

**AMENDMENT**

**OFFERED BY MR. JOHNSON OF GEORGIA**

At the end of subtitle A of title III, insert the following:

1 **SEC. 3\_\_\_. HIGH QUALITY TRANSIT OPERATING SUPPORT**  
2 **PROGRAM.**

3 (a) IN GENERAL.—Chapter 53 of title 49, United  
4 States Code, is amended by adding at the end the following (and in coordination with subtitle (C) of this title,  
5 by transferring to appear as the last section in subchapter  
6 I of chapter 53):

7 **“§ 5\_\_\_. High quality transit operating support pro-**  
8 **gram**

9  
10 “(a) IN GENERAL.—The Secretary of Transportation  
11 shall establish a program under which the Secretary may  
12 make grants to eligible recipients to enhance mobility and  
13 improve environmental sustainability through investing in  
14 public transportation service improvements.

15 “(b) ALLOCATION OF FUNDING.—For each fiscal  
16 year, the Secretary shall allocate funding as follows:

17 “(1) Each urbanized area, State, and Indian  
18 Tribe that is an eligible recipient shall receive an ap-

1       portionment based on data contained in the National  
2       Transit Database such that—

3               “(A) each urbanized area shall receive an  
4               amount equal to 50 percent of the urbanized  
5               area’s average annual operating costs over the  
6               3-year period preceding such fiscal year;

7               “(B) each State shall receive an amount  
8               equal to 50 percent of the subrecipients in such  
9               State under section 5311 average operating  
10              costs over the 3-year period preceding such fis-  
11              cal year; and

12              “(C) each Indian Tribe shall receive an  
13              amount equal to 50 percent of the Indian  
14              Tribe’s average operating costs over the 3-year  
15              period preceding such fiscal year.

16              “(2) For funds remaining after the apportion-  
17              ment described in paragraph (1), such funds shall be  
18              apportioned such that each urbanized area, State,  
19              and Indian Tribe that is an eligible recipient shall  
20              receive an apportionment equal to the proportion of  
21              all operating costs reported to the National Transit  
22              Database over the 3-year period preceding the fiscal  
23              year in which such funds are apportioned.

24              “(3) In any given year, no urbanized area,  
25              State, or Indian Tribe may receive an apportionment

1 under this subsection that is greater than 80 percent  
2 of the average operating costs over the 3-year period  
3 preceding the fiscal year in which such funds are ap-  
4 portioned.

5 “(c) ELIGIBLE PROJECTS.—

6 “(1) IN GENERAL.—Eligible recipients may use  
7 funding provided under this section for operating  
8 costs associated with projects eligible under this  
9 chapter and title 23 that improve public transpor-  
10 tation service for transit dependent populations and  
11 support increased transit ridership, including—

12 “(A) projects that decrease headways;

13 “(B) projects for new or expanded service  
14 area, hours, or days;

15 “(C) projects to improve transit reliability  
16 or travel time savings, including transit  
17 prioritization;

18 “(D) IT enhancements to improve cus-  
19 tomer information and customer and employee  
20 safety such as implementation of real-time tran-  
21 sit data;

22 “(E) projects to support seamless complete  
23 trips, including—

24 “(i) projects to improve transit net-  
25 work connectivity;

1 “(ii) signage and wayfinding;

2 “(iii) fare coordination; and

3 “(iv) multimodal payment integration;

4 “(F) service planning related to funding  
5 provided under this section, including planning  
6 to address changing demographics, changing  
7 travel movement, network redesign (including  
8 the implementation of a plan that results in a  
9 net increase in service hours across a region,  
10 subregion, or study area), and accommodating  
11 essential service trips (including service trips  
12 for employment, healthcare facilities, child care,  
13 education and workforce training, food sources,  
14 banking and other financial institutions, and  
15 other retail shopping establishments);

16 “(G) measuring access to work and essen-  
17 tial services, particularly for non-drivers, for the  
18 purpose of developing projects to be funded  
19 under this section, including data acquisition  
20 and acquiring outside support for conducting  
21 analysis of such data;

22 “(H) measures to enhance customer sense  
23 of safety and security, including public safety  
24 measures and outreach to unhoused persons in  
25 the transit system;

1           “(I) initiatives to improve the transit envi-  
2           ronment, such as additional or enhanced clean-  
3           ing; and

4           “(J) workforce development initiatives nec-  
5           essary to improve or maintain service.

6           “(2) NO EFFECT ON OTHER LAWS.—The use of  
7           funds from this section for operating costs of  
8           projects described in paragraph (1) may not affect  
9           the eligibility of such projects to receive funding  
10          from other sections of this chapter or title 23.

11          “(d) REQUIREMENT.—A preponderance of a grant  
12          received by a recipient under this section in a fiscal year  
13          shall be used for projects that benefit underserved commu-  
14          nities or areas of persistent poverty.

15          “(e) FEDERAL SHARE.—

16                 “(1) IN GENERAL.—The Federal share of a  
17                 project or program carried out using a grant award-  
18                 ed under this section shall be not greater than 50  
19                 percent.

20                 “(2) FEDERAL SHARE FOR OPERATING EX-  
21                 PENSES.—In the case that a project includes both  
22                 operating components funded from this section and  
23                 non-operating components, the Federal share for op-  
24                 erating components shall be 50 percent and for non-  
25                 operating components shall be consistent with the

1 requirements of the funding source for those compo-  
2 nents.

3 “(3) INCREASED FEDERAL SHARE FOR CERTAIN  
4 AREAS.—Notwithstanding paragraph (2), the Fed-  
5 eral share of an operating assistance component of  
6 a project or program carried out in an area of per-  
7 sistent poverty or an underserved community using  
8 a grant awarded under this section shall be not  
9 greater than 80 percent.

10 “(4) FEDERAL SHARE FOR INDIAN TRIBES.—  
11 Notwithstanding paragraphs (1) through (3), for In-  
12 dian Tribes receiving funding allocated under sub-  
13 section (b)(1)(C), the Federal share of a project or  
14 program carried out using a grant awarded under  
15 this section shall be 100 percent.

16 “(5) IN KIND MATCH.—Of the non-Federal  
17 share required under this subsection, 25 percent  
18 may be derived from amounts (other than amounts  
19 received from the Federal Transit Administration)  
20 expended for associated capital improvements related  
21 to a project or program carried out using a grant  
22 awarded under this section.

23 “(f) PERIOD OF AVAILABILITY.—An amount appor-  
24 tioned under this section may be obligated by the recipient  
25 for 2 years after the fiscal year in which the amount is

1 apportioned. Not later than 30 days after the end of the  
2 2-year period, an amount that is not obligated at the end  
3 of that period shall be added to the amount that may be  
4 apportioned under this section in the following fiscal year.

5 “(g) CONDITIONS FOR OPERATING ASSISTANCE.—As  
6 a condition of receiving a grant under this section, an eli-  
7 gible recipient shall—

8 “(1) in the case of a recipient in an urbanized  
9 area—

10 “(A) agree to report to the Federal Transit  
11 Administration, for inclusion in the National  
12 Transit Database—

13 “(i) service frequency and revenue ve-  
14 hicle hours, including revenue vehicle hours  
15 and unlinked passenger trips originating  
16 and terminating in areas of persistent pov-  
17 erty and underserved communities, to-  
18 gether with such other specific data as the  
19 Secretary shall find necessary and appro-  
20 priate; and

21 “(ii) the number of jobs and essential  
22 services accessible by transit, and improve-  
23 ment in such access, including specific re-  
24 porting on access by transit for areas of

1 persistent poverty and underserved com-  
2 munities; and

3 “(B) demonstrate that such recipient has  
4 surveyed, within the past year and at least  
5 every 2 years thereafter, current transit riders  
6 as well as non-riding residents of areas of per-  
7 sistent poverty and underserved communities  
8 regarding transit service improvements, using  
9 means designed to maximize participation from  
10 both riders and non-riders, and has published  
11 the survey in an online format;

12 “(2) in the case of a recipient that is an Indian  
13 Tribe—

14 “(A) agree to report to the Federal Transit  
15 Administration, for inclusion in the National  
16 Transit Database, revenue vehicle hours and  
17 unlinked passenger trips, together with such  
18 other specific data as the Secretary shall find  
19 necessary and appropriate; and

20 “(B) demonstrate that such recipient has  
21 surveyed, within the past year and at least  
22 every 2 years thereafter, current transit riders  
23 as well as non-riding residents of the Tribe’s  
24 service area regarding transit service improve-  
25 ments, using means designed to maximize par-

1           ticipation from both riders and non-riders, and  
2           has published the survey in an online format;  
3           and

4           “(3) in the case of a recipient that is a State  
5           or other possession receiving assistance under sec-  
6           tion 5311—

7                   “(A) agree to report to the Federal Transit  
8           Administration, for inclusion in the National  
9           Transit Database, revenue vehicle hours for  
10          each subrecipient receiving assistance under  
11          this section, including revenue vehicle hours and  
12          unlinked passenger trips originating and termi-  
13          nating in areas of persistent poverty and under-  
14          served communities, together with such other  
15          specific data as the Secretary shall find nec-  
16          essary and appropriate;

17                   “(B) provide an annually updated report to  
18          the Secretary identifying those underserved  
19          communities and areas of persistent poverty in  
20          the non-urbanized areas of the State or posses-  
21          sion that do not have any reported public tran-  
22          sit services, or in which either the availability or  
23          utilization of rural public transit is in the bot-  
24          tom quintile as compared to all rural public  
25          transit services in the United States, using such

1           measurements as shall be identified by the Sec-  
2           retary, together with annually updated progress  
3           toward achieving the State’s or possession’s  
4           strategy for establishing high-quality transit  
5           service in these unserved and underserved com-  
6           munities and areas of persistent poverty; and

7                   “(C) demonstrate that every subrecipient  
8           of the State or possession has surveyed, within  
9           the past year and at least every 2 years there-  
10          after, current transit riders as well as non-  
11          riding residents of areas of persistent poverty  
12          and underserved communities within the sub-re-  
13          cipient’s service area regarding transit service  
14          improvements, using means designed to maxi-  
15          mize participation from both riders and non-rid-  
16          ers, and has published the survey in an online  
17          format.

18          “(h) REGULATIONS.—Not later than 1 year after the  
19          date of enactment of this section, the Secretary shall issue  
20          such regulations as are necessary to carry out the program  
21          established under subsection (a), including defining the  
22          terms ‘preponderance of a grant’, and ‘access to jobs and  
23          essential service’ for purposes of this section and taking  
24          into account any necessary difference in the definition of

1 such terms required for urbanized areas, rural areas lo-  
2 cated near urbanized areas, and remote rural areas.

3 “(i) ACCESS MEASUREMENT.—

4 “(1) IN GENERAL.—In carrying out the pro-  
5 gram under this section, the Secretary shall set up  
6 a multimodal access measurement interface that is  
7 open to any public agency through the program  
8 under section 5505 to aid transit agencies in deter-  
9 mining and reporting on access to jobs and essential  
10 services.

11 “(2) INTERIM DATA.—Until the access meas-  
12 urement interface under paragraph (1) is estab-  
13 lished, an eligible recipient may use other data  
14 sources to determine and report on access to jobs  
15 and essential services.

16 “(j) MAINTENANCE OF EFFORT.—

17 “(1) IN GENERAL.—Not later than 30 days  
18 after the beginning of each fiscal year, recipients of  
19 funds under this section shall certify to the Sec-  
20 retary that such recipients will, with funding pledged  
21 by all sources, maintain effort with regard to transit  
22 service. As part of such certification, the transit  
23 agency shall submit to the Secretary a statement  
24 identifying the amount of funds from all sources  
25 (other than funds provided under this section and

1 related non-Federal match) expended on transit op-  
2 erations during the prior fiscal year, and the amount  
3 expected to be expended on transit operations from  
4 all sources during the current fiscal year.

5 “(2) FAILURE TO MAINTAIN EFFORT.—If a re-  
6 cipient of funds under this section is unable to main-  
7 tain the level of effort certified pursuant to para-  
8 graph (1) for any fiscal year, the amount such re-  
9 cipient would have received under this section in the  
10 following fiscal year shall be reduced by one-third.

11 “(k) RULE OF CONSTRUCTION.—Nothing in this sec-  
12 tion shall be construed to prevent an eligible recipient  
13 from increasing service through the use of any other Fed-  
14 eral or non-Federal funds.

15 “(l) AUTHORIZATION OF APPROPRIATIONS.—There is  
16 authorized to be appropriated to carry out this section  
17 \$20,000,000,000 for each of fiscal years 2025 through  
18 2028.

19 “(m) DEFINITIONS.—In this section:

20 “(1) AREAS OF PERSISTENT POVERTY.—The  
21 term ‘area of persistent poverty’ means—

22 “(A) a county that has consistently had  
23 greater than or equal to 20 percent of the pop-  
24 ulation of such county living in poverty during  
25 the most recent 30-year period for which data

1 is available, as measured by the 1990 and 2000  
2 decennial censuses; or

3 “(B) a census tract with a poverty rate of  
4 at least 20 percent as measured by the 2014  
5 through 2018 5-year data series available from  
6 the American Community Survey of the Bureau  
7 of the Census.

8 “(2) ASSOCIATED CAPITAL IMPROVEMENTS.—  
9 The term ‘associated capital improvements’ means a  
10 capital project described in subparagraphs (B)  
11 through (G) of section 5302(4).

12 “(3) ELIGIBLE RECIPIENT.—The term ‘eligible  
13 recipient’ means a recipient or subrecipient of funds  
14 under section 5307 or 5311.

15 “(4) UNDERSERVED COMMUNITY.—The term  
16 ‘underserved community’ means—

17 “(A) a census tract or block numbering  
18 area in which the median income does not ex-  
19 ceed 80 percent of the area median income;

20 “(B) families with income not greater than  
21 100 percent of the area median income that re-  
22 side in minority census tracts;

23 “(C) families with income not greater than  
24 100 percent of the area median income that re-  
25 side in areas affected by disasters, as deter-

1           mined by the Administrator of the Federal  
2           Transit Administration;

3           “(D) a census tract that has a minority  
4           population of at least 30 percent or a median  
5           income of less than 100 percent of the area me-  
6           dian income;

7           “(E) a community that has low access to  
8           jobs and essential services, as determined by  
9           the Secretary; or

10           “(F) a census block or group of geographi-  
11           cally contiguous census blocks in which the pop-  
12           ulation of any racial or ethnic minority individ-  
13           uals, individually or in combination, comprises  
14           30 percent or more of the population of persons  
15           in the census block or group of geographically  
16           contiguous census blocks.”.

17           (b) FEDERAL TRANSIT PROGRAM GENERAL PUR-  
18           POSES.—Section 5301(b) of title 49, United States Code,  
19           is amended by adding at the end the following:

20           “(9) support public transportation’s role in  
21           combating climate change through growing/retaining  
22           transit ridership.”.

23           (c) APPLICABILITY OF LAW.—The Secretary of  
24           Transportation shall ensure that the requirements of sec-

1 tion 5333 of title 49, United States Code, are applied to  
2 section 5308 of such title (as added by subsection (a)).

3 (d) GAO REPORT.—Not later than 4 years after the  
4 date of enactment of this Act, the Comptroller General  
5 shall submit to the Committee on Transportation and In-  
6 frastructure of the House of Representatives and the Com-  
7 mittee on Banking, Housing, and Urban Affairs of the  
8 Senate a report that reviews the outcomes of the program  
9 established under section 5308 of title 49, United States  
10 Code, as initially added by subsection (a), including new  
11 service produced and improvements in access to work and  
12 essential services, particularly for areas of persistent pov-  
13 erty and underserved communities.

14 (e) SENSE OF CONGRESS.—It is the sense of Con-  
15 gress that capital funding for transit should be increased.

16 (f) INCREASED FEDERAL SHARE OF OPERATING  
17 COSTS FOR RURAL AREAS.—Section 5311(g)(2) of title  
18 49, United States Code, is amended to read as follows:

19 “(2) OPERATING ASSISTANCE.—A grant made  
20 under this section for operating assistance may not  
21 exceed 80 percent of the net operating costs of the  
22 project, as determined by the Secretary.”



**AMENDMENT**

**OFFERED BY MR. JOHNSON OF GEORGIA**

At the end of title III of the bill, add the following:

1 **SEC. 3 \_\_\_\_ . FUNDING FLEXIBILITY FOR OPERATING**  
2 **COSTS.**

3 Notwithstanding section 5307(a)(1)(D) of title 49,  
4 United States Code, public transportation systems located  
5 in areas with a population of 200,000 or more may use  
6 funds provided under this section for operating costs of  
7 equipment and facilities in any month that the national  
8 average price of a gallon of gas, as determined by the U.S.  
9 Energy Information Agency, has exceeded \$4.

