11 the National Surface Transportation Innovative
12 Finance Bureau has commenced the credit-
13 worthiness review of the project.”.

14 (e) ASSISTANCE TO SMALL PROJECTS.—Section
15 605(f)(1) of title 23, United States Code, is amended by
16 striking “\$2,000,000” and inserting “\$3,000,000”.

17 (f) APPLICATION PROCESS REPORT.—Section
18 609(b)(2)(A) of title 23, United States Code, is amend-
19 ed—

20 (1) in clause (iv) by striking “and”;

21 (2) in clause (v) by striking the period at the
22 end and inserting “; and”; and

23 (3) by adding at the end the following:

24 “(vi) whether the project is located in
25 a metropolitan statistical area,

1 micropolitan statistical area, or neither (as
2 such areas are defined by the Office of
3 Management and Budget).”.

4 (g) STATUS REPORTS.—Section 609 of title 23,
5 United States Code, is amended by adding at the end the
6 following:

7 “(c) STATUS REPORTS.—

8 “(1) IN GENERAL.—The Secretary shall publish
9 on the website for the TIFIA program—

10 “(A) on a monthly basis, a current status
11 report on all submitted letters of interest and
12 applications received for assistance under the
13 TIFIA program; and

14 “(B) on a quarterly basis, a current status
15 report on all approved applications for assist-
16 ance under the TIFIA program.

17 “(2) INCLUSIONS.—Each monthly and quar-
18 terly status report under paragraph (1) shall in-
19 clude, at a minimum, with respect to each project in-
20 cluded in the status report—

21 “(A) the name of the party submitting the
22 letter of interest or application;

23 “(B) the name of the project;

24 “(C) the date on which the letter of inter-
25 est or application was received;

1 “(D) the estimated project eligible costs;
2 “(E) the type of credit assistance sought;
3 and
4 “(F) the anticipated fiscal year and quar-
5 ter for closing of the credit assistance.”.

6 **DIVISION C—HAZARDOUS** 7 **MATERIALS TRANSPORTATION**

8 **SEC. 8001. SHORT TITLE.**

9 This division may be cited as the “Improving Haz-
10 ardous Materials Safety Act of 2020”.

11 **TITLE I—AUTHORIZATIONS**

12 **SEC. 8101. AUTHORIZATION OF APPROPRIATIONS.**

13 Section 5128 of title 49, United States Code, is
14 amended—

15 (1) in subsection (a) by striking paragraphs (1)
16 through (5) and inserting the following:

17 “(1) \$67,000,000 for fiscal year 2021;

18 “(2) \$68,000,000 for fiscal year 2022;

19 “(3) \$69,000,000 for fiscal year 2023;

20 “(4) \$71,000,000 for fiscal year 2024; and

21 “(5) \$72,000,000 for fiscal year 2025;”;

22 (2) in subsection (b)—

23 (A) by striking “fiscal years 2016 through
24 2020” and inserting “fiscal years 2021 through
25 2025”; and

1 (B) by striking “\$21,988,000” and insert-
2 ing “\$24,025,000”;

3 (3) in subsection (c) by striking “\$4,000,000
4 for each of fiscal years 2016 through 2020” and in-
5 serting “\$5,000,000 for each of fiscal years 2021
6 through 2025”;

7 (4) in subsection (d) by striking “\$1,000,000
8 for each of fiscal years 2016 through 2020” and in-
9 serting “\$4,000,000 for each of fiscal years 2021
10 through 2025”;

11 (5) by redesignating subsection (e) as sub-
12 section (f); and

13 (6) by inserting after subsection (d) the fol-
14 lowing:

15 “(e) ASSISTANCE WITH LOCAL EMERGENCY RE-
16 SPONDER TRAINING GRANTS.—From the Hazardous Ma-
17 terials Emergency Preparedness Fund established under
18 section 5116(h), the Secretary may expend \$1,800,000 for
19 each of fiscal years 2021 through 2025 to carry out the
20 grant program under section 5107(j).”.

1 **TITLE II—HAZARDOUS MATE-**
2 **RIALS SAFETY AND IMPROVE-**
3 **MENT**

4 **SEC. 8201. REPEAL OF CERTAIN REQUIREMENTS RELATED**
5 **TO LITHIUM CELLS AND BATTERIES.**

6 (a) REPEAL.—Section 828 of the FAA Modernization
7 and Reform Act of 2012 (49 U.S.C. 44701 note), and the
8 item relating to such section in the table of contents in
9 section 1(b) of such Act, are repealed.

10 (b) CONFORMING AMENDMENTS.—Section 333 of the
11 FAA Reauthorization Act of 2018 (49 U.S.C. 44701 note)
12 is amended—

13 (1) in subsection (a)—

14 (A) in paragraph (1)—

15 (i) by striking “(A) IN GENERAL.—”

16 and all that follows through “the Sec-
17 retary” and inserting “The Secretary”;

18 and

19 (ii) by striking subparagraph (B); and

20 (B) in paragraph (2) by striking “Pursu-
21 ant to section 828 of the FAA Modernization
22 and Reform Act of 2012 (49 U.S.C. 44701
23 note), the Secretary” and inserting “The Sec-
24 retary”;

1 (2) by striking paragraph (4) of subsection (b);

2 and

3 (3) by striking paragraph (1) of subsection (h)

4 and inserting the following:

5 “(1) ICAO TECHNICAL INSTRUCTIONS.—The
6 term ‘ICAO Technical Instructions’ means the Inter-
7 national Civil Aviation Organization Technical In-
8 structions for the Safe Transport of Dangerous
9 Goods by Air.”.

10 **SEC. 8202. TRANSPORTATION OF LIQUEFIED NATURAL GAS**

11 **BY RAIL TANK CAR.**

12 (a) EVALUATION.—Not later than 90 days after the
13 date of enactment of this Act, the Administrator of the
14 Federal Railroad Administration, in coordination with the
15 Administrator of the Pipeline and Hazardous Materials
16 Safety Administration, shall initiate an evaluation of the
17 safety, security, and environmental risks of transporting
18 liquefied natural gas by rail.

19 (b) TESTING.—In conducting the evaluation under
20 subsection (a), the Administrator of the Federal Railroad
21 Administration shall—

22 (1) perform physical testing of rail tank cars,
23 including, at a minimum, the DOT–113 specifica-
24 tion, to evaluate the performance of such rail tank
25 cars in the event of an accident or derailment, in-

1 including evaluation of the extent to which design and
2 construction features such as steel thickness and
3 valve protections prevent or mitigate the release of
4 liquefied natural gas;

5 (2) analyze multiple release scenarios, including
6 derailments, front-end collisions, rear-end collisions,
7 side-impact collisions, grade-crossing collisions,
8 punctures, and impact of an incendiary device, at a
9 minimum of 3 speeds of travel with a sufficient
10 range of speeds to evaluate the safety, security, and
11 environmental risks posed under real-world oper-
12 ating conditions; and

13 (3) examine the effects of exposure to climate
14 conditions across rail networks, including tempera-
15 ture, humidity, and any other factors that the Ad-
16 ministrator of the Federal Railroad Administration
17 determines could influence performance of rail tank
18 cars and components of such rail tank cars.

19 (c) OTHER FACTORS TO CONSIDER.—In conducting
20 the evaluation under subsection (a), the Administrator of
21 the Federal Railroad Administration shall evaluate the im-
22 pact of a discharge of liquefied natural gas from a rail
23 tank car on public safety and the environment, and con-
24 sider—

1 (1) the benefits of route restrictions, speed re-
2 strictions, enhanced brake requirements, personnel
3 requirements, rail tank car technological require-
4 ments, and other operating controls;

5 (2) the advisability of consist restrictions, in-
6 cluding limitations on the arrangement and quantity
7 of rail tank cars carrying liquefied natural gas in
8 any given consist;

9 (3) the identification of potential impact areas,
10 and the number of homes and structures potentially
11 endangered by a discharge in rural, suburban, and
12 urban environments;

13 (4) the impact of discharge on the environment,
14 including air quality impacts;

15 (5) the benefits of advanced notification to the
16 Department of Transportation, State Emergency
17 Response Commissions, and Tribal Emergency Re-
18 sponse Commissions of routes for moving liquefied
19 natural gas by rail tank car;

20 (6) how first responders respond to an incident,
21 including the extent to which specialized equipment
22 or training would be required and the cost to com-
23 munities for acquiring any necessary equipment or
24 training;

1 (7) whether thermal radiation could occur from
2 a discharge;

3 (8) an evaluation of the rail tank car authorized
4 by the Secretary of Transportation for liquefied nat-
5 ural gas or similar cryogenic liquids, and a deter-
6 mination of whether specific safety enhancements or
7 new standards are necessary to ensure the safety of
8 rail transport of liquefied natural gas; and

9 (9) the risks posed by the transportation of liq-
10 uefied natural gas by International Organization for
11 Standardization containers authorized by the Fed-
12 eral Railroad Administration.

13 (d) REPORT.—Not later than 2 years after the date
14 of enactment of this Act, the Secretary of Transportation
15 shall submit to the Committee on Transportation and In-
16 frastructure of the House of Representatives and the Com-
17 mittee on Commerce, Science, and Transportation of the
18 Senate, and make available to the public—

19 (1) a report based on the evaluation and testing
20 conducted under subsections (a) and (b), which shall
21 include the results of the evaluation and testing and
22 recommendations for mitigating or eliminating the
23 safety, security, environmental, and other risks of an
24 accident or incident involving the transportation of
25 liquefied natural gas by rail; and

1 (2) a complete list of all research related to the
2 transportation of liquefied natural gas by rail con-
3 ducted by the Federal Railroad Administration, the
4 Pipeline and Hazardous Materials Safety Adminis-
5 tration, or any other entity of the Federal Govern-
6 ment since 2010 that includes, for each research
7 item—

8 (A) the title of any reports or studies pro-
9 duced with respect to the research;

10 (B) the agency, entity, or organization per-
11 forming the research;

12 (C) the names of all authors and co-au-
13 thors of any report or study produced with re-
14 spect to the research; and

15 (D) the date any related report was pub-
16 lished or is expected to publish.

17 (e) DATA COLLECTION.—The Administrator of the
18 Federal Railroad Administration and the Administrator of
19 the Pipeline and Hazardous Materials Safety Administra-
20 tion shall collect any relevant data or records necessary
21 to complete the evaluation required by subsection (a).

22 (f) GAO REPORT.—After the evaluation required by
23 subsection (a) has been completed, the Comptroller Gen-
24 eral of the United States shall conduct an independent
25 evaluation to verify that the Federal Railroad Administra-

1 tion and the Pipeline and Hazardous Materials Safety Ad-
2 ministration complied with the requirements of this Act,
3 and transmit to the Committee on Transportation and In-
4 frastructure of the House of Representatives and the Com-
5 mittee on Commerce, Science, and Transportation of the
6 Senate a report on the findings of such independent eval-
7 uation.

8 (g) CONGRESSIONAL REVIEW REQUIREMENTS.—

9 (1) REVIEW PERIOD DEFINED.—In this sub-
10 section, the term “review period” means the period
11 beginning on the date of enactment of this Act and
12 ending on the earlier of—

13 (A) the date that is 1 year after the date
14 of completion of the report under subsection (f);

15 or

16 (B) the date that is 4 years after the date
17 of enactment of this Act.

18 (2) CONGRESSIONAL AUTHORITY.—The Sec-
19 retary of Transportation—

20 (A) may not issue any regulation author-
21 izing the transportation of liquefied natural gas
22 by rail tank car or authorize such transpor-
23 tation through issuance of a special permit or
24 approval before the conclusion of the review pe-
25 riod; and

1 (B) shall rescind any special permit or ap-
2 proval for the transportation of liquefied nat-
3 ural gas by rail tank car issued before the date
4 of enactment of this Act.

5 **SEC. 8203. HAZARDOUS MATERIALS TRAINING REQUIRE-**
6 **MENTS AND GRANTS.**

7 Section 5107 of title 49, United States Code, is
8 amended by adding at the end the following:

9 “(j) ASSISTANCE WITH LOCAL EMERGENCY RE-
10 SPONDER TRAINING.—The Secretary shall make grants to
11 nonprofit organizations to develop hazardous materials re-
12 sponse training for emergency responders, including re-
13 sponse activities for the transportation of crude oil, eth-
14 anol, and other flammable liquids by rail (consistent with
15 National Fire Protection Association standards), and to
16 make such training available electronically or in person.”.

17 **SEC. 8204. STUDY ON HAZARDOUS MATERIALS TRANS-**
18 **PORTED BY COMMERCIAL MOTOR VEHICLES**
19 **ON HIGHWAY-RAIL GRADE CROSSINGS.**

20 (a) STUDY.—

21 (1) IN GENERAL.—The Secretary of Transpor-
22 tation shall conduct a study to evaluate the overall
23 safety of the requirement that commercial motor ve-
24 hicles come to a full stop at highway-rail grade

1 crossings described in section 392.10 of title 49,
2 Code of Federal Regulations.

3 (2) CONTENTS.—The study required under
4 paragraph (1) shall—

5 (A) collect and analyze data on the fre-
6 quency and severity of rear-end collisions that
7 occur when commercial motor vehicles trans-
8 porting hazardous materials are stopped at
9 grade crossings;

10 (B) assess the extent to which such re-
11 quirement reduces instances of truck-train colli-
12 sions;

13 (C) evaluate the overall safety of such re-
14 quirement; and

15 (D) recommend whether to remove such
16 requirement.

17 (b) REPORT.—Not later than 1 year after the date
18 of enactment of this Act, the Secretary shall submit to
19 the Committee on Transportation and Infrastructure of
20 the House of Representatives and the Committee on Com-
21 merce, Science, and Transportation of the Senate a report
22 detailing the findings of the study under subsection (a)
23 and the Secretary's planned course of action regarding the
24 requirement described in section 392.10 of title 49, Code
25 of Federal Regulations.

1 (c) COMMERCIAL MOTOR VEHICLE DEFINED.—In
2 this section, the term “commercial motor vehicle” has the
3 meaning given such term in section 13102 of title 49,
4 United States Code.

5 **DIVISION D—RAIL**

6 **SEC. 9001. SHORT TITLE.**

7 This division may be cited as the “Transforming Rail
8 by Accelerating Investment Nationwide Act” or the
9 “TRAIN Act”.

10 **TITLE I—AUTHORIZATIONS**

11 **SEC. 9101. AUTHORIZATION OF APPROPRIATIONS.**

12 (a) AUTHORIZATION OF GRANTS TO AMTRAK.—

13 (1) NORTHEAST CORRIDOR.—There are author-
14 ized to be appropriated to the Secretary for the use
15 of Amtrak for activities associated with the North-
16 east Corridor the following amounts:

17 (A) For fiscal year 2021, \$2,900,000,000.

18 (B) For fiscal year 2022, \$2,700,000,000.

19 (C) For fiscal year 2023, \$2,500,000,000.

20 (D) For fiscal year 2024, \$2,500,000,000.

21 (E) For fiscal year 2025, \$2,500,000,000.

22 (2) NATIONAL NETWORK.—There are author-
23 ized to be appropriated to the Secretary for the use
24 of Amtrak for activities associated with the National
25 Network the following amounts:

1 (A) For fiscal year 2021, \$3,600,000,000.

2 (B) For fiscal year 2022, \$3,400,000,000.

3 (C) For fiscal year 2023, \$3,200,000,000.

4 (D) For fiscal year 2024, \$3,000,000,000.

5 (E) For fiscal year 2025, \$3,000,000,000.

6 (b) PROJECT MANAGEMENT OVERSIGHT.—The Sec-
7 retary may withhold up to \$15,000,000 from the amounts
8 made available under subsection (a) for the costs of man-
9 agement oversight of Amtrak.

10 (c) AMTRAK COMMON BENEFIT COSTS FOR STATE-
11 SUPPORTED ROUTES.—For any fiscal year in which funds
12 are made available under subsection (a)(2) in excess of
13 the amounts authorized for fiscal year 2020 under section
14 11101(b) of the FAST Act (114–94), Amtrak shall use
15 up to \$400,000,000 of the excess funds to defray the share
16 of operating costs of Amtrak’s national assets (as such
17 term is defined in section 24320(c)(5) of title 49, United
18 States Code) that is allocated to the State-supported serv-
19 ices.

20 (d) STATE-SUPPORTED ROUTE COMMITTEE.—Of the
21 funds made available under subsection (a)(2), the Sec-
22 retary may make available up to \$3,000,000 for each fis-
23 cal year for the State-Supported Route Committee estab-
24 lished under section 24712 of title 49, United States Code.

1 (e) NORTHEAST CORRIDOR COMMISSION.—Of the
2 funds made available under subsection (a)(1), the Sec-
3 retary may make available up to \$6,000,000 for each fis-
4 cal year for the Northeast Corridor Commission estab-
5 lished under section 24905 of title 49, United States Code.

6 (f) AUTHORIZATION OF APPROPRIATIONS FOR AM-
7 TRAK OFFICE OF INSPECTOR GENERAL.—There are au-
8 thorized to be appropriated to the Office of Inspector Gen-
9 eral of Amtrak the following amounts:

10 (1) For fiscal year 2021, \$26,500,000.

11 (2) For fiscal year 2022, \$27,000,000.

12 (3) For fiscal year 2023, \$27,500,000.

13 (4) For fiscal year 2024, \$28,000,000.

14 (5) For fiscal year 2025, \$28,500,000.

15 (g) PASSENGER RAIL IMPROVEMENT, MODERNIZA-
16 TION, AND ENHANCEMENT GRANTS.—There are author-
17 ized to be appropriated to the Secretary to carry out sec-
18 tion 22906 of title 49, United States Code, the following
19 amounts:

20 (1) For fiscal year 2021, \$3,800,000,000.

21 (2) For fiscal year 2022, \$3,800,000,000.

22 (3) For fiscal year 2023, \$3,800,000,000.

23 (4) For fiscal year 2024, \$3,800,000,000.

24 (5) For fiscal year 2025, \$3,800,000,000.

1 (h) CONSOLIDATED RAIL INFRASTRUCTURE AND
2 SAFETY IMPROVEMENTS.—

3 (1) IN GENERAL.—There are authorized to be
4 appropriated to the Secretary to carry out section
5 22907 of title 49, United States Code, the following
6 amounts:

7 (A) For fiscal year 2021, \$1,400,000,000.

8 (B) For fiscal year 2022, \$1,400,000,000.

9 (C) For fiscal year 2023, \$1,400,000,000.

10 (D) For fiscal year 2024, \$1,400,000,000.

11 (E) For fiscal year 2025, \$1,400,000,000.

12 (2) PROJECT MANAGEMENT OVERSIGHT.—The
13 Secretary may withhold up to 1 percent from the
14 amount appropriated under paragraph (1) for the
15 costs of project management oversight of grants car-
16 ried out under section 22907 of title 49, United
17 States Code.

18 (i) RAILROAD REHABILITATION AND IMPROVEMENT
19 FINANCING.—

20 (1) IN GENERAL.—There are authorized to be
21 appropriated to the Secretary for payment of credit
22 risk premiums in accordance with section 9104 of
23 this division and section 502 of the Railroad Revital-
24 ization and Regulatory Reform Act of 1976 (45
25 U.S.C. 822) \$30,000,000 for each of fiscal years

1 2021 through 2025, to remain available until ex-
2 pended.

3 (2) REFUND OF PREMIUM.—There are author-
4 ized to be appropriated to the Secretary
5 \$70,000,000 to repay the credit risk premium under
6 section 502 of the Railroad Revitalization and Regu-
7 latory Reform Act of 1976 (45 U.S.C. 822) in ac-
8 cordance with section 9104.

9 (j) RESTORATION AND ENHANCEMENT GRANTS.—

10 (1) IN GENERAL.—There are authorized to be
11 appropriated to the Secretary to carry out section
12 22908 of title 49, United States Code, \$20,000,000
13 for each of fiscal years 2021 through 2025.

14 (2) PROJECT MANAGEMENT OVERSIGHT.—The
15 Secretary may withhold up to 1 percent from the
16 amount appropriated under paragraph (1) for the
17 costs of project management oversight of grants car-
18 ried out under section 22908 of title 49, United
19 States Code.

20 (k) GRADE CROSSING SEPARATION GRANTS.—

21 (1) IN GENERAL.—There are authorized to be
22 appropriated to the Secretary to carry out section
23 20171 of title 49, United States Code, (as added by
24 section 9551 of this Act) the following amounts:

25 (1) For fiscal year 2021, \$450,000,000.

1 (2) For fiscal year 2022, \$475,000,000.

2 (3) For fiscal year 2023, \$500,000,000.

3 (4) For fiscal year 2024, \$525,000,000.

4 (5) For fiscal year 2025, \$550,000,000.

5 (2) PROJECT MANAGEMENT OVERSIGHT.—The
6 Secretary may withhold up to 1 percent from the
7 amount appropriated under paragraph (1) for the
8 costs of project management oversight of grants car-
9 ried out under section 20171 of title 49, United
10 States Code.

11 (l) RAIL SAFETY PUBLIC AWARENESS GRANTS.—Of
12 the amounts made available under subsection (k), the Sec-
13 retary shall make available \$5,000,000 for each of fiscal
14 years 2021 through 2025 to carry out section 20172 of
15 title 49, United States Code, (as added by section 9552
16 of this Act).

17 (m) AUTHORIZATION OF APPROPRIATIONS TO THE
18 FEDERAL RAILROAD ADMINISTRATION.—Section 20117
19 of title 49, United States Code, is amended to read as
20 follows:

21 **“§ 20117. Authorization of appropriations**

22 “(a) SAFETY AND OPERATIONS.—

23 “(1) IN GENERAL.—There are authorized to be
24 appropriated to the Secretary of Transportation for
25 the operations of the Federal Railroad Administra-

1 tion and to carry out railroad safety activities au-
2 thorized or delegated to the Administrator—

3 “(A) \$229,000,000 for fiscal year 2021.

4 “(B) \$231,000,000 for fiscal year 2022;

5 “(C) \$233,000,000 for fiscal year 2023;

6 “(D) \$235,000,000 for fiscal year 2024;

7 and

8 “(E) \$237,000,000 for fiscal year 2025.

9 “(2) AUTOMATED TRACK INSPECTION PROGRAM
10 AND DATA ANALYSIS.—From the funds made avail-
11 able under paragraph (1) for each of fiscal years
12 2021 through 2025, not more than \$17,000,000
13 may be expended for the Automated Track Inspec-
14 tion Program and data analysis related to track in-
15 spection. Such funds shall remain available until ex-
16 pended.

17 “(3) STATE PARTICIPATION GRANTS.—Amounts
18 made available under paragraph (1) for grants
19 under section 20105(e) shall remain available until
20 expended.

21 “(4) SHORT LINE SAFETY.—From funds made
22 available under paragraph (1), the Secretary may
23 expend not more than \$4,000,000—

1 “(A) for grants to improve safety practices
2 and training for Class II and Class III freight
3 railroads; and

4 “(B) to develop safety management sys-
5 tems for Class II and Class III freight railroads
6 through safety culture assessments, training
7 and education, outreach activities, and technical
8 assistance.

9 “(b) RAILROAD RESEARCH AND DEVELOPMENT.—

10 “(1) AUTHORIZATION OF APPROPRIATIONS.—

11 There are authorized to be appropriated to the Sec-
12 retary of Transportation for necessary expenses for
13 carrying out railroad research and development ac-
14 tivities the following amounts which shall remain
15 available until expended:

16 “(A) \$42,000,000 for fiscal year 2021.

17 “(B) \$44,000,000 for fiscal year 2022.

18 “(C) \$46,000,000 for fiscal year 2023.

19 “(D) \$48,000,000 for fiscal year 2024.

20 “(E) \$50,000,000 for fiscal year 2025.

21 “(2) STUDY ON LNG BY RAIL.—From the
22 amounts made available for fiscal years 2021
23 through 2025 under paragraph (1), the Secretary
24 shall expend not less than \$6,000,000 and not more
25 than \$8,000,000 to carry out the evaluation of

1 transporting liquefied natural gas by rail under sec-
2 tion 10204.

3 “(3) STUDY ON SAFETY CULTURE ASSESS-
4 MENTS.—From the amounts made available for fis-
5 cal year 2021 under paragraph (1), the Secretary
6 shall expend such sums as are necessary to carry out
7 the study on safety culture assessments under sec-
8 tion 9517 of the TRAIN Act.”.

9 (n) FATIGUE REDUCTION PILOT PROJECTS.—There
10 are authorized to be appropriated to the Secretary for
11 costs associated with carrying out section 21109(e) of title
12 49, United States Code, \$200,000 to remain available
13 until expended.

14 **SEC. 9102. PASSENGER RAIL IMPROVEMENT, MODERNIZA-**
15 **TION, AND EXPANSION GRANTS.**

16 (a) IN GENERAL.—Section 22906 of title 49, United
17 States Code, is amended to read as follows:

18 **“§ 22906. Passenger rail improvement, modernization,**
19 **and expansion grants**

20 “(a) ESTABLISHMENT.—The Secretary of Transpor-
21 tation shall establish a program to make grants for capital
22 projects that improve the state of good repair, operational
23 performance, or growth of intercity rail passenger trans-
24 portation.

25 “(b) PROJECT SELECTION CRITERIA.—

1 “(1) IN GENERAL.—Capital projects eligible for
2 a grant under this section include—

3 “(A) a project to replace, rehabilitate, or
4 repair a major infrastructure asset used for
5 providing passenger rail service to bring such
6 infrastructure asset into a state of good repair;

7 “(B) a project to improve passenger rail
8 performance, including congestion mitigation,
9 reliability improvements, achievement on-time
10 performance standards established under sec-
11 tion 207 of the Rail Safety Improvement Act of
12 2008 (49 U.S.C. 24101 note), reduced trip
13 times, increased train frequencies, higher oper-
14 ating speeds, electrification, and other improve-
15 ments, as determined by the Secretary; and

16 “(C) a project to repair, rehabilitate, re-
17 place, or build infrastructure to expand or es-
18 tablish intercity rail passenger transportation
19 and facilities, including high-speed rail.

20 “(2) REQUIREMENTS.—To be eligible for a
21 grant under this section, an applicant shall have, or
22 provide documentation of a credible plan to
23 achieve—

24 “(A) the legal, financial, and technical ca-
25 pacity to carry out the project;

1 “(B) satisfactory continuing control over
2 the use of the equipment or facilities that are
3 the subject of the project; and

4 “(C) an agreement in place for mainte-
5 nance of such equipment or facilities.

6 “(3) PRIORITY.—In selecting an applicant for a
7 grant under this section, the Secretary shall give
8 preference to capital projects that—

9 “(A) are supported by multiple States or
10 are included in a regional planning process; and

11 “(B) achieve environmental benefits such
12 as a reduction in greenhouse gas emissions or
13 an improvement in local air quality.

14 “(4) ADDITIONAL CONSIDERATIONS.—In select-
15 ing an applicant for a grant under this section, the
16 Secretary shall consider—

17 “(A) the cost-benefit analysis of the pro-
18 posed project, including anticipated public bene-
19 fits relative to the costs of the proposed project,
20 including—

21 “(i) effects on system and service per-
22 formance;

23 “(ii) effects on safety, competitive-
24 ness, reliability, trip or transit time, and
25 resilience;

1 “(iii) impacts on the overall transpor-
2 tation system, including efficiencies from
3 improved integration with other modes of
4 transportation or benefits associated with
5 achieving modal shifts; and

6 “(iv) the ability to meet existing or
7 anticipated passenger or service demand;

8 “(B) the applicant’s past performance in
9 developing and delivering similar projects;

10 “(C) if applicable, the consistency of the
11 project with planning guidance and documents
12 set forth by the Secretary or required by law;
13 and

14 “(D) if applicable, agreements between all
15 stakeholders necessary for the successful deliv-
16 ery of the project.

17 “(c) NORTHEAST CORRIDOR PROJECTS.—Of the
18 funds made available to carry out this section, not less
19 than 40 percent shall be made available for projects in-
20 cluded in the Northeast Corridor investment plan required
21 under section 24904.

22 “(d) NATIONAL PROJECTS.—Of the funds made
23 available to carry out this section, not less than 40 percent
24 shall be made available for—

25 “(1) projects on the National Network;

1 “(2) high-speed rail projects; and

2 “(3) the establishment of new passenger rail
3 corridors not located on the Northeast Corridor.

4 “(e) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

5 “(1) TOTAL PROJECT COST ESTIMATE.—The
6 Secretary shall estimate the total cost of a project
7 under this section based on the best available infor-
8 mation, including engineering studies, studies of eco-
9 nomic feasibility, environmental analyses, and infor-
10 mation on the expected use of equipment or facili-
11 ties.

12 “(2) FEDERAL SHARE.—The Federal share of
13 total costs for a project under this section shall not
14 exceed 90 percent.

15 “(3) TREATMENT OF REVENUE.—Applicants
16 may use ticket and other revenues generated from
17 operations and other sources to satisfy the non-Fed-
18 eral share requirements.

19 “(f) LETTERS OF INTENT.—

20 “(1) IN GENERAL.—The Secretary shall, to the
21 maximum extent practicable, issue a letter of intent
22 to a recipient of a grant under this section that—

23 “(A) announces an intention to obligate,
24 for a major capital project under this section,
25 an amount that is not more than the amount

1 stipulated as the financial participation of the
2 Secretary in the project; and

3 “(B) states that the contingent commit-
4 ment—

5 “(i) is not an obligation of the Fed-
6 eral Government; and

7 “(ii) is subject to the availability of
8 appropriations for grants under this sec-
9 tion and subject to Federal laws in force or
10 enacted after the date of the contingent
11 commitment.

12 “(2) CONGRESSIONAL NOTIFICATION.—

13 “(A) IN GENERAL.—Not later than 3 days
14 before issuing a letter of intent under para-
15 graph (1), the Secretary shall submit written
16 notification to—

17 “(i) the Committee on Transportation
18 and Infrastructure of the House of Rep-
19 resentatives;

20 “(ii) the Committee on Appropriations
21 of the House of Representatives;

22 “(iii) the Committee on Appropria-
23 tions of the Senate; and

24 “(iv) the Committee on Commerce,
25 Science, and Transportation of the Senate.

1 “(B) CONTENTS.—The notification sub-
2 mitted under subparagraph (A) shall include—

3 “(i) a copy of the letter of intent;

4 “(ii) the criteria used under sub-
5 section (b) for selecting the project for a
6 grant; and

7 “(iii) a description of how the project
8 meets such criteria.

9 “(g) APPROPRIATIONS REQUIRED.—An obligation or
10 administrative commitment may be made under this sec-
11 tion only when amounts are appropriated for such pur-
12 pose.

13 “(h) GRANT ADMINISTRATION.—The Secretary may
14 withhold up to 1 percent of the total amount made avail-
15 able to carry out this section for program oversight and
16 management, including providing technical assistance and
17 project planning guidance.

18 “(i) REGIONAL PLANNING GUIDANCE.—The Sec-
19 retary may withhold up to half a percent of the total
20 amount made available to carry out this section to facili-
21 tate and provide guidance for regional planning processes.

22 “(j) AVAILABILITY.—Amounts made available to
23 carry out this section shall remain available until ex-
24 pended.

1 “(k) GRANT CONDITIONS.—Except as specifically
2 provided in this section, the use of any amounts appro-
3 priated for grants under this section shall be subject to
4 the grant conditions under section 22905, except that the
5 domestic buying preferences of section 24305(f) shall
6 apply to grants provided to Amtrak in lieu of the require-
7 ments of section 22905(a).

8 “(l) DEFINITIONS.—In this section:

9 “(1) APPLICANT.—The term ‘applicant’
10 means—

11 “(A) a State;

12 “(B) a group of States;

13 “(C) an Interstate Compact;

14 “(D) a public agency or publicly chartered
15 authority established by 1 or more States;

16 “(E) a political subdivision of a State; or

17 “(F) Amtrak, acting on its own behalf or
18 under a cooperative agreement with 1 or more
19 States.

20 “(2) CAPITAL PROJECT.—The term ‘capital
21 project’ means—

22 “(A) acquisition, construction, replace-
23 ment, rehabilitation, or repair of major infra-
24 structure assets or equipment that benefit
25 intercity rail passenger transportation, includ-

1 ing tunnels, bridges, stations, track, electrifica-
2 tion, grade crossings, passenger rolling stock,
3 and other assets, as determined by the Sec-
4 retary;

5 “(B) projects that ensure service can be
6 maintained while existing assets are rehabili-
7 tated or replaced; and

8 “(C) project planning, development, de-
9 sign, and environmental analysis related to
10 projects under subsections (A) and (B).

11 “(3) INTERCITY RAIL PASSENGER TRANSPOR-
12 TATION.—The term ‘intercity rail passenger trans-
13 portation’ has the meaning given such term in sec-
14 tion 24102.

15 “(4) HIGH-SPEED RAIL.—The term ‘high-speed
16 rail’ has the meaning given such term in section
17 26106(b).

18 “(5) NORTHEAST CORRIDOR.—The term
19 ‘Northeast Corridor’ has the meaning given such
20 term in section 24102.

21 “(6) NATIONAL NETWORK.—The term ‘Na-
22 tional Network’ has the meaning given such term in
23 section 24102.

24 “(7) STATE.—The term ‘State’ means each of
25 the 50 States and the District of Columbia.”.

1 (b) CLERICAL AMENDMENT.—The item related to
2 section 22906 in the analysis for chapter 229 of title 49,
3 United States Code, is amended to read as follows:

“22906. Passenger rail improvement, modernization, and expansion grants.”.

4 **SEC. 9103. CONSOLIDATED RAIL INFRASTRUCTURE AND**
5 **SAFETY IMPROVEMENT GRANTS.**

6 Section 22907 of title 49, United States Code, is
7 amended—

8 (1) in subsection (b) by adding at the end the
9 following:

10 “(12) A commuter authority (as such term is
11 defined in section 24102).”;

12 (2) in subsection (c)—

13 (A) in paragraph (1) by inserting “, main-
14 tenance, and upgrades” after “Deployment”;

15 (B) in paragraph (3) by inserting “or safe-
16 ty” after “address congestion”;

17 (C) in paragraph (4) by striking “identi-
18 fied by the Secretary” and all that follows
19 through “rail transportation” and inserting “to
20 reduce congestion, improve service, or facilitate
21 ridership growth in intercity rail passenger
22 transportation and commuter rail passenger
23 transportation (as such term is defined in sec-
24 tion 24102)”;

1 (D) in paragraph (5) by inserting “or to
2 establish new quiet zones” before the period at
3 the end; and

4 (E) in paragraph (9) by inserting “or com-
5 muter rail passenger transportation (as such
6 term is defined in section 24102)” after “be-
7 tween intercity rail passenger transportation”;

8 (3) in subsection (e) by striking paragraph (1)
9 and inserting the following:

10 “(1) IN GENERAL.—In selecting a recipient of
11 a grant for an eligible project, the Secretary shall
12 give preference to—

13 “(A) projects that will maximize the net
14 benefits of the funds made available for use
15 under this section, considering the cost-benefit
16 analysis of the proposed project, including an-
17 ticipated public benefits relative to the costs of
18 the proposed project and factoring in the other
19 considerations described in paragraph (2); and

20 “(B) projects that benefit a station that—

21 “(i) serves Amtrak and commuter rail;

22 “(ii) is listed amongst the 25 stations
23 with highest ridership in the most recent
24 Amtrak Company Profile; and

1 “(iii) has support from both Amtrak
2 and the provider of commuter rail pas-
3 senger transportation servicing the sta-
4 tion.”;

5 (4) in subsection (g)(1) by striking “25 per-
6 cent” and inserting “15 percent”;

7 (5) in subsection (l) by striking “Secretary
8 shall” and inserting “Secretary may”;

9 (6) by redesignating subsections (i), (j), (k),
10 and (l) as subsections (k), (l), (m), and (n), respec-
11 tively; and

12 (7) by inserting after subsection (h) the fol-
13 lowing:

14 “(i) LARGE PROJECTS.—Of the amounts made avail-
15 able under this section, at least 50 percent shall be for
16 projects that have total project costs of greater than
17 \$100,000,000.

18 “(j) COMMUTER RAIL.—

19 “(1) ADMINISTRATION OF FUNDS.—The
20 amounts awarded under this section for commuter
21 rail passenger transportation projects shall be trans-
22 ferred by the Secretary, after selection, to the Fed-
23 eral Transit Administration for administration of
24 funds in accordance with chapter 53.

25 “(2) GRANT CONDITION.—

1 “(A) IN GENERAL.—As a condition of re-
2 ceiving a grant under this section that is used
3 to acquire, construct, or improve railroad right-
4 of-way or facilities, any employee covered by the
5 Railway Labor Act (45 U.S.C. 151 et seq.) and
6 the Railroad Retirement Act of 1974 (45
7 U.S.C. 231 et seq.) who is adversely affected by
8 actions taken in connection with the project fi-
9 nanced in whole or in part by such grant shall
10 be covered by employee protective arrangements
11 established under section 22905(e).

12 “(B) APPLICATION OF PROTECTIVE AR-
13 RANGEMENT.—The grant recipient and the suc-
14 cessors, assigns, and contractors of such recipi-
15 ent shall be bound by the protective arrange-
16 ments required under subparagraph (A). Such
17 recipient shall be responsible for the implemen-
18 tation of such arrangement and for the obliga-
19 tions under such arrangement, but may arrange
20 for another entity to take initial responsibility
21 for compliance with the conditions of such ar-
22 rangement.

23 “(3) APPLICATION OF LAW.—Subsections (g)
24 and (f)(1) of section 22905 shall not apply to grants

1 awarded under this section for commuter rail pas-
2 senger transportation projects.”.

3 **SEC. 9104. RAILROAD REHABILITATION AND IMPROVE-**
4 **MENT FINANCING.**

5 Section 502 of the Railroad Revitalization and Regu-
6 latory Reform Act of 1976 (45 U.S.C. 822) is amended—

7 (1) in subsection (b)—

8 (A) in paragraph (1)—

9 (i) in subparagraph (A) by inserting
10 “civil works such as cuts and fills, stations,
11 tunnels,” after “components of track,”;
12 and

13 (ii) in subparagraph (D) by inserting
14 “, permitting,” after “reimburse plan-
15 ning”; and

16 (B) by striking paragraph (3);

17 (2) in subsection (f)—

18 (A) in paragraph (3) by adding at the end
19 the following:

20 “(D) A projection of freight or passenger
21 demand for the project based on regionally de-
22 veloped economic forecasts, including projec-
23 tions of any modal diversion resulting from the
24 project.”; and

25 (B) in paragraph (4)—

1 (i) by striking “Credit risk premiums”
2 and inserting “(A) TIMING OF PAY-
3 MENT.—Credit risk premiums”; and

4 (ii) by adding at the end the fol-
5 lowing:

6 “(B) PAYMENT OF CREDIT RISK PRE-
7 MIUMS.—

8 “(i) IN GENERAL.—In granting assist-
9 ance under this section, the Secretary may
10 pay credit risk premiums required under
11 paragraph (3) for entities described in
12 paragraphs (1) through (3) of subsection
13 (a), in whole or in part, with respect to a
14 loan or loan guarantee.

15 “(ii) SET-ASIDE.—Of the amounts
16 made available for payments for a fiscal
17 year under clause (i), the Secretary shall
18 reserve \$25,000,000 for payments for pas-
19 senger rail projects, to remain available
20 until expended.

21 “(C) REFUND OF PREMIUM.—The Sec-
22 retary shall repay the credit risk premium of
23 each loan in cohort 3, as defined by the memo-
24 randum to the Office of Management and
25 Budget of the Department of Transportation

1 dated November 5, 2018, with interest accrued
2 thereon, not later than 60 days after the date
3 on which all obligations attached to each such
4 loan have been satisfied. For each such loan for
5 which obligations have been satisfied as of the
6 date of enactment of the TRAIN Act, the Sec-
7 retary shall repay the credit risk premium of
8 each such loan, with interest accrued thereon,
9 not later than 60 days after the date of the en-
10 actment of such Act.”; and

11 (3) by adding at the end the following:

12 “(n) NON-FEDERAL SHARE.—The proceeds of a loan
13 provided under this section may be used as the non-Fed-
14 eral share of project costs under this title or chapter 53
15 of title 49 if such loan is repayable from non-Federal
16 funds.”.

17 **SEC. 9105. BUY AMERICA.**

18 Section 22905(a) of title 49, United States Code, is
19 amended—

20 (1) in paragraph (2)—

21 (A) in subparagraph (B) by adding “or” at
22 the end;

23 (B) by striking subparagraph (C); and

24 (C) by redesignating subparagraph (D) as
25 subparagraph (C);

1 (2) by striking paragraph (4) and inserting the
2 following:

3 “(4)(A) If the Secretary receives a request for
4 a waiver under paragraph (2), the Secretary shall
5 provide notice of and an opportunity for public com-
6 ment on the request at least 30 days before making
7 a finding based on the request.

8 “(B) A notice provided under subparagraph (A)
9 shall—

10 “(i) include the information available to
11 the Secretary concerning the request, including
12 whether the request is being made under sub-
13 paragraph (A), (B), or (C) of paragraph (2);
14 and

15 “(ii) be provided by electronic means, in-
16 cluding on the official public website of the De-
17 partment of Transportation.”;

18 (3) in paragraph (5)—

19 (A) by striking “2012” and inserting
20 “2020, and each year thereafter”; and

21 (B) by inserting “during the preceding fis-
22 cal year” before the period; and

23 (4) by adding at the end the following:

24 “(12) The requirements of this subsection apply
25 to all contracts for a project carried out within the

1 scope of the applicable finding, determination, or de-
2 cisions under the National Environmental Policy Act
3 of 1969 (42 U.S.C. 4321 et seq.), regardless of the
4 funding source for activities carried out pursuant to
5 such contracts, if at least 1 contract for the project
6 is funded with amounts made available to carry out
7 a provision specified in paragraph (1).”.

8 **SEC. 9106. RAIL NETWORK CLIMATE CHANGE VULNER-**
9 **ABILITY ASSESSMENT.**

10 (a) IN GENERAL.—The Secretary of Transportation
11 shall sponsor a study by the National Academies to con-
12 duct an assessment of the potential impacts of climate
13 change on the national rail network.

14 (b) ASSESSMENT.—At a minimum, the assessment
15 conducted pursuant to subsection (a) shall—

16 (1) cover the entire freight and intercity pas-
17 senger rail network of the United States;

18 (2) evaluate risk to the network over 5-, 30-,
19 and 50-year outlooks;

20 (3) examine and describe potential effects of cli-
21 mate change and extreme weather events on pas-
22 senger and freight rail infrastructure, trackage, and
23 facilities, including facilities owned by rail shippers;

1 (4) identify and categorize the assets described
2 in paragraph (3) by vulnerability level and geo-
3 graphic area; and

4 (5) recommend strategies or measures to miti-
5 gate any adverse impacts of climate change, includ-
6 ing emergency preparedness measures and resiliency
7 best practices for infrastructure planning.

8 (c) REPORT.—Not later than 18 months after the
9 date of enactment of this Act, the Secretary shall submit
10 to the Committee on Transportation and Infrastructure
11 of the House of Representatives and the Committee on
12 Commerce, Science, and Transportation of the Senate a
13 report containing the findings of the assessment conducted
14 pursuant to subsection (a).

15 (d) FURTHER COORDINATION.—The Secretary shall
16 make the report publicly available on the website of the
17 Department of Transportation and communicate the re-
18 sults of the assessment with stakeholders.

19 (e) REGULATORY AUTHORITY.—If the Secretary
20 finds in the report required under subsection (c) that reg-
21 ulatory measures are warranted and such measures are
22 otherwise under the existing authority of the Secretary,
23 the Secretary may issue such regulations as are necessary
24 to implement such measures.

1 (f) FUNDING.—From the amounts made available for
2 fiscal year 2021 under section 20117(a) of title 49, United
3 States Code, the Secretary shall expend not less than
4 \$1,000,000 to carry out the study required under subpara-
5 graph (a).

6 **TITLE II—AMTRAK REFORMS**

7 **SEC. 9201. AMTRAK FINDINGS, MISSION, AND GOALS.**

8 Section 24101 of title 49, United States Code, is
9 amended—

10 (1) in subsection (a)—

11 (A) in paragraph (1)—

12 (i) by striking “, to the extent its
13 budget allows,”; and

14 (ii) by striking “between crowded
15 urban areas and in other areas of” and in-
16 serting “throughout”;

17 (B) in paragraph (2) by striking the period
18 and inserting “, thereby providing additional
19 capacity for the traveling public and widespread
20 air quality benefits.”;

21 (C) in paragraph (4)—

22 (i) by striking “greater” and inserting
23 “high”; and

24 (ii) by striking “to Amtrak to achieve
25 a performance level sufficient to justify ex-

1 pending public money” and inserting “in
2 order to meet the passenger rail needs of
3 the United States”;

4 (D) in paragraph (5)—

5 (i) by inserting “intercity and” after
6 “efficient”; and

7 (ii) by striking “the energy conserva-
8 tion and self-sufficiency” and inserting
9 “addressing climate change, energy con-
10 servation, and self-sufficiency”; and

11 (E) by adding at the end the following:

12 “(9) Long-distance passenger rail is an impor-
13 tant part of the national transportation system.

14 “(10) Investments in intercity and commuter
15 rail passenger transportation support jobs that pro-
16 vide a pathway to the middle class.”;

17 (2) in subsection (b) by striking “The” and all
18 that follows through “consistent” and inserting
19 “The mission of Amtrak is to provide a safe, effi-
20 cient, and high-quality national passenger rail sys-
21 tem, consistent”;

22 (3) in subsection (c)—

23 (A) by striking paragraph (1) and insert-
24 ing the following:

1 “(1) use its best business judgment in acting to
2 maximize the benefits of public funding;”;

3 (B) in paragraph (2)—

4 (i) by striking “minimize Government
5 subsidies by encouraging” and inserting
6 “work with”; and

7 (ii) by striking the semicolon and in-
8 serting “and improvements to service;”;

9 (C) by striking paragraph (3) and insert-
10 ing the following:

11 “(3) manage the passenger rail network in the
12 interest of public transportation needs, including
13 current and future Amtrak passengers;”;

14 (D) in paragraph (7) by striking “encour-
15 age” and inserting “work with”;

16 (E) in paragraph (11) by striking “and”
17 the last place it appears; and

18 (F) by striking paragraph (12) and insert-
19 ing the following:

20 “(12) utilize and manage resources with a long-
21 term perspective, including sound investments that
22 take into account the overall lifecycle costs of an
23 asset;

24 “(13) ensure that service is accessible and ac-
25 commodating to passengers with disabilities; and

1 “(14) maximize the benefits Amtrak generates
2 for the United States by creating quality jobs and
3 supporting the domestic workforce.”; and

4 (4) by striking subsection (d).

5 **SEC. 9202. AMTRAK STATUS.**

6 Section 24301(a) of title 49, United States Code, is
7 amended—

8 (1) in paragraph (1) by striking “20102(2)”
9 and inserting “20102”; and

10 (2) in paragraph (2) by inserting “serving the
11 public interest in reliable passenger rail service”
12 after “for-profit corporation”.

13 **SEC. 9203. BOARD OF DIRECTORS.**

14 Section 24302 of title 49, United States Code, is
15 amended—

16 (1) in subsection (a)—

17 (A) in paragraph (1)—

18 (i) by striking subparagraph (C) and
19 inserting the following:

20 “(C) 8 individuals appointed by the Presi-
21 dent of the United States, by and with the ad-
22 vice and consent of the Senate, with a record of
23 support for national passenger rail service, gen-
24 eral business and financial experience, and

1 transportation qualifications or expertise. Of
2 the individuals appointed—

3 “(i) 1 shall be a Mayor or Governor of
4 a location served by a regularly scheduled
5 Amtrak service on the Northeast Corridor;

6 “(ii) 1 shall be a Mayor or Governor
7 of a location served by a regularly sched-
8 uled Amtrak service that is not on the
9 Northeast Corridor;

10 “(iii) 1 shall be a labor representative
11 of Amtrak employees; and

12 “(iv) 2 shall be individuals with a his-
13 tory of regular Amtrak ridership and an
14 understanding of the concerns of rail pas-
15 sengers.”;

16 (B) in paragraph (2) by inserting “users of
17 Amtrak, including the elderly and individuals
18 with disabilities, and” after “and balanced rep-
19 resentation of”;

20 (C) in paragraph (3) by adding at the end
21 the following: “A member of the Board ap-
22 pointed under clause (i) or (ii) of paragraph
23 (1)(C) shall serve for a term of 5 years or until
24 such member leaves the elected office such

1 member occupied at the time such member was
2 appointed, whichever is first.”; and

3 (D) by striking paragraph (5) and insert-
4 ing the following:

5 “(5) The Secretary and any Governor of a
6 State may be represented at a Board meeting by a
7 designee.”;

8 (2) in subsection (b)—

9 (A) by striking “PAY AND EXPENSES” and
10 inserting “DUTIES, PAY, AND EXPENSES”; and

11 (B) by inserting “Each director must con-
12 sider the well-being of current and future Am-
13 trak passengers, and the public interest in sus-
14 tainable national passenger rail service.” before
15 “Each director not employed by the United
16 States Government or Amtrak”; and

17 (3) by adding at the end the following:

18 “(g) GOVERNOR DEFINED.—In this section, the term
19 ‘Governor’ means the Governor of a State or the Mayor
20 of the District of Columbia and includes the designee of
21 the Governor.”.

22 **SEC. 9204. AMTRAK PREFERENCE ENFORCEMENT.**

23 (a) IN GENERAL.—Section 24308(c) of title 49,
24 United States Code, is amended by adding at the end the
25 following: “Notwithstanding section 24103(a) and section

1 24308(f), Amtrak shall have the right to bring an action
2 for equitable or other relief in the United States District
3 Court for the District of Columbia to enforce the pref-
4 erence rights granted under this subsection.”.

5 (b) CONFORMING AMENDMENT.—Section 24103 of
6 title 49, United States Code, is amended by inserting “and
7 section 24308(c)” before “, only the Attorney General”.

8 **SEC. 9205. USE OF FACILITIES AND PROVIDING SERVICES**
9 **TO AMTRAK.**

10 Section 24308(e) of title 49, United States Code, is
11 amended—

12 (1) by striking paragraph (1) and inserting the
13 following:

14 “(1)(A) When a rail carrier does not agree to
15 allow Amtrak to operate additional trains over any
16 rail line of the carrier on which Amtrak is operating
17 or seeks to operate, Amtrak may submit an applica-
18 tion to the Board for an order requiring the carrier
19 to allow for the operation of the requested trains.
20 Within 90 days of receipt of such application, the
21 Board shall determine whether the additional trains
22 would unreasonably impair freight transportation
23 and—

24 “(i) for a determination that such trains
25 do not unreasonably impair freight transpor-

1 tation, order the rail carrier to allow for the op-
2 eration of such trains on a schedule established
3 by the Board; or

4 “(ii) for a determination that such trains
5 do unreasonably impair freight transportation,
6 initiate a proceeding to determine any addi-
7 tional infrastructure investments required by,
8 or on behalf of, Amtrak.

9 “(B) If Amtrak seeks to resume operation of a
10 train that Amtrak operated during the 5-year period
11 preceding an application described in subparagraph
12 (A), the Board shall apply a presumption that the
13 resumed operation of such train will not unreason-
14 ably impair freight transportation unless the Board
15 finds that there are substantially changed cir-
16 cumstances.”;

17 (2) in paragraph (2)—

18 (A) by striking “The Board shall consider”
19 and inserting “The Board shall”;

20 (B) by striking subparagraph (A) and in-
21 serting the following:

22 “(A) in making the determination under para-
23 graph (1), take into account any infrastructure in-
24 vestments proposed in Amtrak’s application, with
25 the rail carrier having the burden of demonstrating

1 that the additional trains will unreasonably impair
2 the freight transportation; and”;

3 (C) in subparagraph (B) by inserting “con-
4 sider investments described in subparagraph
5 (A) and” after “times,”; and

6 (3) by adding at the end the following:

7 “(4) In a proceeding initiated by the Board
8 under paragraph (1)(B), the Board shall solicit the
9 views of the parties and require the parties to pro-
10 vide any necessary data or information. Not later
11 than 180 days after the date on which the Board
12 makes a determination under paragraph (1)(B), the
13 Board shall issue an order requiring the rail carrier
14 to allow for the operation of the requested trains
15 conditioned upon additional infrastructure or other
16 investments needed to mitigate the unreasonable in-
17 terference. In determining the necessary level of ad-
18 ditional infrastructure or other investments, the
19 Board shall use any criteria, assumptions, and proc-
20 esses it considers appropriate.

21 “(5) The provisions of this subsection shall be
22 in addition to any other statutory or contractual
23 remedies Amtrak may have to obtain the right to op-
24 erate the additional trains.”.

1 **SEC. 9206. PROHIBITION ON MANDATORY ARBITRATION.**

2 (a) IN GENERAL.—Section 28103 of title 49, United
3 States Code, is amended—

4 (1) by redesignating subsection (e) as sub-
5 section (f); and

6 (2) by inserting after subsection (d) the fol-
7 lowing:

8 “(e) PROHIBITION ON CHOICE-OF-FORUM CLAUSE.—

9 “(1) IN GENERAL.—Amtrak may not impose a
10 choice-of-forum clause that attempts to preclude a
11 passenger, or a person who purchases a ticket for
12 rail transportation on behalf of a passenger, from
13 bringing a claim against Amtrak in any court of
14 competent jurisdiction, including a court within the
15 jurisdiction of the residence of such passenger in the
16 United States (provided that Amtrak does business
17 within that jurisdiction).

18 “(2) COURT OF COMPETENT JURISDICTION.—

19 Under this subsection, a court of competent jurisdic-
20 tion may not include an arbitration forum.”.

21 (b) EFFECTIVE DATE.—This section, and the amend-
22 ments made by this section, shall apply to any claim that
23 arises on or after the date of enactment of this Act.

24 **SEC. 9207. AMTRAK ADA ASSESSMENT.**

25 (a) ASSESSMENT.—Amtrak shall conduct an assess-
26 ment and review of all Amtrak policies, procedures, proto-

1 cols, and guidelines for compliance with the requirements
2 of the Americans With Disabilities Act of 1990 (42 U.S.C.
3 12101 et seq.).

4 (b) REPORT.—Not later than 180 days after the date
5 of enactment of this Act, Amtrak shall submit to the Com-
6 mittee on Transportation and Infrastructure of the House
7 of Representatives and the Committee on Commerce,
8 Science, and Transportation of the Senate a report on the
9 results of the assessment conducted under subsection (a).

10 (c) CONTENTS.—The report required under sub-
11 section (b) shall include—

12 (1) a summary of the policies, procedures, pro-
13 tocols, and guidelines reviewed;

14 (2) any necessary changes to such policies, pro-
15 cedures, protocols, and guidelines to ensure compli-
16 ance with the Americans With Disabilities Act of
17 1990 (42 U.S.C. 12101 et seq.), including full com-
18 pliance under such Act for Amtrak stations and fa-
19 cilities and consideration of the needs of individuals
20 with disabilities when procuring rolling stock; and

21 (3) an implementation plan and timeline for
22 making any such necessary changes.

23 (d) ENGAGEMENT.—Amtrak is encouraged to engage
24 with a range of advocates for individuals with disabilities
25 during the assessment conducted under subsection (a),

1 and develop an ongoing and standardized process for en-
2 gagement with advocates for individuals with disabilities.

3 (e) PERIODIC EVALUATION.—At least once every 2
4 years, Amtrak shall review and update, as necessary, Am-
5 trak policies, procedures, protocols, and guidelines to en-
6 sure compliance with the Americans With Disabilities Act
7 of 1990 (42 U.S.C. 12101 et seq.).

8 **SEC. 9208. PROHIBITION ON SMOKING ON AMTRAK TRAINS.**

9 (a) IN GENERAL.—Chapter 243 of title 49, United
10 States Code, is amended by adding at the end the fol-
11 lowing:

12 **“§ 24323. Prohibition on smoking on Amtrak trains**

13 “(a) PROHIBITION.—Beginning on the date of enact-
14 ment of the TRAIN Act, Amtrak shall prohibit smoking
15 on board Amtrak trains.

16 “(b) ELECTRONIC CIGARETTES.—

17 “(1) INCLUSION.—The use of an electronic cig-
18 arette shall be treated as smoking for purposes of
19 this section.

20 “(2) ELECTRONIC CIGARETTE DEFINED.—In
21 this section, the term ‘electronic cigarette’ means a
22 device that delivers nicotine or other substances to
23 a user of the device in the form of a vapor that is
24 inhaled to simulate the experience of smoking.”.

1 (b) CONFORMING AMENDMENT.—The analysis for
2 chapter 243 of title 49, United States Code, is amended
3 by adding at the end the following:

“24323. Prohibition on smoking on Amtrak trains.”.

4 **SEC. 9209. STATE-SUPPORTED ROUTES OPERATED BY AM-**
5 **TRAK.**

6 Section 24712 of title 49, United States Code, is
7 amended—

8 (1) in subsection (a)—

9 (A) in paragraph (3)(C) by striking “the
10 vote” and inserting “the votes”;

11 (B) in paragraph (4) by striking the first
12 sentence and inserting “The Committee shall
13 define and periodically update the rules and
14 procedures governing the Committee’s pro-
15 ceedings.”; and

16 (C) in paragraph (6)—

17 (i) by striking subparagraph (B) and
18 inserting the following:

19 “(B) PROCEDURES.—The rules and proce-
20 dures implemented under paragraph (4) shall
21 include—

22 “(i) procedures for changing the cost
23 allocation methodology, notwithstanding
24 section 209(b) of the Passenger Rail In-

1 vestment and Improvement Act (49 U.S.C.
2 24101 note); and

3 “(ii) procedures or broad guidelines
4 for conducting financial planning, includ-
5 ing operating and capital forecasting, re-
6 porting, and data sharing and govern-
7 ance.”;

8 (ii) in subparagraph (C)—

9 (I) in clause (i) by striking
10 “and” at the end;

11 (II) in clause (ii) by striking the
12 period at the end and inserting “;
13 and”;

14 (III) by adding at the end the
15 following:

16 “(iii) promote increased efficiency in
17 Amtrak’s operating and capital activities.”;

18 and

19 (iii) by adding at the end the fol-
20 lowing:

21 “(D) ANNUAL REVIEW.—Not later than
22 June 30 of each year, the Committee shall pre-
23 pare an evaluation of the cost allocation meth-
24 odology and procedures under subparagraph
25 (B) and transmit such evaluation to the Com-

1 committee on Transportation and Infrastructure of
2 the House of Representatives and the Com-
3 mittee on Commerce, Science, and Transpor-
4 tation of the Senate.”;

5 (2) in subsection (b)—

6 (A) by inserting “and to the Committee”
7 before “, as well as the planning”; and

8 (B) by inserting before the period at the
9 end the following: “and the Committee. Not
10 later than 180 days after the date of enactment
11 of the TRAIN Act, the Committee shall develop
12 a report that contains the general ledger data
13 and operating statistics from Amtrak’s account-
14 ing systems used to calculate payments to
15 States. Amtrak shall provide to the States and
16 the Committee the report for the prior month
17 not later than 30 days after the last day of
18 each month”;

19 (3) in subsection (e) by inserting “, including
20 incentives to increase revenue, reduce costs, finalize
21 contracts by the beginning of the fiscal year, and re-
22 quire States to promptly make payments for services
23 delivered” before the period;

24 (4) in subsection (f)—

25 (A) in paragraph (1)—

1 (i) by inserting “and annually review
2 and update, as necessary,” after “shall de-
3 velop”; and

4 (ii) by inserting before “The Com-
5 mittee may consult” the following: “The
6 statement shall include a list of capital
7 projects, including infrastructure, fleet,
8 station, and facility initiatives, needed to
9 support the growth of State-supported
10 routes.”;

11 (B) in paragraph (2) by striking “Not
12 later than 2 years” and all that follows through
13 “transmit the statement” and inserting “The
14 Committee shall transmit, not later than March
15 31 of each year, the most recent annual update
16 to the statement”; and

17 (C) by adding at the end the following:

18 “(3) SENSE OF CONGRESS.—It is the sense of
19 Congress that the Committee shall be the forum
20 where Amtrak and States collaborate on the plan-
21 ning, improvement, and development of corridor
22 routes across the National Network. The Committee
23 shall identify obstacles to passenger rail growth and
24 identify solutions to overcome such obstacles.”;

1 (5) by redesignating subsections (g) and (h) as
2 subsections (j) and (k), respectively; and

3 (6) by inserting after subsection (f) the fol-
4 lowing:

5 “(g) NEW STATE-SUPPORTED ROUTES.—

6 “(1) CONSULTATION.—In developing a new
7 State-supported route, Amtrak shall consult with the
8 following:

9 “(A) The State or States and local munici-
10 palities where such new service would operate.

11 “(B) Commuter authorities and regional
12 transportation authorities (as such terms are
13 defined in section 24102) in the areas that
14 would be served by the planned route.

15 “(C) Host railroads.

16 “(D) Administrator of the Federal Rail-
17 road Administration.

18 “(E) Other stakeholders, as appropriate.

19 “(2) STATE COMMITMENTS.—Notwithstanding
20 any other provision of law, before beginning con-
21 struction necessary for, or beginning operation of, a
22 State-supported route that is initiated on or after
23 the date of enactment of the TRAIN Act, Amtrak
24 shall enter into a memorandum of understanding, or
25 otherwise secure an agreement, with the State in

1 which such route will operate for sharing ongoing
2 fully allocated operating costs and capital costs in
3 accordance with—

4 “(A) the cost allocation methodology de-
5 scribed under subsection (a); or

6 “(B) the alternative cost allocation sched-
7 ule described in paragraph (3).

8 “(3) ALTERNATIVE COST ALLOCATION.—Under
9 the alternative cost allocation schedule described in
10 this paragraph, with respect to costs not covered by
11 revenues for the operation of the new State-sup-
12 ported route, Amtrak shall pay—

13 “(A) the share Amtrak otherwise would
14 have paid under the cost allocation methodology
15 under subsection (a); and

16 “(B) a percentage of the share that the
17 State otherwise would have paid under the cost
18 allocation methodology under subsection (a) ac-
19 cording to the following:

20 “(i) Amtrak shall pay up to 100 per-
21 cent of the capital costs necessary to ini-
22 tiate a new State-supported route, includ-
23 ing planning and development, design, and
24 environmental analysis, prior to beginning
25 operations on the new route.

1 “(ii) For the first 2 years of oper-
2 ation, Amtrak shall pay for 100 percent of
3 operating costs and capital costs.

4 “(iii) For the third year of operation,
5 Amtrak shall pay 90 percent of operating
6 costs and capital costs and the State shall
7 pay the remainder.

8 “(iv) For the fourth year of operation,
9 Amtrak shall pay 80 percent of operating
10 costs and capital costs and the State shall
11 pay the remainder

12 “(v) For the fifth year of operation,
13 Amtrak shall pay 50 percent of operating
14 costs and capital costs and the State shall
15 pay the remainder.

16 “(vi) For the sixth year of operation
17 and thereafter, operating costs and capital
18 costs shall be allocated in accordance with
19 the cost allocation methodology described
20 under subsection (a), as applicable.

21 “(4) APPLICATION OF TERMS.—In this sub-
22 section, the terms ‘capital cost’ and ‘operating cost’
23 shall apply in the same manner as such terms apply
24 under the cost allocation methodology developed
25 under subsection (a).

1 “(h) COST ALLOCATION METHODOLOGY AND IMPLE-
2 MENTATION REPORT.—

3 “(1) IN GENERAL.—Not later than 18 months
4 after the date of enactment of the TRAIN Act, the
5 Committee shall submit to the Committee on Trans-
6 portation and Infrastructure of the House of Rep-
7 resentatives and the Committee on Commerce,
8 Science, and Transportation of the Senate a report
9 assessing potential improvements to the cost alloca-
10 tion methodology required and approved under sec-
11 tion 209 of the Passenger Rail Investment and Im-
12 provement Act of 2008 (49 U.S.C. 24101 note).

13 “(2) REPORT CONTENTS.—The report required
14 under paragraph (1) shall—

15 “(A) identify improvements to the cost al-
16 location methodology that would promote—

17 “(i) transparency of route and train
18 costs and revenues;

19 “(ii) facilitation of service and net-
20 work growth;

21 “(iii) improved services for the trav-
22 eling public;

23 “(iv) maintenance or achievement of
24 labor collective bargaining agreements;

25 “(v) increased revenues; and

1 “(vi) reduced costs;

2 “(B) describe the various contracting ap-
3 proaches used in State-supported services be-
4 tween States and Amtrak, including the meth-
5 od, amount, and timeliness of payments for
6 each State-supported service;

7 “(C) evaluate the potential benefits and
8 feasibility, including identifying any necessary
9 statutory changes, of implementing a service
10 pricing model for State-supported routes in lieu
11 of a cost allocation methodology and how such
12 a service pricing model would advance the pri-
13 orities described in subparagraph (A); and

14 “(D) summarize share of costs from the
15 cost allocation methodology that are—

16 “(i) assigned;

17 “(ii) allocated regionally or locally;

18 and

19 “(iii) allocated nationally.

20 “(3) UPDATE TO THE METHODOLOGY.—Not
21 later than 2 years after the implementation of the
22 TRAIN Act, the Committee shall update the meth-
23 odology, if necessary, based on the findings of the
24 report required under paragraph (1).

1 “(i) IDENTIFICATION OF STATE-SUPPORTED ROUTE
2 CHANGES.—Amtrak shall provide an update in the annual
3 grant request under section 24319 of planned or proposed
4 changes to State-supported routes, including the introduc-
5 tion of new State-supported routes. In identifying routes
6 to be included in such request, Amtrak shall—

7 “(1) identify the timeframe in which such
8 changes could take effect and whether Amtrak has
9 entered into a commitment with a State under sub-
10 section (g)(2); and

11 “(2) consult with the Committee and any addi-
12 tional States in which proposed routes may operate,
13 not less than 120 days before the annual grant re-
14 quest is transmitted to the Secretary.”.

15 **SEC. 9210. AMTRAK POLICE DEPARTMENT.**

16 (a) IN GENERAL.—Not later than 90 days after the
17 date of enactment of this Act, the Comptroller General
18 of the United States shall initiate a study of the workforce
19 planning process of the Amtrak Police Department and
20 the deployment of personnel and resources of the Depart-
21 ment.

22 (b) CONSULTATION.—In carrying out the study
23 under this section, the Comptroller General shall consult
24 with the Amtrak Police Department Labor Committee,
25 law enforcement and public safety experts, and entities

1 providing passenger rail service comparable to Amtrak,
2 and any other relevant entities, as determined by the
3 Comptroller General.

4 (c) CONTENTS OF STUDY.—The study under this sec-
5 tion shall—

6 (1) review and determine whether the workforce
7 planning process used to allocate Amtrak Police De-
8 partment personnel, including contractors, ade-
9 quately meets the safety and security needs of the
10 Amtrak network, including considering whether the
11 planning process—

12 (A) identifies critical positions, skills, and
13 competencies necessary for ensuring the safety
14 and security of the Amtrak network;

15 (B) analyzes employment levels of sworn
16 and civilian personnel, including patrol officers,
17 necessary for ensuring the safety and security
18 of the Amtrak network;

19 (C) analyzes workforce gaps and develops
20 strategies to address any such gaps;

21 (D) considers the risks identified by Am-
22 trak’s triannual risk assessments;

23 (E) considers variables, including ridership
24 levels, miles of right-of-way, crime data, and
25 workload, that comparable passenger rail sys-

1 tems consider in the development of the work-
2 force plans of such systems;

3 (F) includes collaboration or coordination
4 with local, State, tribal, and Federal agencies,
5 and public transportation agencies to support
6 the safety and security of the Amtrak network;
7 and

8 (G) sets goals and performance metrics for
9 the Department and monitors and evaluates the
10 Department's progress toward such goals and
11 metrics; and

12 (2) assess and evaluate whether the deployment
13 of Amtrak Police Department personnel and con-
14 tractors as of March 1, 2020, adequately mitigates
15 risks and ensures the safety and security of Amtrak
16 passengers, employees, trains, stations, facilities,
17 and other infrastructure, including—

18 (A) whether there is an adequate number
19 of civilian and sworn personnel deployed across
20 the Department's 6 geographic divisions, in-
21 cluding patrol officers, detectives, canine units,
22 special operations unit, strategic operations, in-
23 telligence, corporate security, Office of Profes-
24 sional Responsibilities, and Office of Chief of
25 Police;

1 (B) whether patrol officers have an ade-
2 quate presence on trains and route segments,
3 and in stations, facilities, and other infrastruc-
4 ture;

5 (C) whether Amtrak Police Department
6 personnel have the tools and resources, includ-
7 ing vehicles, communication devices, and weap-
8 ons, necessary for performing their responsibil-
9 ities; and

10 (D) the locations and positions occupied by
11 Amtrak Police Department contractors and the
12 adequacy of their training.

13 (d) REPORT.—Not later than 18 months after the
14 date of enactment of this Act, the Comptroller General
15 shall submit to the Committee on Transportation and In-
16 frastructure of the House of Representatives and the Com-
17 mittee on Commerce, Science, and Transportation of the
18 Senate a report on the results of study. Such report shall
19 include recommendations for improving the workforce
20 planning process and the deployment of Amtrak Police
21 Department personnel and resources.

22 **SEC. 9211. AMTRAK FOOD AND BEVERAGE.**

23 (a) AMTRAK FOOD AND BEVERAGE.—Section 24321
24 of title 49, United States Code, is amended to read as
25 follows:

1 **“§ 24321. Amtrak food and beverage**

2 “(a) ENSURING ACCESS TO FOOD AND BEVERAGE
3 SERVICES.—

4 “(1) ACCESS TO SERVICES.—On all long-dis-
5 tance routes, Amtrak shall ensure that all pas-
6 sengers who travel overnight on such route shall
7 have access to the food and beverage service that is
8 provided to sleeping car passengers on such route.

9 “(2) STATUTORY CONSTRUCTION.—Nothing in
10 this subsection shall be construed to limit the au-
11 thority of Amtrak to charge passengers for any food
12 and beverage services.

13 “(b) FOOD AND BEVERAGE WORKFORCE.—

14 “(1) WORKFORCE REQUIREMENT.—Amtrak
15 shall ensure that any individual onboard a train who
16 prepares food and beverages is an Amtrak employee.

17 “(2) SAVINGS CLAUSE.—No Amtrak employee
18 holding a position as of the date of enactment of the
19 TRAIN Act may be involuntarily separated because
20 of any action taken by Amtrak to implement this
21 section, including any employees who are furloughed
22 as a result of the COVID–19 pandemic.

23 “(c) SAVINGS CLAUSE.—Amtrak shall ensure that no
24 Amtrak employee holding a position as of the date of en-
25 actment of the Passenger Rail Reform and Investment Act
26 of 2015 is involuntarily separated because of the develop-

1 ment and implementation of the plan required by the
2 amendments made by section 11207 of such Act.”.

3 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

4 (1) ANALYSIS.—The item related to section
5 24321 in the analysis for chapter 243 of title 49,
6 United States Code, is amended to read as follows:

“24321. Amtrak food and beverage.”.

7 (2) AMTRAK AUTHORITY.—Section 24305(c)(4)
8 of title 49, United States Code, is amended by strik-
9 ing “only if revenues from the services each year at
10 least equal the cost of providing the services”.

11 (3) CONTRACTING OUT.—Section 121(e) of the
12 Amtrak Reform and Accountability Act of 1997 (49
13 U.S.C. 24312 note; 111 Stat. 2574) is amended by
14 striking “, other than work related to food and bev-
15 erage service,”.

16 (c) AMTRAK FOOD AND BEVERAGE WORKING
17 GROUP.—

18 (1) ESTABLISHMENT.—Not later than 90 days
19 after the date of enactment of this Act, Amtrak shall
20 establish a working group (in this subsection re-
21 ferred to as the “Working Group”) to provide rec-
22 ommendations on Amtrak onboard food and bev-
23 erage services.

24 (2) MEMBERSHIP.—The Working Group shall
25 consist of individuals representing—

- 1 (A) Amtrak;
- 2 (B) the labor organizations representing
3 Amtrak employees who prepare or provide on-
4 board food and beverage services; and
- 5 (C) nonprofit organizations representing
6 Amtrak passengers.

7 (3) RECOMMENDATIONS.—

8 (A) IN GENERAL.—The Working Group
9 shall develop recommendations to increase rid-
10 ership and improve customer satisfaction by—

11 (i) promoting collaboration and en-
12 gagement between Amtrak, Amtrak pas-
13 sengers, and Amtrak employees preparing
14 or providing onboard food and beverage
15 services, prior to Amtrak implementing
16 changes to onboard food and beverage
17 services;

18 (ii) improving onboard food and bev-
19 erage services; and

20 (iii) improving solicitation, reception,
21 and consideration of passenger feedback
22 regarding onboard food and beverage serv-
23 ices.

1 (B) CONSIDERATIONS.—In developing the
2 recommendations under subparagraph (A), the
3 Working Group shall consider—

4 (i) the healthfulness of onboard food
5 and beverages offered, including the ability
6 of passengers to address dietary restric-
7 tions;

8 (ii) the preparation and delivery of on-
9 board food and beverages;

10 (iii) the differing needs of passengers
11 traveling on long-distance routes, State-
12 supported routes, and the Northeast Cor-
13 ridor;

14 (iv) Amtrak passenger survey data
15 about the food and beverages offered on
16 Amtrak trains; and

17 (v) any other issue the Working
18 Group determines appropriate.

19 (4) REPORTS.—

20 (A) INITIAL REPORT.—Not later than 1
21 year after the date on which the Working
22 Group is established, the Working Group shall
23 submit to the Board of Directors of Amtrak,
24 the Committee on Transportation and Infra-
25 structure of the House of Representatives, and

1 the Committee on Commerce, Science, and
2 Transportation of the Senate a report con-
3 taining the recommendations developed under
4 paragraph (3).

5 (B) SUBSEQUENT REPORT.—Not later
6 than 30 days after the date on which the Work-
7 ing Group submits the report required under
8 subparagraph (A), Amtrak shall submit to the
9 Committee on Transportation and Infrastruc-
10 ture of the House of Representatives and the
11 Committee on Commerce, Science, and Trans-
12 portation of the Senate a report on whether
13 Amtrak agrees with the recommendations of the
14 Working Group and describing any plans to im-
15 plement such recommendations.

16 (5) PROHIBITION ON FOOD AND BEVERAGE
17 SERVICE CHANGES.—During the period beginning on
18 the date of enactment of this Act and ending 30
19 days after the date on which Amtrak submits the re-
20 port required under paragraph (4)(B), Amtrak may
21 not make changes to onboard food and beverage
22 services, except that Amtrak shall reverse any
23 changes to onboard food and beverage service made
24 in response to the COVID–19 pandemic as Amtrak
25 service is restored.

1 (6) **TERMINATION.**—The Working Group shall
2 terminate on the date on which Amtrak submits the
3 report required under paragraph (4)(B), except that
4 Amtrak may extend such date by up to 1 year if
5 Amtrak determines that the Working Group is bene-
6 ficial to Amtrak in making decisions related to on-
7 board food and beverage services. If Amtrak extends
8 such date, Amtrak shall include notification of the
9 extension in the report required under paragraph
10 (4)(B).

11 (7) **NONAPPLICABILITY OF FEDERAL ADVISORY**
12 **COMMITTEE ACT.**—The Federal Advisory Committee
13 Act (5 U.S.C. App) does not apply to the Working
14 Group established under this section.

15 (8) **LONG-DISTANCE ROUTE; NORTHEAST COR-**
16 **RIDOR; AND STATE-SUPPORTED ROUTE DEFINED.**—
17 In this subsection, the terms “long-distance route”,
18 “Northeast Corridor”, and “State-supported route”
19 have the meaning given those terms in section
20 24102 of title 49, United States Code.

21 **SEC. 9212. CLARIFICATION ON AMTRAK CONTRACTING**
22 **OUT.**

23 Section 121 of the Amtrak Reform and Account-
24 ability Act of 1997 (49 U.S.C. 24312 note; 111 Stat.

1 2574) is amended by striking subsection (d) and inserting
2 the following:

3 “(d) FURLOUGHED WORK.—Amtrak may not con-
4 tract out work within the scope of work performed by an
5 employee in a bargaining unit covered by a collective bar-
6 gaining agreement entered into between Amtrak and an
7 organization representing Amtrak employees during the
8 period of time such employee has been laid off and has
9 not been recalled to perform such work.

10 “(e) AGREEMENT PROHIBITIONS ON CONTRACTING
11 OUT.—This section does not authorize Amtrak to contract
12 out work if the contracting out is prohibited by a collective
13 bargaining agreement entered into between Amtrak and
14 an organization representing Amtrak employees.”.

15 **SEC. 9213. AMTRAK STAFFING.**

16 Section 24312 of title 49, United States Code, is
17 amended by adding at the end the following:

18 “(c) CALL CENTER STAFFING.—

19 “(1) OUTSOURCING.—Amtrak may not renew
20 or enter into a contract to outsource call center cus-
21 tomer service work on behalf of Amtrak, including
22 through a business process outsourcing group.

23 “(2) TRAINING.—Amtrak shall make available
24 training programs to any Amtrak call center em-

1 ployee carrying out customer service activities using
2 telephone or internet platforms.

3 “(d) STATION AGENT STAFFING.—

4 “(1) IN GENERAL.—Beginning on the date that
5 is 1 year after the date of enactment of the TRAIN
6 Act, Amtrak shall ensure that at least 1 Amtrak
7 ticket agent is employed at each station building—

8 “(A) that Amtrak owns, or operates service
9 through, as part of a passenger service route;
10 and

11 “(B) for which the number of passengers
12 boarding or deboarding an Amtrak vehicle in
13 fiscal year 2019 was an average of at least 40
14 passengers per day over all days in which the
15 station was serviced by Amtrak, regardless of
16 the number of Amtrak vehicles servicing the
17 station per day.

18 “(2) EXCEPTION.—This subsection does not
19 apply to any station building in which a commuter
20 rail ticket agent has the authority to sell Amtrak
21 tickets.”.

22 **SEC. 9214. SPECIAL TRANSPORTATION.**

23 Section 24307(a) of title 49, United States Code, is
24 amended—

1 (1) in the matter preceding paragraph (1) by
2 striking “for the following:” and inserting “of at
3 least a 20 percent discount on full-price rail fares
4 for, at a minimum—”;

5 (2) in paragraph (1) by striking the period at
6 the end and inserting a semicolon; and

7 (3) by striking paragraph (2) and inserting the
8 following:

9 “(2) individuals of 12 years of age or younger;

10 “(3) individuals with a disability, as such term
11 is defined in section 3 of the Americans with Dis-
12 abilities Act of 1990 (42 U.S.C. 12102);

13 “(4) members of the Armed Forces on active
14 duty (as those terms are defined in section 101 of
15 title 10) and their spouses and dependents with valid
16 identification;

17 “(5) veterans (as that term is defined in section
18 101 of title 38) with valid identification; and

19 “(6) individuals attending federally-accredited
20 postsecondary education institutions with valid stu-
21 dent identification cards.”.

22 **SEC. 9215. DISASTER AND EMERGENCY RELIEF PROGRAM.**

23 (a) IN GENERAL.—Chapter 243 of title 49, United
24 States Code, is amended by adding at the end the fol-
25 lowing:

1 **“§ 24323. Disaster and emergency relief program**

2 “(a) IN GENERAL.—The Secretary of Transportation
3 may make grants to Amtrak for—

4 “(1) capital projects to repair, reconstruct, or
5 replace equipment, infrastructure, stations, and
6 other facilities that the Secretary determines are in
7 danger of suffering serious damage, or have suffered
8 serious damage, as a result of an emergency event;

9 “(2) offset revenue lost as a result of such an
10 event; and

11 “(3) support continued operations following
12 emergency events.

13 “(b) COORDINATION OF EMERGENCY FUNDS.—
14 Funds made available to carry out this section shall be
15 in addition to any other funds available and shall not af-
16 fect the ability of Amtrak to use any other funds otherwise
17 authorized by law.

18 “(c) GRANT CONDITIONS.—Grants made under this
19 subsection (a) shall be subject to such terms and condi-
20 tions as the Secretary determines necessary.

21 “(d) DEFINITION OF EMERGENCY EVENT.—In this
22 section, the term ‘emergency event’ has the meaning given
23 such term in section 20103.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
 2 ter 243 of title 49, United States Code, is amended by
 3 adding at the end the following:

“24323. Disaster and emergency relief program.”.

4 **SEC. 9216. RECREATIONAL TRAIL ACCESS.**

5 Section 24315 of title 49, United States Code, is
 6 amended by adding at the end the following:

7 “(i) RECREATIONAL TRAIL ACCESS.—At least 30
 8 days before implementing a new policy, structure, or oper-
 9 ation that affects recreational trail access, Amtrak shall
 10 submit to the Committee on Transportation and Infra-
 11 structure of the House of Representatives and the Com-
 12 mittee on Environment and Public Works of the Senate
 13 a report on such policy, structure, or operation and rec-
 14 reational trail access affected. Such report shall include
 15 Amtrak’s plans to mitigate the impact to such recreational
 16 trail access.”.

17 **TITLE III—INTERCITY**
 18 **PASSENGER RAIL POLICY**

19 **SEC. 9301. NORTHEAST CORRIDOR COMMISSION.**

20 Section 24905 of title 49, United States Code, is
 21 amended—

22 (1) in subsection (a)(1)—

23 (A) in subparagraph (A) by striking
 24 “members” and inserting “4 members”;

1 (B) in subparagraph (B) by striking
2 “members” and inserting “5 members”; and

3 (C) in subparagraph (D) by striking “and
4 commuter railroad carriers using the Northeast
5 Corridor selected by the Secretary” and insert-
6 ing “railroad carriers and commuter authorities
7 using the Northeast Corridor, as determined by
8 the Commission”;

9 (2) by striking paragraph (2) of subsection (a)
10 and inserting the following:

11 “(2) At least 2 of the members described in
12 paragraph (1)(B) shall be career appointees, as such
13 term is defined in section 3132(a) of title 5.”;

14 (3) in subsection (b)(3)(B)—

15 (A) in clause (i) by inserting “, including
16 ridership trends,” before “along the Northeast
17 Corridor”;

18 (B) in clause (ii) by striking “capital in-
19 vestment plan described in section 24904.” and
20 inserting “first year of the capital investment
21 plan described in section 24904; and”; and

22 (C) by adding at the end the following:

23 “(iii) progress in assessing and elimi-
24 nating the state-of-good-repair backlog.”;

25 (4) in subsection (c)—

1 (A) by striking “(1) DEVELOPMENT” and
2 all that follows through “standardized policy”
3 and inserting the following:

4 “(1) POLICY.—The Commission shall—

5 “(A) maintain and update, as appropriate,
6 the ‘Northeast Corridor Commuter and Inter-
7 city Rail Cost Allocation Policy’ approved on
8 September 17, 2015,”;

9 (B) in paragraph (1)—

10 (i) in subparagraph (B) by striking “a
11 proposed timetable for implementing” and
12 inserting “timetables for implementing and
13 maintaining”;

14 (ii) in subparagraph (C) by striking
15 “the policy and the timetable” and insert-
16 ing “updates to the policy and the time-
17 tables”; and

18 (iii) by striking subparagraph (D) and
19 inserting the following:

20 “(D) support the efforts of the members of
21 the Commission to implement the policy in ac-
22 cordance with such timetables; and”;

23 (C) in paragraph (2)—

24 (i) by striking the first sentence and
25 inserting “In accordance with the time-

1 table developed in paragraph (1), Amtrak
2 and commuter authorities on the North-
3 east Corridor shall implement the policy
4 developed under paragraph (1) in agree-
5 ments for usage of facilities or services.”;

6 (ii) by striking “fail to implement
7 such new agreements” and inserting “fail
8 to implement the policy”; and

9 (iii) by striking “paragraph (1)(A), as
10 applicable” and inserting “paragraph (1)”;

11 and

12 (D) in paragraph (4) by striking “public
13 authorities providing commuter rail passenger
14 transportation” and inserting “commuter au-
15 thorities”;

16 (5) by striking subsection (d);

17 (6) by redesignating subsection (e) as sub-
18 section (d); and

19 (7) in paragraph (1)(D) of subsection (d) (as
20 redesignated by paragraph (6)) by striking “com-
21 muter rail agencies” and inserting “commuter au-
22 thorities”.

23 **SEC. 9302. NORTHEAST CORRIDOR PLANNING.**

24 (a) IN GENERAL.—Section 24904 of title 49, United
25 States Code, is amended—

1 (1) by redesignating subsection (e) as sub-
2 section (f);

3 (2) by striking subsection (e);

4 (3) by redesignating subsections (a) and (b) as
5 subsections (b) and (c), respectively;

6 (4) by inserting before subsection (b), as so re-
7 designated, the following:

8 “(a) STRATEGIC DEVELOPMENT PLAN.—

9 “(1) REQUIREMENT.—Not later than December
10 31, 2021, the Northeast Corridor Commission estab-
11 lished under section 24905 (referred to in this sec-
12 tion as the ‘Commission’) shall submit to Congress
13 a strategic development plan that identifies key
14 state-of-good-repair, capacity expansion, and capital
15 improvement projects planned for the Northeast
16 Corridor, to upgrade aging infrastructure and im-
17 prove the reliability, capacity, connectivity, perform-
18 ance, and resiliency of passenger rail service on the
19 Northeast Corridor.

20 “(2) CONTENTS.—The strategic development
21 plan required under paragraph (1) shall—

22 “(A) provide a coordinated and consensus-
23 based plan covering a period of 15 years;

24 “(B) identify service objectives and capital
25 investments needs;

1 “(C) provide a delivery-constrained strat-
2 egy that identifies capital investment phasing,
3 an evaluation of workforce needs, and strategies
4 for managing resources and mitigating con-
5 struction impacts on operations;

6 “(D) include a financial strategy that iden-
7 tifies funding needs and potential sources and
8 includes an economic impact analysis; and

9 “(E) be updated at least every 5 years.”;
10 (5) in subsection (b) (as redesignated by para-
11 graph (3))—

12 (A) by striking “Not later than” and all
13 that follows through “shall” and inserting “Not
14 later than November 1 of each year, the Com-
15 mission shall”;

16 (B) in paragraph (1)(A) by striking “a
17 capital investment plan” and inserting “an an-
18 nual capital investment plan”;

19 (C) in paragraph (2)—

20 (i) in subparagraph (A) by striking
21 “and network optimization”;

22 (ii) in subparagraph (B) by striking
23 “and service”;

1 (iii) in subparagraph (C) by striking
2 “first fiscal year after the date on which”
3 and inserting “fiscal year during which”;

4 (iv) in subparagraph (D) by striking
5 “identify, prioritize,” and all that follows
6 through “and consider” and inserting
7 “document the projects and programs
8 being undertaken to achieve the service
9 outcomes identified in the Northeast Cor-
10 ridor strategic development plan, once
11 available, and the asset condition needs
12 identified in the Northeast Corridor asset
13 management plans and consider”; and

14 (v) in subparagraph (E)(i) by striking
15 “normalized capital replacement and”; and

16 (D) in paragraph (3)(B) by striking “ex-
17 pected allocated shares of costs” and inserting
18 “status of cost sharing agreements”;

19 (6) in subsection (c) (as redesignated by para-
20 graph (3)) by striking “may be spent only on” and
21 all that follows through the end and inserting “may
22 be spent only on capital projects and programs con-
23 tained in the Commission’s capital investment plan
24 from the previous year.”; and

1 (7) by striking subsections (d) and (e) and in-
2 serting the following:

3 “(d) REVIEW AND COORDINATION.—The Commis-
4 sion shall gather information from Amtrak, the States in
5 which the Northeast Corridor is located, and commuter
6 rail authorities to support development of the capital in-
7 vestment plan. The Commission may specify a format and
8 other criteria for the information submitted. Submissions
9 to the plan from Amtrak, States in which the Northeast
10 Corridor are located, and commuter rail authorities shall
11 be provided to the Commission in a manner that allows
12 for a reasonable period of review by, and coordination
13 with, affected agencies.

14 “(e) NORTHEAST CORRIDOR ASSET MANAGE-
15 MENT.—

16 “(1) CONTENTS.—With regard to existing in-
17 frastructure, Amtrak and other infrastructure own-
18 ers that provide or support intercity rail passenger
19 transportation on the Northeast Corridor shall de-
20 velop an asset management system, and use and up-
21 date such system as necessary, to develop submis-
22 sions to the Northeast Corridor capital investment
23 plan described in subsection (b). Such system
24 shall—

1 “(A) be consistent with the Federal Tran-
2 sit Administration process, as authorized under
3 section 5326, when implemented; and

4 “(B) include, at a minimum—

5 “(i) an inventory of all capital assets
6 owned by the developer of the plan;

7 “(ii) an assessment of asset condition;

8 “(iii) a description of the resources
9 and processes necessary to bring or main-
10 tain those assets in a state of good repair;

11 and

12 “(iv) a description of changes in asset
13 condition since the previous version of the
14 plan.”.

15 (b) CONFORMING AMENDMENTS.—

16 (1) ACCOUNTS.—Section 24317(d)(1) of title
17 49, United States Code, is amended—

18 (A) in subparagraph (B) by striking
19 “24904(a)(2)(E)” and inserting
20 “24904(b)(2)(E)”; and

21 (B) in subparagraph (F) by striking
22 “24904(b)” and inserting “24904(c)”.

23 (2) FEDERAL-STATE PARTNERSHIP FOR STATE
24 OF GOOD REPAIR.—Section 24911(e)(2) of title 49,

1 United States Code, is amended by striking
2 “24904(a)” and inserting “24904(b)”.

3 **SEC. 9303. PROTECTIVE ARRANGEMENTS.**

4 Section 22905 of title 49, United States Code, is
5 amended—

6 (1) in subsection (c)(2)(B) by striking “that are
7 equivalent to the protective arrangements established
8 under section 504 of the Railroad Revitalization and
9 Regulatory Reform Act of 1976 (45 U.S.C. 836)”
10 and inserting “established by the Secretary under
11 subsection (e)(1)”;

12 (2) by redesignating subsections (e) and (f) as
13 subsections (f) and (g), respectively; and

14 (3) by inserting after subsection (d) the fol-
15 lowing:

16 “(e) EQUIVALENT EMPLOYEE PROTECTIONS.—

17 “(1) ESTABLISHMENT.—Not later than 90 days
18 after the date of enactment of this subsection, the
19 Administrator of the Federal Railroad Administra-
20 tion shall establish protective arrangements equiva-
21 lent to those established under section 504 of the
22 Railroad Revitalization and Regulatory Reform Act
23 of 1976 (45 U.S.C. 836), and require such protec-
24 tive arrangements to apply to employees described

1 under subsection (c)(2)(B) and as required under
2 subsection (l) of section 22907.

3 “(2) PUBLICATION.—The Administrator shall
4 make available on a publicly available website the
5 protective arrangements established under para-
6 graph (1).”.

7 **SEC. 9304. HIGH-SPEED RAIL FUNDS.**

8 (a) IN GENERAL.—Notwithstanding any other provi-
9 sion of law and not later than 90 days after the date of
10 enactment of this Act, the Secretary of Transportation
11 shall reinstate any cooperative agreement terminated after
12 January 1, 2019 that was originally entered into under
13 the heading “Capital Assistance for High Speed Rail Cor-
14 ridors and Intercity Passenger Rail Service” in the De-
15 partment of Transportation Appropriations Act, 2010
16 (Public Law 111–117).

17 (b) INCLUSION.—The reinstatement under subsection
18 (a) shall include the obligation to such agreement of all
19 of the funds obligated to such agreement as of the date
20 of termination of such agreement.

1 **TITLE IV—COMMUTER RAIL**
2 **POLICY**

3 **SEC. 9401. SURFACE TRANSPORTATION BOARD MEDIATION**
4 **OF TRACKAGE USE REQUESTS.**

5 Section 28502 of title 49, United States Code, is
6 amended to read as follows:

7 **“§ 28502. Surface Transportation Board mediation of**
8 **trackage use requests**

9 “A rail carrier shall provide good faith consideration
10 to a reasonable request from a provider of commuter rail
11 passenger transportation for access to trackage and provi-
12 sion of related services. If, after a reasonable period of
13 negotiation, a public transportation authority cannot
14 reach agreement with a rail carrier to use trackage of, and
15 have related services provided by, the rail carrier for pur-
16 poses of commuter rail passenger transportation, the pub-
17 lic transportation authority or the rail carrier may apply
18 to the Board for nonbinding mediation. The Board shall
19 conduct the nonbinding mediation in accordance with the
20 mediation process of section 1109.4 of title 49, Code of
21 Federal Regulations, as in effect on the date of enactment
22 of the TRAIN Act.”.

1 **SEC. 9402. SURFACE TRANSPORTATION BOARD MEDIATION**
2 **OF RIGHTS-OF-WAY USE REQUESTS.**

3 Section 28503 of title 49, United States Code, is
4 amended to read as follows:

5 **“§ 28503. Surface Transportation Board mediation of**
6 **rights-of-way use requests**

7 “A rail carrier shall provide good faith consideration
8 to a reasonable request from a provider of commuter rail
9 passenger transportation for access to rail right-of-way for
10 the construction and operation of a segregated fixed guide-
11 way facility. If, after a reasonable period of negotiation,
12 a public transportation authority cannot reach agreement
13 with a rail carrier to acquire an interest in a railroad
14 right-of-way for the construction and operation of a seg-
15 regated fixed guideway facility to provide commuter rail
16 passenger transportation, the public transportation au-
17 thority or the rail carrier may apply to the Board for non-
18 binding mediation. The Board shall conduct the non-
19 binding mediation in accordance with the mediation proc-
20 ess of section 1109.4 of title 49, Code of Federal Regula-
21 tions, as in effect on the date of enactment of the TRAIN
22 Act.”.

1 **TITLE V—RAIL SAFETY**
2 **Subtitle A—Passenger and Freight**
3 **Safety**

4 **SEC. 9501. NATIONAL ACADEMIES STUDY ON SAFETY IM-**
5 **PACT OF TRAINS LONGER THAN 7,500 FEET.**

6 (a) STUDY.—The Secretary of Transportation shall
7 seek to enter into an agreement with the National Acad-
8 emies to conduct a study and issue to the Committee on
9 Transportation and Infrastructure of the House of Rep-
10 resentatives and the Committee on Commerce, Science,
11 and Transportation of the Senate a report on the safety
12 impacts of freight trains longer than 7,500 feet.

13 (b) CONTENTS.—The study conducted pursuant to
14 subsection (a) shall include—

15 (1) an examination of any potential risks of the
16 operation of such trains and recommendations on
17 mitigation of such risks;

18 (2) among other safety factors with respect to
19 such trains, an evaluation of—

20 (A) any increased risk of loss of commu-
21 nications between the end of train device and
22 the locomotive cab, including communications
23 over differing terrains and conditions;

24 (B) any increased risk of loss of commu-
25 nications between crewmembers, including com-

1 communications over differing terrains and condi-
2 tions;

3 (C) any increased risk of derailments, in-
4 cluding risks associated with in-train compres-
5 sive forces and slack action or other safety risks
6 in the operations of such trains in differing ter-
7 rains and conditions;

8 (D) safety risks associated with the deploy-
9 ment of multiple distributed power units in the
10 consists of such trains; and

11 (E) impacts of the length of trains on
12 braking and locomotive performance and track
13 wear and tear; and

14 (3) an evaluation of whether additional engineer
15 and conductor training is required for safely oper-
16 ating such trains.

17 (c) REPORT.—Not later than 18 months after the
18 date of enactment of this Act, the Secretary shall submit
19 to the Committee on Transportation and Infrastructure
20 of the House of Representatives and the Committee on
21 Commerce, Science, and Transportation of the Senate a
22 report on the results of the study.

23 (d) FUNDING.—From the amounts made available
24 for fiscal year 2021 to carry out section 20117(a) of title
25 49, United States Code, the Secretary shall expend not

1 less than \$1,000,000 and not more than \$2,000,000 to
2 carry out the study required under subsection (a).

3 **SEC. 9502. GAO STUDY ON CHANGES IN FREIGHT RAILROAD**
4 **OPERATING AND SCHEDULING PRACTICES.**

5 (a) STUDY.—The Comptroller General of the United
6 States shall study the impact on freight rail shippers, Am-
7 trak, commuter railroads, railroad employees, and other
8 affected parties of changes in freight railroad operating
9 and scheduling practices as a result of the implementation
10 of the precision scheduled railroading model.

11 (b) CONTENTS.—At minimum, the study shall exam-
12 ine—

13 (1) the impacts of the operation of longer
14 trains;

15 (2) safety impacts of reduction in workforce, in-
16 cluding occupational injury rates, impacts to inspec-
17 tion frequencies and repair quality, and changes in
18 workforce demands;

19 (3) the elimination or downsizing of yards, re-
20 pair facilities, and other operational facilities;

21 (4) increases in demurrage or accessorial
22 charges or other costs to shippers;

23 (5) capital expenditures for rail infrastructure;
24 and

1 (6) the effect of changes to dispatching prac-
2 tices and locations of dispatching centers on—

3 (A) the on-time performance of passenger
4 trains, and

5 (B) the quality and reliability of service to
6 freight shippers.

7 (c) REPORT.—Not later than 1 year after the date
8 of enactment of this Act, the Comptroller General shall
9 submit to the Committee on Transportation and Infra-
10 structure of the House of Representatives and the Com-
11 mittee on Commerce, Science, and Transportation of the
12 Senate a report summarizing the study and the results
13 of such study, including recommendations for addressing
14 any negative impacts of precision scheduled railroading on
15 freight shippers or passenger railroads.

16 **SEC. 9503. FRA SAFETY REPORTING.**

17 (a) IN GENERAL.—Section 20901 of title 49, United
18 States Code, is amended by inserting “(including the train
19 length, the number of crew members on board the train,
20 and the duties of such crew members)” after “reported
21 accident or incident”.

22 (b) REGULATIONS.—Not later than 180 days after
23 the date of enactment of this Act, the Secretary of Trans-
24 portation shall issue such regulations as are necessary to
25 carry out the amendment made by subsection (a).

1 **SEC. 9504. WAIVER NOTICE REQUIREMENTS.**

2 Section 20103(d) of title 49, United States Code, is
3 amended to read as follows:

4 “(d) NONEMERGENCY WAIVERS.—

5 “(1) IN GENERAL.—The Secretary may waive
6 compliance with any part of a regulation prescribed
7 or order issued under this chapter if the waiver is
8 in the public interest and consistent with railroad
9 safety.

10 “(2) NOTICE REQUIRED.—The Secretary
11 shall—

12 “(A) provide timely public notice of any re-
13 quest for a waiver under this subsection;

14 “(B) make the application for such waiver
15 and any related underlying data available to in-
16 terested parties;

17 “(C) provide the public with notice and a
18 reasonable opportunity to comment on a pro-
19 posed waiver under this subsection before mak-
20 ing a final decision; and

21 “(D) make public the reasons for granting
22 a waiver under this subsection.

23 “(3) INFORMATION PROTECTION.—Nothing in
24 this subsection shall be construed to require the re-
25 lease of information protected by law from public
26 disclosure.”.

1 **SEC. 9505. NOTICE OF FRA COMPREHENSIVE SAFETY AS-**
2 **SESSMENTS.**

3 (a) INITIAL NOTICE.—Not later than 10 business
4 days after the Federal Railroad Administration initiates
5 a comprehensive safety assessment of an entity providing
6 regularly scheduled intercity or commuter rail passenger
7 transportation, the Federal Railroad Administration shall
8 notify in electronic format the Committee on Transpor-
9 tation and Infrastructure of the House of Representatives
10 and the Committee on Commerce, Science, and Transpor-
11 tation of the Senate, and each member of Congress rep-
12 resenting a State in which the service that is the subject
13 of the assessment being conducted is located, of the initi-
14 ation of such assessment.

15 (b) FINDINGS.—Not later than 90 days after comple-
16 tion of a comprehensive safety assessment described in
17 subsection (a), the Federal Railroad Administration shall
18 transmit in electronic format to the Committee on Trans-
19 portation and Infrastructure of the House of Representa-
20 tives and the Committee on Commerce, Science, and
21 Transportation of the Senate, and to each member of Con-
22 gress representing a State in which the service that is the
23 subject of the assessment being conducted is located, the
24 findings of such assessment, including identified defects
25 and any recommendations.

1 (c) DEFINITION OF COMPREHENSIVE SAFETY AS-
2 SESSMENT.—In this section, the term “comprehensive
3 safety assessment” means a focused review of the safety-
4 related processes and procedures, compliance with safety
5 regulations and requirements, and overall safety culture
6 of an entity providing regularly scheduled intercity or com-
7 muter rail passenger transportation.

8 **SEC. 9506. FRA ACCIDENT AND INCIDENT INVESTIGATIONS.**

9 Section 20902 of title 49, United States Code, is
10 amended—

11 (1) in subsection (b) by striking “subpena” and
12 inserting “subpoena”; and

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

14 “(d) GATHERING INFORMATION AND TECHNICAL
15 EXPERTISE.—

16 “(1) IN GENERAL.—The Secretary shall create
17 a standard process for investigators to use during
18 accident and incident investigations conducted under
19 this section for determining when it is appropriate
20 to, and how to—

21 “(A) gather information about an accident
22 or incident under investigation from railroad
23 carriers, contractors or employees of railroad
24 carriers or representatives of employees of rail-

1 road carriers, and others, as determined rel-
2 evant by the Secretary; and

3 “(B) consult with railroad carriers, con-
4 tractors or employees of railroad carriers or
5 representatives of employees of railroad car-
6 riers, and others, as determined relevant by the
7 Secretary, for technical expertise on the facts of
8 the accident or incident under investigation.

9 “(2) CONFIDENTIALITY.—In developing the
10 process under paragraph (1), the Secretary shall fac-
11 tor in ways to maintain the confidentiality of any en-
12 tity identified under paragraph (1) if—

13 “(A) such entity requests confidentiality;

14 “(B) such entity was not involved in the
15 accident or incident; and

16 “(C) maintaining such entity’s confiden-
17 tiality does not adversely affect an investigation
18 of the Federal Railroad Administration.

19 “(3) APPLICATION OF LAW.—This subsection
20 shall not apply to any investigation carried out by
21 the National Transportation Safety Board.”.

22 **SEC. 9507. RAIL SAFETY IMPROVEMENTS.**

23 (a) FEDERAL RAILROAD ADMINISTRATION REQUIRE-
24 MENTS.—Not later than 18 months after the date of en-

1 actment of this Act, the Secretary of Transportation shall
2 carry out the following:

3 (1) Complete a study on how signage can be
4 used to improve safety in the rail industry that in-
5 cludes—

6 (A) a review of how signs used for other
7 modes of transportation may be effectively used
8 in the rail industry;

9 (B) a review of how signs used in the rail-
10 road industry differ; and

11 (C) an analysis of whether a uniform sys-
12 tem for speed signs across the United States
13 rail system would benefit the railroad industry
14 and improve safety.

15 (2) Reevaluate seat securement mechanisms
16 and the susceptibility of such mechanisms to inad-
17 vertent rotation, and identify a means to prevent the
18 failure of such mechanisms to maintain seat secure-
19 ment.

20 (3) Conduct research to evaluate the causes of
21 passenger injuries in passenger railcar derailments
22 and overturns and evaluate potential methods for
23 mitigating such injuries.

24 (4) Based on the research conducted under
25 paragraph (3), develop occupant protection stand-

1 ards for passenger railcars that will mitigate pas-
2 senger injuries likely to occur during derailments
3 and overturns.

4 (5) Develop policies for the safe use of child
5 seats to prevent uncontrolled or unexpected move-
6 ments in intercity passenger trains from disrupting
7 the secure position of such seats.

8 (b) REQUIREMENTS FOR AMTRAK.—Not later than
9 18 months after the date of enactment of this Act, Amtrak
10 shall—

11 (1) ensure operating crewmembers demonstrate
12 proficiency, under daylight and nighttime conditions,
13 on the physical characteristics of a territory by using
14 all resources available, including in-cab instruments,
15 observation rides, throttle time, signage, signals, and
16 landmarks;

17 (2) ensure the proficiency required under para-
18 graph (1) is demonstrated on written examinations;

19 (3) revise classroom and road training pro-
20 grams to ensure that operating crews fully under-
21 stand all locomotive operating characteristics,
22 alarms, and the appropriate response to abnormal
23 conditions;

24 (4) require that all engineers undergo simulator
25 training before operating new or unfamiliar equip-

1 ment (at a minimum, experience and respond prop-
2 erly to all alarms), and when possible, undergo simu-
3 lator training to experience normal and abnormal
4 conditions on new territory before operating in rev-
5 enue service on such new territory;

6 (5) ensure that simulator training specified in
7 paragraph (4) supplements the hours engineers
8 spend training on new equipment before becoming
9 certified on such equipment and performing runs on
10 new territory before becoming qualified on such ter-
11 ritory;

12 (6) implement a formal, systematic approach to
13 developing training and qualification programs to
14 identify the most effective strategies for preparing
15 crewmembers to safely operate new equipment on
16 new territories;

17 (7) work with host railroads and States that
18 own infrastructure over which Amtrak operates to
19 complete a comprehensive assessment of the terri-
20 tories to ensure that necessary wayside signs and
21 plaques are identified, highly noticeable, and strate-
22 gically located to provide operating crews the infor-
23 mation needed to safely operate trains;

24 (8) update the safety review process to ensure
25 that all operating documents are up to date and ac-

1 curate before initiating new or revised revenue oper-
2 ations;

3 (9) incorporate all prerevenue service planning,
4 construction, and route verification work into the
5 scope of a corporate-wide system safety plan, includ-
6 ing through rules and policies, risk assessment anal-
7 yses, safety assurances, and safety promotions; and
8 (10) conduct risk assessments on all new or up-
9 graded services that occur on Amtrak-owned terri-
10 tory, host railroads, or in States that own infra-
11 structure over which Amtrak operates.

12 (c) REPORT.—Not later than 18 months after the
13 date of enactment of this Act, the Secretary and Amtrak
14 shall submit to the Committee on Transportation and In-
15 frastructure of the House of Representatives and the Com-
16 mittee on Commerce, Science, and Transportation of the
17 Senate a report on their progress on meeting the require-
18 ments under subsections (a) and (b), respectively, includ-
19 ing a description of all completed elements of the require-
20 ments.

21 **SEC. 9508. ANNUAL REVIEW OF SPEED LIMIT ACTION**
22 **PLANS.**

23 Section 11406 of the FAST Act (Public Law 114–
24 94) is amended—

1 (1) in subsection (c) by inserting “or subsection
2 (d)(2)” after “subsection (b)”;

3 (2) by redesignating subsections (d) through (f)
4 as subsections (e) through (g), respectively;

5 (3) by inserting after subsection (c) the fol-
6 lowing:

7 “(d) PERIODIC REVIEWS AND UPDATES.—Each rail-
8 road carrier that files an action plan under subsection (b)
9 shall—

10 “(1) not later than 1 year after the date of en-
11 actment of the TRAIN Act, and annually thereafter,
12 review such plan to ensure the effectiveness of ac-
13 tions taken to enable warning and enforcement of
14 the maximum authorized speed for passenger trains
15 at each location identified under subsection (b)(1);
16 and

17 “(2) not later than 90 days prior to imple-
18 menting any operational or territorial operating
19 change, including initiating a new service or route,
20 submit to the Secretary a revised action plan that
21 addresses such operational or territorial operating
22 change.”; and

23 (4) by adding at the end the following:

24 “(h) PROHIBITION.—No new intercity rail passenger
25 transportation or commuter rail passenger service may

1 begin operation unless the railroad carrier providing such
2 service is in compliance with this section.”.

3 **SEC. 9509. FREIGHT TRAIN CREW SIZE SAFETY STANDARDS.**

4 (a) IN GENERAL.—Subchapter II of chapter 201 of
5 title 49, United States Code, is amended by adding at the
6 end the following:

7 **“§ 20169. Freight train crew size safety standards**

8 “(a) MINIMUM CREW SIZE.—No freight train may be
9 operated unless such train has a crew of at least 1 appro-
10 priately qualified and certified conductor and 1 appro-
11 priately qualified and certified engineer.

12 “(b) EXCEPTIONS.—Except as provided in subsection
13 (d), the prohibition in subsection (a) shall not apply in
14 the following circumstances:

15 “(1) Train operations within a rail yard or ter-
16 minal area or on auxiliary or industry tracks.

17 “(2) A train operated—

18 “(A) by a railroad carrier that has fewer
19 than 400,000 total employee work hours annu-
20 ally and less than \$20,000,000 annual revenue;

21 “(B) at a speed of not more than 25 miles
22 per hour; and

23 “(C) on a track with an average track
24 grade of less than 2 percent for any segment of
25 track that is at least 2 continuous miles.

1 “(3) Locomotives performing assistance to a
2 train that has incurred mechanical failure or lacks
3 the power to traverse difficult terrain, including
4 traveling to or from the location where assistance is
5 provided.

6 “(4) Locomotives that—

7 “(A) are not attached to any equipment or
8 attached only to a caboose; and

9 “(B) do not travel farther than 30 miles
10 from a rail yard.

11 “(5) Train operations staffed with fewer than a
12 2-person crew at least 1 year prior to the date of en-
13 actment of this section, if the Secretary determines
14 that the operation achieves an equivalent level of
15 safety.

16 “(c) TRAINS INELIGIBLE FOR EXCEPTION.—The ex-
17 ceptions under subsection (b) may not be applied to—

18 “(1) a train transporting 1 or more loaded cars
19 carrying material toxic by inhalation, as defined in
20 section 171.8 of title 49, Code of Federal Regula-
21 tions;

22 “(2) a train carrying 20 or more loaded tank
23 cars of a Class 2 material or a Class 3 flammable
24 liquid in a continuous block or a single train car-
25 rying 35 or more loaded tank cars of a Class 2 ma-

1 terial or a Class 3 flammable liquid throughout the
2 train consist; and

3 “(3) a train with a total length of 7,500 feet or
4 greater.

5 “(d) WAIVER.—A railroad carrier may seek a waiver
6 of the requirements of this section pursuant to section
7 20103(d).”.

8 (b) CLERICAL AMENDMENT.—The analysis for sub-
9 chapter II of chapter 201 of title 49, United States Code,
10 is amended by adding at the end the following:

“20169. Freight train crew size safety standards.”.

11 **SEC. 9510. SAFE CROSS BORDER OPERATIONS.**

12 (a) IN GENERAL.—Section 416 title IV of division
13 A of the Rail Safety Improvement Act of 2008 (49 U.S.C.
14 20107 note) is amended—

15 (1) by striking “Mechanical and brake” and in-
16 serting “(a) IN GENERAL.—Mechanical and brake”;
17 and

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

19 “(b) WAIVER.—The Secretary may not grant any
20 waiver or waiver modification that provides for the ability
21 to perform mechanical or brake inspections of rail cars
22 in Mexico in lieu of complying with the certification re-
23 quirements of this section.”.

24 (b) SAFETY STANDARDS FOR CERTAIN RAIL
25 CREWS.—

1 (1) IN GENERAL.—Title IV of division A of the
2 Rail Safety Improvement Act of 2008 (Public Law
3 110–432) is amended by adding at the end the fol-
4 lowing:

5 **“SEC. 421. SAFETY STANDARDS FOR CERTAIN RAIL CREWS.**

6 “(a) IN GENERAL.—The Secretary of Transportation
7 may not permit covered rail employees to enter the United
8 States to perform train or dispatching service unless the
9 Secretary certifies that—

10 “(1) Mexico has adopted and is enforcing safety
11 standards for covered rail employees that are equiva-
12 lent to, or greater than, those applicable to railroad
13 employees whose primary reporting point is in the
14 United States, including qualification and certifi-
15 cation requirements under parts 240 and 242 of title
16 49, Code of Federal Regulations;

17 “(2) covered rail employees are subject to the
18 alcohol and drug testing requirements in part 219 of
19 title 49, Code of Federal Regulations, including the
20 requirements of subparts F, G, and H of such part,
21 to the same extent as such requirements apply to
22 railroad employees whose primary reporting point is
23 in the United States and who are subject to such
24 part;

1 “(3) covered rail employees are subject to hours
2 of service requirements under section 21103 of title
3 49, United States Code, at all times any such em-
4 ployee is on duty, regardless of location;

5 “(4) covered rail employees are subject to the
6 motor vehicle driving record evaluation requirements
7 in section 240.115 of title 49, Code of Federal Reg-
8 ulations, to the same extent as such requirements
9 apply to railroad employees whose primary reporting
10 point is in the United States and are subject to such
11 section, and that such evaluation includes driving
12 records from the same country as the employee’s
13 primary reporting point; and

14 “(5) the Federal Railroad Administration is
15 permitted to perform onsite inspections of rail facili-
16 ties in Mexico to ensure compliance with paragraphs
17 (1) and (2).

18 “(b) NOTICE REQUIRED.—

19 “(1) IN GENERAL.—Not later than 5 days after
20 the date on which the Secretary certifies each of the
21 requirements under paragraphs (1) through (5) of
22 subsection (a), the Secretary shall publish in the
23 Federal Register—

24 “(A) notice of each such certification; and

1 “(B) documentation supporting each such
2 certification.

3 “(2) PUBLIC COMMENT.—To ensure compliance
4 with the requirements of this section and any other
5 applicable safety requirements, the Secretary shall—

6 “(A) allow for public comment on the no-
7 tice required under paragraph (1); and

8 “(B) hold a public hearing on such notice.

9 “(3) CONGRESSIONAL NOTICE.—On the date on
10 which each publication required under paragraph (1)
11 is published in the Federal Register, the Secretary
12 shall notify the Committee on Transportation and
13 Infrastructure of the House of Representatives and
14 the Committee on Commerce, Science, and Trans-
15 portation of the Senate of such publication.

16 “(c) DRUG AND ALCOHOL TESTING.—

17 “(1) NONAPPLICATION OF EXEMPTION.—For
18 purposes of compliance with subsection (a)(2), the
19 exemption contained in part 219.3(d)(2) of title 49,
20 Code of Federal Regulations, shall not apply.

21 “(2) AUDIT BY OFFICE OF DRUG AND ALCOHOL
22 COMPLIANCE.—To ensure compliance with the drug
23 and alcohol testing programs described in subsection
24 (a)(2), the Office of Drug and Alcohol Compliance
25 in the Department of Transportation shall conduct

1 an annual audit of such programs and recommend
2 enforcement actions as needed.

3 “(d) DEFINITION OF COVERED RAIL EMPLOYEE.—
4 In this section, the term ‘covered rail employee’ means a
5 railroad employee whose primary reporting point is in
6 Mexico.”.

7 (2) CLERICAL AMENDMENT.—The table of con-
8 tents in section 1(b) of the Rail Safety Improvement
9 Act of 2008 (Public Law 110–432), is amended by
10 inserting after the item relating to section 420 the
11 following:

“Sec. 421. Safety standards for certain rail crews.”.

12 **SEC. 9511. YARDMASTERS HOURS OF SERVICE.**

13 (a) LIMITATIONS ON DUTY HOURS OF YARDMASTER
14 EMPLOYEES.—Section 21103 of title 49, United States
15 Code, is amended—

16 (1) in the section heading by inserting “**AND**
17 **YARDMASTER EMPLOYEES**” after “**TRAIN EM-**
18 **PLOYEES**”;

19 (2) by inserting “or yardmaster employee” after
20 “train employee” each place it appears; and

21 (3) in subsection (e) by inserting “or
22 yardmaster employee’s” after “During a train em-
23 ployee’s”.

24 (b) DEFINITIONS.—Section 21101 of title 49, United
25 States Code, is amended—

1 (1) in paragraph (3) by inserting “a yardmaster
2 employee,” after “dispatching service employee,”;
3 and

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

5 “(6) ‘yardmaster employee’ means an indi-
6 vidual responsible for supervising and coordi-
7 nating the control of trains and engines oper-
8 ating within a rail yard.”.

9 (c) CONFORMING AMENDMENT.—The analysis for
10 chapter 211 of title 49, United States Code, is amended
11 by striking the item relating to section 21103 and insert-
12 ing the following:

 “21103. Limitations on duty hours of train employees and yardmaster employ-
 ees.”.

13 **SEC. 9512. LEAKING BRAKES.**

14 The Administrator of the Federal Railroad Adminis-
15 tration shall take such actions as are necessary to ensure
16 that no DB–60 air brake control valve manufactured be-
17 fore January 1, 2006, is equipped on a rail car operating
18 on—

19 (1) a unit train north of the 37th parallel on
20 or after August 1, 2022; or

21 (2) a non-unit train north of the 37th parallel
22 on or after August 1, 2024.

1 **SEC. 9513. ANNUAL REPORT ON PTC SYSTEM FAILURES.**

2 Section 20157 of title 49, United States Code, is
3 amended by adding at the end the following:

4 “(m) ANNUAL REPORT OF SYSTEM FAILURES.—Not
5 later than April 16 of each calendar year following the
6 date of an implementation deadline under subsection
7 (a)(1), each railroad shall submit to the Secretary a report
8 containing the number of positive train control system fail-
9 ures, separated by each major hardware category, that oc-
10 curred during the previous calendar year.”.

11 **SEC. 9514. FATIGUE REDUCTION PILOT PROJECTS.**

12 (a) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that—

14 (1) maintaining the highest level of safety
15 across the nation’s railroad network is of critical im-
16 portance;

17 (2) ensuring the safety of rail transportation re-
18 quires the full attention of all workers engaged in
19 safety-critical functions;

20 (3) fatigue degrades an individual’s ability to
21 stay awake, alert, and attentive to the demands of
22 safe job performance;

23 (4) the cognitive impairments to railroad work-
24 ers that result from fatigue can cause dangerous sit-
25 uations that put workers and communities at risk;

1 (5) the Rail Safety Improvement Act of 2008
2 mandated that the Federal Railroad Administration
3 conduct two pilot projects to analyze specific prac-
4 tices that may be used to reduce fatigue in employ-
5 ees and as of the date of enactment of this Act, nei-
6 ther pilot project has commenced; and

7 (6) the Federal Railroad Administration should
8 coordinate with the industry and the workforce to
9 commence and complete the fatigue pilot projects
10 mandated in 2008.

11 (b) PILOT PROJECTS.—Section 21109(e) of title 49,
12 United States Code, is amended—

13 (1) by striking “Not later than 2 years after
14 the date of enactment of the Rail Safety Improve-
15 ment Act of 2008” and inserting “Not later than 1
16 year after the date of enactment of the TRAIN
17 Act”; and

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

19 “(3) COORDINATION.—The pilot projects re-
20 quired under subparagraph (1) shall be developed
21 and evaluated in coordination with the labor organi-
22 zation representing the class or craft of employees
23 impacted by the pilot projects.”.

24 (c) REIMBURSEMENT.—The Secretary of Transpor-
25 tation may reimburse railroads participating in the pilot

1 projects under 21109(e) of title 49, United States Code,
2 a share of the costs associated with the pilot projects, as
3 determined by the Secretary.

4 (d) REPORT.—

5 (1) IN GENERAL.—If the pilot projects required
6 under section 21109(e) of title 49, United States
7 Code, have not commenced on the date that is 1
8 year after the date of enactment of this Act, the
9 Secretary shall, not later than 1 year and 30 days
10 after the date of enactment of this Act, transmit to
11 the Committee on Transportation and Infrastructure
12 of the House of Representatives and the Committee
13 on Commerce, Science, and Transportation of the
14 Senate a report describing—

15 (A) the status of the pilot projects;

16 (B) actions the Federal Railroad Adminis-
17 tration has taken to commence the pilot
18 projects, including efforts to recruit participant
19 railroads;

20 (C) any challenges impacting the com-
21 mencement of the pilot projects; and

22 (D) any other details associated with the
23 development of the pilot projects that affect the
24 progress toward meeting the mandate of such
25 section.

1 **SEC. 9515. ASSAULT PREVENTION AND RESPONSE PLANS.**

2 (a) AMENDMENT.—Subchapter II of chapter 201 of
3 title 49, United States Code, as amended by this division,
4 is further amended by adding at the end the following:

5 **“§ 20170. Assault prevention and response plans**

6 “(a) IN GENERAL.—Not later than 180 days after
7 the date of enactment of the TRAIN Act, any entity that
8 provides regularly scheduled intercity or commuter rail
9 passenger transportation shall submit to the Secretary of
10 Transportation for review and approval an assault preven-
11 tion and response plan (in this section referred to as the
12 ‘Plan’) to address transportation assaults.

13 “(b) CONTENTS OF PLAN.—The Plan required under
14 subsection (a) shall include—

15 “(1) procedures that—

16 “(A) facilitate the reporting of a transpor-
17 tation assault, including the notification of on-
18 site personnel, rail law enforcement, and local
19 law enforcement;

20 “(B) personnel should follow up on the re-
21 porting of a transportation assault, including
22 actions to protect affected individuals from con-
23 tinued assault;

24 “(C) may be taken to remove the pas-
25 senger or personnel who has committed a trans-
26 portation assault from the train or related area

1 or facility as soon as practicable when appro-
2 priate;

3 “(D) include protections and safe reporting
4 practices for passengers who may have been as-
5 saulted by personnel; and

6 “(E) may limit or prohibit, to the extent
7 practicable, future travel with the entity de-
8 scribed in subsection (a) by any passenger or
9 personnel who commits a transportation assault
10 against personnel or passengers;

11 “(2) a policy that ensures an employee who is
12 a victim or witness of a transportation assault may
13 participate in the prosecution of a criminal offense
14 of such assault without any adverse effect on the vic-
15 tim’s or witnesses’ employment status; and

16 “(3) a process and timeline for conducting an
17 annual review and update of the Plan.

18 “(c) NOTICE TO PASSENGERS.—An entity described
19 under subsection (a) shall display onboard trains and in
20 boarding areas, as appropriate, a notice stating the enti-
21 ty’s abilities to restrict future travel under subsection
22 (b)(1)(E).

23 “(d) PERSONNEL TRAINING.—An entity described
24 under subsection (a) shall provide initial and annual train-

1 ing for all personnel on the contents of the Plan, including
2 training regarding—

3 “(1) the procedures described in subsection (b);

4 “(2) methods for responding to hostile situa-
5 tions, including de-escalation training; and

6 “(3) rights and responsibilities of personnel
7 with respect to a transportation assault on them-
8 selves, other personnel, or passengers.

9 “(e) PERSONNEL PARTICIPATION.—The Plan re-
10 quired under subsection (a) shall be developed and imple-
11 mented with the direct participation of personnel, and, as
12 applicable, labor organizations representing personnel.

13 “(f) REPORTING.—

14 “(1) INCIDENT NOTIFICATION.—

15 “(A) IN GENERAL.—Not later than 10
16 days after a transportation assault incident, the
17 applicable entity described in subsection (a)
18 shall notify personnel employed at the location
19 in which the incident occurred. In the case of
20 an incident on a vehicle, such entity shall notify
21 personnel regularly scheduled to carry out em-
22 ployment activities on the service route on
23 which the incident occurred.

1 “(B) CONTENT OF INCIDENT REPORT.—

2 The notification required under paragraph (1)
3 shall—

4 “(i) include a summary of the inci-
5 dent; and

6 “(ii) be written in a manner that pro-
7 tects the confidentiality of individuals in-
8 volved in the incident.

9 “(2) ANNUAL REPORT.—For each calendar
10 year, each entity with respect to which a transpor-
11 tation assault incident has been reported during
12 such year shall submit to the Secretary report that
13 describes—

14 “(A) the number of assault incidents re-
15 ported to the entity, including—

16 “(i) the number of incidents com-
17 mitted against passengers; and

18 “(ii) the number of incidents com-
19 mitted against personnel; and

20 “(B) the number of assault incidents re-
21 ported to rail or local law enforcement by per-
22 sonnel of the entity.

23 “(3) PUBLICATION.—The Secretary shall make
24 available to the public on the primary website of the

1 Federal Railroad Administration the data collected
2 under paragraph (2).

3 “(4) DATA PROTECTION.—Data made available
4 under this subsection shall be made available in a
5 manner that protects the confidentiality of individ-
6 uals involved in transportation assault incidents.

7 “(g) DEFINITION OF TRANSPORTATION ASSAULT.—
8 In this section, the term ‘transportation assault’ means
9 the occurrence, or reasonably suspected occurrence, of an
10 act that—

11 “(1) constitutes assault;

12 “(2) is committed by a passenger or member of
13 personnel of an entity that provides regularly sched-
14 uled intercity or commuter rail passenger transpor-
15 tation against another passenger or member of per-
16 sonnel of such entity; and

17 “(3) takes place—

18 “(A) within a vehicle of such entity; or

19 “(B) in an area in which passengers are
20 entering or exiting a vehicle described in sub-
21 paragraph (A); or

22 “(C) a station or facility where such entity
23 operates, regardless of ownership of the station
24 or facility.”.

1 (b) CONFORMING AMENDMENT.—The analysis for
2 subchapter II of chapter 201 of title 49, United States
3 Code, as amended by this division, is further amended by
4 adding at the end the following:

“20170. Assault prevention and response plan.”.

5 **SEC. 9516. CRITICAL INCIDENT STRESS PLANS.**

6 The Secretary of Transportation shall issue such reg-
7 ulations as are necessary to amend part 272 of title 49,
8 Code of Federal Regulations, to ensure that—

9 (1) the coverage of a critical incident stress
10 plan under section 272.7 of such part includes em-
11 ployees of commuter railroads and intercity pas-
12 senger railroads, as such terms are defined in sec-
13 tion 272.9 of such part, who directly interact with
14 passengers; and

15 (2) assault and the witnessing of an assault
16 against an employee or train passenger is included
17 in the definition of critical incident under section
18 272.9 of such part.

19 **SEC. 9517. STUDY ON SAFETY CULTURE ASSESSMENTS.**

20 (a) IN GENERAL.—The Administrator of the Federal
21 Railroad Administration shall conduct a study on the fea-
22 sibility of expanding railroad safety culture assessments
23 and training to include assessments and training for work-
24 ers employed by tourist railroads, passenger railroads, and
25 commuter railroads.

1 (b) CONTENTS OF STUDY.—The study required
2 under subsection (a) shall include—

3 (1) an analysis on the need for the expansion;

4 (2) the resources required to carry out the addi-
5 tional assessments and training; and

6 (3) other potential safety challenges the initia-
7 tive could address.

8 (c) REPORT.—The Federal Railroad Administration
9 shall submit to the Committee on Transportation and In-
10 frastructure of the House of Representatives and the Com-
11 mittee on Commerce, Science, and Transportation of the
12 Senate a report on the results of the study conducted
13 under subsection (a).

14 **Subtitle B—Grade Crossing Safety**

15 **SEC. 9551. GRADE CROSSING SEPARATION GRANT.**

16 (a) IN GENERAL.—Subchapter II of chapter 201 of
17 title 49, United States Code, as amended by this division,
18 is further amended by adding at the end the following:

19 **“§ 20171. Grade crossing separation grants**

20 “(a) GENERAL AUTHORITY.—The Secretary of
21 Transportation shall make grants under this section to eli-
22 gible entities to assist in financing the cost of highway-
23 rail grade separation projects.

24 “(b) APPLICATION REQUIREMENTS.—To be eligible
25 for a grant under this section, an eligible entity shall sub-

1 mit to the Secretary an application in such form, in such
2 manner, and containing such information as the Secretary
3 may require, including—

4 “(1) an agreement between the entity that owns
5 or controls the right-of-way and the applicant ad-
6 dressing access to right-of-way throughout the
7 project; and

8 “(2) a cost-sharing agreement with the funding
9 amounts that the entity that owns or controls the
10 right-of-way shall contribute to the project, which
11 shall be not less than 10 percent of the total project
12 cost.

13 “(c) ELIGIBLE PROJECTS.—The following projects
14 are eligible to receive a grant under this section:

15 “(1) Installation, repair, or improvement of
16 grade crossing separations.

17 “(2) Grade crossing elimination incidental to el-
18 igible grade crossing separation projects.

19 “(3) Project planning, development, and envi-
20 ronmental work related to a project described in
21 paragraph (1) or (2).

22 “(d) PROJECT SELECTION CRITERIA.—

23 “(1) LARGE PROJECTS.—Of amounts made
24 available to carry out this section, not more than 50

1 percent shall be available for projects with total
2 costs of \$100,000,000 or greater.

3 “(2) CONSIDERATIONS.—In awarding grants
4 under this section, the Secretary—

5 “(A) shall give priority to projects that
6 maximize the safety benefits of Federal fund-
7 ing; and

8 “(B) may evaluate applications on the
9 safety profile of the existing crossing, 10-year
10 history of accidents at such crossing, inclusion
11 of the proposed project on a grade crossing
12 safety action plan, average automobile traffic,
13 freight train traffic, average daily number of
14 crossing closures, and proximity of community
15 resources, including schools, hospitals, fire sta-
16 tions, police stations, and emergency medical
17 service facilities.

18 “(e) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

19 “(1) TOTAL PROJECT COSTS.—The Secretary
20 shall estimate the total costs of a project under this
21 section based on the best available information, in-
22 cluding any available engineering studies, studies of
23 economic feasibility, environmental analysis, and in-
24 formation on the expected use of equipment or facili-
25 ties.

1 “(2) FEDERAL SHARE.—

2 “(A) PROJECTS OVER \$40,000,000.—For
3 projects exceeding \$40,000,000 in total project
4 costs, the Federal share under this section for
5 such project shall not exceed 65 percent.

6 “(B) PROJECTS UNDER \$40,000,000.—For
7 projects not exceeding \$40,000,000 in total
8 project costs, the Federal share under this sec-
9 tion for such project shall not exceed 85 per-
10 cent.

11 “(f) GRANT CONDITIONS.—An eligible entity may not
12 receive a grant for a project under this section unless such
13 project is in compliance with section 22905, except that
14 22905(b) shall only apply to a person that conducts rail
15 operations.

16 “(g) DEFINITIONS.—In this section:

17 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
18 tity’ means—

19 “(A) a State;

20 “(B) a public agency or publicly chartered
21 authority;

22 “(C) a metropolitan planning organization;

23 “(D) a political subdivision of a State; and

24 “(E) a Tribal government.

1 “(2) METROPOLITAN PLANNING ORGANIZA-
 2 TION.—The term ‘metropolitan planning organiza-
 3 tion’ has the meaning given such term in section
 4 134(b) of title 23.

5 “(3) STATE.—The term ‘State’ means a State
 6 of the United States or the District of Columbia.”.

7 (b) CLERICAL AMENDMENT.—The analysis for sub-
 8 chapter II of chapter 201 of title 49, United States Code,
 9 as amended by this division, is further amended by adding
 10 at the end the following:

“20171. Grade crossing separation grants.”.

11 **SEC. 9552. RAIL SAFETY PUBLIC AWARENESS GRANT.**

12 (a) IN GENERAL.—Subchapter II of chapter 201 of
 13 title 49, United States Code, as amended by this division,
 14 is further amended by adding at the end the following:

15 **“§ 20172. Rail safety public awareness grants**

16 “(a) GRANT.—The Administrator of the Federal
 17 Railroad Administration shall make grants to eligible enti-
 18 ties to carry out public information and education pro-
 19 grams to help prevent and reduce rail-related pedestrian,
 20 motor vehicle, and other accidents, incidents, injuries, and
 21 fatalities, and to improve awareness along railroad rights-
 22 of-way and at railway-highway grade crossings.

23 “(b) APPLICATION.—To be eligible to receive a grant
 24 under this section, an eligible entity shall submit to the
 25 Administrator an application in such form, in such man-

1 ner, and containing such information as the Secretary may
2 require.

3 “(c) CONTENTS.—Programs eligible for a grant
4 under this section—

5 “(1) shall include, as appropriate—

6 “(A) development, placement, and dissemi-
7 nation of public service announcements in ap-
8 propriate media;

9 “(B) school presentations, driver safety
10 education, materials, and public awareness cam-
11 paigns; and

12 “(C) disseminating information to the pub-
13 lic on how to identify and report to the appro-
14 priate authorities unsafe or malfunctioning
15 highway-rail grade crossings; and

16 “(2) may include targeted and sustained out-
17 reach in communities at greatest risk to develop
18 measures to reduce such risk.

19 “(d) COORDINATION.—Eligible entities shall coordi-
20 nate program activities with local communities, law en-
21 forcement and emergency responders, and rail carriers, as
22 appropriate, and ensure consistency with State highway-
23 rail grade crossing action plans required under section
24 11401(b) of the FAST Act (49 U.S.C. 22501 note) and
25 the report titled ‘National Strategy to Prevent Tres-

1 passing on Railroad Property’ issued by the Federal Rail-
2 road Administration in October 2018.

3 “(e) PRIORITIZATION.—In awarding grants under
4 this section, the Administrator shall give priority to appli-
5 cations for programs that—

6 “(1) are nationally recognized;

7 “(2) are targeted at schools in close proximity
8 to railroad rights-of-way;

9 “(3) partner with nearby railroad carriers; or

10 “(4) focus on communities with a recorded his-
11 tory of repeated grade crossing accidents.

12 “(f) DEFINITIONS.—In this section:

13 “(1) ELIGIBLE ENTITY.—the term ‘eligible enti-
14 ty’ means—

15 “(A) a nonprofit organization;

16 “(B) a State;

17 “(C) a political subdivision of a State; and

18 “(D) a law enforcement agency or emer-
19 gency response organization.

20 “(2) STATE.—The term ‘State’ means a State
21 of the United States or the District of Columbia.”.

22 (b) CLERICAL AMENDMENT.—The analysis for sub-
23 chapter II of chapter 201 of title 49, United States Code,
24 as amended by this division, is further amended by adding
25 at the end the following:

“20172. Rail safety public awareness grants.”.

1 **SEC. 9553. ESTABLISHMENT OF 10-MINUTE TIME LIMIT FOR**
2 **BLOCKING PUBLIC GRADE CROSSINGS.**

3 (a) IN GENERAL.—Subchapter II of chapter 201 of
4 title 49, United States Code, as amended by this division,
5 is further amended by adding at the end the following:

6 **“§ 20173. Time limit for blocking a rail crossing**

7 “(a) TIME LIMIT.—A train, locomotive, railroad car,
8 or other rail equipment is prohibited from blocking a
9 crossing for more than 10 minutes, unless the train, loco-
10 motive, or other equipment is directly delayed by—

11 “(1) a casualty or serious injury;

12 “(2) an accident;

13 “(3) a track obstruction;

14 “(4) an act of God; or

15 “(5) a derailment or a major equipment failure
16 that prevents the train from advancing.

17 “(b) CIVIL PENALTY.—The Secretary of Transpor-
18 tation may issue civil penalties for violations of subsection
19 (a) in accordance with section 21301.

20 “(c) DELEGATION.—The Secretary may delegate en-
21 forcement actions under subsection (b) to States either
22 through a State inspector certified by the Federal Rail-
23 road Administration, or other law enforcement officials as
24 designated by the States and approved by the Administra-
25 tion. The Secretary shall issue guidance or regulations not
26 later than 1 year after the date of enactment on the cri-

1 teria and process for States to gain approval under this
2 section.

3 “(d) APPLICATION TO AMTRAK AND COMMUTER
4 RAILROADS.—This section shall not apply to Amtrak or
5 commuter authorities, including Amtrak and commuter
6 authorities’ operations run or dispatched by a Class I rail-
7 road.

8 “(e) DEFINITIONS.—In this section:

9 “(1) CROSSING.—The term ‘crossing’ means a
10 location within a State in which a public highway,
11 road, or street, including associated sidewalks and
12 pathways, crosses 1 or more railroad tracks either at
13 grade or grade-separated.

14 “(2) BLOCKED CROSSING.—The term ‘blocked
15 crossing’ means a circumstance in which a train, lo-
16 comotive, railroad car, or other rail equipment is
17 stopped or is standing in a manner that obstructs
18 public travel at a crossing.”.

19 (b) CLERICAL AMENDMENT.—The analysis for sub-
20 chapter II of chapter 201 of title 49, United States Code,
21 is further amended by adding at the end the following new
22 item:

“20173. Time limit for blocking a rail crossing.”.

1 **SEC. 9554. NATIONAL STRATEGY TO ADDRESS BLOCKED**
2 **CROSSINGS.**

3 (a) **IN GENERAL.**—Not later than 18 months after
4 the date of enactment of this Act, the Secretary of Trans-
5 portation shall submit to the Committee on Transpor-
6 tation and Infrastructure of the House of Representatives
7 and the Committee on Commerce, Science, and Transpor-
8 tation of the Senate, and make publicly available on the
9 website of the Department of Transportation, a report
10 containing a national strategy to address blocked cross-
11 ings.

12 (b) **PUBLIC LAW 116–94.**—The strategy required
13 under subsection (a) shall incorporate the recommenda-
14 tions and briefing described in the report accompanying
15 the Department of Transportation Appropriations Act,
16 2020 (Public Law 116–94) with respect to the amounts
17 provided under the heading “Federal Railroad Adminis-
18 tration—Safety and Operations”.

19 (c) **REPORT CONTENTS.**—The strategy required
20 under subsection (a) shall include an analysis of the fol-
21 lowing topics, including any specific legislative or regu-
22 latory recommendations:

23 (1) How best to engage the public, representa-
24 tives of labor organizations representing railroad em-
25 ployees, law enforcement officers, highway traffic of-
26 ficials, or other employees of a public agency acting

1 in an official capacity to identify and address
2 blocked crossings.

3 (2) How technology and positive train control
4 system data can be used to identify and address in-
5 stances of blocked crossings.

6 (3) How to identify and address instances of
7 blocked crossings at crossings with passive or no
8 warning devices.

9 (4) How best to use the data collected under a
10 webpage established by the Secretary for the public
11 and law enforcement to report instances of blocked
12 crossings, including whether such data should be
13 verified by each rail carrier or incorporated into the
14 national crossing inventory established under section
15 20160 of title 49, United States Code.

16 (d) UPDATING STRATEGY.—The Secretary shall
17 evaluate the strategy developed under this section not less
18 than every 5 years, and update it as needed.

19 (e) DEFINITIONS.—In this section:

20 (1) BLOCKED CROSSING.—The term “blocked
21 crossing” means a circumstance in which a train, lo-
22 comotive, railroad car, or other rail equipment is
23 stopped or is standing in a manner that obstructs
24 public travel at a crossing.

1 (2) POSITIVE TRAIN CONTROL SYSTEM.—The
2 term “positive train control system” has the mean-
3 ing given the term in section 20157(i) of title 49,
4 United States Code.

5 **SEC. 9555. RAILROAD POINT OF CONTACT FOR BLOCKED**
6 **CROSSING MATTERS.**

7 Section 20152 of title 49, United States Code, is
8 amended—

9 (1) in subsection (a)—

10 (A) in paragraph (1)—

11 (i) in subparagraph (C) by striking
12 “or” at the end;

13 (ii) by redesignating subparagraph
14 (D) as subparagraph (E); and

15 (iii) by inserting the following after
16 subparagraph (C):

17 “(D) blocked crossings; or”;

18 (B) in paragraph (4)—

19 (i) by striking “paragraph (1)(C) or
20 (D)” and inserting “subparagraph (C),
21 (D), or (E) of paragraph (1)”; and

22 (ii) by striking “and” at the end;

23 (C) in paragraph (5) by striking the period
24 at the end and inserting “; and” ; and

25 (D) by adding at the end the following:

1 “(6) promptly inform the Secretary if the num-
2 ber required to be established under subsection (a)
3 has changed and report the new number to the Sec-
4 retary.”; and

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

6 “(c) PUBLICATION OF TELEPHONE NUMBERS.—The
7 Secretary shall make any telephone number established
8 under subsection (a) publicly available on the website of
9 the Department of Transportation.”.

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