

- 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. Vision zero.
- 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 facilities in the public 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.
- Sec. 1615. Numbering system of highway interchanges.
- Sec. 1616. Toll credits.

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.
- Sec. 2107. Metropolitan transportation planning.
- Sec. 2108. Statewide and nonmetropolitan transportation planning.

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. Innovation workforce standards.

Sec. 2604. Safety performance measures and set asides.

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.

Sec. 4103. Immobilization grant program.

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.
- Sec. 4205. Providers of recreational activities.

Subtitle C—Commercial Motor Vehicle Driver Safety

- Sec. 4301. Commercial driver's 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 Schoolbus Safety

- Sec. 4401. Schoolbus safety standards.
- Sec. 4402. Illegal passing of schoolbuses.
- 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.
- Sec. 5109. Innovative material innovation hubs.

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.

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.

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.
- Sec. 9403. Chicago Union Station improvement plans.

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
15 and shall continue in effect through September 30,
16 2021.

17 (2) **AUTHORIZATION OF APPROPRIATIONS.—**

18 (A) **HIGHWAY TRUST FUND.—**

19 (i) **HIGHWAY ACCOUNT.—**

20 (I) **IN GENERAL.—**Except as pro-
21 vided in subclause (II), there is au-
22 thorized to be appropriated from the
23 Highway Account for fiscal year 2021,

1 for each program under the covered
2 laws with respect to which amounts
3 are authorized to be appropriated
4 from such account for fiscal year
5 2020, an amount equal to the amount
6 authorized for appropriation with re-
7 spect to the program from such ac-
8 count for fiscal year 2020.

9 (II) ADMINISTRATIVE EX-
10 PENSES.—Notwithstanding any other
11 provision of this division, there is au-
12 thorized to be appropriated from the
13 Highway Account for fiscal year
14 2021—

15 (aa) \$502,897,049 for ad-
16 ministrative expenses of the Fed-
17 eral Highway Administration, as
18 described in section 104(a) of
19 title 23, United States Code; and

20 (bb) \$30,086,000 for grant
21 administrative expenses of the
22 National Highway Traffic Safety
23 Administration, as described in
24 section 4001(a)(6) of the FAST
25 Act (Public Law 114–94).

1 (ii) MASS TRANSIT ACCOUNT.—There
2 is authorized to be appropriated from the
3 Mass Transit Account for fiscal year 2021,
4 for each program under the covered laws
5 with respect to which amounts are author-
6 ized to be appropriated from such account
7 for fiscal year 2020, an amount equal to
8 the amount authorized for appropriation
9 with respect to the program from such ac-
10 count for fiscal year 2020.

11 (B) GENERAL FUND.—

12 (i) IN GENERAL.—Except as provided
13 in clause (ii), there is authorized to be ap-
14 propriated for fiscal year 2021, for each
15 program with respect to which amounts
16 are authorized to be appropriated for fiscal
17 year 2020 from an account other than the
18 Highway Account or the Mass Transit Ac-
19 count under the titles described in sub-
20 section (b)(1), an amount not less than the
21 amount authorized for appropriation with
22 respect to the program under such titles
23 for fiscal year 2020.

24 (ii) ADMINISTRATIVE EXPENSES.—
25 Notwithstanding any other provision of

1 this division, there is authorized to be ap-
2 propriated from the general fund of the
3 Treasury for fiscal year 2021
4 \$140,016,543 for administrative expenses
5 of the Federal Transit Administration.

6 (3) USE OF FUNDS.—Except as otherwise pro-
7 vided in this division, amounts authorized to be ap-
8 propriated for fiscal year 2021 with respect to a pro-
9 gram under paragraph (2) shall be distributed, ad-
10 ministered, limited, and made available for obliga-
11 tion in the same manner as amounts authorized to
12 be appropriated with respect to the program for fis-
13 cal year 2020 under the covered laws.

14 (4) OBLIGATION LIMITATION.—

15 (A) IN GENERAL.—Except as provided in
16 subparagraph (B), a program for which
17 amounts are authorized to be appropriated
18 under paragraph (2)(A) shall be subject to a
19 limitation on obligations for fiscal year 2021 in
20 the same amount and in the same manner as
21 the limitation applicable with respect to the
22 program for fiscal year 2020 under the Depart-
23 ment of Transportation Appropriations Act,
24 2020 (Public Law 116–94), as in effect on De-
25 cember 20, 2019.

1 (B) FEDERAL-AID HIGHWAY AND HIGHWAY
2 SAFETY CONSTRUCTION PROGRAMS.—

3 (i) IN GENERAL.—Notwithstanding
4 any other provision of this division, section
5 1102 of the FAST Act (Public Law 114–
6 94), or the Department of Transportation
7 Appropriations Act, 2020 (Public Law
8 116–94), for fiscal year 2021, the obliga-
9 tions for Federal-aid highway and highway
10 safety construction programs shall not ex-
11 ceed \$46,387,191,360.

12 (ii) LIMITATION ON FEDERAL HIGH-
13 WAY ADMINISTRATION ADMINISTRATIVE
14 EXPENSES.—Notwithstanding any other
15 provision of this division, of the amount
16 described in clause (i), for fiscal year 2021
17 an amount not to exceed \$478,897,049, to-
18 gether with advances and reimbursements
19 received by the Federal Highway Adminis-
20 tration, shall be obligated for necessary ex-
21 penses for administration and operation of
22 the Federal Highway Administration.

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

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

3 (2) Division A, division B, subtitle A of title I
4 and title II of division C, and division E of MAP–
5 21 (Public Law 112–141).

6 (3) Titles I, II, and III of the SAFETEA–LU
7 Technical Corrections Act of 2008 (Public Law 110–
8 244).

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

11 (5) Titles I, II, III, IV, and V of the Transpor-
12 tation Equity Act for the 21st Century (Public Law
13 105–178).

14 (6) Titles II, III, and IV of the National High-
15 way System Designation Act of 1995 (Public Law
16 104–59).

17 (7) Title I, part A of title II, title III, title IV,
18 title V, and title VI of the Intermodal Surface
19 Transportation Efficiency Act of 1991 (Public Law
20 102–240).

21 (8) Title 23, United States Code.

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

1 **SEC. 102. FEDERAL HIGHWAY ADMINISTRATION.**

2 (a) ADDITIONAL AMOUNTS.—

3 (1) AUTHORIZATION OF APPROPRIATIONS.—

4 (A) IN GENERAL.—In addition to amounts
5 authorized under section 101, there is author-
6 ized to be appropriated from the Highway Ac-
7 ount for fiscal year 2021, for activities under
8 this section, \$14,742,808,640.

9 (B) CONTRACT AUTHORITY.—Amounts au-
10 thorized to be appropriated under subparagraph
11 (A) shall be available for obligation as if appor-
12 tioned under chapter 1 of title 23, United
13 States Code.

14 (2) OBLIGATION CEILING.—

15 (A) IN GENERAL.—Notwithstanding any
16 other provision of law, for fiscal year 2021, ob-
17 ligations for activities authorized under para-
18 graph (1) shall not exceed \$14,742,808,640.

19 (B) DISTRIBUTION OF OBLIGATION AU-
20 THORITY.—

21 (i) IN GENERAL.—Of the obligation
22 authority provided under subparagraph
23 (A), the Secretary shall make available to
24 States, Tribes, Puerto Rico, the territories,
25 and Federal land management agencies,
26 during the period of fiscal year 2021,

1 amounts of obligation authority equal to
2 the amounts described in subparagraphs
3 (A) through (E) of paragraph (3), respec-
4 tively.

5 (ii) FURTHER DISTRIBUTION.—Each
6 State, each Tribe, Puerto Rico, each terri-
7 tory, and each Federal land management
8 agency receiving funds under subpara-
9 graphs (A) through (E) of paragraph (3),
10 respectively, shall receive an amount of ob-
11 ligation authority equal to the funds that
12 it receives under any of such subpara-
13 graphs.

14 (C) REDISTRIBUTION OF UNUSED OBLIGA-
15 TION AUTHORITY.—

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

19 (I) revise a distribution of the ob-
20 ligation authority made available
21 under subparagraph (B) if an amount
22 distributed cannot be obligated during
23 that fiscal year; and

24 (II) redistribute sufficient
25 amounts to those States able to obli-

1 gate amounts in addition to those pre-
2 viously distributed during that fiscal
3 year, giving priority to those States
4 having large unobligated balances of
5 funds apportioned under sections 144
6 (as in effect on the day before the
7 date of enactment of MAP-21 (Public
8 Law 112-141)) and 104 of title 23,
9 United States Code.

10 (ii) ADMINISTRATION.—The Secretary
11 shall administer a redistribution under
12 clause (i) of obligation authority provided
13 under subparagraph (B) in a similar man-
14 ner as the standard August redistribution.

15 (iii) USE OF OBLIGATION AUTHOR-
16 ITY.—A State may use obligation authority
17 that it receives pursuant to this subpara-
18 graph in the same manner that it uses ob-
19 ligation authority that it receives as part of
20 the standard August redistribution.

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

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

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

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

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

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

5 (4) STATE FUNDS.—

6 (A) DISTRIBUTION.—

7 (i) IN GENERAL.—Amounts made
8 available under paragraph (3)(A) shall be
9 distributed among the States in the same
10 ratio as total State apportionments under
11 section 104(c)(1) of title 23, United States
12 Code, in fiscal year 2020.

13 (ii) SUBALLOCATION.—

14 (I) IN GENERAL.—Amounts dis-
15 tributed among the States under
16 clause (i) shall be suballocated within
17 the State to an area described in sub-
18 clause (II) in the proportion that—

19 (aa) the total amount of
20 funds suballocated to such area
21 of the State as described in such
22 subclause for fiscal year 2020;
23 bears to

24 (bb) the total amount of
25 funds apportioned to the State

1 for the Federal-aid highway pro-
2 gram under section 104 of title
3 23, United States Code, for fiscal
4 year 2020.

5 (II) AREAS DESCRIBED.—The
6 areas described in this subclause
7 are—

8 (aa) urbanized areas of the
9 State with an urbanized area
10 population of over 200,000;

11 (bb) areas of the State other
12 than urban areas with a popu-
13 lation greater than 5,000; and

14 (cc) other areas of the State.

15 (B) TREATMENT.—Except as otherwise
16 provided in this paragraph, amounts made
17 available under paragraph (3)(A) shall be ad-
18 ministered as if apportioned under chapter 1 of
19 title 23, United States Code.

20 (C) USE OF FUNDS.—Amounts made avail-
21 able under paragraph (3)(A) may be obligated
22 for—

23 (i) eligible projects described in sec-
24 tion 133(b) of title 23, United States

1 Code, subject to section 133(c) of such
2 title; and

3 (ii) administrative expenses, including
4 salaries and benefits, of—

5 (I) the State department of
6 transportation;

7 (II) a local transportation agen-
8 cy; or

9 (III) a metropolitan planning or-
10 ganization.

11 (5) TRIBAL FUNDS.—

12 (A) TREATMENT.—

13 (i) IN GENERAL.—Except as otherwise
14 provided in this paragraph, amounts made
15 available under paragraph (3)(B) shall be
16 administered as if made available under
17 section 202 of title 23, United States
18 Code.

19 (ii) NONAPPLICABILITY OF CERTAIN
20 PROVISIONS OF LAW.—Subsections (a)(6),
21 (c), (d), and (e) of section 202 of title 23,
22 United States Code, shall not apply to
23 amounts made available under paragraph
24 (3)(B).

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

4 (i) activities eligible under section
5 202(a)(1) of title 23, United States Code;
6 and

7 (ii) transportation-related administra-
8 tive expenses, including salaries and bene-
9 fits, of the Tribe.

10 (6) FUNDS FOR PUERTO RICO AND THE TERRI-
11 TORIES.—

12 (A) TREATMENT.—

13 (i) IN GENERAL.—Except as otherwise
14 provided in this paragraph, amounts made
15 available under paragraphs (3)(C) and
16 (3)(D) shall be administered as if allocated
17 under sections 165(b) and 165(c), respec-
18 tively, of title 23, United States Code.

19 (ii) NONAPPLICABILITY OF CERTAIN
20 PROVISIONS OF LAW.—Section 165(b)(2)
21 of title 23, United States Code, shall not
22 apply to amounts made available to Puerto
23 Rico under paragraph (3)(C).

24 (B) USE OF FUNDS.—

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

4 (I) activities eligible under chap-
5 ter 1 of title 23, United States Code;
6 and

7 (II) transportation related ad-
8 ministrative expenses, including sala-
9 ries and benefits.

10 (ii) TERRITORIES.—Amounts made
11 available to a territory under paragraph
12 (3)(D) may be obligated for—

13 (I) activities eligible under sec-
14 tion 165(c)(6) of title 23, United
15 States Code, subject to section
16 165(c)(7) of such title; and

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

20 (7) FEDERAL LAND MANAGEMENT AGENCY
21 FUNDS.—

22 (A) DISTRIBUTION.—Amounts made avail-
23 able under paragraph (3)(E) shall be distrib-
24 uted among the Federal land management
25 agencies as follows:

1 (i) \$99,494,147 for the National Park
2 Service.

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

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

7 (iv) \$8,622,826 to be allocated to the
8 applicable Federal land management agen-
9 cies as described in section 203(b) of title
10 23, United States Code.

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

15 (8) DISADVANTAGED BUSINESS ENTER-
16 PRISES.—Section 1101(b) of the FAST Act (Public
17 Law 114–94) shall apply to additional amounts
18 made available under paragraph (1).

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

20 (1) SUBALLOCATED AMOUNTS.—

21 (A) USE OF FUNDS.—Amounts authorized
22 to be appropriated for fiscal year 2021 with re-
23 spect to a program under section 101(a)(2)(A)
24 that are suballocated pursuant to section

1 133(d)(1)(A) of title 23, United States Code,
2 may be obligated for—

3 (i) eligible projects as described in
4 section 133(b) of title 23, United States
5 Code; or

6 (ii) administrative expenses, including
7 salaries and benefits, of—

8 (I) a local transportation agency;

9 or

10 (II) a metropolitan planning or-
11 ganization.

12 (B) OBLIGATION AUTHORITY.—

13 (i) IN GENERAL.—A State that is re-
14 quired to obligate in an urbanized area
15 with an urbanized area population of over
16 200,000 individuals under section 133(d)
17 of title 23, United States Code, funds ap-
18 portioned to the State under section
19 104(b)(2) of such title shall make available
20 during the period of fiscal years 2016
21 through 2021 an amount of obligation au-
22 thority distributed to the State for Fed-
23 eral-aid highways and highway safety con-
24 struction programs for use in the area that

1 is equal to the amount obtained by multi-
2 plying—

3 (I) the aggregate amount of
4 funds that the State is required to ob-
5 ligate in the area under section
6 133(d) of title 23, United States
7 Code, during the period; and

8 (II) the ratio that—

9 (aa) the aggregate amount
10 of obligation authority distrib-
11 uted to the State for Federal-aid
12 highways and highway safety
13 construction programs during the
14 period; bears to

15 (bb) the total of the sums
16 apportioned to the State for Fed-
17 eral-aid highways and highway
18 safety construction programs (ex-
19 cluding sums not subject to an
20 obligation limitation) during the
21 period.

22 (ii) **JOINT RESPONSIBILITY.**—Each
23 State, each affected metropolitan planning
24 organization, and the Secretary shall joint-
25 ly ensure compliance with clause (i).

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

7 (A) in accordance with sections 129(c) and
8 147 of title 23, United States Code;

9 (B) for administrative expenses, including
10 salaries and benefits, of a ferry boat operator or
11 ferry terminal facility operator eligible for Fed-
12 eral participation under section 129(c) of title
13 23, United States Code; and

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

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

24 (A) MULTIMODAL PROJECTS.—Notwith-
25 standing subsection (d)(2)(A) of such section,

1 the limitation for projects described in such
2 subsection shall be \$600,000,000 for fiscal
3 years 2016 through 2021.

4 (B) ADDITIONAL CONSIDERATIONS.—Not-
5 withstanding subsection (h)(2) of such section,
6 the Secretary shall not consider the utilization
7 of non-Federal contributions.

8 (C) EVALUATION AND RATING.—To evalu-
9 ate applications for funding under such section,
10 the Secretary shall—

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

13 (ii) evaluate, through a methodology
14 that is discernible and transparent to the
15 public, how each application addresses the
16 merit criteria established by the Secretary;

17 (iii) assign a quality rating for each
18 merit criteria for each application based on
19 the evaluation under clause (ii);

20 (iv) ensure that applications receive
21 final consideration by the Secretary to re-
22 ceive an award under such section only on
23 the basis of such quality ratings and that
24 the Secretary gives final consideration only
25 to applications that meet the minimally ac-

1 ceptable level for each of the merit criteria;
2 and

3 (v) award grants only to projects
4 rated highly under the evaluation and rat-
5 ing process.

6 (D) PUBLICATION AND METHODOLOGY.—

7 In any published notice of funding opportunity
8 for a grant under such section, the Secretary
9 shall include detailed information on the rating
10 methodology and merit criteria to be used to
11 evaluate applications.

12 (E) REPEAT APPLICATIONS.—

13 (i) BRIEFING.—The Secretary shall
14 provide to each applicant that applied for,
15 but did not receive, funding under such
16 section in fiscal year 2019 or 2020, at the
17 request of the applicant, the opportunity to
18 receive a briefing to—

19 (I) explain any reasons the appli-
20 cation was not selected for funding;
21 and

22 (II) advise the applicant on how
23 to improve the application for resub-
24 mission in fiscal year 2021 under the

1 application criteria described in this
2 paragraph.

3 (ii) SUPPLEMENTARY APPLICATION.—

4 (I) IN GENERAL.—An applicant
5 for funding under such section may
6 elect to resubmit an application from
7 a previous solicitation with a supple-
8 mentary appendix that describes how
9 the proposed project meets the re-
10 quirements of section 117 of title 23,
11 United States Code, and this para-
12 graph.

13 (II) REQUIREMENTS.—The Sec-
14 retary shall ensure that applications
15 submitted under subclause (I), includ-
16 ing the supplementary appendix, are
17 evaluated based on such requirements.

18 (F) CONGRESSIONAL NOTIFICATION.—A
19 notification submitted pursuant to subsection
20 (m) of such section shall include—

21 (i) a summary of each application
22 submitted and, at the request of either
23 Committee, a copy of any application sub-
24 mitted;

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

3 (iii) a description of the specific cri-
4 teria used for each evaluation, including
5 the quality rating assigned for each eligible
6 application submitted;

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

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

11 (c) FEDERAL SHARE.—

12 (1) IN GENERAL.—Except as provided in para-
13 graph (3) and notwithstanding section 120 of title
14 23, United States Code, or any other provision of
15 this division, the Federal share associated with
16 funds described in paragraph (2) that are obligated
17 during fiscal year 2021 may be up to 100 percent.

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

24 (3) EXCEPTIONS.—Paragraph (1) shall not
25 apply to amounts obligated under section 115 or 117

1 of title 23, United States Code, or chapter 6 of such
2 title.

3 (d) ADMINISTRATIVE EXPENSES.—

4 (1) SELF-CERTIFICATION AND AUDIT.—

5 (A) IN GENERAL.—Prior to the obligation
6 of funds for administrative expenses pursuant
7 to paragraph (4)(C)(ii), (5)(B)(ii), (6)(B)(i)(II),
8 or (6)(B)(ii)(II) of subsection (a) or paragraphs
9 (1)(A)(ii) and (2)(B) of subsection (b), a State,
10 a Tribe, Puerto Rico, or a territory, as applica-
11 ble, shall certify to the Secretary that such ad-
12 ministrative expenses meet the requirements of
13 such paragraphs, as applicable.

14 (B) AUDIT.—The Secretary may conduct
15 an audit to review obligations of funds and liq-
16 uidation of such obligations for eligible adminis-
17 trative expenses described under subparagraph
18 (A).

19 (2) PLANNING.—Notwithstanding any other
20 provision of law, administrative expenses described
21 in paragraph (1)(A) shall not be required to be in-
22 cluded in a metropolitan transportation plan, a long-
23 range statewide transportation plan, a transpor-
24 tation improvement program, or a statewide trans-
25 portation improvement program under sections 134

1 or 135 of title 23, United States Code, or chapter
2 53 of title 49, United States Code, as applicable.

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

5 (1) STANDARD AUGUST REDISTRIBUTION.—The
6 term “standard August redistribution” means the
7 redistribution of obligation authority that the Sec-
8 retary is directed to administer under—

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

11 (B) any Act making appropriations for the
12 Department of Transportation for fiscal year
13 2021.

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

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

18 (A) American Samoa.

19 (B) The Commonwealth of the Northern
20 Mariana Islands.

21 (C) Guam.

22 (D) The United States Virgin Islands.

23 (4) URBAN AREA; URBANIZED AREA.—The
24 terms “urban area” and “urbanized area” have the

1 meanings given such terms in section 101 of title 23,
2 United States Code.

3 **SEC. 103. FEDERAL TRANSIT ADMINISTRATION.**

4 (a) ADDITIONAL AMOUNTS.—

5 (1) AUTHORIZATION OF APPROPRIATIONS FROM
6 MASS TRANSIT ACCOUNT.—

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

12 (B) APPORTIONMENT.—Amounts author-
13 ized under subparagraph (A) shall be appor-
14 tioned in accordance with section 5310, section
15 5311 (other than subsections (b)(3), (c)(1)(A),
16 and (c)(2) of such section), section 5336 (other
17 than subsection (h)(4) of such section), section
18 5337, and section 5340 of title 49, United
19 States Code, except that funds apportioned
20 under section 5337 of such title shall be added
21 to funds apportioned under section 5307 of
22 such title for administration under section 5307
23 of such title.

24 (C) ALLOCATION.—The Secretary shall al-
25 locate the amounts authorized to be appro-

1 priorated to sections 5307, 5310, 5311, 5337,
2 and 5340 of title 49, United States Code,
3 among such sections in the same ratio as funds
4 are provided in the fiscal year 2020 appropria-
5 tions.

6 (2) AUTHORIZATION OF APPROPRIATIONS FROM
7 GENERAL FUND.—In addition to amounts authorized
8 under section 101(a)(1)(B), there is authorized to be
9 appropriated from the general fund of the Treas-
10 ury—

11 (A) \$958,000,000 to carry out section
12 5309 of title 49, United States Code; and

13 (B) such sums as may be necessary to be
14 made available as described in subsection (c)
15 and that such sums shall be designated by the
16 Congress as being for an emergency require-
17 ment pursuant to section 251(b)(2)(A)(i) of the
18 Balanced Budget and Emergency Deficit Con-
19 trol Act of 1985.

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

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

1 (1) USE OF FUNDS.—Notwithstanding
2 5307(a)(1) of title 49, United States Code, amounts
3 made available under subsection (a)(1)(A) may be
4 obligated for—

5 (A) operating expenses, including, begin-
6 ning on January 20, 2020—

7 (i) reimbursement for operating costs
8 to maintain service and offset lost revenue,
9 including the purchase of personal protec-
10 tive equipment; and

11 (ii) paying the administrative leave of
12 operations personnel due to reductions in
13 service; and

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

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

19 (A) not require that operating expenses de-
20 scribed in paragraph (1)(A) be included in a
21 metropolitan transportation plan, long-range
22 statewide transportation plan, a transportation
23 improvement program, or a statewide transpor-
24 tation improvement program;

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

3 (C) to the maximum extent possible, be di-
4 rected to payroll and public transit service, un-
5 less the recipient certifies to the Secretary that
6 such recipient has not furloughed any employ-
7 ees.

8 (3) OVERSIGHT.—

9 (A) Of the amounts made available to
10 carry out this section, the percentages available
11 for oversight in section 5338(f)(1) of title 49,
12 United States Code, shall apply to the alloca-
13 tions of funds in subsection (a)(1)(C).

14 (B) USE OF FUNDS.—Amounts made
15 available under subsection (a)(1)(A) shall be
16 available for administrative expenses and pro-
17 gram management oversight as authorized
18 under sections 5334 and 5338(f)(2) of title 49,
19 United States Code.

20 (4) ADMINISTRATION OF GRANTS.—Amounts
21 made available under subsection (a)(1)(A) shall be
22 administered, at the option of the recipient, as
23 grants provided under the CARES Act (Public Law
24 116–136) are administered.

1 (c) CIG COVID-19 EMERGENCY RELIEF PRO-
2 GRAM.—

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

10 (A) 5309(d) of title 49, United States
11 Code, that has been approved for advancement
12 into the engineering phase;

13 (B) 5309(e) of title 49, United States
14 Code, that has entered into the project develop-
15 ment phase or approved for advancement into
16 the engineering phase; and

17 (C) subsection (d) or (e) of section 5309 of
18 title 49, United States Code, that has a full
19 funding grant agreement entered into under ei-
20 ther such subsection after January 1, 2017.

21 (2) PROJECT ELIGIBILITY.—From amounts
22 made available under subsection (a)(2)(B), the Sec-
23 retary shall use such sums as may be necessary for
24 projects under section 5309 of title 49, United
25 States Code, that—

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

3 (B) have remaining scheduled Federal
4 funds to be appropriated under a full funding
5 grant agreement under such section.

6 (3) DEFERRED LOCAL SHARE.—The Secretary
7 shall allow a project sponsor to defer payment of the
8 local share for any project described in paragraphs
9 (1) and (2).

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

13 (A) the full funding grant agreement;

14 (B) the approval into project engineering;

15 or

16 (C) the project rating for a project not yet
17 approved into project engineering.

18 (d) FEDERAL SHARE.—

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

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

8 (e) CONDITION FOR APPORTIONMENT.—No funds
9 authorized in this division or any other Act may be used
10 to adjust Mass Transit Account apportionments or with-
11 hold funds from Mass Transit Account apportionments
12 pursuant to section 9503(e)(4) of the Internal Revenue
13 Code of 1986 in fiscal year 2021.

14 **SEC. 104. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINIS-**
15 **TRATION.**

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

17 (1) IN GENERAL.—

18 (A) AUTHORIZATION OF APPROPRIA-
19 TIONS.—In addition to amounts authorized
20 under section 101, there is authorized to be ap-
21 propriated from the Highway Account for fiscal
22 year 2021, for activities under this subsection,
23 \$244,514,000.

24 (B) CONTRACT AUTHORITY.—Amounts au-
25 thorized under subparagraph (A) shall be avail-

1 able for obligation in the same manner as if
2 such funds were apportioned under chapter 1 of
3 title 23, United States Code.

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

7 (A) \$105,000,000 for carrying out section
8 402 of title 23, United States Code.

9 (B) \$15,312,000 for carrying out section
10 403 of title 23, United States Code.

11 (C) \$19,202,000 for carrying out section
12 404 of title 23, United States Code.

13 (D) \$105,000,000 for carrying out section
14 405 of title 23, United States Code.

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

16 (1) FEDERAL SHARE.—Notwithstanding sec-
17 tions 120, 405(b)(2), 405(c)(2), 405(d)(2) and
18 405(h)(2) of title 23, United States Code, the Fed-
19 eral share of activities for fiscal year 2021 carried
20 out under chapter 4 of title 23, United States Code
21 and section 1906 of SAFETEA-LU (23 U.S.C. 402
22 note) shall be 100 percent.

23 (2) PERIOD OF AVAILABILITY.—Notwith-
24 standing section 118(b) of title 23, United States
25 Code, funds apportioned or allocated to a State in

1 fiscal years 2017 and 2018 under sections 402 and
2 405 of title 23, United States Code, and section
3 1906 of SAFETEA-LU (23 U.S.C. 402 note), shall
4 remain available for obligation in that State for a
5 period of 4 years after the last day of the fiscal year
6 for which the funds are authorized. Notwithstanding
7 any other provision of law, this paragraph shall
8 apply as if such paragraph was enacted on Sep-
9 tember 30, 2020.

10 (3) MAINTENANCE OF EFFORT.—Notwith-
11 standing section 405(a)(9) of title 23, United States
12 Code, the Secretary may waive the maintenance of
13 effort requirements under such section for fiscal
14 year 2021 for a State, if the Secretary determines
15 appropriate.

16 (4) IN-VEHICLE ALCOHOL DETECTION DEVICE
17 RESEARCH.—In carrying out subsection (h) of sec-
18 tion 403 of title 23, United States Code, the Sec-
19 retary may obligate from funds made available to
20 carry out such section for fiscal year 2021 not more
21 than \$5,312,000 to conduct the research described
22 in paragraph (1) of such subsection.

23 (5) COOPERATIVE RESEARCH AND EVALUA-
24 TION.—Notwithstanding the apportionment formula
25 set forth in section 402(c)(2) of title 23, United

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

14 **SEC. 105. FEDERAL MOTOR CARRIER SAFETY ADMINISTRA-**
15 **TION.**

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

17 (1) AUTHORIZATION OF APPROPRIATIONS.—In
18 addition to amounts authorized under section 101,
19 there is authorized to be appropriated from the
20 Highway Account for fiscal year 2021, for activities
21 under this subsection, \$209,900,000.

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

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

3 (i) \$80,512,000 for carrying out sec-
4 tion 31102 (except subsection (l)) of title
5 49, United States Code);

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

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

11 (B) \$91,500,000 for carrying out section
12 31110 of title 49, United States Code.

13 (3) TREATMENT OF FUNDS.—Except as pro-
14 vided in subsection (b), amounts made available
15 under this section shall be made available for obliga-
16 tion and administered as if made available under
17 chapter 311 of title 49, United States Code.

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

19 (1) FINANCIAL ASSISTANCE AGREEMENTS FED-
20 ERAL SHARE.—Notwithstanding chapter 311 of title
21 49, United States Code, or any regulations adopted
22 pursuant to such chapter, for the duration of fiscal
23 year 2021 with respect to all financial assistance
24 made available under subsection (a) and section 101,
25 the Secretary of Transportation may—

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

5 (B) waive the maintenance of effort re-
6 quirement under 31102(f) of title 49, United
7 States Code, for all States without requiring
8 States to request a waiver.

9 (2) FINANCIAL ASSISTANCE AGREEMENTS PE-
10 RIOD OF AVAILABILITY.—Notwithstanding section
11 31104(f) of title 49, United States Code, the Sec-
12 retary shall extend the periods of availability de-
13 scribed in such section by 1 year.

14 (3) ADMINISTRATIVE EXPENSES.—The Admin-
15 istrator of the Federal Motor Carrier Safety Admin-
16 istration shall ensure that funds made available
17 under subsection (a)(2)(B) are used, to the max-
18 imum extent practicable, to support—

19 (A) the acceleration of planned investments
20 to modernize the Administration’s information
21 technology and information management sys-
22 tems;

23 (B) the completion of outstanding statu-
24 tory mandates required by MAP–21 (112–141)
25 and the FAST Act (114–94); and

1 (C) a Large Truck Crash Causal Factors
2 Study of the Administration.

3 **SEC. 106. DEFINITIONS.**

4 In this division, the following definitions apply:

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

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

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

14 **DIVISION B—SURFACE**
15 **TRANSPORTATION**

16 **SEC. 1001. APPLICABILITY OF DIVISION.**

17 (a) **APPLICABILITY.**—This division, including the
18 amendments made by this division, applies beginning on
19 October 1, 2021.

20 (b) **REFERENCE TO DATE OF ENACTMENT.**—In this
21 division and the amendments made by this division, any
22 reference to—

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

24 (2) the date of enactment of a provision of this
25 division;

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

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

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

7 **TITLE I—FEDERAL-AID**

8 **HIGHWAYS**

9 **Subtitle A—Authorizations and**

10 **Program Conditions**

11 **SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.**

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

15 (1) FEDERAL-AID HIGHWAY PROGRAM.—For
16 the national highway performance program under
17 section 119 of title 23, United States Code, the pre-
18 disaster mitigation program under section 124 of
19 such title, the railway crossings program under sec-
20 tion 130 of such title, the surface transportation
21 program under section 133 of such title, the high-
22 way safety improvement program under section 148
23 of such title, the congestion mitigation and air qual-
24 ity improvement program under section 149 of such
25 title, the national highway freight program under

1 section 167 of such title, the carbon pollution reduc-
2 tion program under section 171 of such title, and
3 metropolitan planning under section 134 of such
4 title—

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

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

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

8 and

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

10 (2) TRANSPORTATION INFRASTRUCTURE FI-
11 NANCE AND INNOVATION PROGRAM.—For credit as-
12 sistance under the transportation infrastructure fi-
13 nance and innovation program under chapter 6 of
14 title 23, United States Code, \$300,000,000 for each
15 of fiscal years 2022 through 2025.

16 (3) CONSTRUCTION OF FERRY BOATS AND
17 FERRY TERMINAL FACILITIES.—For construction of
18 ferry boats and ferry terminal facilities under sec-
19 tion 147 of title 23, United States Code,
20 \$120,000,000 for each of fiscal years 2022 through
21 2025.

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

24 (A) TRIBAL TRANSPORTATION PRO-
25 GRAM.—For the tribal transportation program

1 under section 202 of title 23, United States
2 Code, \$800,000,000 for each of fiscal years
3 2022 through 2025.

4 (B) FEDERAL LANDS TRANSPORTATION
5 PROGRAM.—

6 (i) IN GENERAL.—For the Federal
7 lands transportation program under sec-
8 tion 203 of title 23, United States Code,
9 \$550,000,000 for each of fiscal years 2022
10 through 2025.

11 (ii) ALLOCATION.—Of the amount
12 made available for a fiscal year under
13 clause (i)—

14 (I) the amount for the National
15 Park Service is \$400,000,000 for each
16 of fiscal years 2022 through 2025.

17 (II) the amount for the United
18 States Fish and Wildlife Service is
19 \$50,000,000 for each of fiscal years
20 2022 through 2025; and

21 (III) the amount for the United
22 States Forest Service is \$50,000,000
23 for each of fiscal years 2022 through
24 2025.

1 (C) FEDERAL LANDS ACCESS PROGRAM.—
2 For the Federal lands access program under
3 section 204 of title 23, United States Code,
4 \$345,000,000 for each of fiscal years 2022
5 through 2025.

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

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

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

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

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

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

22 and

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

24 (7) COMMUNITY TRANSPORTATION INVESTMENT
25 GRANTS.—To carry out section 173 of title 23,

1 United States Code, \$600,000,000 for each of fiscal
2 years 2022 through 2025.

3 (8) ELECTRIC VEHICLE CHARGING AND HYDRO-
4 GEN FUELING INFRASTRUCTURE GRANTS.—To carry
5 out section 151(f) of title 23, United States Code,
6 \$350,000,000 for each of fiscal years 2022 through
7 2025.

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

12 (b) ADDITIONAL PROGRAMS.—

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

16 (A) GRIDLOCK REDUCTION GRANT PRO-
17 GRAM.—To carry out section 1306 of this Act,
18 \$250,000,000 for fiscal year 2022.

19 (B) REBUILD RURAL GRANT PROGRAM.—
20 To carry out section 1307 of this Act,
21 \$250,000,000 for fiscal year 2022.

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

1 (D) ACTIVE TRANSPORTATION
2 CONNECTIVITY GRANT PROGRAM.—To carry out
3 section 1309 of this Act, \$250,000,000 for fis-
4 cal year 2024.

5 (E) METRO PERFORMANCE PROGRAM.—To
6 carry out section 1305 of this Act,
7 \$250,000,000 for each of fiscal years 2023
8 through 2025.

9 (2) TREATMENT OF FUNDS.—Amounts made
10 available under subparagraphs (B) through (D) shall
11 be administered as if apportioned under chapter 1 of
12 title 23, United States Code.

13 (c) DISADVANTAGED BUSINESS ENTERPRISES.—

14 (1) FINDINGS.—Congress finds that—

15 (A) while significant progress has occurred
16 due to the establishment of the disadvantaged
17 business enterprise program, discrimination and
18 related barriers continue to pose significant ob-
19 stacles for minority- and women-owned busi-
20 nesses seeking to do business in federally as-
21 sisted surface transportation markets across the
22 United States;

23 (B) the continuing barriers described in
24 subparagraph (A) merit the continuation of the
25 disadvantaged business enterprise program;

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

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

20 (E) the testimony and documentation de-
21 scribed in subparagraph (C) provide a strong
22 basis that there is a compelling need for the
23 continuation of the disadvantaged business en-
24 terprise program to address race and gender

1 discrimination in surface transportation-related
2 business.

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

5 (A) SMALL BUSINESS CONCERN.—

6 (i) IN GENERAL.—The term “small
7 business concern” means a small business
8 concern (as the term is used in section 3
9 of the Small Business Act (15 U.S.C.
10 632)).

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

20 (B) SOCIALLY AND ECONOMICALLY DIS-
21 ADVANTAGED INDIVIDUALS.—The term “so-
22 cially and economically disadvantaged individ-
23 uals” has the meaning given the term in section
24 8(d) of the Small Business Act (15 U.S.C.
25 637(d)) and relevant subcontracting regulations

1 issued pursuant to that Act, except that women
2 shall be presumed to be socially and economi-
3 cally disadvantaged individuals for purposes of
4 this subsection.

5 (3) AMOUNTS FOR SMALL BUSINESS CON-
6 CERNS.—Except to the extent that the Secretary of
7 Transportation determines otherwise, not less than
8 10 percent of the amounts made available for any
9 program under titles I, II, V, and VII of this divi-
10 sion and section 403 of title 23, United States Code,
11 shall be expended through small business concerns
12 owned and controlled by socially and economically
13 disadvantaged individuals.

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

16 (A) survey and compile a list of the small
17 business concerns referred to in paragraph (3)
18 in the State, including the location of the small
19 business concerns in the State; and

20 (B) notify the Secretary, in writing, of the
21 percentage of the small business concerns that
22 are controlled by—

23 (i) women;

1 (ii) socially and economically dis-
2 advantaged individuals (other than
3 women); and

4 (iii) individuals who are women and
5 are otherwise socially and economically dis-
6 advantaged individuals.

7 (5) UNIFORM CERTIFICATION.—

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

14 (B) INCLUSIONS.—The minimum uniform
15 criteria established under subparagraph (A)
16 shall include, with respect to a potential small
17 business concern—

- 18 (i) on-site visits;
19 (ii) personal interviews with personnel;
20 (iii) issuance or inspection of licenses;
21 (iv) analyses of stock ownership;
22 (v) listings of equipment;
23 (vi) analyses of bonding capacity;
24 (vii) listings of work completed;

- 1 (viii) examination of the resumes of
2 principal owners;
3 (ix) analyses of financial capacity; and
4 (x) analyses of the type of work pre-
5 ferred.

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

10 (A) information concerning disadvantaged
11 business enterprise awards, commitments, and
12 achievements; and

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

17 (7) COMPLIANCE WITH COURT ORDERS.—Noth-
18 ing in this subsection limits the eligibility of an indi-
19 vidual or entity to receive funds made available
20 under titles I, II, V, and VII of this division and sec-
21 tion 403 of title 23, United States Code, if the enti-
22 ty or person is prevented, in whole or in part, from
23 complying with paragraph (3) because a Federal
24 court issues a final order in which the court finds

1 that a requirement or the implementation of para-
2 graph (3) is unconstitutional.

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

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

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

18 **SEC. 1102. OBLIGATION LIMITATION.**

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

23 (1) \$62,163,350,954 for fiscal year 2022;

24 (2) \$63,125,354,776 for fiscal year 2023;

25 (3) \$64,350,443,712 for fiscal year 2024; and

1 (4) \$65,184,125,186 for fiscal year 2025.

2 (b) EXCEPTIONS.—The limitations under subsection

3 (a) shall not apply to obligations under or for—

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

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

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

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

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

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

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

21 (8) section 105 of title 23, United States Code
22 (as in effect for fiscal years 1998 through 2004, but
23 only in an amount equal to \$639,000,000 for each
24 of those fiscal years);

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

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

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

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

22 (13) section 119 of title 23, United States Code
23 (but, for fiscal years 2016 through 2021, only in an
24 amount equal to \$639,000,000 for each of those fis-
25 cal years);

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

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

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

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

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

17 (ii) amounts authorized for the Bureau of
18 Transportation Statistics;

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

22 (iv) amounts authorized for the territorial
23 and Puerto Rico highway program under sec-
24 tion 165(a) of title 23, United States Code; and

1 (B) for each of fiscal years 2023 through 2025,
2 in addition to the amounts described in subpara-
3 graph (A), shall not distribute obligation authority
4 provided by subsection (a) for the fiscal year for
5 amounts authorized for the metro performance pro-
6 gram under section 1305 of this Act;

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

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

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

20 (3) shall determine the proportion that—

21 (A) the obligation authority provided by
22 subsection (a) for the fiscal year, less the aggre-
23 gate of amounts not distributed under para-
24 graphs (1) and (2) of this subsection; bears to

25 (B) the total of—

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

6 (I) provisions of law described in
7 paragraphs (1) through (13) of sub-
8 section (b);

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

13 (III) section 133(d)(1)(B) of title
14 23, United States Code, equal to the
15 amount referred to in subsection
16 (b)(15) for the fiscal year; less

17 (ii) the aggregate of the amounts not
18 distributed under paragraphs (1) and (2)
19 of this subsection;

20 (4) shall distribute the obligation authority pro-
21 vided by subsection (a), less the aggregate amounts
22 not distributed under paragraphs (1) and (2), for
23 each of the programs (other than programs to which
24 paragraph (1) applies) that are allocated by the Sec-
25 retary under this Act and title 23, United States

1 Code, or apportioned by the Secretary under sections
2 202 or 204 of such title, by multiplying—

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

5 (B) the amounts authorized to be appro-
6 priated for each such program for the fiscal
7 year; and

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

21 (A) amounts authorized to be appropriated
22 for the programs that are apportioned under
23 title 23, United States Code, to each State for
24 the fiscal year; bears to

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

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

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

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

19 (e) SPECIAL LIMITATION.—

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

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

1 (B) the metro performance program under
2 section 1305 of this Act.

3 (2) EXCEPTION.—Obligation authority made
4 available under paragraph (1) shall—

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

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

11 (f) LOP-OFF.—

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

17 (A) are authorized to be appropriated for
18 the fiscal year for Federal-aid highway pro-
19 grams; and

20 (B) the Secretary determines will not be
21 allocated to the States (or will not be appor-
22 tioned to the States under section 204 of title
23 23, United States Code), and will not be avail-
24 able for obligation, for the fiscal year because

1 of the imposition of any obligation limitation for
2 the fiscal year.

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

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

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

12 Section 101 of title 23, United States Code, is
13 amended—

14 (1) in subsection (a)—

15 (A) by redesignating paragraphs (1), (2),
16 (3), (4), (5), (6), (7), (8), (9), (10), (11), (12),
17 (13), (14), (15), (16), (17), (18), (19), (20),
18 (21), (22), (23), (24), (25), (26), (27), (28),
19 (29), (30), (31), (32), (33), and (34) as para-
20 graphs (2), (3), (4), (6), (8), (10), (11), (12),
21 (13), (14), (16), (17), (18), (19), (20), (21),
22 (23), (24), (25), (26), (28), (29), (32), (33),
23 (34), (35), (36), (37), (38), (40), (41), (42),
24 (43), and (44), respectively;

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

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

8 (C) by inserting after paragraph (4), as so
9 redesignated, the following:

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

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

20 (E) by inserting after paragraph (6), as so
21 redesignated, the following:

22 “(7) CONTEXT SENSITIVE DESIGN PRIN-
23 CIPLES.—The term ‘context sensitive design prin-
24 ciples’ means principles for the design of a public
25 road that—

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

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

11 (F) by inserting after paragraph (8), as so
12 redesignated, the following:

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

16 “(A) is used to transport—

17 “(i) the public away from an emer-
18 gency event; or

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

21 “(B) is identified, consistent with sections
22 134(i)(2)(I)(iii) and 135(f)(10)(C)(iii), by the
23 eligible entity with jurisdiction over the area in
24 which the route is located for the purposes de-
25 scribed in subparagraph (A).”;

1 (G) by inserting after paragraph (14), as
2 so redesignated, the following:

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

7 (H) by inserting after paragraph (21), as
8 so redesignated, the following:

9 “(22) NATURAL INFRASTRUCTURE.—

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

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

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

20 “(iii) involves the use of plants, soils,
21 and other natural features, including
22 through the creation, restoration, or pres-
23 ervation of vegetated areas using materials
24 appropriate to the region to manage
25 stormwater and runoff, to attenuate flood-

1 ing and storm surges, and for other related
2 purposes.

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

6 (I) by inserting after paragraph (26), as so
7 redesignated, the following:

8 “(27) PROTECTIVE FEATURE.—

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

16 “(B) INCLUSIONS.—The term ‘protective
17 feature’ includes—

18 “(i) raising roadway grades;

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

22 “(iii) stabilizing slide areas;

23 “(iv) stabilizing slopes;

24 “(v) lengthening or raising bridges to
25 increase waterway openings;

1 “(vi) increasing the size or number of
2 drainage structures;

3 “(vii) replacing culverts with bridges
4 or upsizing culverts;

5 “(viii) installing seismic retrofits on
6 bridges;

7 “(ix) scour, stream stability, coastal,
8 and other hydraulic countermeasures; and

9 “(x) the use of natural infrastruc-
10 ture.”;

11 (J) by inserting after paragraph (29), as
12 so redesignated, the following:

13 “(30) REPEATEDLY DAMAGED FACILITY.—The
14 term ‘repeatedly damaged facility’ means a road,
15 highway, or bridge that has required repair and re-
16 construction activities on 2 or more occasions due to
17 natural disasters or catastrophic failures resulting in
18 emergencies declared by the Governor of the State
19 in which the road, highway, or bridge is located or
20 emergencies or major disasters declared by the
21 President under the Robert T. Stafford Disaster Re-
22 lief and Emergency Assistance Act (42 U.S.C. 5121
23 et seq.).

24 “(31) RESILIENCE.—

1 “(A) IN GENERAL.—The term ‘resilience’
2 means, with respect to a facility, the ability
3 to—

4 “(i) anticipate, prepare for, or adapt
5 to conditions; or

6 “(ii) withstand, respond to, or recover
7 rapidly from disruptions.

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

10 “(i) resist hazards or withstand im-
11 pacts from disruptions;

12 “(ii) reduce the magnitude, duration,
13 or impact of a disruption; or

14 “(iii) have the absorptive capacity,
15 adaptive capacity, and recoverability to de-
16 crease vulnerability to a disruption.”; and

17 (K) by inserting after paragraph (38), as
18 so redesignated, the following:

19 “(39) TRANSPORTATION SYSTEM ACCESS.—The
20 term ‘transportation system access’ means the abil-
21 ity to travel by automobile, public transportation,
22 pedestrian, and bicycle networks, measured by travel
23 time, taking into consideration—

24 “(A) the impacts of the level of travel
25 stress for non-motorized users;

1 “(B) costs for low-income travelers; and

2 “(C) the extent to which transportation ac-
3 cess is impacted by zoning policies and land use
4 planning practices that effect the affordability,
5 elasticity, and diversity of the housing supply.”;

6 and

7 (2) in subsection (b)—

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

10 (B) in paragraph (3)—

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

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

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

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

19 “(I) safety is the highest priority of the
20 Department of Transportation, and the Sec-
21 retary and States should take all actions nec-
22 essary to meet the transportation needs of the
23 21st century for all road users;

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

1 rity, and reducing the contributions of the
2 transportation system to the Nation's total car-
3 bon pollution is critical; and

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

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

11 **SEC. 1104. APPORTIONMENT.**

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

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

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

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

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

19 and

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

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

23 “(b) DIVISION AMONG PROGRAMS OF STATE'S
24 SHARE OF APPORTIONMENT.—The Secretary shall dis-
25 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;

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 (a) by striking “FAST Act”
10 and inserting “INVEST in America Act”;

11 (2) in subsection (c)—

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

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

15 “(4) SPECIAL RULE.—

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

22 “(i) determine the ratio that—

23 “(I) the amount authorized to be
24 appropriated for the allocation, res-

1 ervation, or set-aside from the account
2 for the fiscal year; bears to

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

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

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

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

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

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

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

7 (3) in subsection (e)—

8 (A) by striking “There is authorized” and
9 inserting “For fiscal year 2022 and each fiscal
10 year thereafter, there is authorized”; and

11 (B) by striking “for any of fiscal years
12 2017 through 2020”; and

13 (4) in subsection (f)(1) by striking “section
14 1102 or 3018 of the FAST Act” and inserting “any
15 other provision of law”.

16 **SEC. 1106. TRANSPARENCY.**

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

20 “(g) HIGHWAY TRUST FUND TRANSPARENCY AND
21 ACCOUNTABILITY REPORTS.—

22 “(1) REQUIREMENT.—

23 “(A) IN GENERAL.—The Secretary shall
24 compile data in accordance with this subsection

1 on the use of Federal-aid highway funds made
2 available under this title.

3 “(B) USER FRIENDLY DATA.—The data
4 compiled under subparagraph (A) shall be in a
5 user friendly format that can be searched,
6 downloaded, disaggregated, and filtered by data
7 category.

8 “(2) PROJECT DATA.—

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

14 “(i) the location of each active project
15 within each State during such fiscal year,
16 including in which congressional district or
17 districts such project is located;

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

19 “(iii) the amount of Federal funding
20 obligated for such project;

21 “(iv) the program or programs from
22 which Federal funds have been obligated
23 for such project;

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

- 1 “(I) less than 5,000 individuals;
- 2 “(II) 5,000 or more individuals
- 3 but less than 50,000 individuals;
- 4 “(III) 50,000 or more individuals
- 5 but less than 200,000 individuals; or
- 6 “(IV) 200,000 or more individ-
- 7 uals;
- 8 “(vi) whether such project is located
- 9 in an area of persistent poverty, as defined
- 10 in section 172(l);
- 11 “(vii) the type of improvement being
- 12 made by such project, including catego-
- 13 rizing such project as—
- 14 “(I) a road reconstruction
- 15 project;
- 16 “(II) a new road construction
- 17 project;
- 18 “(III) a new bridge construction
- 19 project;
- 20 “(IV) a bridge rehabilitation
- 21 project; or
- 22 “(V) a bridge replacement
- 23 project; and

1 “(viii) the functional classification of
2 the roadway on which such project is lo-
3 cated.

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

11 “(3) STATE DATA.—

12 “(A) APPORTIONED AND ALLOCATED PRO-
13 GRAMS.—The website described in paragraph
14 (2)(A) shall be updated annually to display the
15 Federal-aid highway funds apportioned and al-
16 located to each State under this title, includ-
17 ing—

18 “(i) the amount of funding available
19 for obligation by the State, including prior
20 unobligated balances, at the start of the
21 fiscal year;

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

1 “(iii) the amount of funding remain-
2 ing available for obligation by the State at
3 the end of such fiscal year; and

4 “(iv) changes in the obligated, unex-
5 pended balance for the State;

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

8 “(i) the amount of funding by each
9 apportioned and allocated program for
10 which the State received funding under
11 this title;

12 “(ii) the amount of funding trans-
13 ferred between programs by the State dur-
14 ing the fiscal year using the authority pro-
15 vided under section 126; and

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

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

20 “(A) ACTIVE PROJECT.—

21 “(i) IN GENERAL.—The term ‘active
22 project’ means a Federal-aid highway
23 project using funds made available under
24 this title on which those funds were obli-
25 gated or expended during the fiscal year

1 for which the estimated total cost as of the
2 start of construction is greater than
3 \$5,000,000.

4 “(ii) EXCLUSION.—The term ‘active
5 project’ does not include any project for
6 which funds are transferred to agencies
7 other than the Federal Highway Adminis-
8 tration.

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

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

17 (b) PROJECT APPROVAL AND OVERSIGHT.—Section
18 106 of title 23, United States Code, is amended—

19 (1) in subsection (g)—

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

22 “(B) ASSISTANCE TO STATES.—The Sec-
23 retary shall—

1 “(i) develop criteria for States to use
2 to make the determination required under
3 subparagraph (A); and

4 “(ii) provide training, guidance, and
5 other assistance to States and subrecipi-
6 ents as needed to ensure that projects ad-
7 ministered by subrecipients comply with
8 the requirements of this title.

9 “(C) PERIODIC REVIEW.—The Secretary
10 shall review, not less frequently than every 2
11 years, the monitoring of subrecipients by the
12 States.”; and

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

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

1 if such projects were carried out using Federal
2 funds.”;

3 (2) in subsection (h)(3)—

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

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

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

13 “(k) MEGAPROJECTS.—

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

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

1 “(B) examples of mechanisms the recipient
2 will use to track risks identified pursuant to
3 subparagraph (A);

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

5 “(D) such assurances as the Secretary de-
6 termines appropriate that the recipient shall,
7 with respect to the megaproject—

8 “(i) regularly submit to the Secretary
9 updated cost estimates; and

10 “(ii) maintain and regularly reassess
11 financial reserves for addressing known
12 and unknown risks.

13 “(2) PEER REVIEW GROUP.—

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

25 “(B) MEMBERSHIP.—

1 “(i) IN GENERAL.—Not later than
2 180 days after the date of enactment of
3 this subsection, the Secretary shall estab-
4 lish guidelines describing how a recipient
5 described in subparagraph (A) shall—

6 “(I) recruit and select members
7 for a peer review group established
8 under such subparagraph; and

9 “(II) make publicly available the
10 criteria for such selection and identify
11 the members so selected.

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

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

20 “(i) meet annually until completion of
21 the megaproject;

22 “(ii) not later than 90 days after the
23 date of the establishment of the peer re-
24 view group and not later than 90 days
25 after the date of any significant change, as

1 determined by the Secretary, to the scope,
2 schedule, or budget of the megaproject, re-
3 view the scope, schedule, and budget of the
4 megaproject, including planning, engineer-
5 ing, financing, and any other elements de-
6 termined appropriate by the Secretary; and

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

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

14 “(4) MEGAPROJECT DEFINED.—In this sub-
15 section, the term ‘megaproject’ means a project
16 under this title that has an estimated total cost of
17 \$2,000,000,000 or more, and such other projects as
18 may be identified by the Secretary.

19 “(1) SPECIAL EXPERIMENTAL PROJECTS.—

20 “(1) PUBLIC AVAILABILITY.—The Secretary
21 shall publish on the website of the Department of
22 Transportation a copy of all letters of interest, pro-
23 posals, workplans, and reports related to the special
24 experimental project authority pursuant to section
25 502(b). The Secretary shall redact confidential busi-

1 ness information, as necessary, from any such infor-
2 mation published.

3 “(2) NOTIFICATION AND OPPORTUNITY FOR
4 COMMENT.—Not later than 30 days before making
5 a determination to proceed with an experiment
6 under a letter of interest described in paragraph (1),
7 the Secretary shall provide notification and an op-
8 portunity for public comment on the letter of inter-
9 est and the Secretary’s proposed response.

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

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

20 “(B) legislative recommendations, if any,
21 based on the findings of such experiments.

22 “(m) COMPETITIVE GRANT PROGRAM OVERSIGHT
23 AND ACCOUNTABILITY.—

24 “(1) IN GENERAL.—To ensure the account-
25 ability and oversight of the discretionary grant selec-

1 tion process administered by the Secretary, a cov-
2 ered program shall be subject to the requirements of
3 this section, in addition to the requirements applica-
4 ble to each covered program.

5 “(2) APPLICATION PROCESS.—The Secretary
6 shall—

7 “(A) develop a template for applicants to
8 use to summarize—

9 “(i) project needs and benefits; and

10 “(ii) any factors, requirements, or
11 considerations established for the applica-
12 ble covered program;

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

17 “(C) make a determination, based on the
18 evaluation made pursuant to subparagraph (B),
19 on any ratings, rankings, scores, or similar
20 metrics for applications made to the covered
21 program.

22 “(3) NOTIFICATION OF CONGRESS.—Not less
23 than 15 days before making a grant for a covered
24 program, the Secretary shall notify, in writing, the
25 Committee on Transportation and Infrastructure of

1 the House of Representatives and the Committee on
2 the Environment and Public Works of the Senate
3 of—

4 “(A) the amount for each project proposed
5 to be selected;

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

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

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

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

17 “(A) a summary of each application made
18 to the covered program for the given round of
19 funding; and

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

1 “(5) BRIEFING.—The Secretary shall provide,
2 at the request of a grant applicant of a covered pro-
3 gram, the opportunity to receive a briefing to explain
4 any reasons the grant applicant was not awarded a
5 grant.

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

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

14 “(A) Community climate innovation grants
15 under section 172.

16 “(B) Electric vehicle charging and hydro-
17 gen fueling infrastructure grants under section
18 151(f).

19 “(C) Federal lands and tribal major
20 projects grants under section 208.

21 “(D) Safe, efficient mobility through ad-
22 vanced technologies grants under section
23 503(c)(4).”.

24 (c) DIVISION OFFICE CONSISTENCY.—Not later than
25 1 year after the date of enactment of this Act, the Comp-

1 troller General of the United States shall submit to Con-
2 gress a report that—

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

6 (2) makes recommendations to improve the con-
7 sistency of such determinations.

8 **SEC. 1107. COMPLETE AND CONTEXT SENSITIVE STREET**
9 **DESIGN.**

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

12 (1) in subsection (a)—

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

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

21 (2) in subsection (b)—

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

1 (B) by striking “the types and volumes of
2 traffic anticipated for such project for the twen-
3 ty-year period commencing on the date of ap-
4 proval by the Secretary, under section 106 of
5 this title, of the plans, specifications, and esti-
6 mates for actual construction of such project”
7 and inserting “the existing and future oper-
8 ational performance of the facility”;

9 (3) in subsection (c)(1)—

10 (A) in subparagraph (C) by striking “;
11 and” and inserting a semicolon;

12 (B) in subparagraph (D) by striking the
13 period and inserting “; and”; and

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

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

16 (4) by striking subsection (o) and inserting the
17 following:

18 “(o) COMPLIANCE WITH STATE LAWS FOR NON-
19 NHS PROJECTS.—

20 “(1) IN GENERAL.—Projects (other than high-
21 way projects on the National Highway System)
22 shall—

23 “(A) be designed, constructed, operated,
24 and maintained in accordance with State laws,

1 regulations, directives, safety standards, design
2 standards, and construction standards; and

3 “(B) take into consideration context sen-
4 sitive design principles.

5 “(2) DESIGN FLEXIBILITY.—

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

12 “(i) the deviation is approved by the
13 Secretary; and

14 “(ii) the design complies with all other
15 applicable Federal laws.

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

21 “(C) PROGRAMMATIC BASIS.—The Sec-
22 retary may approve a deviation under this para-
23 graph on a project, multiple project, or pro-
24 grammatic basis.”; and

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

1 “(s) CONTEXT SENSITIVE DESIGN.—

2 “(1) CONTEXT SENSITIVE DESIGN PRIN-
3 CIPLES.—The Secretary shall collaborate with Amer-
4 ican Association of State Highway Transportation
5 Officials to ensure that any roadway design publica-
6 tions approved by the Secretary under this section
7 provides adequate flexibility for a project sponsor to
8 select the appropriate design of a roadway, con-
9 sistent with context sensitive design principles.

10 “(2) POLICIES OR PROCEDURES.—

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

18 “(B) LOCAL GOVERNMENTS.—The Sec-
19 retary and States shall encourage local govern-
20 ments to adopt policies or procedures described
21 under subparagraph (A).

22 “(C) CONSIDERATIONS.—The policies or
23 procedures developed under this paragraph
24 shall take into consideration the guidance devel-
25 oped by the Secretary under paragraph (3).

1 “(3) GUIDANCE.—

2 “(A) IN GENERAL.—

3 “(i) NOTICE.—Not later than 1 year
4 after the date of enactment of this sub-
5 section, the Secretary shall publish guid-
6 ance on the official website of the Depart-
7 ment of Transportation on context sen-
8 sitive design.

9 “(ii) PUBLIC REVIEW AND COM-
10 MENT.—The guidance described in this
11 paragraph shall be finalized following an
12 opportunity for public review and com-
13 ment.

14 “(iii) UPDATE.—The Secretary shall
15 periodically update the guidance described
16 in this paragraph, including the model
17 policies or procedures described under sub-
18 paragraph (B)(v).

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

21 “(i) provide best practices for States,
22 metropolitan planning organizations, re-
23 gional transportation planning organiza-
24 tions, local governments or other project

1 sponsors to carry out context sensitive de-
2 sign principles;

3 “(ii) identify opportunities to modify
4 planning, scoping, design, and development
5 procedures to more effectively combine
6 modes of transportation into integrated fa-
7 cilities that meet the needs of each of such
8 modes of transportation in an appropriate
9 balance;

10 “(iii) identify metrics to assess the
11 context of the facility, including sur-
12 rounding land use or roadside characteris-
13 tics;

14 “(iv) assess the expected operational
15 and safety performance of alternative ap-
16 proaches to facility design; and

17 “(v) taking into consideration the
18 findings of this guidance, establish model
19 policies or procedures for a State or other
20 project sponsor to evaluate the context of
21 a proposed facility and select the appro-
22 priate facility design for the context.

23 “(C) TOPICS OF EMPHASIS.—In publishing
24 the guidance described in this paragraph, the
25 Secretary shall emphasize—

1 “(i) procedures for identifying the
2 needs of users of all ages and abilities of
3 a particular roadway;

4 “(ii) procedures for identifying the
5 types and designs of facilities needed to
6 serve various modes of transportation;

7 “(iii) safety and other benefits pro-
8 vided by carrying out context sensitive de-
9 sign principles;

10 “(iv) common barriers to carrying out
11 context sensitive design principles;

12 “(v) procedures for overcoming the
13 most common barriers to carrying out con-
14 text sensitive design principles;

15 “(vi) procedures for identifying the
16 costs associated with carrying out context
17 sensitive design principles;

18 “(vii) procedures for maximizing local
19 cooperation in the introduction of context
20 sensitive design principles and carrying out
21 those principles; and

22 “(viii) procedures for assessing and
23 modifying the facilities and operational
24 characteristics of existing roadways to im-

1 prove consistency with context sensitive de-
2 sign principles.

3 “(4) FUNDING.—Amounts made available
4 under sections 104(b)(6) and 505 of this title may
5 be used for States, local governments, metropolitan
6 planning organizations, or regional transportation
7 planning organizations to adopt policies or proce-
8 dures to evaluate the context of a proposed roadway
9 and select the appropriate design, consistent with
10 context sensitive design principles.”.

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

13 **SEC. 1108. INNOVATIVE PROJECT DELIVERY FEDERAL**
14 **SHARE.**

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

17 (1) by striking clause (i) and inserting the fol-
18 lowing:

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

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

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

2 and

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

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

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

11 **SEC. 1109. TRANSFERABILITY OF FEDERAL-AID HIGHWAY**
12 **FUNDS.**

13 Section 126(b) of title 23, United States Code, is
14 amended—

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

17 (2) in paragraph (1) by striking “and
18 133(d)(1)(A)” and inserting “, 130, 133(d)(1)(A),
19 133(h), 149, and 171”; and

20 (3) by striking paragraph (2) and inserting the
21 following:

22 “(2) **ENVIRONMENTAL PROGRAMS.**—With re-
23 spect to an apportionment under either paragraph
24 (4) or paragraph (9) of section 104(b), and notwith-
25 standing paragraph (1), a State may only transfer

1 not more than 50 percent from the amount of the
2 apportionment of either such paragraph to the ap-
3 portionment under the other such paragraph in a
4 fiscal year.”.

5 **SEC. 1110. TOLLING.**

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

9 (1) in subsection (a)—

10 (A) by striking paragraph (1) and insert-
11 ing the following:

12 “(1) IN GENERAL.—

13 “(A) AUTHORIZATION.—Subject to the
14 provisions of this section, Federal participation
15 shall be permitted on the same basis and in the
16 same manner as construction of toll-free high-
17 ways is permitted under this chapter in the—

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

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

1 bridge, or tunnel to a tolled facility, if the
2 number of toll-free lanes, excluding auxil-
3 iary lanes, after the construction is not less
4 than the number of toll-free lanes, exclud-
5 ing auxiliary lanes, before the construction;

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

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

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

24 “(vi) reconstruction of a toll-free Fed-
25 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 under this
23 subsection, the public authority with juris-
24 diction over a highway, bridge, or tunnel
25 shall enter into an agreement with the Sec-

1 retary to ensure compliance with the re-
2 quirements of this subsection.

3 “(ii) APPLICABILITY.—

4 “(I) IN GENERAL.—The require-
5 ments of this subparagraph shall
6 apply 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 sub-
5 paragraph (B), the public authority shall certify
6 to 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 subpara-
22 graph (B), the Secretary shall ensure the
23 public authority has adequately considered,
24 including 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 pricing to manage the
5 demand to use the facility by varying the
6 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 peak hour periods.

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

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

22 “(bb) a reduction in person
23 hours of delay in the corridor or
24 cordon, as determined by the
25 Secretary.

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

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

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

14 “(v) MAINTENANCE OF OPERATING
15 PERFORMANCE.—

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

1 or cordon into compliance with this
2 subparagraph.

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

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

23 “(aa) the actions taken to
24 bring the facility into compliance;

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

4 “(cc) the progress made by
5 those actions.

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

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

23 “(vii) INCLUSION.—For the purposes
24 of this paragraph, the corridor or cordon

1 shall include toll-free facilities that are ad-
2 jacent to the toll facility.”;

3 (B) in paragraph (3)—

4 (i) in subparagraph (A)—

5 (I) in clause (iv) by striking
6 “and” at the end; and

7 (II) by striking clause (v) and in-
8 serting the following:

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

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

18 “(vii) if the public authority certifies
19 annually that the tolled facility is being
20 adequately maintained and the cordon or
21 corridor is not degraded under paragraph
22 (1)(E), any revenues remaining after fund-
23 ing the activities described in clauses (i)
24 through (vi) shall be considered surplus
25 revenue and may be used for any other

1 purpose for which Federal funds may be
2 obligated by a State under this title or
3 chapter 53 of title 49.”;

4 (ii) by striking subparagraph (B) and
5 inserting the following:

6 “(B) TRANSPARENCY.—

7 “(i) ANNUAL AUDIT.—

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

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

21 “(ii) USE OF REVENUES.—A State or
22 public authority that obligates amounts
23 under clauses (v), (vi), or (vii) of subpara-
24 graph (A) shall annually report to the Sec-
25 retary a list of activities funded with such

1 amounts and the amount of funding pro-
2 vided for each such activity.”;

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

7 (D) in paragraph (9)—

8 (i) by striking “bus” and inserting
9 “vehicle”; and

10 (ii) by striking “buses” and inserting
11 “vehicles”; and

12 (E) by striking paragraph (10) and insert-
13 ing the following:

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

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

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

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

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

10 “(C) INITIAL CONSTRUCTION.—

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

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

19 “(D) OVER-THE-ROAD BUS.—The term
20 ‘over-the-road bus’ has the meaning given the
21 term in section 301 of the Americans with Dis-
22 abilities Act of 1990 (42 U.S.C. 12181).

23 “(E) PUBLIC AUTHORITY.—The term
24 ‘public authority’ means a State, interstate

1 compact of States, or public entity designated
2 by a State.

3 “(F) PUBLIC TRANSPORTATION VEHI-
4 CLE.—The term ‘public transportation vehicle’
5 has the meaning given that term in section 166.

6 “(G) TOLL FACILITY.—The term ‘toll fa-
7 cility’ means a toll highway, bridge, or tunnel or
8 approach to the highway, bridge, or tunnel con-
9 structed or authorized to be tolled under this
10 subsection.”.

11 (b) REPEAL OF INTERSTATE SYSTEM RECONSTRUC-
12 TION AND REHABILITATION PILOT PROGRAM.—Section
13 1216 of the Transportation Equity Act for the 21st Cen-
14 tury (23 U.S.C. 129 note), and the item related to such
15 section in the table of contents in section 1(b) of such Act,
16 are repealed.

17 (c) VALUE PRICING PILOT PROGRAM.—Section
18 1012(b) of the Intermodal Surface Transportation Effi-
19 ciency Act of 1991 (23 U.S.C. 149 note) is amended by
20 adding at the end the following:

21 “(9) SUNSET.—The Secretary may not consider
22 an expression of interest submitted under this sec-
23 tion after the date of enactment of this paragraph.”.

24 (d) SAVINGS CLAUSE.—

1 (1) APPLICATION OF LIMITATIONS.—Any toll
2 facility described in paragraph (2) shall be subject to
3 the requirements of section 129(a)(3) of title 23,
4 United States Code, as in effect on the day before
5 the date of enactment of this Act.

6 (2) TOLL FACILITIES.—A toll facility described
7 in this paragraph is a facility that, on the day prior
8 to the date of enactment of this Act was—

9 (A) operating;

10 (B) in the planning and design phase; or

11 (C) in the construction phase.

12 **SEC. 1111. HOV FACILITIES.**

13 Section 166 of title 23, United States Code, is
14 amended—

15 (1) in subsection (b)—

16 (A) in paragraph (4)(C)(iii) by striking
17 “transportation buses” and inserting “transporta-
18 tion vehicles”; and

19 (B) in paragraph (5) by striking subpara-
20 graph (B) and redesignating subparagraph (C)
21 as subparagraph (B);

22 (2) in subsection (d)(2)(B) by striking “morn-
23 ing or evening weekday peak hour periods (or both)”
24 and inserting “peak hour periods”;

25 (3) in subsection (e)—

1 (A) by striking “Not later than 180 days
2 after the date of enactment of this section, the
3 Administrator” and inserting “The Adminis-
4 trator”;

5 (B) in paragraph (1) by striking “and” at
6 the end;

7 (C) in paragraph (2) by striking the period
8 at the end and inserting “; and”; and

9 (D) by adding at the end the following:

10 “(3) not later than 180 days after the date of
11 enactment of the INVEST in America Act, update
12 the requirements established under paragraph (1).”;
13 and

14 (4) in subsection (f)—

15 (A) in paragraph (1)—

16 (i) by striking subparagraphs (C),
17 (D), and (F); and

18 (ii) by redesignating subparagraphs
19 (E), (G), (H), and (I) as subparagraphs
20 (C), (D), (E), and (F), respectively; and

21 (B) in paragraph (6)(B)(i) by striking
22 “public entity” and inserting “public transpor-
23 tation service that is a recipient or subrecipient
24 of funds under chapter 53 of title 49”.

1 **SEC. 1112. BUY AMERICA.**

2 (a) IN GENERAL.—Section 313 of title 23, United
3 States Code, is amended—

4 (1) in subsection (a)—

5 (A) by striking “Notwithstanding” and in-
6 serting “IN GENERAL—Notwithstanding”;

7 (B) by striking “Secretary of Transpor-
8 tation” and inserting “Secretary”; and

9 (C) by striking “the Surface Transpor-
10 tation Assistance Act of 1982 (96 Stat. 2097)
11 or”;

12 (2) in subsection (b) by inserting “DETERMINA-
13 TION.—” before “The provisions”;

14 (3) in subsection (c) by striking “For purposes”
15 and inserting “CALCULATION—For purposes”;

16 (4) in subsection (d)—

17 (A) by striking “The Secretary of Trans-
18 portation” and inserting “REQUIREMENTS—
19 The Secretary”; and

20 (B) by striking “the Surface Transpor-
21 tation Assistance Act of 1982 (96 Stat. 2097)
22 or”; and

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

24 “(h) WAIVER PROCEDURE.—

25 “(1) IN GENERAL.—Not later than 120 days
26 after the submission of a request for a waiver, the

1 Secretary shall make a determination under para-
2 graph (1) or (2) of subsection (b) as to whether sub-
3 section (a) shall apply.

4 “(2) PUBLIC NOTIFICATION AND COMMENT.—

5 “(A) IN GENERAL.—Not later than 30
6 days before making a determination regarding a
7 waiver described in paragraph (1), the Sec-
8 retary shall provide notification and an oppor-
9 tunity for public comment on the request for
10 such waiver.

11 “(B) NOTIFICATION REQUIREMENTS.—The
12 notification required under subparagraph (A)
13 shall—

14 “(i) describe whether the application
15 is being made for a determination de-
16 scribed in subsection (b)(1); and

17 “(ii) be provided to the public by elec-
18 tronic means, including on the public
19 website of the Department of Transpor-
20 tation.

21 “(3) DETERMINATION.—Before a determination
22 described in paragraph (1) takes effect, the Sec-
23 retary shall publish a detailed justification for such
24 determination that addresses all public comments re-
25 ceived under paragraph (2)—

1 “(A) on the public website of the Depart-
2 ment of Transportation; and

3 “(B) if the Secretary issues a waiver with
4 respect to such determination, in the Federal
5 Register.

6 “(i) REVIEW OF NATIONWIDE WAIVERS.—

7 “(1) IN GENERAL.—Not later than 1 year after
8 the date of enactment of this subsection, and at
9 least every 5 years thereafter, the Secretary shall re-
10 view any standing nationwide waiver issued by the
11 Secretary under this section to ensure such waiver
12 remains justified.

13 “(2) PUBLIC NOTIFICATION AND OPPORTUNITY
14 FOR COMMENT.—

15 “(A) IN GENERAL.—Not later than 30
16 days before the completion of a review under
17 paragraph (1), the Secretary shall provide noti-
18 fication and an opportunity for public comment
19 on such review.

20 “(B) MEANS OF NOTIFICATION.—Notifica-
21 tion provided under this subparagraph shall be
22 provided by electronic means, including on the
23 public website of the Department of Transpor-
24 tation.

1 “(3) DETAILED JUSTIFICATION IN FEDERAL
2 REGISTER.—After the completion of a review under
3 paragraph (1), the Secretary shall publish in the
4 Federal Register a detailed justification for the de-
5 termination made under paragraph (1) that address-
6 es all public comments received under paragraph
7 (2).

8 “(j) REPORT.—Not later than 120 days after the last
9 day of each fiscal year, the Secretary shall submit to the
10 Committee on Transportation and Infrastructure of the
11 House of Representatives, the Committee on Appropria-
12 tions of the House of Representatives, the Committee on
13 Environment and Public Works of the Senate, and the
14 Committee on Appropriations of the Senate a report on
15 the waivers provided under subsection (h) during the pre-
16 vious fiscal year and the justifications for such waivers.”.

17 (b) CONFORMING AMENDMENTS.—

18 (1) CONSOLIDATED APPROPRIATIONS ACT,
19 2010.—Section 123 of title I of division A of the
20 Consolidated Appropriations Act, 2010 (23 U.S.C.
21 313 note; Public Law 111–117) is repealed.

22 (2) FURTHER CONSOLIDATED APPROPRIATIONS
23 ACT, 2020.—Section 122 of title I of division H of
24 the Consolidated Appropriations Act, 2019 (23
25 U.S.C. 313 note; Public Law 116–94) is repealed.

1 (3) SAFETEA-LU TECHNICAL CORRECTIONS
2 ACT OF 2008.—Section 117 of the SAFETEA-LU
3 Technical Corrections Act of 2008 (23 U.S.C. 313
4 note) is repealed.

5 **Subtitle B—Programmatic**
6 **Infrastructure Investment**

7 **SEC. 1201. NATIONAL HIGHWAY PERFORMANCE PROGRAM.**

8 Section 119 of title 23, United States Code, is
9 amended—

10 (1) by striking subsection (b) and inserting the
11 following:

12 “(b) PURPOSES.—The purposes of the national high-
13 way performance program shall be—

14 “(1) to provide support for the condition and
15 performance of the National Highway System, con-
16 sistent with the asset management plans of States;

17 “(2) to support progress toward the achieve-
18 ment of performance targets of States established
19 under section 150;

20 “(3) to increase the resilience of Federal-aid
21 highways and bridges; and

22 “(4) to provide support for the construction of
23 new facilities on the National Highway System, con-
24 sistent with subsection (d)(3).”;

25 (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, as defined in the
21 State’s asset management plan, on the National
22 Highway System; and

23 “(B) demonstrates that the project—

1 “(i) supports the achievement of per-
2 formance targets of the State established
3 under section 150; and

4 “(ii) is more cost effective, as deter-
5 mined by benefit-cost analysis, than—

6 “(I) an operational improvement
7 to the facility or corridor;

8 “(II) the construction of a transit
9 project eligible for assistance under
10 chapter 53 of title 49; or

11 “(III) the construction of a non-
12 single occupancy passenger vehicle
13 project that improves freight move-
14 ment.”; and

15 (3) in subsection (e)—

16 (A) in the heading by inserting “ASSET
17 AND” after “STATE”;

18 (B) in paragraph (4)(D) by striking “anal-
19 ysis” and inserting “analyses, both of which
20 shall take into consideration climate change ad-
21 aptation and resilience;”; and

22 (C) in paragraph (8) by striking “Not later
23 than 18 months after the date of enactment of
24 the MAP-21, the Secretary” and inserting
25 “The Secretary”.

1 **SEC. 1202. INCREASING THE RESILIENCE OF TRANSPOR-**
2 **TATION ASSETS.**

3 (a) PREDISASTER MITIGATION PROGRAM.—

4 (1) IN GENERAL.—Chapter 1 of title 23, United
5 States Code, is amended by inserting after section
6 123 the following:

7 **“§ 124. Predisaster mitigation program**

8 “(a) ESTABLISHMENT.—The Secretary shall estab-
9 lish and implement a predisaster mitigation program to
10 enhance the resilience of the transportation system of the
11 United States, mitigate the impacts of covered events, and
12 ensure the efficient use of Federal resources.

13 “(b) ELIGIBLE ACTIVITIES.—

14 “(1) IN GENERAL.—Subject to paragraph (2),
15 funds apportioned to the State under section
16 104(b)(8) may be obligated for construction activi-
17 ties, including construction of natural infrastructure
18 or protective features, to—

19 “(A) increase the resilience of a surface
20 transportation infrastructure asset to withstand
21 a covered event;

22 “(B) relocate or provide a reasonable alter-
23 native to a repeatedly damaged facility; and

24 “(C) for an evacuation route identified in
25 the vulnerability assessment required under sec-
26 tion 134(i)(2)(I)(iii) or section 135(f)(10)(C)—

1 “(i) improve the capacity or operation
2 of such evacuation route through—

3 “(I) communications and intel-
4 ligent transportation system equip-
5 ment and infrastructure;

6 “(II) counterflow measures; and

7 “(III) shoulders; and

8 “(ii) relocate such evacuation route or
9 provide a reasonable alternative to such
10 evacuation route to address the risk of a
11 covered event.

12 “(2) INFRASTRUCTURE RESILIENCE AND ADAP-
13 TATION.—No funds shall be obligated to a project
14 under this section unless the project meets each of
15 the following criteria:

16 “(A) The project is designed to ensure re-
17 siliance over the anticipated service life of the
18 surface transportation infrastructure asset.

19 “(B) The project is identified in the metro-
20 politan or statewide transportation improve-
21 ment program as a project to address resilience
22 vulnerabilities, consistent with section
23 134(j)(3)(E) or 135(g)(5)(B)(iii).

24 “(C) For a project in a flood plain, the
25 project sponsor considers hydrologic and hy-

1 draulic data and methods that integrate current
2 and projected changes in flooding based on cli-
3 mate science over the anticipated service life of
4 the surface transportation infrastructure asset
5 and future forecasted land use changes.

6 “(3) PRIORITIZATION OF PROJECTS.—A State
7 shall develop a process to prioritize projects under
8 this section based on the degree to which the pro-
9 posed project would—

10 “(A) be cost effective;

11 “(B) reduce the risk of disruption to a sur-
12 face transportation infrastructure asset consid-
13 ered critical to support population centers,
14 freight movement, economic activity, evacu-
15 ation, recovery, or national security functions;
16 and

17 “(C) ease disruptions to vulnerable, at-
18 risk, or transit-dependant populations.

19 “(c) GUIDANCE.—The Secretary shall provide guid-
20 ance to States to assist with the implementation of para-
21 graphs (2) and (3) of subsection (b).

22 “(d) DEFINITIONS.—In this section:

23 “(1) COVERED EVENT.—The term ‘covered
24 event’ means a climate change effect (including sea

1 level rise), an extreme event, seismic activity, or any
2 other natural disaster (including a wildfire).

3 “(2) SURFACE TRANSPORTATION INFRASTRUC-
4 TURE ASSET.—The term ‘surface transportation in-
5 frastructure asset’ means a facility eligible for as-
6 sistance under this title or chapter 53 of title 49.”.

7 (2) CONFORMING AMENDMENT.—The analysis
8 for chapter 1 of title 23, United States Code, is
9 amended by inserting after the item relating to sec-
10 tion 123 the following:

“124. Predisaster mitigation program.”.

11 (b) METROPOLITAN TRANSPORTATION PLANNING.—

12 (1) AMENDMENTS TO TITLE 23.—

13 (A) CLIMATE CHANGE AND RESILIENCE.—

14 Section 134(i)(2) of title 23, United States
15 Code, is amended by adding at the end the fol-
16 lowing:

17 “(I) CLIMATE CHANGE AND RESILIENCE.—

18 “(i) IN GENERAL.—The transpor-
19 tation planning process shall assess strate-
20 gies to reduce the climate change impacts
21 of the surface transportation system and
22 conduct a vulnerability assessment to iden-
23 tify opportunities to enhance the resilience
24 of the surface transportation system and

1 ensure the efficient use of Federal re-
2 sources.

3 “(ii) CLIMATE CHANGE MITIGATION
4 AND IMPACTS.—A long-range transpor-
5 tation plan shall—

6 “(I) identify investments and
7 strategies to reduce transportation-re-
8 lated sources of greenhouse gas emis-
9 sions per capita;

10 “(II) identify investments and
11 strategies to manage transportation
12 demand and increase the rates of pub-
13 lic transportation ridership, walking,
14 bicycling, and carpools; and

15 “(III) recommend zoning and
16 other land use policies that would sup-
17 port infill, transit-oriented develop-
18 ment, and mixed use development.

19 “(iii) VULNERABILITY ASSESSMENT.—
20 A long-range transportation plan shall in-
21 corporate a vulnerability assessment that—

22 “(I) includes a risk-based assess-
23 ment of vulnerabilities of critical
24 transportation assets and systems to

1 covered events (as such term is de-
2 fined in section 124);

3 “(II) considers, as applicable, the
4 risk management analysis in the
5 State’s asset management plan devel-
6 oped pursuant to section 119, and the
7 State’s evaluation of reasonable alter-
8 natives to repeatedly damaged facili-
9 ties conducted under part 667 of title
10 23, Code of Federal Regulations;

11 “(III) identifies evacuation
12 routes, assesses the ability of any
13 such routes to provide safe passage
14 for evacuation and emergency re-
15 sponse during an emergency event,
16 and identifies any improvements or
17 redundant facilities necessary to ade-
18 quately facilitate safe passage;

19 “(IV) describes the metropolitan
20 planning organization’s adaptation
21 and resilience improvement strategies
22 that will inform the transportation in-
23 vestment decisions of the metropolitan
24 planning organization; and

1 “(V) is consistent with and com-
2 plementary of the State and local
3 mitigation plans required under sec-
4 tion 322 of the Robert T. Stafford
5 Disaster Relief and Emergency Assist-
6 ance Act (42 U.S.C. 5165).

7 “(iv) CONSULTATION.—The assess-
8 ment described in this subparagraph shall
9 be developed in consultation with, as ap-
10 propriate, State, local, and Tribal officials
11 responsible for land use, housing, resil-
12 ience, hazard mitigation, and emergency
13 management.”.

14 (B) RESILIENCE PROJECTS.—Section
15 134(j)(3) of title 23, United States Code, is
16 amended by adding at the end the following:

17 “(E) RESILIENCE PROJECTS.—The TIP
18 shall—

19 “(i) identify projects that address the
20 vulnerabilities identified by the assessment
21 in subsection (i)(2)(I)(iii); and

22 “(ii) describe how each project identi-
23 fied under clause (i) would improve the re-
24 silience of the transportation system.”.

25 (2) AMENDMENTS TO TITLE 49.—

1 (A) CLIMATE CHANGE AND RESILIENCE.—
2 Section 5303(i)(2) of title 49, United States
3 Code, is amended by adding at the end the fol-
4 lowing:

5 “(I) CLIMATE CHANGE AND RESILIENCE.—

6 “(i) IN GENERAL.—The transpor-
7 tation planning process shall assess strate-
8 gies to reduce the climate change impacts
9 of the surface transportation system and
10 conduct a vulnerability assessment to iden-
11 tify opportunities to enhance the resilience
12 of the surface transportation system and
13 ensure the efficient use of Federal re-
14 sources.

15 “(ii) CLIMATE CHANGE MITIGATION
16 AND IMPACTS.—A long-range transpor-
17 tation plan shall—

18 “(I) identify investments and
19 strategies to reduce transportation-re-
20 lated sources of greenhouse gas emis-
21 sions per capita;

22 “(II) identify investments and
23 strategies to manage transportation
24 demand and increase the rates of pub-

1 lic transportation ridership, walking,
2 bicycling, and carpools; and

3 “(III) recommend zoning and
4 other land use policies that would sup-
5 port infill, transit-oriented develop-
6 ment, and mixed use development.

7 “(iii) VULNERABILITY ASSESSMENT.—
8 A long-range transportation plan shall in-
9 corporate a vulnerability assessment that—

10 “(I) includes a risk-based assess-
11 ment of vulnerabilities of critical
12 transportation assets and systems to
13 covered events (as such term is de-
14 fined in section 124 of title 23);

15 “(II) considers, as applicable, the
16 risk management analysis in the
17 State’s asset management plan devel-
18 oped pursuant to section 119 of title
19 23, and the State’s evaluation of rea-
20 sonable alternatives to repeatedly
21 damaged facilities conducted under
22 part 667 of title 23, Code of Federal
23 Regulations;

24 “(III) identifies evacuation
25 routes, assesses the ability of any

1 such routes to provide safe passage
2 for evacuation and emergency re-
3 sponse during an emergency event,
4 and identifies any improvements or
5 redundant facilities necessary to ade-
6 quately facilitate safe passage;

7 “(IV) describes the metropolitan
8 planning organization’s adaptation
9 and resilience improvement strategies
10 that will inform the transportation in-
11 vestment decisions of the metropolitan
12 planning organization; and

13 “(V) is consistent with and com-
14 plementary of the State and local
15 mitigation plans required under sec-
16 tion 322 of the Robert T. Stafford
17 Disaster Relief and Emergency Assist-
18 ance Act (42 U.S.C. 5165).

19 “(iv) CONSULTATION.—The assess-
20 ment described in this subparagraph shall
21 be developed in consultation, as appro-
22 priate, with State, local, and Tribal offi-
23 cials responsible for land use, housing, re-
24 siliience, hazard mitigation, and emergency
25 management.”.

1 (B) RESILIENCE PROJECTS.—Section
2 5303(j)(3) of title 49, United States Code, is
3 amended by adding at the end the following:

4 “(E) RESILIENCE PROJECTS.—The TIP
5 shall—

6 “(i) identify projects that address the
7 vulnerabilities identified by the assessment
8 in subsection (i)(2)(I)(iii); and

9 “(ii) describe how each project identi-
10 fied under clause (i) would improve the re-
11 siliance of the transportation system.”.

12 (c) STATEWIDE AND NONMETROPOLITAN PLAN-
13 NING.—

14 (1) AMENDMENTS TO TITLE 23.—

15 (A) CLIMATE CHANGE AND RESILIENCE.—
16 Section 135(f) of title 23, United States Code,
17 is amended by adding at the end the following:

18 “(10) CLIMATE CHANGE AND RESILIENCE.—

19 “(A) IN GENERAL.—The transportation
20 planning process shall assess strategies to re-
21 duce the climate change impacts of the surface
22 transportation system and conduct a vulner-
23 ability assessment to identify opportunities to
24 enhance the resilience of the surface transpor-

1 tation system and ensure the efficient use of
2 Federal resources.

3 “(B) CLIMATE CHANGE MITIGATION AND
4 IMPACTS.—A long-range transportation plan
5 shall—

6 “(i) identify investments and strate-
7 gies to reduce transportation-related
8 sources of greenhouse gas emissions per
9 capita;

10 “(ii) identify investments and strate-
11 gies to manage transportation demand and
12 increase the rates of public transportation
13 ridership, walking, bicycling, and carpool;
14 and

15 “(iii) recommend zoning and other
16 land use policies that would support infill,
17 transit-oriented development, and mixed
18 use development.

19 “(C) VULNERABILITY ASSESSMENT.—A
20 long-range transportation plan shall incorporate
21 a vulnerability assessment that—

22 “(i) includes a risk-based assessment
23 of vulnerabilities of critical transportation
24 assets and systems to covered events (as
25 such term is defined in section 124);

1 “(ii) considers, as applicable, the risk
2 management analysis in the State’s asset
3 management plan developed pursuant to
4 section 119, and the State’s evaluation of
5 reasonable alternatives to repeatedly dam-
6 aged facilities conducted under part 667 of
7 title 23, Code of Federal Regulations;

8 “(iii) identifies evacuation routes, as-
9 sesses the ability of any such routes to pro-
10 vide safe passage for evacuation and emer-
11 gency response during an emergency event,
12 and identifies any improvements or redun-
13 dant facilities necessary to adequately fa-
14 cilitate safe passage;

15 “(iv) describes the States’s adaptation
16 and resilience improvement strategies that
17 will inform the transportation investment
18 decisions of the State; and

19 “(v) is consistent with and com-
20 plementary of the State and local mitiga-
21 tion plans required under section 322 of
22 the Robert T. Stafford Disaster Relief and
23 Emergency Assistance Act (42 U.S.C.
24 5165).

1 “(D) CONSULTATION.—The assessment
2 described in this subparagraph shall be devel-
3 oped in consultation with, as appropriate, State,
4 local, and Tribal officials responsible for land
5 use, housing, resilience, hazard mitigation, and
6 emergency management.”.

7 (B) RESILIENCE PROJECTS.—Section
8 135(g)(5)(B) of title 23, United States Code, is
9 amended by adding at the end the following:

10 “(iii) RESILIENCE PROJECTS.—The
11 STIP shall—

12 “(I) identify projects that ad-
13 dress the vulnerabilities identified by
14 the assessment in subsection
15 (i)(10)(B); and

16 “(II) describe how each project
17 identified under subclause (I) would
18 improve the resilience of the transpor-
19 tation system.”.

20 (2) AMENDMENTS TO TITLE 49.—

21 (A) CLIMATE CHANGE AND RESILIENCE.—
22 Section 5304(f) of title 49, United States Code,
23 is amended by adding at the end the following:

24 “(10) CLIMATE CHANGE AND RESILIENCE.—

1 “(A) IN GENERAL.—The transportation
2 planning process shall assess strategies to re-
3 duce the climate change impacts of the surface
4 transportation system and conduct a vulner-
5 ability assessment to identify opportunities to
6 enhance the resilience of the surface transpor-
7 tation system and ensure the efficient use of
8 Federal resources.

9 “(B) CLIMATE CHANGE MITIGATION AND
10 IMPACTS.—A long-range transportation plan
11 shall—

12 “(i) identify investments and strate-
13 gies to reduce transportation-related
14 sources of greenhouse gas emissions per
15 capita;

16 “(ii) identify investments and strate-
17 gies to manage transportation demand and
18 increase the rates of public transportation
19 ridership, walking, bicycling, and carpools;
20 and

21 “(iii) recommend zoning and other
22 land use policies that would support infill,
23 transit-oriented development, and mixed
24 use development.

1 “(C) VULNERABILITY ASSESSMENT.—A
2 long-range transportation plan shall incorporate
3 a vulnerability assessment that—

4 “(i) includes a risk-based assessment
5 of vulnerabilities of critical transportation
6 assets and systems to covered events (as
7 such term is defined in section 124 of title
8 23);

9 “(ii) considers, as applicable, the risk
10 management analysis in the State’s asset
11 management plan developed pursuant to
12 section 119 of title 23, and the State’s
13 evaluation of reasonable alternatives to re-
14 peatedly damaged facilities conducted
15 under part 667 of title 23, Code of Federal
16 Regulations;

17 “(iii) identifies evacuation routes, as-
18 sses the ability of any such routes to pro-
19 vide safe passage for evacuation and emer-
20 gency response during an emergency event,
21 and identifies any improvements or redun-
22 dant facilities necessary to adequately fa-
23 cilitate safe passage;

24 “(iv) describes the State’s adaptation
25 and resilience improvement strategies that

1 will inform the transportation investment
2 decisions of the State; and

3 “(v) is consistent with and com-
4plementary of the State and local mitiga-
5tion plans required under section 322 of
6the Robert T. Stafford Disaster Relief and
7Emergency Assistance Act (42 U.S.C.
85165).

9 “(D) CONSULTATION.—The assessment
10described in this subparagraph shall be devel-
11oped in consultation with, as appropriate, State,
12local, and Tribal officials responsible for land
13use, housing, resilience, hazard mitigation, and
14emergency management.”.

15 (B) RESILIENCE PROJECTS.—Section
165304(g)(5)(B) of title 49, United States Code,
17is amended by adding at the end the following:

18 “(iii) RESILIENCE PROJECTS.—The
19STIP shall—

20 “(I) identify projects that ad-
21dress the vulnerabilities identified by
22the assessment in subsection
23(i)(10)(B); and

24 “(II) describe how each project
25identified under subclause (I) would

1 improve the resilience of the transpor-
2 tation system.”.

3 **SEC. 1203. EMERGENCY RELIEF.**

4 (a) IN GENERAL.—Section 125 of title 23, United
5 States Code, is amended—

6 (1) in subsection (a)(1) by inserting “wildfire,”
7 after “severe storm,”;

8 (2) by striking subsection (b);

9 (3) in subsection (c)(2)(A) by striking “in any
10 1 fiscal year commencing after September 30,
11 1980,” and inserting “in any fiscal year”;

12 (4) in subsection (d)—

13 (A) in paragraph (3)(C) by striking “sub-
14 section (e)(1)” and inserting “subsection (g)”;

15 (B) by redesignating paragraph (3) as
16 paragraph (4); and

17 (C) by striking paragraphs (1) and (2) and
18 inserting the following:

19 “(1) IN GENERAL.—The Secretary may expend
20 funds from the emergency fund authorized by this
21 section only for the repair or reconstruction of high-
22 ways on Federal-aid highways in accordance with
23 this chapter.

24 “(2) RESTRICTIONS.—

1 “(A) IN GENERAL.—No funds shall be ex-
2 pended from the emergency fund authorized by
3 this section unless—

4 “(i) an emergency has been declared
5 by the Governor of the State with concur-
6 rence by the Secretary, unless the Presi-
7 dent has declared the emergency to be a
8 major disaster for the purposes of the Rob-
9 ert T. Stafford Disaster Relief and Emer-
10 gency Assistance Act (42 U.S.C. 5121 et
11 seq.) for which concurrence of the Sec-
12 retary is not required; and

13 “(ii) the Secretary has received an ap-
14 plication from the State transportation de-
15 partment that includes a comprehensive
16 list of all eligible project sites and repair
17 costs by not later than 2 years after the
18 natural disaster or catastrophic failure.

19 “(B) COST LIMITATION.—The total cost of
20 a project funded under this section may not ex-
21 ceed the cost of repair or reconstruction of a
22 comparable facility unless the Secretary deter-
23 mines that the project incorporates economi-
24 cally justified betterments, including protective
25 features to increase the resilience of the facility.

1 “(3) SPECIAL RULE FOR BRIDGE PROJECTS.—

2 In no case shall funds be used under this section for
3 the repair or reconstruction of a bridge—

4 “(A) that has been permanently closed to
5 all vehicular traffic by the State or responsible
6 local official because of imminent danger of col-
7 lapse due to a structural deficiency or physical
8 deterioration; or

9 “(B) if a construction phase of a replace-
10 ment structure is included in the approved
11 statewide transportation improvement program
12 at the time of an event described in subsection
13 (a).”;

14 (5) in subsection (e)—

15 (A) by striking paragraph (1);

16 (B) in paragraph (2) by striking “sub-
17 section (d)(1)” and inserting “subsection
18 (c)(1)”; and

19 (C) by redesignating paragraphs (2) and
20 (3), as amended, as paragraphs (1) and (2), re-
21 spectively;

22 (6) by redesignating subsections (c) through
23 (g), as amended, as subsections (b) through (f), re-
24 spectively; and

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

1 “(g) IMPOSITION OF DEADLINE.—

2 “(1) IN GENERAL.—Notwithstanding any other
3 provision of law, the Secretary may not require any
4 project funded under this section to advance to the
5 construction obligation stage before the date that is
6 the last day of the sixth fiscal year after the later
7 of—

8 “(A) the date on which the Governor de-
9 clared the emergency, as described in subsection
10 (d)(2)(A)(i); or

11 “(B) the date on which the President de-
12 clared the emergency to be a major disaster, as
13 described in such subsection.

14 “(2) EXTENSION OF DEADLINE.—If the Sec-
15 retary imposes a deadline for advancement to the
16 construction obligation stage pursuant to paragraph
17 (1), the Secretary may, upon the request of the Gov-
18 ernor of the State, issue an extension of not more
19 than 1 year to complete such advancement, and may
20 issue additional extensions after the expiration of
21 any extension, if the Secretary determines the Gov-
22 ernor of the State has provided suitable justification
23 to warrant such an extension.

24 “(h) DEFINITIONS.—In this section:

1 “(1) COMPARABLE FACILITY.—The term ‘com-
2 parable facility’ means a facility that meets the cur-
3 rent geometric and construction standards required
4 for the types and volume of traffic that the facility
5 will carry over its design life.

6 “(2) CONSTRUCTION PHASE.—The term ‘con-
7 struction phase’ means the phase of physical con-
8 struction of a highway or bridge facility that is sepa-
9 rate from any other identified phases, such as plan-
10 ning, design, or right-of-way phases, in the State
11 transportation improvement program.

12 “(3) OPEN TO PUBLIC TRAVEL.—The term
13 ‘open to public travel’ means with respect to a road,
14 that, except during scheduled periods, extreme
15 weather conditions, or emergencies, the road—

16 “(A) is maintained;

17 “(B) is open to the general public; and

18 “(C) can accommodate travel by a stand-
19 ard passenger vehicle, without restrictive gates
20 or prohibitive signs or regulations, other than
21 for general traffic control or restrictions based
22 on size, weight, or class of registration.

23 “(4) STANDARD PASSENGER VEHICLE.—The
24 term ‘standard passenger vehicle’ means a vehicle
25 with 6 inches of clearance from the lowest point of

1 the frame, body, suspension, or differential to the
2 ground.”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) FEDERAL LANDS AND TRIBAL TRANSPORTATION PROGRAMS.—Section 201(c)(8)(A) of title
5 TATION PROGRAMS.—Section 201(c)(8)(A) of title
6 23, United States Code, is amended by striking
7 “section 125(e)” and inserting “section 125(g)”.

8 (2) TRIBAL TRANSPORTATION PROGRAM.—Section
9 tion 202(b)(6)(A) of title 23, United States Code, is
10 amended by striking “section 125(e)” and inserting
11 “section 125(d)”.

12 (c) REPEAL.—Section 668.105(h) of title 23, Code
13 of Federal Regulations, is repealed.

14 **SEC. 1204. RAILWAY CROSSINGS.**

15 (a) IN GENERAL.—Section 130 of title 23, United
16 States Code, is amended—

17 (1) in the section heading by striking “**Rail-**
18 **way-highway crossings**” and inserting “**Rail-**
19 **way crossings**”;

20 (2) in subsection (a)—

21 (A) by striking “Subject to section 120
22 and subsection (b) of this section, the entire”
23 and inserting “IN GENERAL.—The”;

24 (B) by striking “then the entire” and in-
25 serting “the”; and

1 (C) by striking “, subject to section 120
2 and subsection (b) of this section,”;

3 (3) by amending subsection (b) to read as fol-
4 lows:

5 “(b) CLASSIFICATION.—

6 “(1) IN GENERAL.—The construction of
7 projects for the elimination of hazards at railway
8 crossings represents a benefit to the railroad. The
9 Secretary shall classify the various types of projects
10 involved in the elimination of hazards of railway-
11 highway crossings, and shall set for each such classi-
12 fication a percentage of the total project cost that
13 represent the benefit to the railroad or railroads for
14 the purpose of determining the railroad’s share of
15 the total project cost. The Secretary shall determine
16 the appropriate classification of each project.

17 “(2) NONCASH CONTRIBUTIONS.—

18 “(A) IN GENERAL.—Not more than 5 per-
19 cent of the cost share described in paragraph
20 (1) may be attributable to noncash contribu-
21 tions of materials and labor furnished by the
22 railroad in connection with the construction of
23 such project.

24 “(B) REQUIREMENT.—The requirements
25 under section 200.306 and 200.403(g) of title

1 2, Code of Federal Regulations (or successor
2 regulations), shall apply to any noncash con-
3 tributions under this subsection.

4 “(3) TOTAL PROJECT COST.—For the purposes
5 of this subsection, the determination of the rail-
6 road’s share of the total project cost shall include
7 environment, design, right-of-way, utility accommo-
8 dation, and construction phases of the project.”;

9 (4) in subsection (c)—

10 (A) by striking “Any railroad involved”
11 and inserting “BENEFIT.—Any railroad in-
12 volved”;

13 (B) by striking “the net benefit” and in-
14 serting “the cost associated with the benefit”;
15 and

16 (C) by striking “Such payment may con-
17 sist in whole or in part of materials and labor
18 furnished by the railroad in connection with the
19 construction of such project.”;

20 (5) by striking subsection (e) and inserting the
21 following:

22 “(e) RAILWAY CROSSINGS.—

23 “(1) ELIGIBLE ACTIVITIES.—Funds appor-
24 tioned to a State under section 104(b)(7) may be ob-
25 ligated for the following:

1 “(A) The elimination of hazards at rail-
2 way-highway crossings, including technology or
3 protective upgrades.

4 “(B) Construction (including installation
5 and replacement) of protective devices at rail-
6 way-highway crossings.

7 “(C) Infrastructure and noninfrastructure
8 projects and strategies to prevent or reduce sui-
9 cide or trespasser fatalities and injuries along
10 railroad rights-of-way and at or near railway-
11 highway crossings.

12 “(D) Projects to mitigate any degradation
13 in the level of access from a highway-grade
14 crossing closure.

15 “(E) Bicycle and pedestrian railway grade
16 crossing improvements, including underpasses
17 and overpasses.

18 “(F) Projects eligible under section
19 22907(c)(5) of title 49, provided that amounts
20 obligated under this subparagraph—

21 “(i) shall be administered by the Sec-
22 retary in accordance with such section as
23 if such amounts were made available to
24 carry out such section; and

1 “(ii) may be used to pay up to 90 per-
2 cent of the non-Federal share of the cost
3 of a project carried out under such section.

4 “(2) SPECIAL RULE.—If a State demonstrates
5 to the satisfaction of the Secretary that the State
6 has met all its needs for installation of protective de-
7 vices at railway-highway crossings, the State may
8 use funds made available by this section for other
9 highway safety improvement program purposes.”;

10 (6) by striking subsection (f) and inserting the
11 following:

12 “(f) FEDERAL SHARE.—Notwithstanding section
13 120, the Federal share payable on account of any project
14 financed with funds made available to carry out subsection
15 (e) shall be up to 90 percent of the cost thereof.”;

16 (7) by striking subsection (g) and inserting the
17 following:

18 “(g) REPORT.—

19 “(1) STATE REPORT.—

20 “(A) IN GENERAL.—Not later than 2 years
21 after the date of enactment of the INVEST in
22 America Act, and at least biennially thereafter,
23 each State shall submit to the Secretary a re-
24 port on the progress being made to implement
25 the railway crossings program authorized by

1 this section and the effectiveness of such im-
2 provements.

3 “(B) CONTENTS.—Each State report
4 under subparagraph (A) shall contain an as-
5 sessment of the costs of the various treatments
6 employed and subsequent accident experience at
7 improved locations.

8 “(2) DEPARTMENTAL REPORT.—

9 “(A) IN GENERAL.—Not later than 180
10 days after the deadline for the submission of a
11 report under paragraph (1)(A), the Secretary
12 shall publish on the website of the Department
13 of Transportation a report on the progress
14 being made by the State in implementing
15 projects to improve railway-highway crossings.

16 “(B) CONTENTS.—The report under sub-
17 paragraph (A) shall include—

18 “(i) the number of projects under-
19 taken;

20 “(ii) distribution of such projects by
21 cost range, road system, nature of treat-
22 ment, and subsequent accident experience
23 at improved locations;

24 “(iii) an analysis and evaluation of
25 each State program;

1 “(iv) the identification of any State
2 found not to be in compliance with the
3 schedule of improvements required by sub-
4 section (d); and

5 “(v) recommendations for future im-
6 plementation of the railway crossings pro-
7 gram.”;

8 (8) in subsection (j)—

9 (A) in the heading by inserting “AND PE-
10 DESTRIAN” after “BICYCLE”; and

11 (B) by inserting “and pedestrian” after
12 “bicycle”; and

13 (9) in subsection (l)—

14 (A) in paragraph (1) by striking “Not
15 later than” and all that follows through “each
16 State” and inserting “Not later than 6 months
17 after a new railway crossing becomes oper-
18 ational, each State”; and

19 (B) in paragraph (2) by striking “On a
20 periodic” and all that follows through “every
21 year thereafter” and inserting “On or before
22 September 30 of each year”.

23 (b) CLERICAL AMENDMENT.—The analysis for chap-
24 ter 1 of title 23, United States Code, is amended by

1 amending the item relating to section 130 to read as fol-
2 lows:

“130. Railway crossings.”.

3 (c) GAO STUDY.—Not later than 2 years after the
4 date of enactment of this Act, the Comptroller General
5 of the United States shall submit to Congress a report
6 that includes an analysis of the effectiveness of the railway
7 crossing program under section 130 of title 23, United
8 States Code.

9 (d) SENSE OF CONGRESS RELATING TO TRESPASSER
10 DEATHS ALONG RAILROAD RIGHTS-OF-WAY.—It is the
11 sense of Congress that the Department of Transportation
12 should, where feasible, coordinate departmental efforts to
13 prevent or reduce trespasser deaths along railroad rights-
14 of-way and at or near railway-highway crossings.

15 **SEC. 1205. SURFACE TRANSPORTATION PROGRAM.**

16 (a) IN GENERAL.—Section 133 of title 23, United
17 States Code, is amended—

18 (1) in the heading by striking “**block grant**”;

19 (2) in subsection (a) by striking “block grant”;

20 (3) in subsection (b)—

21 (A) by striking “block grant”;

22 (B) in paragraph (4) by striking “railway-

23 highway grade crossings” and inserting

24 “projects eligible under section 130 and instal-

25 lation of safety barriers and nets on bridges”;

1 (C) in paragraph (6)—

2 (i) by striking “Recreational” and in-
3 sserting “Transportation alternatives
4 projects eligible under subsection (h), rec-
5 reational”; and

6 (ii) by striking “1404 of SAFETEA-
7 LU (23 U.S.C. 402 note)” and inserting
8 “211”; and

9 (D) by adding at the end the following:

10 “(16) Protective features (including natural in-
11 frastructure) to enhance the resilience of a transpor-
12 tation facility otherwise eligible for assistance under
13 this section.

14 “(17) Projects to reduce greenhouse gas emis-
15 sions eligible under section 171, including the instal-
16 lation of electric vehicle charging infrastructure.

17 “(18) Projects and strategies to reduce vehicle-
18 caused wildlife mortality related to, or to restore and
19 maintain connectivity among terrestrial or aquatic
20 habitats affected by, a transportation facility other-
21 wise eligible for assistance under this section.

22 “(19) A surface transportation project carried
23 out in accordance with the national travel and tour-
24 ism infrastructure strategic plan under section
25 1431(e) of the FAST Act (49 U.S.C. 301 note).”;

1 (4) in subsection (c)—

2 (A) by striking “block grant” and inserting
3 “program”;

4 (B) by striking paragraph (3) and insert-
5 ing the following:

6 “(3) for a project described in—

7 “(A) subsection (h); or

8 “(B) section 101(a)(29), as in effect on
9 the day before the date of enactment of the
10 FAST Act;”;

11 (C) by redesignating paragraph (4) as
12 paragraph (5); and

13 (D) by inserting after paragraph (3) the
14 following:

15 “(4) for a project described in section 5308 of
16 title 49; and”;

17 (5) in subsection (d)—

18 (A) in paragraph (1)—

19 (i) by inserting “each fiscal year”
20 after “apportioned to a State”;

21 (ii) by striking “the reservation of”
22 and inserting “setting aside”; and

23 (iii) in subparagraph (A)—

1 (I) by striking “the percentage
2 specified in paragraph (6) for a fiscal
3 year” and inserting “55 percent”;

4 (II) in clause (i) by striking “of
5 over” and inserting “greater than”;
6 and

7 (III) by striking clauses (ii) and
8 (iii) and inserting the following:

9 “(ii) in urbanized areas of the State
10 with an urbanized area population greater
11 than 49,999 and less than 200,001;

12 “(iii) in urban areas of the State with
13 a population greater than 4,999 and less
14 than 50,000; and

15 “(iv) in other areas of the State with
16 a population less than 5,000; and”;

17 (B) by striking paragraph (3) and insert-
18 ing the following:

19 “(3) LOCAL COORDINATION AND CONSULTA-
20 TION.—

21 “(A) COORDINATION WITH METROPOLITAN
22 PLANNING ORGANIZATIONS.—For purposes of
23 paragraph (1)(A)(ii), a State shall—

24 “(i) establish a process to coordinate
25 with all metropolitan planning organiza-

1 tions in the State that represent an urban-
2 ized area described in such paragraph; and

3 “(ii) describe how funds described
4 under paragraph (1)(A)(ii) will be allo-
5 cated equitably among such urbanized
6 areas during the period of fiscal years
7 2022 through 2025.

8 “(B) JOINT RESPONSIBILITY.—Each State
9 and the Secretary shall jointly ensure compli-
10 ance with subparagraph (A).

11 “(C) CONSULTATION WITH REGIONAL
12 TRANSPORTATION PLANNING ORGANIZA-
13 TIONS.—For purposes of clauses (iii) and (iv)
14 of paragraph (1)(A), before obligating funding
15 attributed to an area with a population less
16 than 50,000, a State shall consult with the re-
17 gional transportation planning organizations
18 that represent the area, if any.”;

19 (C) in the heading for paragraph (4) by
20 striking “OVER 200,000” and inserting “GREAT-
21 ER THAN 200,000”;

22 (D) by striking paragraph (6) and insert-
23 ing the following:

24 “(6) TECHNICAL ASSISTANCE.—

1 “(A) IN GENERAL.—The State and all
2 metropolitan planning organizations in the
3 State that represent an urbanized area with a
4 population of greater than 200,000 shall jointly
5 establish a program to improve the ability of
6 applicants to deliver projects under this sub-
7 section in an efficient and expeditious manner
8 and reduce the period of time between the selec-
9 tion of the project and the obligation of funds
10 for the project by providing—

11 “(i) technical assistance and training
12 to applicants for projects under this sub-
13 section; and

14 “(ii) funding for 1 or more full-time
15 State employee positions to administer this
16 subsection.

17 “(B) ELIGIBLE FUNDS.—To carry out this
18 paragraph—

19 “(i) a State shall set aside an amount
20 equal to 1 percent of the funds available
21 under paragraph (1)(A)(i); and

22 “(ii) at the request of an eligible met-
23 ropolitan planning organization, the State
24 and metropolitan planning organization

1 may jointly agree to use additional funds
2 available under paragraph (1)(A)(i).

3 “(C) USE OF FUNDS.—Amounts used
4 under this paragraph may be expended—

5 “(i) directly by the State; or

6 “(ii) through contracts with State
7 agencies, private entities, or nonprofit or-
8 ganizations.”;

9 (6) in subsection (e)(1)—

10 (A) by striking “over 200,000” and insert-
11 ing “greater than 200,000”; and

12 (B) by striking “2016 through 2020” and
13 inserting “2022 through 2025”;

14 (7) by striking subsection (f) and inserting the
15 following:

16 “(f) BRIDGES NOT ON FEDERAL-AID HIGHWAYS.—

17 “(1) DEFINITION OF OFF-SYSTEM BRIDGE.—In
18 this subsection, the term ‘off-system bridge’ means
19 a bridge located on a public road, other than a
20 bridge on a Federal-aid highway.

21 “(2) SPECIAL RULE.—

22 “(A) SET ASIDE.—Of the amounts appor-
23 tioned to a State for each fiscal year under this
24 section other than the amounts described in
25 subparagraph (C), the State shall obligate for

1 activities described in subsection (b)(2) (as in
2 effect on the day before the date of enactment
3 of the FAST Act) for off-system bridges an
4 amount that is not less than 20 percent of the
5 amounts available to such State under this sec-
6 tion in fiscal year 2020, not including the
7 amounts described in subparagraph (C).

8 “(B) REDUCTION OF EXPENDITURES.—
9 The Secretary, after consultation with State
10 and local officials, may reduce the requirement
11 for expenditures for off-system bridges under
12 subparagraph (A) with respect to the State if
13 the Secretary determines that the State has in-
14 adequate needs to justify the expenditure.

15 “(C) LIMITATIONS.—The following
16 amounts shall not be used for the purposes of
17 meeting the requirements of subparagraph (A):

18 “(i) Amounts described in section
19 133(d)(1)(A).

20 “(ii) Amounts set aside under section
21 133(h).

22 “(iii) Amounts described in section
23 505(a).

24 “(3) CREDIT FOR BRIDGES NOT ON FEDERAL-
25 AID HIGHWAYS.—Notwithstanding any other provi-

1 sion of law, with respect to any project not on a
2 Federal-aid highway for the replacement of a bridge
3 or rehabilitation of a bridge that is wholly funded
4 from State and local sources, is eligible for Federal
5 funds under this section, is certified by the State to
6 have been carried out in accordance with all stand-
7 ards applicable to such projects under this section,
8 and is determined by the Secretary upon completion
9 to be no longer a deficient bridge—

10 “(A) any amount expended after the date
11 of enactment of this subsection from State and
12 local sources for the project in excess of 20 per-
13 cent of the cost of construction of the project
14 may be credited to the non-Federal share of the
15 cost of other bridge projects in the State that
16 are eligible for Federal funds under this sec-
17 tion; and

18 “(B) that crediting shall be conducted in
19 accordance with procedures established by the
20 Secretary.”; and

21 (8) in subsection (g)(1)—

22 (A) by striking “subsection (d)(1)(A)(ii)
23 for each of fiscal years 2016 through 2020”
24 and inserting “subsection (d)(1)(A)(iv) for each
25 fiscal year”;

1 (B) by inserting “rural” after “functionally
2 classified as”; and

3 (C) by inserting “or on critical rural
4 freight corridors designated under section
5 167(e)” after “minor collectors”.

6 (b) CLERICAL AMENDMENT.—The analysis for chap-
7 ter 1 of title 23, United States Code, is amended by strik-
8 ing the item relating to section 133 and inserting the fol-
9 lowing:

“133. Surface transportation program.”.

10 (c) CONFORMING AMENDMENTS.—

11 (1) ADVANCE ACQUISITION OF REAL PROP-
12 erty.—Section 108(c) of title 23, United States
13 Code, is amended—

14 (A) in paragraph (2)(A) by striking “block
15 grant”; and

16 (B) in paragraph (3) by striking “block
17 grant”.

18 (2) NONDISCRIMINATION.—Section 140(b) of
19 title 23, United States Code, is amended by striking
20 “block grant”.

21 (3) PUBLIC TRANSPORTATION.—Section
22 142(e)(2) of title 23, United States Code, is amend-
23 ed by striking “block grant”.

24 (4) HIGHWAY USE TAX EVASION PROJECTS.—
25 Section 143(b)(8) of title 23, United States Code, is

1 amended in the heading by striking “BLOCK
2 GRANT”.

3 (5) CONGESTION MITIGATION AND AIR QUALITY
4 IMPROVEMENT PROGRAM.—Section 149(d) of title
5 23, United States Code, is amended—

6 (A) in paragraph (1)(B) by striking “block
7 grant”; and

8 (B) in paragraph (2)(A) by striking “block
9 grant”.

10 (6) TERRITORIAL AND PUERTO RICO HIGHWAY
11 PROGRAM.—Section 165 of title 23, United States
12 Code, is amended—

13 (A) in subsection (b)(2)(A)(ii) by striking
14 “block grant” each time such term appears;
15 and

16 (B) in subsection (c)(6)(A)(i) by striking
17 “block grant”.

18 (7) MAGNETIC LEVITATION TRANSPORTATION
19 TECHNOLOGY DEPLOYMENT PROGRAM.—Section
20 322(h)(3) of title 23, United States Code, is amend-
21 ed by striking “block grant”.

22 (8) TRAINING AND EDUCATION.—Section
23 504(a)(4) of title 23, United States Code, is amend-
24 ed by striking “block grant”.

1 **SEC. 1206. TRANSPORTATION ALTERNATIVES PROGRAM.**

2 Section 133(h) of title 23, United States Code, is
3 amended to read as follows:

4 “(h) TRANSPORTATION ALTERNATIVES PROGRAM
5 SET-ASIDE.—

6 “(1) SET ASIDE.—For each fiscal year, of the
7 total funds apportioned to all States under section
8 104(b)(2) for a fiscal year, the Secretary shall set
9 aside an amount such that—

10 “(A) the Secretary sets aside a total
11 amount under this subsection for a fiscal year
12 equal to 10 percent of such total funds; and

13 “(B) the State’s share of the amount set
14 aside under subparagraph (A) is determined by
15 multiplying the amount set aside under sub-
16 paragraph (A) by the ratio that—

17 “(i) the amount apportioned to the
18 State for the transportation enhancement
19 program for fiscal year 2009 under section
20 133(d)(2), as in effect on the day before
21 the date of enactment of MAP-21; bears
22 to

23 “(ii) the total amount of funds appor-
24 tioned to all States for the transportation
25 enhancements program for fiscal year
26 2009.

1 “(2) ALLOCATION WITHIN A STATE.—

2 “(A) IN GENERAL.—Except as provided in
3 subparagraph (B), funds set aside for a State
4 under paragraph (1) shall be obligated within
5 that State in the manner described in sub-
6 sections (d) and (e), except that, for purposes
7 of this paragraph (after funds are made avail-
8 able under paragraph (5))—

9 “(i) for each fiscal year, the percent-
10 age referred to in paragraph (1)(A) of sub-
11 section (d) shall be deemed to be 66 per-
12 cent; and

13 “(ii) paragraph (3) of subsection (d)
14 shall not apply.

15 “(B) LOCAL CONTROL.—

16 “(i) IN GENERAL.—A State may make
17 available up to 100 percent of the funds
18 set aside under paragraph (1) to the enti-
19 ties described in subclause (I) if the State
20 submits to the Secretary, and the Sec-
21 retary approves, a plan that describes—

22 “(I) how such funds shall be
23 made available to metropolitan plan-
24 ning organizations, regional transpor-
25 tation planning organizations, coun-

1 ties, or other regional transportation
2 authorities;

3 “(II) how the entities described
4 in subclause (I) shall select projects
5 for funding and how such entities
6 shall report selected projects to the
7 State;

8 “(III) the legal, financial, and
9 technical capacity of such entities; and

10 “(IV) the procedures in place to
11 ensure such entities comply with the
12 requirements of this title.

13 “(ii) REQUIREMENT.—A State that
14 makes funding available under a plan ap-
15 proved under this subparagraph shall make
16 available an equivalent amount of obliga-
17 tion authority to an entity described in
18 clause (i)(I) to whom funds are made
19 available under this subparagraph.

20 “(3) ELIGIBLE PROJECTS.—Funds set aside
21 under this subsection may be obligated for any of
22 the following projects or activities:

23 “(A) Construction, planning, and design of
24 on-road and off-road trail facilities for pedes-
25 trians, bicyclists, and other nonmotorized forms

1 of transportation, including sidewalks, bicycle
2 infrastructure, pedestrian and bicycle signals,
3 traffic calming techniques, lighting and other
4 safety-related infrastructure, and transportation
5 projects to achieve compliance with the Ameri-
6 cans with Disabilities Act of 1990 (42 U.S.C.
7 12101 et seq.).

8 “(B) Construction, planning, and design of
9 infrastructure-related projects and systems that
10 will provide safe routes for nondrivers, includ-
11 ing children, older adults, and individuals with
12 disabilities to access daily needs.

13 “(C) Conversion and use of abandoned
14 railroad corridors for trails for pedestrians,
15 bicyclists, or other nonmotorized transportation
16 users.

17 “(D) Construction of turnouts, overlooks,
18 and viewing areas.

19 “(E) Community improvement activities,
20 including—

21 “(i) inventory, control, or removal of
22 outdoor advertising;

23 “(ii) historic preservation and reha-
24 bilitation of historic transportation facili-
25 ties;

1 “(iii) vegetation management prac-
2 tices in transportation rights-of-way to im-
3 prove roadway safety, prevent against
4 invasive species, and provide erosion con-
5 trol; and

6 “(iv) archaeological activities relating
7 to impacts from implementation of a trans-
8 portation project eligible under this title.

9 “(F) Any environmental mitigation activ-
10 ity, including pollution prevention and pollution
11 abatement activities and mitigation to address
12 stormwater management, control, and water
13 pollution prevention or abatement related to
14 highway construction or due to highway runoff,
15 including activities described in sections 328(a)
16 and 329.

17 “(G) Projects and strategies to reduce ve-
18 hicle-caused wildlife mortality related to, or to
19 restore and maintain connectivity among terres-
20 trial or aquatic habitats affected by, a transpor-
21 tation facility otherwise eligible for assistance
22 under this subsection.

23 “(H) The recreational trails program
24 under section 206.

1 “(I) The safe routes to school program
2 under section 211.

3 “(J) Activities in furtherance of a vulner-
4 able road user assessment described in section
5 148.

6 “(K) Any other projects or activities de-
7 scribed in section 101(a)(29) or section 213, as
8 such sections were in effect on the day before
9 the date of enactment of the FAST Act (Public
10 Law 114–94).

11 “(4) ACCESS TO FUNDS.—

12 “(A) IN GENERAL.—A State, metropolitan
13 planning organization required to obligate funds
14 in accordance with paragraph (2)(A), or an en-
15 tity required to obligate funds in accordance
16 with paragraph (2)(B) shall develop a competi-
17 tive process to allow eligible entities to submit
18 projects for funding that achieve the objectives
19 of this subsection. A metropolitan planning or-
20 ganization for an area described in subsection
21 (d)(1)(A)(i) shall select projects under such
22 process in consultation with the relevant State.

23 “(B) ELIGIBLE ENTITY DEFINED.—In this
24 paragraph, the term ‘eligible entity’ means—

25 “(i) a local government;

- 1 “(ii) a regional transportation author-
2 ity;
3 “(iii) a transit agency;
4 “(iv) a natural resource or public land
5 agency;
6 “(v) a school district, local education
7 agency, or school;
8 “(vi) a tribal government;
9 “(vii) a metropolitan planning organi-
10 zation that serves an urbanized area with
11 a population of 200,000 or fewer;
12 “(viii) a nonprofit organization car-
13 rying out activities related to transpor-
14 tation;
15 “(ix) any other local or regional gov-
16 ernmental entity with responsibility for or
17 oversight of transportation or recreational
18 trails (other than a metropolitan planning
19 organization that serves an urbanized area
20 with a population of over 200,000 or a
21 State agency) that the State determines to
22 be eligible, consistent with the goals of this
23 subsection; and
24 “(x) a State, at the request of any en-
25 tity listed in clauses (i) through (ix).

1 “(5) CONTINUATION OF CERTAIN REC-
2 REATIONAL TRAILS PROJECTS.—

3 “(A) IN GENERAL.—For each fiscal year, a
4 State shall—

5 “(i) obligate an amount of funds set
6 aside under this subsection equal to 175
7 percent of the amount of the funds appor-
8 tioned to the State for fiscal year 2009
9 under section 104(h)(2), as in effect on the
10 day before the date of enactment of MAP-
11 21, for projects relating to recreational
12 trails under section 206;

13 “(ii) return 1 percent of the funds de-
14 scribed in clause (i) to the Secretary for
15 the administration of such program; and

16 “(iii) comply with the provisions of
17 the administration of the recreational trails
18 program under section 206, including the
19 use of apportioned funds described in sub-
20 section (d)(3)(A) of such section.

21 “(B) STATE FLEXIBILITY.—A State may
22 opt out of the recreational trails program under
23 this paragraph if the Governor of the State no-
24 tifies the Secretary not later than 30 days prior

1 to the date on which an apportionment is made
2 under section 104 for any fiscal year.

3 “(6) IMPROVING ACCESSIBILITY AND EFFI-
4 CIENCY.—

5 “(A) IN GENERAL.—A State may use an
6 amount equal to not more than 5 percent of the
7 funds set aside for the State under this sub-
8 section, after allocating funds in accordance
9 with paragraph (2)(A), to improve the ability of
10 applicants to access funding for projects under
11 this subsection in an efficient and expeditious
12 manner by providing—

13 “(i) to applicants for projects under
14 this subsection application assistance, tech-
15 nical assistance, and assistance in reducing
16 the period of time between the selection of
17 the project and the obligation of funds for
18 the project; and

19 “(ii) funding for 1 or more full-time
20 State employee positions to administer this
21 subsection.

22 “(B) USE OF FUNDS.—Amounts used
23 under subparagraph (A) may be expended—

24 “(i) directly by the State; or

1 “(ii) through contracts with State
2 agencies, private entities, or nonprofit enti-
3 ties.

4 “(7) FEDERAL SHARE.—

5 “(A) FLEXIBLE MATCH.—

6 “(i) IN GENERAL.—Notwithstanding
7 section 120—

8 “(I) the non-Federal share for a
9 project under this subsection may be
10 calculated on a project, multiple-
11 project, or program basis; and

12 “(II) the Federal share of the
13 cost of an individual project in this
14 subsection may be up to 100 percent.

15 “(ii) AGGREGATE NON-FEDERAL
16 SHARE.—The average annual non-Federal
17 share of the total cost of all projects for
18 which funds are obligated under this sub-
19 section in a State for a fiscal year shall be
20 not less than the non-Federal share au-
21 thorized for the State under section
22 120(b).

23 “(iii) REQUIREMENT.—This subpara-
24 graph shall only apply to a State if such
25 State has adequate financial controls, as

1 certified by the Secretary, to account for
2 the average annual non-Federal share
3 under this subparagraph.

4 “(B) SAFETY PROJECTS.—Notwith-
5 standing section 120, funds made available to
6 carry out section 148 may be credited toward
7 the non-Federal share of the costs of a project
8 under this subsection if the project—

9 “(i) is a project described in section
10 148(e)(1); and

11 “(ii) is consistent with the State stra-
12 tegic highway safety plan (as defined in
13 section 148(a)).

14 “(8) FLEXIBILITY.—

15 “(A) STATE AUTHORITY.—

16 “(i) IN GENERAL.—A State may use
17 not more than 50 percent of the funds set
18 aside under this subsection that are avail-
19 able for obligation in any area of the State
20 (suballocated consistent with the require-
21 ments of subsection (d)(1)(B)) for any
22 purpose eligible under subsection (b).

23 “(ii) RESTRICTION.—Funds may be
24 used as described in clause (i) only if the
25 State demonstrates to the Secretary—

1 “(I) that the State held a com-
2 petition in compliance with the re-
3 quirements of this subsection in such
4 form as the Secretary determines ap-
5 propriate;

6 “(II) that the State offered tech-
7 nical assistance to all eligible entities
8 and provided such assistance upon re-
9 quest by an eligible entity; and

10 “(III) that there were not suffi-
11 cient suitable applications from eligi-
12 ble entities to use the funds described
13 in clause (i).

14 “(B) MPO AUTHORITY.—

15 “(i) IN GENERAL.—A metropolitan
16 planning organization that represents an
17 urbanized area with a population of great-
18 er than 200,000 may use not more than
19 50 percent of the funds set aside under
20 this subsection for an urbanized area de-
21 scribed in subsection (d)(1)(A)(i) for any
22 purpose eligible under subsection (b).

23 “(ii) RESTRICTION.—Funds may be
24 used as described in clause (i) only if the

1 Secretary certifies that the metropolitan
2 planning organization—

3 “(I) held a competition in compli-
4 ance with the requirements of this
5 subsection in such form as the Sec-
6 retary determines appropriate; and

7 “(II) demonstrates that there
8 were not sufficient suitable applica-
9 tions from eligible entities to use the
10 funds described in clause (i).

11 “(9) ANNUAL REPORTS.—

12 “(A) IN GENERAL.—Each State or metro-
13 politan planning organization responsible for
14 carrying out the requirements of this subsection
15 shall submit to the Secretary an annual report
16 that describes—

17 “(i) the number of project applica-
18 tions received for each fiscal year, includ-
19 ing—

20 “(I) the aggregate cost of the
21 projects for which applications are re-
22 ceived; and

23 “(II) the types of projects to be
24 carried out, expressed as percentages

1 of the total apportionment of the
2 State under this subsection; and

3 “(ii) the list of each project selected
4 for funding for each fiscal year, including
5 specifying the fiscal year for which the
6 project was selected, the fiscal year in
7 which the project is anticipated to be fund-
8 ed, the recipient, the location, the type,
9 and a brief description.

10 “(B) PUBLIC AVAILABILITY.—The Sec-
11 retary shall make available to the public, in a
12 user-friendly format on the website of the De-
13 partment of Transportation, a copy of each an-
14 nual report submitted under subparagraph
15 (A).”.

16 **SEC. 1207. BRIDGE INVESTMENT.**

17 (a) IN GENERAL.—Section 144 of title 23, United
18 States Code, is amended—

19 (1) in the section heading by striking “**Na-**
20 **tional bridge and tunnel inventory and**
21 **inspection standards**” and inserting
22 “**Bridges and tunnels**”;

23 (2) in subsection (a)(1)(B) by striking “defi-
24 cient”;

1 (3) in subsection (b)(5) by striking “struc-
2 turally deficient bridge” and inserting “bridge classi-
3 fied as in poor condition”;

4 (4) in subsection (d)—

5 (A) in paragraph (2) by striking “Not
6 later than 2 years after the date of enactment
7 of the MAP-21, each” and inserting “Each”;
8 and

9 (B) by striking paragraph (4);

10 (5) in subsection (j)—

11 (A) in paragraph (2) by inserting “, 124,”
12 after “section 119”;

13 (B) in paragraph (3)(A) by inserting “,
14 124,” after “section 119”; and

15 (C) in paragraph (5) by striking “financial
16 characteristics” and all that follows through the
17 end and inserting “Federal share.”; and

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

19 “(1) HIGHWAY BRIDGE REPLACEMENT AND REHA-
20 BILITATION.—

21 “(1) GOALS.—The goals of this subsection shall
22 be to—

23 “(A) support the achievement of a state of
24 good repair for the Nation’s bridges;

1 “(B) improve the safety, efficiency, and re-
2 liability of the movement of people and freight
3 over bridges; and

4 “(C) improve the condition of bridges in
5 the United States by reducing—

6 “(i) the number of bridges—

7 “(I) in poor condition; or

8 “(II) in fair condition and at risk
9 of falling into poor condition;

10 “(ii) the total person miles traveled
11 over bridges—

12 “(I) in poor condition; or

13 “(II) in fair condition and at risk
14 of falling into poor condition;

15 “(iii) the number of bridges that—

16 “(I) do not meet current geo-
17 metric design standards; or

18 “(II) cannot meet the load and
19 traffic requirements typical of the re-
20 gional transportation network; and

21 “(iv) the total person miles traveled
22 over bridges that—

23 “(I) do not meet current geo-
24 metric design standards; or

1 “(II) cannot meet the load and
2 traffic requirements typical of the re-
3 gional transportation network.

4 “(2) BRIDGES ON PUBLIC ROADS.—

5 “(A) MINIMUM BRIDGE INVESTMENT.—
6 Excluding the amounts described in subpara-
7 graph (C), of the total funds apportioned to a
8 State under paragraphs (1) and (2) of section
9 104(b) for fiscal years 2022 to 2025, a State
10 shall obligate not less than 20 percent for
11 projects described in subparagraph (E).

12 “(B) PROGRAM FLEXIBILITY.—A State re-
13 quired to obligate funds under subparagraph
14 (A) may use any combination of funds appor-
15 tioned to a State under paragraphs (1) and (2)
16 of section 104(b).

17 “(C) LIMITATION.—Amounts described
18 below may not be used for the purposes of cal-
19 culating or meeting the minimum bridge invest-
20 ment requirement under subparagraph (A)—

21 “(i) amounts described in section
22 133(d)(1)(A);

23 “(ii) amounts set aside under section
24 133(h); and

1 “(iii) amounts described in section
2 505(a).

3 “(D) RULE OF CONSTRUCTION.—Nothing
4 in this section shall be construed to prohibit the
5 expenditure of funds described in subparagraph
6 (C) for bridge projects eligible under such sec-
7 tion.

8 “(E) ELIGIBLE PROJECTS.—Funds re-
9 quired to be obligated in accordance with para-
10 graph (2)(A) may be obligated for projects or
11 activities that—

12 “(i) are otherwise eligible under either
13 section 119 or section 133, as applicable;

14 “(ii) support the achievement of per-
15 formance targets of the State established
16 under section 150 or provide support for
17 the condition and performance of bridges
18 on public roads within the State; and

19 “(iii) remove a bridge classified as in
20 poor condition in order to improve commu-
21 nity connectivity, or replace, reconstruct,
22 rehabilitate, preserve, or protect a bridge
23 included on the national bridge inventory
24 authorized by subsection (b), including
25 through—

- 1 “(I) seismic retrofits;
- 2 “(II) systematic preventive main-
- 3 tenance;
- 4 “(III) installation of scour coun-
- 5 termeasures;
- 6 “(IV) the use of innovative mate-
- 7 rials that extend the service life of the
- 8 bridge and reduce preservation costs,
- 9 as compared to conventionally de-
- 10 signed and constructed bridges;
- 11 “(V) the use of nontraditional
- 12 production techniques, including fac-
- 13 tory prefabrication;
- 14 “(VI) painting for purposes of
- 15 bridge protection;
- 16 “(VII) application of calcium
- 17 magnesium acetate, sodium acetate/
18 formate, or other environmentally ac-
- 19 ceptable, minimally corrosive anti-
- 20 icing and deicing compositions;
- 21 “(VIII) corrosion control;
- 22 “(IX) construction of protective
- 23 features (including natural infrastruc-
- 24 ture) alone or in combination with
- 25 other activities eligible under this

1 paragraph to enhance resilience of a
2 bridge;

3 “(X) bridge security counter-
4 measures;

5 “(XI) impact protection meas-
6 ures for bridges;

7 “(XII) inspection and evaluation
8 of bridges; and

9 “(XIII) training for bridge in-
10 spectors consistent with subsection (i).

11 “(F) BUNDLES OF PROJECTS.—A State
12 may use a bundle of projects as described in
13 subsection (j) to satisfy the requirements of
14 subparagraph (A), if each project in the bundle
15 is otherwise eligible under subparagraph (E).

16 “(G) FLEXIBILITY.—The Secretary may,
17 at the request of a State, reduce the required
18 obligation under subparagraph (A) if—

19 “(i) the reduction is consistent with a
20 State’s asset management plan for the Na-
21 tional Highway System;

22 “(ii) the reduction will not limit a
23 State’s ability to meet its performance tar-
24 gets under section 150 or to improve the

1 condition and performance of bridges on
2 public roads within the State; and

3 “(iii) the State demonstrates that it
4 has inadequate needs to justify the expend-
5 iture.

6 “(H) BRIDGE INVESTMENT REPORT.—The
7 Secretary shall annually publish on the website
8 of the Department of Transportation a bridge
9 investment report that includes—

10 “(i) the total Federal funding obli-
11 gated for bridge projects in the most re-
12 cent fiscal year, on a State-by-State basis
13 and broken out by Federal program;

14 “(ii) the total Federal funding obli-
15 gated, on a State-by-State basis and bro-
16 ken out by Federal program, for bridge
17 projects carried out pursuant to the min-
18 imum bridge investment requirements
19 under subparagraph (A);

20 “(iii) the progress made by each State
21 toward meeting the minimum bridge in-
22 vestment requirement under subparagraph
23 (A) for such State, both cumulatively and
24 for the most recent fiscal year;

25 “(iv) a summary of—

1 “(I) each request made under
2 subparagraph (G) by a State for a re-
3 duction in the minimum bridge invest-
4 ment requirement under subpara-
5 graph (A); and

6 “(II) for each request described
7 in subclause (I) that is granted by the
8 Secretary—

9 “(aa) the percentage and
10 dollar amount of the reduction;
11 and

12 “(bb) an explanation of how
13 the State met each of the criteria
14 described in subparagraph (G);
15 and

16 “(v) a summary of—

17 “(I) each request made by a
18 State for a reduction in the obligation
19 requirements under section 133(f);
20 and

21 “(II) for each request that is
22 granted by the Secretary—

23 “(aa) the percentage and
24 dollar amount of the reduction;
25 and

1 “(bb) an explanation of how
2 the Secretary made the deter-
3 mination under section
4 133(f)(2)(B).

5 “(I) OFF-SYSTEM BRIDGES.—A State may
6 apply amounts obligated under this subsection
7 or section 133(f)(2)(A) to the obligation re-
8 quirements of both this subsection and section
9 133(f).

10 “(J) NHS PENALTY.—A State may apply
11 amounts obligated under this subsection or sec-
12 tion 119(f)(2) to the obligation requirements of
13 both this subsection and section 119(f)(2).

14 “(K) COMPLIANCE.—If a State fails to
15 satisfy the requirements of subparagraph (A)
16 by the end of fiscal year 2025, the Secretary
17 may subject the State to appropriate program
18 sanctions under section 1.36 of title 23, Code of
19 Federal Regulations (or successor regula-
20 tions).”.

21 (b) CLERICAL AMENDMENT.—The analysis for chap-
22 ter 1 of title 23, United States Code, is amended by strik-
23 ing the item relating to section 144 and inserting the fol-
24 lowing:

 “144. Bridges and tunnels.”.

1 **SEC. 1208. CONSTRUCTION OF FERRY BOATS AND FERRY**
2 **TERMINAL FACILITIES.**

3 Section 147 of title 23, United States Code, is
4 amended—

5 (1) by striking subsection (h); and

6 (2) by redesignating subsections (i) and (j) as
7 subsections (h) and (i), respectively.

8 **SEC. 1209. HIGHWAY SAFETY IMPROVEMENT PROGRAM.**

9 (a) **IN GENERAL.**—Section 148 of title 23, United
10 States Code, is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (4)(B)—

13 (i) by striking “only includes a
14 project” and inserting “includes a
15 project”;

16 (ii) in clause (xiii) by inserting “, in-
17 cluding the development of a vulnerable
18 road user safety assessment or a vision
19 zero plan under section 1601 of the IN-
20 VEST in America Act” after “safety plan-
21 ning”;

22 (iii) by amending clause (xviii) to read
23 as follows:

24 “(xviii) Safe routes to school infra-
25 structure-related projects eligible under
26 section 211.”;

1 (iv) in clause (xxvi) by inserting “or
2 leading pedestrian intervals” after “hybrid
3 beacons”; and

4 (v) by striking clause (xxviii) and in-
5 serting the following:

6 “(xxviii) A pedestrian security feature
7 designed to slow or stop a motor vehicle.

8 “(xxix) Installation of infrastructure
9 improvements, including sidewalks, cross-
10 walks, signage, and bus stop shelters or
11 protected waiting areas.”;

12 (B) in paragraph (11)—

13 (i) in subparagraph (A)—

14 (I) in clause (ix) by striking
15 “and” at the end;

16 (II) by redesignating clause (x)
17 as clause (xi); and

18 (III) by inserting after clause (ix)
19 the following:

20 “(x) State or local representatives of
21 educational agencies to address safe routes
22 to school and schoolbus safety; and”;

23 (ii) in subparagraph (E) by inserting
24 “Tribal,” after “State,”;

1 (iii) by redesignating subparagraphs
2 (G), (H), and (I) as subparagraphs (H),
3 (I), and (J), respectively; and

4 (iv) by inserting after subparagraph
5 (F) the following:

6 “(G) includes a vulnerable road user safety
7 assessment described under paragraph (16);”;

8 (C) by redesignating paragraphs (10),
9 (11), and (12) as paragraphs (12), (13), and
10 (14), respectively;

11 (D) by inserting after paragraph (9) the
12 following:

13 “(10) SAFE SYSTEM APPROACH.—The term
14 ‘safe system approach’ means a roadway design that
15 emphasizes minimizing the risk of injury or fatality
16 to road users and that—

17 “(A) takes into consideration the possi-
18 bility and likelihood of human error;

19 “(B) accommodates human injury toler-
20 ance by taking into consideration likely crash
21 types, resulting impact forces, and the human
22 body’s ability to withstand such forces; and

23 “(C) takes into consideration vulnerable
24 road users.

25 “(11) SPECIFIED SAFETY PROJECT.—

1 “(A) IN GENERAL.—The term ‘specified
2 safety project’ means a project carried out for
3 the purpose of safety under any other section of
4 this title that is consistent with the State stra-
5 tegic highway safety plan.

6 “(B) INCLUSION.—The term ‘specified
7 safety project’ includes a project that—

8 “(i) promotes public awareness and
9 informs the public regarding highway safe-
10 ty matters (including safety for motorcy-
11 clists, bicyclists, pedestrians, individuals
12 with disabilities, and other road users);

13 “(ii) facilitates enforcement of traffic
14 safety laws;

15 “(iii) provides infrastructure and in-
16 frastructure-related equipment to support
17 emergency services;

18 “(iv) conducts safety-related research
19 to evaluate experimental safety counter-
20 measures or equipment; or

21 “(v) supports safe routes to school
22 noninfrastructure-related activities de-
23 scribed under section 211(e)(2).”;

24 (E) by adding at the end the following:

1 “(15) VULNERABLE ROAD USER.—The term
2 ‘vulnerable road user’ means a nonmotorist—

3 “(A) with a fatality analysis reporting sys-
4 tem person attribute code that is included in
5 the definition of the term ‘number of non-mo-
6 torized fatalities’ in section 490.205 of title 23,
7 Code of Federal Regulations (or successor regu-
8 lation); or

9 “(B) described in the term ‘number of
10 non-motorized serious injuries’ in such section.

11 “(16) VULNERABLE ROAD USER SAFETY AS-
12 SESSMENT.—The term ‘vulnerable road user safety
13 assessment’ means an assessment of the safety per-
14 formance of the State with respect to vulnerable
15 road users and the plan of the State to improve the
16 safety of vulnerable road users described in sub-
17 section (1).”;

18 (2) in subsection (c)—

19 (A) in paragraph (1) by striking “(a)(11)”
20 and inserting “(a)(13)”; and

21 (B) in paragraph (2)—

22 (i) in subparagraph (A)(vi) by insert-
23 ing “, consistent with the vulnerable road
24 user safety assessment” after “non-
25 motorized crashes”;

1 (ii) in subparagraph (B)(i)—

2 (I) by inserting “, consistent with
3 a safe system approach,” after “iden-
4 tify”;

5 (II) by inserting “excessive de-
6 sign speeds and speed limits,” after
7 “crossing needs,”; and

8 (III) by striking “motorists (in-
9 cluding motorcycleists), bicyclists, pe-
10 destrians, and other highway users”
11 and inserting “road users”; and

12 (iii) in subparagraph (D)(iii) by strik-
13 ing “motorists (including motorcycleists),
14 bicyclists, pedestrians, persons with disabili-
15 ties, and other highway users” and insert-
16 ing “road users”;

17 (3) in subsection (d)—

18 (A) in paragraph (1)—

19 (i) in subparagraph (A) by striking
20 “Not later than 1 year after the date of
21 enactment of the MAP-21, the” and in-
22 serting “The”; and

23 (ii) in subparagraph (B)—

24 (I) in clause (iv) by inserting
25 “and serious injury” after “fatality”;

1 (II) in clause (vii) by striking “;
2 and” and inserting a semicolon;

3 (III) by redesignating clause
4 (viii) as clause (ix); and

5 (IV) by inserting after clause
6 (vii) the following:

7 “(viii) the findings of a vulnerable
8 road user safety assessment of the State;
9 and”; and

10 (B) in paragraph (2)(B)(i) by striking
11 “subsection (a)(11)” and inserting “subsection
12 (a)(13)”;

13 (4) in subsection (e)—

14 (A) in paragraph (1)(C) by striking “,
15 without regard to whether the project is in-
16 cluded in an applicable State strategic highway
17 safety plan”; and

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

19 “(3) FLEXIBLE FUNDING FOR SPECIFIED SAFE-
20 TY PROJECTS.—

21 “(A) IN GENERAL.—To advance the imple-
22 mentation of a State strategic highway safety
23 plan, a State may use not more than 10 percent
24 of the amounts apportioned to the State under

1 section 104(b)(3) for a fiscal year to carry out
2 specified safety projects.

3 “(B) RULE OF STATUTORY CONSTRU-
4 TION.—Nothing in this paragraph shall be con-
5 strued to require a State to revise any State
6 process, plan, or program in effect on the date
7 of enactment of this paragraph.

8 “(C) EFFECT OF PARAGRAPH.—

9 “(i) REQUIREMENTS.—A project
10 funded under this paragraph shall be sub-
11 ject to all requirements under this section
12 that apply to a highway safety improve-
13 ment project.

14 “(ii) OTHER APPORTIONED PRO-
15 GRAMS.—Subparagraph (A) shall not apply
16 to amounts that may be obligated for non-
17 infrastructure projects apportioned under
18 any other paragraph of section 104(b).”;

19 (5) in subsection (g)—

20 (A) by amending paragraph (1) to read as
21 follows:

22 “(1) HIGH-RISK RURAL ROAD SAFETY.—

23 “(A) IN GENERAL.—If a State determines
24 that the fatality rate on rural roads in such
25 State for the most recent 2-year period for

1 which data are available exceeds the median fa-
2 tality rate for rural roads among all States,
3 that State shall be required to—

4 “(i) obligate over the 2 fiscal years
5 following the fiscal year in which such de-
6 termination is made for projects on high-
7 risk rural roads an amount not less than
8 7.5 percent of the amounts apportioned to
9 the State under section 104(b)(3) for fiscal
10 year 2020; and

11 “(ii) include, in the subsequent update
12 to the State strategic highway safety plan,
13 strategies to reduce the fatality rate.

14 “(B) SOURCE OF FUNDS.—Any amounts
15 obligated under subparagraph (A) shall be from
16 amounts described under section 133(d)(1)(B).

17 “(C) ANNUAL DETERMINATION.—The de-
18 termination described under subparagraph (A)
19 shall be made on an annual basis.

20 “(D) CONSULTATION.—In carrying out a
21 project with an amount obligated under sub-
22 paragraph (A), a State shall consult with, as
23 applicable, local governments, metropolitan
24 planning organizations, and regional transpor-
25 tation planning organizations.”;

1 (B) in paragraph (2)—

2 (i) in the heading by striking “DRIV-
3 ERS” and inserting “ROAD USERS”; and

4 (ii) by striking “address the increases
5 in” and inserting “reduce”; and

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

7 “(3) VULNERABLE ROAD USER SAFETY.—

8 “(A) IN GENERAL.—Beginning 2 years
9 after the date of enactment of the INVEST in
10 America Act, if a State determines that the
11 number of vulnerable road user fatalities and
12 serious injuries per capita in such State over
13 the most recent 2-year period for which data
14 are available exceeds the median number of
15 such fatalities and serious injuries per capita
16 among all States, that State shall be required
17 to obligate over the 2 fiscal years following the
18 fiscal year in which such determination is made
19 an amount that is not less than 50 percent of
20 the amount set aside in such State under sec-
21 tion 133(h)(1) for fiscal year 2020 for projects
22 identified in the program of projects described
23 in subsection (l)(2)(C).

1 “(B) SOURCE OF FUNDS.—Any amounts
2 obligated under subparagraph (A) shall be from
3 amounts described in section 133(d)(1)(B).

4 “(C) ANNUAL DETERMINATION.—The de-
5 termination described under subparagraph (A)
6 shall be made on an annual basis.”;

7 (6) in subsection (h)(1)(A) by inserting “, in-
8 cluding any efforts to reduce vehicle speed” after
9 “under this section”; and

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

11 “(1) VULNERABLE ROAD USER SAFETY ASSESS-
12 MENT.—

13 “(1) IN GENERAL.—Not later than 2 years
14 after date of enactment of the INVEST in America
15 Act, each State shall create a vulnerable road user
16 safety assessment.

17 “(2) CONTENTS.—A vulnerable road user safety
18 assessment required under paragraph (1) shall in-
19 clude—

20 “(A) a description of the location within
21 the State of each vulnerable road user fatality
22 and serious injury and the design speed of the
23 roadway at any such location;

24 “(B) a description of any corridors identi-
25 fied by a State that pose a high risk of a vul-

1 nerable road user fatality or serious injury and
2 the design speeds of such corridors; and

3 “(C) a program of projects or strategies to
4 reduce safety risks to vulnerable road users in
5 corridors identified under subparagraph (B).

6 “(3) ANALYSIS.—In creating a vulnerable road
7 user safety assessment under this subsection, a
8 State shall assess the last 5 years of available data.

9 “(4) REQUIREMENTS.—In creating a vulnerable
10 road user safety assessment under this subsection, a
11 State shall—

12 “(A) take into consideration a safe system
13 approach; and

14 “(B) consult with local governments, met-
15 ropolitan planning organizations, and regional
16 transportation planning organizations that rep-
17 resent a high-risk area identified under para-
18 graph (2)(B).

19 “(5) UPDATE.—A State shall update a vulner-
20 able road user safety assessment on the same sched-
21 ule as the State updates the State strategic highway
22 safety plan.

23 “(6) TRANSPORTATION SYSTEM ACCESS.—The
24 program of projects developed under paragraph

1 (2)(C) may not degrade transportation system ac-
2 cess for vulnerable road users.”.

3 (b) TECHNICAL AMENDMENT.—Section 148 of title
4 23, United States Code, is amended—

5 (1) in the heading for subsection (a)(8) by
6 striking “ROAD USERS” and inserting “ROAD
7 USER”; and

8 (2) in subsection (i)(2)(D) by striking “safety
9 safety” and inserting “safety”.

10 (c) HIGH-RISK RURAL ROADS.—

11 (1) STUDY.—Not later than 2 years after the
12 date of enactment of this Act, the Secretary of
13 Transportation shall update the study described in
14 paragraph (1) of section 1112(b) of MAP–21 (23
15 U.S.C. 148 note).

16 (2) PUBLICATION OF REPORT.—Not later than
17 2 years after the date of enactment of this Act, the
18 Secretary shall publish on the website of the Depart-
19 ment of Transportation an updated report of the re-
20 port described in paragraph (2) of section 1112(b)
21 of MAP–21 (23 U.S.C. 148 note).

22 (3) BEST PRACTICES MANUAL.—Not later than
23 180 days after the date of submission of the report
24 described in paragraph (2), the Secretary shall up-

1 date the best practices manual described in section
2 1112(b)(3) of MAP–21 (23 U.S.C. 148 note).

3 **SEC. 1210. CONGESTION MITIGATION AND AIR QUALITY IM-**
4 **PROVEMENT PROGRAM.**

5 Section 149 of title 23, United States Code, is
6 amended—

7 (1) in subsection (b)—

8 (A) in paragraph (1)(A)(ii) by striking
9 “subsection (h)” and inserting “subsection (i)”;

10 (B) in paragraph (7) by inserting “shared
11 micromobility (including bikesharing and shared
12 scooter systems),” after “carsharing,”;

13 (C) in paragraph (8)(B) by striking “; or”
14 and inserting a semicolon;

15 (D) in paragraph (9) by striking the period
16 and inserting “; or”; and

17 (E) by adding at the end the following:

18 “(10) if the project or program mitigates sea-
19 sonal or temporary traffic congestion from long-haul
20 travel or tourism.”;

21 (2) in subsection (c)—

22 (A) in paragraph (2)—

23 (i) in the heading by inserting “, HY-
24 DROGEN VEHICLE,” after “ELECTRIC VE-
25 HICLE”;

1 (ii) by inserting “hydrogen or” after
2 “charging stations or”; and

3 (iii) by inserting “, hydrogen-pow-
4 ered,” after “battery powered”; and

5 (B) in paragraph (3) by inserting “, and is
6 consistent with section 166” after “travel
7 times”; and

8 (3) by striking subsection (m) and inserting the
9 following:

10 “(m) OPERATING ASSISTANCE.—

11 “(1) PROJECTS.—A State may obligate funds
12 apportioned under section 104(b)(4) in an area of
13 such State that is otherwise eligible for obligations
14 of such funds for operating costs under chapter 53
15 of title 49 or on a system for which CMAQ funding
16 was made available, obligated, or expended in fiscal
17 year 2012, or, notwithstanding subsection (b), on a
18 State-supported Amtrak route with a cost-sharing
19 agreement under section 209 of the Passenger Rail
20 Investment and Improvement Act of 2008 or alter-
21 native cost allocation under section 24712(g)(3) of
22 title 49.

23 “(2) TIME LIMITATION.—In determining the
24 amount of time for which a State may obligate funds
25 under paragraph (1) for operating assistance for an

1 area of a State or on a system, the Secretary shall
2 allow such obligations to occur, in such area or on
3 such system—

4 “(A) with a time limitation of not less than
5 3 years; and

6 “(B) in the case of projects that dem-
7 onstrate continued net air quality benefits be-
8 yond 3 years, as determined annually by the
9 Secretary in consultation with the Adminis-
10 trator of the Environmental Protection Agency,
11 with no imposed time limitation.”.

12 **SEC. 1211. ELECTRIC VEHICLE CHARGING STATIONS.**

13 (a) ELECTRIC VEHICLE CHARGING STATIONS.—
14 Chapter 1 of title 23, United States Code, is amended by
15 inserting after section 154 the following new section:

16 **“§ 155. Electric vehicle charging stations**

17 “(a) IN GENERAL.—Any electric vehicle charging in-
18 frastructure funded under this title shall be subject to the
19 requirements of this section.

20 “(b) INTEROPERABILITY.—

21 “(1) IN GENERAL.—Electric vehicle charging
22 stations funded under this title shall provide, at a
23 minimum, two of the following charging connector
24 types at the location:

25 “(A) CCS.

1 “(B) CHAdeMO.

2 “(C) An alternative connector that meets
3 applicable industry safety standards

4 “(2) SAVINGS CLAUSE.—Nothing in this sub-
5 section shall prevent the use of charging types other
6 than the connectors described in paragraph (1) if, at
7 a minimum, such connectors meet applicable indus-
8 try safety standards and are compatible with a ma-
9 jority of electric vehicles in operation.

10 “(c) OPEN ACCESS TO PAYMENT.—Electric vehicle
11 charging stations shall provide payment methods available
12 to all members of the public to ensure secure, convenient,
13 and equal access and shall not be limited by membership
14 to a particular payment provider.

15 “(d) TREATMENT OF PROJECTS.—Notwithstanding
16 any other provision of law, any project to install electric
17 vehicle charging infrastructure shall be treated as if the
18 project is located on a Federal-aid highway.”.

19 (b) CLERICAL AMENDMENT.—The analysis for chap-
20 ter 1 of title 23, United States Code, is amended by insert-
21 ing after the item relating to section 154 the following
22 new item:

“155. Electric vehicle charging stations.”.

23 (c) ELECTRIC VEHICLE CHARGING SIGNAGE.—The
24 Secretary of Transportation shall update the Manual on
25 Uniform Traffic Control Devices to—

1 (1) ensure uniformity in providing road users
2 direction to electric charging stations that are open
3 to the public; and

4 (2) allow the use of Specific Service signs for
5 electric vehicle charging station providers.

6 **SEC. 1212. NATIONAL HIGHWAY FREIGHT PROGRAM.**

7 Section 167 of title 23, United States Code, is
8 amended—

9 (1) in subsection (b)—

10 (A) in paragraph (6) by striking “; and”
11 and inserting a semicolon; and

12 (B) by striking paragraph (7) and insert-
13 ing the following:

14 “(7) to reduce the environmental impacts of
15 freight movement on the National Highway Freight
16 Network, including—

17 “(A) greenhouse gas emissions;

18 “(B) local air pollution;

19 “(C) minimizing, capturing, or treating
20 stormwater runoff and addressing other adverse
21 impacts to water quality; and

22 “(D) wildlife habitat loss; and

23 “(8) to decrease any adverse impact of freight
24 transportation on communities located near freight
25 facilities or freight corridors.”;

1 (2) in subsection (e) by adding at the end the
2 following:

3 “(3) ADDITIONAL MILEAGE.—Notwithstanding
4 paragraph (2), a State that has designated at least
5 90 percent of its maximum mileage described in
6 paragraph (2) may designate up to an additional
7 150 miles of critical rural freight corridors.”;

8 (3) in subsection (f) by adding at the end the
9 following:

10 “(5) ADDITIONAL MILEAGE.—Notwithstanding
11 paragraph (4), a State that has designated at least
12 90 percent of its maximum mileage described in
13 paragraph (4) may designate up to an additional 75
14 miles of critical urban freight corridors under para-
15 graphs (1) and (2).”;

16 (4) in subsection (h) by striking “Not later
17 than” and all that follows through “shall prepare”
18 and inserting “As part of the report required under
19 section 503(b)(8), the Administrator shall biennially
20 prepare”;

21 (5) in subsection (i)—

22 (A) by striking paragraphs (2) and (3);

23 (B) by amending paragraph (4) to read as
24 follows:

1 “(4) FREIGHT PLANNING.—Notwithstanding
2 any other provision of law, a State may not obligate
3 funds apportioned to the State under section
4 104(b)(5) unless the State has developed, updated,
5 or amended, as applicable, a freight plan in accord-
6 ance with section 70202 of title 49.”;

7 (C) in paragraph (5)—

8 (i) by striking subparagraph (B) and
9 inserting the following:

10 “(B) LIMITATION.—The Federal share of
11 a project described in subparagraph (C)(xxiii)
12 shall fund only elements of such project that
13 provide public benefits.”; and

14 (ii) in subparagraph (C)—

15 (I) in clause (iii) by inserting
16 “and freight management and oper-
17 ations systems” after “freight trans-
18 portation systems”; and

19 (II) by amending clause (xxiii) to
20 read as follows:

21 “(xxiii) Freight intermodal or freight
22 rail projects, including—

23 “(I) projects within the bound-
24 aries of public or private freight rail
25 or water facilities (including ports);

1 “(II) projects that provide sur-
2 face transportation infrastructure nec-
3 essary to facilitate direct intermodal
4 interchange, transfer, and access into
5 or out of the facility; and

6 “(III) any other surface trans-
7 portation project to improve the flow
8 of freight into or out of a facility de-
9 scribed in subclause (I) or (II).”;

10 (D) in paragraph (6) by striking “para-
11 graph (5)” and inserting “paragraph (3)”; and

12 (E) by redesignating paragraphs (4), (5),
13 (6), and (7) as paragraphs (2), (3), (4), and
14 (5), respectively; and

15 (6) in subsection (k)(1)(A)(ii) by striking
16 “ports-of entry” and inserting “ports-of-entry”.

17 **SEC. 1213. CARBON POLLUTION REDUCTION.**

18 (a) IN GENERAL.—Chapter 1 of title 23, United
19 States Code, is amended by adding at the end the fol-
20 lowing:

21 **“§ 171. Carbon pollution reduction**

22 “(a) ESTABLISHMENT.—The Secretary shall estab-
23 lish a carbon pollution reduction program to support the
24 reduction of greenhouse gas emissions from the surface
25 transportation system.

1 “(b) ELIGIBLE PROJECTS.—A project is eligible for
2 funding under this section if such project—

3 “(1) is expected to yield a significant reduction
4 in greenhouse gas emissions from the surface trans-
5 portation system;

6 “(2) will help a State meet the greenhouse gas
7 emissions performance targets established under sec-
8 tion 150(c)(7); and

9 “(3) is—

10 “(A) eligible for assistance under this title
11 or under chapter 53 of title 49; or

12 “(B) a capital project, as such term is de-
13 fined in section 22906 of title 49, to improve
14 intercity rail passenger transportation, provided
15 that the project will yield a significant reduction
16 in single occupant vehicle trips and improve
17 mobility on public roads.

18 “(c) GUIDANCE.—The Secretary shall issue guidance
19 on methods of determining the reduction of single occu-
20 pant vehicle trips and improvement of mobility on public
21 roads as those factors relate to intercity rail passenger
22 transportation projects under subsection (b)(4).

23 “(d) OPERATING EXPENSES.—A State may use not
24 more than 10 percent of the funds provided under section

1 104(b)(9) for the operating expenses of public transpor-
2 tation and passenger rail transportation projects.

3 “(e) SINGLE-OCCUPANCY VEHICLE HIGHWAY FA-
4 CILITIES.—None of the funds provided under this section
5 may be used for a project that will result in the construc-
6 tion of new capacity available to single occupant vehicles
7 unless the project consists of a high occupancy vehicle fa-
8 cility and is consistent with section 166.

9 “(f) EVALUATION.—

10 “(1) IN GENERAL.—The Secretary shall annu-
11 ally evaluate the progress of each State in carrying
12 out the program under this section by comparing the
13 percent change in carbon dioxide emissions per cap-
14 ita on public roads in the State calculated as—

15 “(A) the annual carbon dioxide emissions
16 per capita on public roads in the State for the
17 most recent year for which there is data; di-
18 vided by

19 “(B) the average annual carbon dioxide
20 emissions per capita on public roads in the
21 State in calendar years 2015 through 2019.

22 “(2) MEASURES.—In conducting the evaluation
23 under paragraph (1), the Secretary shall—

24 “(A) prior to the effective date of the
25 greenhouse gas performance measures under

1 section 150(c)(7), use such data as are avail-
2 able, which may include data on motor fuels
3 usage published by the Federal Highway Ad-
4 ministration and information on emissions fac-
5 tors or coefficients published by the Energy In-
6 formation Administration of the Department of
7 Energy; and

8 “(B) following the effective date of the
9 greenhouse gas performance measures under
10 section 150(c)(7), use such measures.

11 “(g) PROGRESS REPORT.—The Secretary shall annu-
12 ally issue a carbon pollution reduction progress report, to
13 be made publicly available on the website of the Depart-
14 ment of Transportation, that includes—

15 “(1) the results of the evaluation under sub-
16 section (f) for each State; and

17 “(2) a ranking of all the States by the criteria
18 under subsection (f), with the States that, for the
19 year covered by such report, have the largest per-
20 centage reduction in annual carbon dioxide emissions
21 per capita on public roads being ranked the highest.

22 “(h) HIGH-PERFORMING STATES.—

23 “(1) DESIGNATION.—For purposes of this sec-
24 tion, each State that is 1 of the 15 highest ranked
25 States, as determined under subsection (g)(2), and

1 that achieves a reduction in carbon dioxide emissions
2 per capita on public roads, as determined by the
3 evaluation in subsection (f), shall be designated as a
4 high-performing State for the following fiscal year.

5 “(2) USE OF FUNDS.—For each State that is
6 designated as a high-performing State under para-
7 graph (1)—

8 “(A) notwithstanding section 120, the
9 State may use funds made available under this
10 title to pay the non-Federal share of a project
11 under this section during any year for which
12 such State is designated as a high-performing
13 State; and

14 “(B) notwithstanding section 126, the
15 State may transfer up to 50 percent of funds
16 apportioned under section 104(b)(9) to the pro-
17 gram under section 104(b)(2) in any year for
18 which such State is designated as a high-per-
19 forming State.

20 “(3) TRANSFER.—For each State that is 1 of
21 the 15 lowest ranked States, as determined under
22 subsection (g)(2), the Secretary shall transfer 10
23 percent of the amount apportioned to the State
24 under section 104(b)(2) in the fiscal year following
25 the year in which the State is so ranked, not includ-

1 ing amounts set aside under section 133(d)(1)(A)
2 and under section 133(h) or 505(a), to the appor-
3 tionment of the State under section 104(b)(9).

4 “(4) LIMITATION.—The Secretary shall not
5 conduct a transfer under paragraph (3)—

6 “(A) until the first fiscal year following the
7 effective date of greenhouse gas performance
8 measures under section 150(c)(7); and

9 “(B) with respect to a State in any fiscal
10 year following the year in which such State
11 achieves a reduction in carbon dioxide emissions
12 per capita on public roads in such year as de-
13 termined by the evaluation under subsection (f).

14 “(i) REPORT.—Not later than 2 years after the date
15 of enactment of this section and periodically thereafter,
16 the Secretary, in consultation with the Administrator of
17 the Environmental Protection Agency, shall issue a re-
18 port—

19 “(1) detailing, based on the best available
20 science, what types of projects eligible for assistance
21 under this section are expected to provide the most
22 significant greenhouse gas emissions reductions from
23 the surface transportation sector; and

24 “(2) detailing, based on the best available
25 science, what types of projects eligible for assistance

1 under this section are not expected to provide sig-
2 nificant greenhouse gas emissions reductions from
3 the surface transportation sector.”.

4 (b) CLERICAL AMENDMENT.—The analysis for chap-
5 ter 1 of title 23, United States Code, is amended by add-
6 ing at the end the following new item:

“171. Carbon pollution reduction.”.

7 (c) APPLICABILITY.—Subsection (b)(2) of section
8 171 of title 23, United States Code, as added by this sec-
9 tion, shall apply to a State beginning on the first fiscal
10 year following the fiscal year in which the State sets green-
11 house gas performance targets under section 150(d) of
12 title 23, United States Code.

13 **SEC. 1214. RECREATIONAL TRAILS.**

14 Section 206 of title 23, United States Code, is
15 amended by adding at the end the following:

16 “(j) USE OF OTHER APPORTIONED FUNDS.—Funds
17 apportioned to a State under section 104(b) that are obli-
18 gated for recreational trails and related projects shall be
19 administered as if such funds were made available for pur-
20 poses described under this section.”.

21 **SEC. 1215. SAFE ROUTES TO SCHOOL PROGRAM.**

22 (a) IN GENERAL.—Chapter 2 of title 23, United
23 States Code, is amended by inserting after section 210 the
24 following:

1 **“§ 211. Safe routes to school program**

2 “(a) PROGRAM.—The Secretary shall carry out a safe
3 routes to school program for the benefit of children in pri-
4 mary, middle, and high schools.

5 “(b) PURPOSES.—The purposes of the program shall
6 be—

7 “(1) to enable and encourage children, includ-
8 ing those with disabilities, to walk and bicycle to
9 school;

10 “(2) to make bicycling and walking to school a
11 safer and more appealing transportation alternative,
12 thereby encouraging a healthy and active lifestyle
13 from an early age; and

14 “(3) to facilitate the planning, development,
15 and implementation of projects and activities that
16 will improve safety and reduce traffic, fuel consump-
17 tion, and air pollution in the vicinity of schools.

18 “(c) USE OF FUNDS.—Amounts apportioned to a
19 State under paragraphs (2) and (3) of section 104(b) may
20 be used to carry out projects, programs, and other activi-
21 ties under this section.

22 “(d) ELIGIBLE ENTITIES.—Projects, programs, and
23 activities funded under this section may be carried out by
24 eligible entities described under section 133(h)(4)(B) that
25 demonstrate an ability to meet the requirements of this
26 section.

1 “(e) ELIGIBLE PROJECTS AND ACTIVITIES.—

2 “(1) INFRASTRUCTURE-RELATED PROJECTS.—

3 “(A) IN GENERAL.—A State may obligate
4 funds under this section for the planning, de-
5 sign, and construction of infrastructure-related
6 projects that will substantially improve the abil-
7 ity of students to walk and bicycle to school, in-
8 cluding sidewalk improvements, traffic calming
9 and speed reduction improvements, pedestrian
10 and bicycle crossing improvements, on-street bi-
11 cycle facilities, off-street bicycle and pedestrian
12 facilities, secure bicycle parking facilities, and
13 traffic diversion improvements in the vicinity of
14 schools.

15 “(B) LOCATION OF PROJECTS.—Infra-
16 structure-related projects under subparagraph
17 (A) may be carried out on any public road or
18 any bicycle or pedestrian pathway or trail in the
19 vicinity of schools.

20 “(2) NONINFRASTRUCTURE-RELATED ACTIVI-
21 TIES.—In addition to projects described in para-
22 graph (1), a State may obligate funds under this
23 section for noninfrastructure-related activities to en-
24 courage walking and bicycling to school, including—

1 “(A) public awareness campaigns and out-
2 reach to press and community leaders;

3 “(B) traffic education and enforcement in
4 the vicinity of schools;

5 “(C) student sessions on bicycle and pedes-
6 trian safety, health, and environment;

7 “(D) programs that address personal safe-
8 ty; and

9 “(E) funding for training, volunteers, and
10 managers of safe routes to school programs.

11 “(3) SAFE ROUTES TO SCHOOL COORDI-
12 NATOR.—Each State receiving an apportionment
13 under paragraphs (2) and (3) of section 104(b) shall
14 use a sufficient amount of the apportionment to
15 fund a full-time position of coordinator of the
16 State’s safe routes to school program.

17 “(f) FEDERAL SHARE.—The Federal share of the
18 cost of a project, program, or activity under this section
19 shall be 100 percent.

20 “(g) CLEARINGHOUSE.—

21 “(1) IN GENERAL.—The Secretary shall main-
22 tain a national safe routes to school clearinghouse
23 to—

24 “(A) develop information and educational
25 programs on safe routes to school; and

1 “(B) provide technical assistance and dis-
2 seminate techniques and strategies used for
3 successful safe routes to school programs.

4 “(2) FUNDING.—The Secretary shall carry out
5 this subsection using amounts authorized to be ap-
6 propriated for administrative expenses under section
7 104(a).

8 “(h) TREATMENT OF PROJECTS.—Notwithstanding
9 any other provision of law, projects carried out under this
10 section shall be treated as projects on a Federal-aid high-
11 way under chapter 1 of this title.

12 “(i) DEFINITIONS.—In this section, the following
13 definitions apply:

14 “(1) IN THE VICINITY OF SCHOOLS.—The term
15 ‘in the vicinity of schools’ means, with respect to a
16 school, the area within bicycling and walking dis-
17 tance of the school (approximately 2 miles).

18 “(2) PRIMARY, MIDDLE, AND HIGH SCHOOLS.—
19 The term ‘primary, middle, and high schools’ means
20 schools providing education from kindergarten
21 through twelfth grade.”.

22 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

23 (1) REPEAL.—Section 1404 of SAFETEA-LU
24 (Public Law 109–59; 119 Stat. 1228–1230), and

1 the item relating to such section in the table of con-
2 tents in section 1(b) of such Act, are repealed.

3 (2) ANALYSIS.—The analysis for chapter 2 of
4 title 23, United States Code, is amended by insert-
5 ing after the item relating to section 210 the fol-
6 lowing:

“211. Safe routes to school program.”.

7 **SEC. 1216. BICYCLE TRANSPORTATION AND PEDESTRIAN**
8 **WALKWAYS.**

9 Section 217 of title 23, United States Code, is
10 amended—

11 (1) in subsection (d)—

12 (A) by striking “104(b)(3)” and inserting
13 “104(b)(4)”; and

14 (B) by striking “a position” and inserting
15 “one or more positions”;

16 (2) in subsection (e) by striking “bicycles” and
17 inserting “pedestrians or bicyclists” each place such
18 term appears; and

19 (3) in subsection (j) by striking paragraph (2)
20 and inserting the following:

21 “(2) ELECTRIC BICYCLE.—The term ‘electric
22 bicycle’ means any bicycle, tricycle, or other motor-
23 ized conveyance—

24 “(A) with a low-powered electric motor
25 weighing under 100 pounds;

1 “(B) with a top motor-powered speed not
2 in excess of 20 miles per hour; and

3 “(C) that can safely share a bicycle trans-
4 portation facility with other users of such facil-
5 ity.”.

6 **Subtitle C—Project-Level** 7 **Investments**

8 **SEC. 1301. PROJECTS OF NATIONAL AND REGIONAL SIG-** 9 **NIFICANCE.**

10 (a) IN GENERAL.—Section 117 of title 23, United
11 States Code, is amended to read as follows:

12 **“§ 117. Projects of national and regional significance**

13 “(a) ESTABLISHMENT.—The Secretary shall estab-
14 lish a projects of national and regional significance pro-
15 gram under which the Secretary may make grants to, and
16 establish multiyear grant agreements with, eligible entities
17 in accordance with this section.

18 “(b) APPLICATIONS.—To be eligible for a grant
19 under this section, an eligible entity shall submit to the
20 Secretary an application in such form, in such manner,
21 and containing such information as the Secretary may re-
22 quire.

23 **“(c) GRANT AMOUNTS AND PROJECT COSTS.—**

24 “(1) IN GENERAL.—Each grant made under
25 this section—

1 “(A) shall be in an amount that is at least
2 \$25,000,000; and

3 “(B) shall be for a project that has eligible
4 project costs that are reasonably anticipated to
5 equal or exceed the lesser of—

6 “(i) \$100,000,000; or

7 “(ii) in the case of a project—

8 “(I) located in 1 State, 30 per-
9 cent of the amount apportioned under
10 this chapter to the State in the most
11 recently completed fiscal year; or

12 “(II) located in more than 1
13 State, 50 percent of the amount ap-
14 portioned under this chapter to the
15 participating State with the largest
16 apportionment under this chapter in
17 the most recently completed fiscal
18 year.

19 “(2) LARGE PROJECTS.—For a project that has
20 eligible project costs that are reasonably anticipated
21 to equal or exceed \$500,000,000, a grant made
22 under this section—

23 “(A) shall be in an amount sufficient to
24 fully fund the project, or in the case of a public
25 transportation project, a minimum operable

1 segment, in combination with other funding
2 sources, including non-Federal financial com-
3 mitment, identified in the application; and

4 “(B) may be awarded pursuant to the
5 process under subsection (d), as necessary
6 based on the amount of the grant.

7 “(d) MULTIYEAR GRANT AGREEMENTS FOR LARGE
8 PROJECTS.—

9 “(1) IN GENERAL.—A large project that re-
10 ceives a grant under this section may be carried out
11 through a multiyear grant agreement in accordance
12 with this subsection.

13 “(2) REQUIREMENTS.—A multiyear grant
14 agreement for a large project shall—

15 “(A) establish the terms of participation by
16 the Federal Government in the project;

17 “(B) establish the amount of Federal fi-
18 nancial assistance for the project;

19 “(C) establish a schedule of anticipated
20 Federal obligations for the project that provides
21 for obligation of the full grant amount by not
22 later than 4 fiscal years after the fiscal year in
23 which the initial amount is provided; and

1 “(D) determine the period of time for com-
2 pleting the project, even if such period extends
3 beyond the period of an authorization.

4 “(3) SPECIAL RULES.—

5 “(A) IN GENERAL.—A multiyear grant
6 agreement under this subsection—

7 “(i) shall obligate an amount of avail-
8 able budget authority specified in law; and

9 “(ii) may include a commitment, con-
10 tingent on amounts to be specified in law
11 in advance for commitments under this
12 paragraph, to obligate an additional
13 amount from future available budget au-
14 thority specified in law.

15 “(B) CONTINGENT COMMITMENT.—A con-
16 tingent commitment under this subsection is
17 not an obligation of the Federal Government
18 under section 1501 of title 31.

19 “(C) INTEREST AND OTHER FINANCING
20 COSTS.—

21 “(i) IN GENERAL.—Interest and other
22 financing costs of carrying out a part of
23 the project within a reasonable time shall
24 be considered a cost of carrying out the
25 project under a multiyear grant agreement,

1 except that eligible costs may not be more
2 than the cost of the most favorable financ-
3 ing terms reasonably available for the
4 project at the time of borrowing.

5 “(ii) CERTIFICATION.—The applicant
6 shall certify to the Secretary that the ap-
7 plicant has shown reasonable diligence in
8 seeking the most favorable financing
9 terms.

10 “(4) ADVANCE PAYMENT.—An eligible entity
11 carrying out a large project under a multiyear grant
12 agreement—

13 “(A) may use funds made available to the
14 eligible entity under this title or title 49 for eli-
15 gible project costs of the large project; and

16 “(B) shall be reimbursed, at the option of
17 the eligible entity, for such expenditures from
18 the amount made available under the multiyear
19 grant agreement for the project in that fiscal
20 year or a subsequent fiscal year.

21 “(e) ELIGIBLE PROJECTS.—

22 “(1) IN GENERAL.—The Secretary may make a
23 grant under this section only for a project that is a
24 project eligible for assistance under this title or
25 chapter 53 of title 49 and is—

1 “(A) a bridge project carried out on the
2 National Highway System;

3 “(B) a project to improve person through-
4 put that is—

5 “(i) a highway project carried out on
6 the National Highway System;

7 “(ii) a public transportation project;
8 or

9 “(iii) a capital project, as such term is
10 defined in section 22906 of title 49, to im-
11 prove intercity rail passenger transpor-
12 tation; or

13 “(C) a project to improve freight through-
14 put that is—

15 “(i) a highway freight project carried
16 out on the National Highway Freight Net-
17 work established under section 167 or on
18 the National Highway System;

19 “(ii) a freight intermodal, freight rail,
20 or railway-highway grade crossing or grade
21 separation project; or

22 “(iii) within the boundaries of a public
23 or private freight rail, water (including
24 ports), or intermodal facility and that is a
25 surface transportation infrastructure

1 project necessary to facilitate direct inter-
2 modal interchange, transfer, or access into
3 or out of the facility.

4 “(2) LIMITATION.—

5 “(A) CERTAIN FREIGHT PROJECTS.—

6 Projects described in clauses (ii) and (iii) of
7 paragraph (1)(C) may receive a grant under
8 this section only if—

9 “(i) the project will make a significant
10 improvement to the movement of freight
11 on the National Highway System; and

12 “(ii) the Federal share of the project
13 funds only elements of the project that
14 provide public benefits.

15 “(B) CERTAIN PROJECTS FOR PERSON
16 THROUGHPUT.—Projects described in clauses
17 (ii) and (iii) of paragraph (1)(B) may receive a
18 grant under this section only if the project will
19 make a significant improvement in mobility on
20 public roads.

21 “(f) ELIGIBLE PROJECT COSTS.—An eligible entity
22 receiving a grant under this section may use such grant
23 for—

24 “(1) development phase activities, including
25 planning, feasibility analysis, revenue forecasting,

1 environmental review, preliminary engineering and
2 design work, and other preconstruction activities;
3 and

4 “(2) construction, reconstruction, rehabilitation,
5 acquisition of real property (including land related
6 to the project and improvements to the land), envi-
7 ronmental mitigation, construction contingencies, ac-
8 quisition of equipment, and operational improve-
9 ments directly related to improving system perform-
10 ance.

11 “(g) PROJECT REQUIREMENTS.—The Secretary may
12 select a project described under this section for funding
13 under this section only if the Secretary determines that
14 the project—

15 “(1) generates significant regional or national
16 economic, mobility, safety, resilience, or environ-
17 mental benefits;

18 “(2) is cost effective;

19 “(3) is based on the results of preliminary engi-
20 neering;

21 “(4) has secured or will secure acceptable levels
22 of non-Federal financial commitments, including—

23 “(A) 1 or more stable and dependable
24 sources of funding and financing to construct,
25 maintain, and operate the project; and

1 “(B) contingency amounts to cover unan-
2 ticipated cost increases;

3 “(5) cannot be easily and efficiently completed
4 without additional Federal funding or financial as-
5 sistance available to the project sponsor, beyond ex-
6 isting Federal apportionments; and

7 “(6) is reasonably expected to begin construc-
8 tion not later than 18 months after the date of obli-
9 gation of funds for the project.

10 “(h) MERIT CRITERIA AND CONSIDERATIONS.—

11 “(1) MERIT CRITERIA.—In awarding a grant
12 under this section, the Secretary shall evaluate the
13 following merit criteria:

14 “(A) The extent to which the project sup-
15 ports achieving a state of good repair.

16 “(B) The level of benefits the project is ex-
17 pected to generate, including—

18 “(i) the costs avoided by the preven-
19 tion of closure or reduced use of the asset
20 to be improved by the project;

21 “(ii) reductions in maintenance costs
22 over the life of the asset;

23 “(iii) safety benefits, including the re-
24 duction of accidents and related costs;

1 “(iv) improved person or freight
2 throughput, including congestion reduction
3 and reliability improvements;

4 “(v) national and regional economic
5 benefits;

6 “(vi) resilience benefits;

7 “(vii) environmental benefits, includ-
8 ing reduction in greenhouse gas emissions
9 and air quality benefits; and

10 “(viii) benefits to all users of the
11 project, including pedestrian, bicycle, non-
12 vehicular, railroad, and public transpor-
13 tation users.

14 “(C) How the benefits compare to the
15 costs of the project.

16 “(D) The average number of people or vol-
17 ume of freight, as applicable, supported by the
18 project, including visitors based on travel and
19 tourism.

20 “(2) ADDITIONAL CONSIDERATIONS.—In
21 awarding a grant under this section, the Secretary
22 shall also consider the following:

23 “(A) Whether the project serves low-in-
24 come residents of low-income communities, in-

1 including areas of persistent poverty, while not
2 displacing such residents.

3 “(B) Whether the project uses innovative
4 technologies, innovative design and construction
5 techniques, or pavement materials that dem-
6 onstrate reductions in greenhouse gas emissions
7 through sequestration or innovative manufac-
8 turing processes and, if so, the degree to which
9 such technologies, techniques, or materials are
10 used.

11 “(C) Whether the project improves
12 connectivity between modes of transportation
13 moving people or goods in the Nation or region.

14 “(D) Whether the project provides new or
15 improved connections between at least 2 metro-
16 politan areas with a population of at least
17 500,000.

18 “(i) PROJECT SELECTION.—

19 “(1) EVALUATION.—To evaluate applications
20 for funding under this section, the Secretary shall—

21 “(A) determine whether a project is eligible
22 for a grant under this section;

23 “(B) evaluate, through a methodology that
24 is discernible and transparent to the public,

1 how each application addresses the merit cri-
2 teria pursuant to subsection (h);

3 “(C) assign a quality rating for each merit
4 criteria for each application based on the eval-
5 uation in subparagraph (B);

6 “(D) ensure that applications receive final
7 consideration by the Secretary to receive an
8 award under this section only on the basis of
9 such quality ratings and that the Secretary
10 gives final consideration only to applications
11 that meet the minimally acceptable level for
12 each of the merit criteria; and

13 “(E) award grants only to projects rated
14 highly under the evaluation and rating process.

15 “(2) CONSIDERATIONS FOR LARGE
16 PROJECTS.—In awarding a grant for a large project,
17 the Secretary shall—

18 “(A) consider the amount of funds avail-
19 able in future fiscal years for the program
20 under this section; and

21 “(B) assume the availability of funds in fu-
22 ture fiscal years for the program that extend
23 beyond the period of authorization based on the
24 amount made available for the program in the
25 last fiscal year of the period of authorization.

1 “(3) GEOGRAPHIC DISTRIBUTION.—In awarding
2 grants under this section, the Secretary shall ensure
3 geographic diversity and a balance between rural
4 and urban communities among grant recipients over
5 fiscal years 2022 through 2025.

6 “(4) PUBLICATION OF METHODOLOGY.—

7 “(A) IN GENERAL.—Prior to the issuance
8 of any notice of funding opportunity for grants
9 under this section, the Secretary shall publish
10 and make publicly available on the Depart-
11 ment’s website—

12 “(i) a detailed explanation of the
13 merit criteria developed under subsection
14 (h);

15 “(ii) a description of the evaluation
16 process under this subsection; and

17 “(iii) how the Secretary shall deter-
18 mine whether a project satisfies each of
19 the requirements under subsection (g).

20 “(B) UPDATES.—The Secretary shall up-
21 date and make publicly available on the website
22 of the Department of Transportation such in-
23 formation at any time a revision to the informa-
24 tion described in subparagraph (A) is made.

1 “(C) INFORMATION REQUIRED.—The Sec-
2 retary shall include in the published notice of
3 funding opportunity for a grant under this sec-
4 tion detailed information on the rating method-
5 ology and merit criteria to be used to evaluate
6 applications, or a reference to the information
7 on the website of the Department of Transpor-
8 tation, as required by subparagraph (A).

9 “(j) FEDERAL SHARE.—

10 “(1) IN GENERAL.—The Federal share of the
11 cost of a project carried out with a grant under this
12 section may not exceed 60 percent.

13 “(2) MAXIMUM FEDERAL INVOLVEMENT.—Fed-
14 eral assistance other than a grant under this section
15 may be used to satisfy the non-Federal share of the
16 cost of a project for which such a grant is made, ex-
17 cept that the total Federal assistance provided for a
18 project receiving a grant under this section may not
19 exceed 80 percent of the total project cost.

20 “(k) TREATMENT OF PROJECTS.—

21 “(1) FEDERAL REQUIREMENTS.—The Secretary
22 shall, with respect to a project funded by a grant
23 under this section, apply—

24 “(A) the requirements of this title to a
25 highway project;

1 “(B) the requirements of chapter 53 of
2 title 49 to a public transportation project; and

3 “(C) the requirements of section 22905 of
4 title 49 to a passenger rail or freight rail
5 project.

6 “(2) MULTIMODAL PROJECTS.—

7 “(A) IN GENERAL.—Except as otherwise
8 provided in this paragraph, if an eligible project
9 is a multimodal project, the Secretary shall—

10 “(i) determine the predominant modal
11 component of the project; and

12 “(ii) apply the applicable requirements
13 of such predominant modal component to
14 the project.

15 “(B) EXCEPTIONS.—

16 “(i) PASSENGER OR FREIGHT RAIL
17 COMPONENT.—For any passenger or
18 freight rail component of a project, the re-
19 quirements of section 22907(j)(2) of title
20 49 shall apply.

21 “(ii) PUBLIC TRANSPORTATION COM-
22 PONENT.—For any public transportation
23 component of a project, the requirements
24 of section 5333 of title 49 shall apply.

1 “(C) BUY AMERICA.—In applying the Buy
2 American requirements under section 313 of
3 this title and sections 5320, 22905(a), and
4 24305(f) of title 49 to a multimodal project
5 under this paragraph, the Secretary shall—

6 “(i) consider the various modal com-
7 ponents of the project; and

8 “(ii) seek to maximize domestic jobs.

9 “(3) FEDERAL-AID HIGHWAY REQUIRE-
10 MENTS.—Notwithstanding any other provision of
11 this subsection, the Secretary shall require recipients
12 of grants under this section to comply with sub-
13 section (a) of section 113 with respect to public
14 transportation projects, passenger rail projects, and
15 freight rail projects, in the same manner that recipi-
16 ents of grants are required to comply with such sub-
17 section for construction work performed on highway
18 projects on Federal-aid highways.

19 “(l) TIFIA PROGRAM.—At the request of an eligible
20 entity under this section, the Secretary may use amounts
21 awarded to the entity to pay subsidy and administrative
22 costs necessary to provide the entity Federal credit assist-
23 ance under chapter 6 with respect to the project for which
24 the grant was awarded.

1 “(m) ADMINISTRATION.—Of the amounts made
2 available to carry out this section, the Secretary may use
3 up to \$5,000,000 for the costs of administering the pro-
4 gram under this section.

5 “(n) TECHNICAL ASSISTANCE.—Of the amounts
6 made available to carry out this section, the Secretary may
7 reserve up to \$5,000,000 to provide technical assistance
8 to eligible entities.

9 “(o) CONGRESSIONAL REVIEW.—

10 “(1) NOTIFICATION.—Not less than 60 days be-
11 fore making an award under this section, the Sec-
12 retary shall submit to the Committee on Transpor-
13 tation and Infrastructure of the House of Represent-
14 atives and the Committee on Environment and Pub-
15 lic Works, the Committee on Banking, Housing, and
16 Urban Affairs, and the Committee on Commerce,
17 Science, and Transportation of the Senate—

18 “(A) a list of all applications determined to
19 be eligible for a grant by the Secretary;

20 “(B) the quality ratings assigned to each
21 application pursuant to subsection (i);

22 “(C) a list of applications that received
23 final consideration by the Secretary to receive
24 an award under this section;

1 “(D) each application proposed to be se-
2 lected for a grant award;

3 “(E) proposed grant amounts, including
4 for each new multiyear grant agreement, the
5 proposed payout schedule for the project; and

6 “(F) an analysis of the impacts of any
7 large projects proposed to be selected on exist-
8 ing commitments and anticipated funding levels
9 for the next 4 fiscal years, based on information
10 available to the Secretary at the time of the re-
11 port.

12 “(2) COMMITTEE REVIEW.—Before the last day
13 of the 60-day period described in paragraph (1),
14 each Committee described in paragraph (1) shall re-
15 view the Secretary’s list of proposed projects.

16 “(3) CONGRESSIONAL DISAPPROVAL.—The Sec-
17 retary may not make a grant or any other obligation
18 or commitment to fund a project under this section
19 if a joint resolution is enacted disapproving funding
20 for the project before the last day of the 60-day pe-
21 riod described in paragraph (1).

22 “(p) TRANSPARENCY.—

23 “(1) IN GENERAL.—Not later than 30 days
24 after awarding a grant for a project under this sec-
25 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 assigned
8 to all applications and a list of applications that
9 received final consideration by the Secretary to
10 receive an award under this section, for the
11 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 “(q) DEFINITIONS.—In this section:

18 “(1) AREAS OF PERSISTENT POVERTY.—The
19 term ‘areas of persistent poverty’ has the meaning
20 given such term in section 172(l).

21 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
22 tity’ means—

23 “(A) a State or a group of States;

1 **“§ 173. Community transportation investment grant**
2 **program**

3 “(a) ESTABLISHMENT.—The Secretary shall estab-
4 lish a community transportation investment grant pro-
5 gram to improve surface transportation safety, state of
6 good repair, accessibility, and environmental quality
7 through infrastructure investments.

8 “(b) GRANT AUTHORITY.—

9 “(1) IN GENERAL.—In carrying out the pro-
10 gram established under subsection (a), the Secretary
11 shall make grants, on a competitive basis, to eligible
12 entities in accordance with this section.

13 “(2) GRANT AMOUNT.—The maximum amount
14 of a grant under this section shall be \$25,000,000.

15 “(c) APPLICATIONS.—To be eligible for a grant under
16 this section, an eligible entity shall submit to the Secretary
17 an application in such form, at such time, and containing
18 such information as the Secretary may require.

19 “(d) ELIGIBLE PROJECT COSTS.—Grant amounts for
20 an eligible project carried out under this section may be
21 used for—

22 “(1) development phase activities, including
23 planning, feasibility analysis, revenue forecasting,
24 environmental review, preliminary engineering and
25 design work, and other preconstruction activities;
26 and

1 “(2) construction, reconstruction, rehabilitation,
2 acquisition of real property (including land related
3 to the project and improvements to such land), envi-
4 ronmental mitigation, construction contingencies, ac-
5 quisition of equipment, and operational improve-
6 ments.

7 “(e) RURAL AND COMMUNITY SETASIDES.—

8 “(1) IN GENERAL.—The Secretary shall re-
9 serve—

10 “(A) not less than 25 percent of the
11 amounts made available to carry out this sec-
12 tion for projects located in rural areas; and

13 “(B) not less than 25 percent of the
14 amounts made available to carry out this sec-
15 tion for projects located in urbanized areas with
16 a population greater than 49,999 individuals
17 and fewer than 200,001 individuals.

18 “(2) DEFINITION OF RURAL AREA.—In this
19 subsection, the term ‘rural area’ means all areas of
20 a State not included in urbanized areas.

21 “(3) EXCESS FUNDING.—If the Secretary de-
22 termines that there are insufficient qualified appli-
23 cants to use the funds set aside under this sub-
24 section, the Secretary may use such funds for grants
25 for any projects eligible under this section.

1 “(f) EVALUATION.—To evaluate applications under
2 this section, the Secretary shall—

3 “(1) develop a process to objectively evaluate
4 applications on the benefits of the project proposed
5 in such application—

6 “(A) to transportation safety, including re-
7 ductions in traffic fatalities and serious injuries;

8 “(B) to state of good repair, including im-
9 proved condition of bridges and pavements;

10 “(C) to transportation system access, in-
11 cluding improved access to jobs and services;

12 and

13 “(D) in reducing greenhouse gas emis-
14 sions;

15 “(2) develop a rating system to assign a nu-
16 meric value to each application, based on each of the
17 criteria described in paragraph (1);

18 “(3) for each application submitted, compare
19 the total benefits of the proposed project, as deter-
20 mined by the rating system developed under para-
21 graph (2), with the costs of such project, and rank
22 each application based on the results of the compari-
23 son; and

24 “(4) ensure that only such applications that are
25 ranked highly based on the results of the comparison

1 conducted under paragraph (3) are considered to re-
2 ceive a grant under this section.

3 “(g) WEIGHTING.—In establishing the evaluation
4 process under subsection (f), the Secretary may assign dif-
5 ferent weights to the criteria described in subsection (f)(1)
6 based on project type, population served by a project, and
7 other context-sensitive considerations, provided that—

8 “(1) each application is rated on all criteria de-
9 scribed in subsection (f)(1); and

10 “(2) each application has the same possible
11 minimum and maximum rating, regardless of any
12 differences in the weighting of criteria.

13 “(h) TRANSPARENCY.—

14 “(1) PUBLICLY AVAILABLE INFORMATION.—
15 Prior to the issuance of any notice of funding oppor-
16 tunity under this section, the Secretary shall make
17 publicly available on the website of the Department
18 of Transportation a detailed explanation of the eval-
19 uation and rating process developed under sub-
20 section (f), including any differences in the
21 weighting of criteria pursuant to subsection (g), if
22 applicable, and update such website for each revision
23 of the evaluation and rating process.

24 “(2) NOTIFICATIONS TO CONGRESS.—The Sec-
25 retary shall submit to the Committee on Transpor-

1 tation and Infrastructure of the House of Represent-
2 atives, the Committee on Environment and Public
3 Works of the Senate, the Committee on Banking,
4 Housing, and Urban Affairs of the Senate, and the
5 Committee on Commerce, Science, and Transpor-
6 tation of the Senate the following written notifica-
7 tions:

8 “(A) A notification when the Secretary
9 publishes or updates the information required
10 under paragraph (1).

11 “(B) Not later than 30 days prior to the
12 date on which the Secretary awards a grant
13 under this section, a notification that in-
14 cludes—

15 “(i) the ratings of each application
16 submitted pursuant to subsection (f)(2);

17 “(ii) the ranking of each application
18 submitted pursuant to subsection (f)(3);
19 and

20 “(iii) a list of all applications that re-
21 ceive final consideration by the Secretary
22 to receive an award under this section pur-
23 suant to subsection (f)(4).

24 “(C) Not later than 3 business days prior
25 to the date on which the Secretary announces

1 the award of a grant under this section, a noti-
2 fication describing each grant to be awarded,
3 including the amount and the recipient.

4 “(i) TECHNICAL ASSISTANCE.—Of the amounts
5 made available to carry out this section, the Secretary may
6 reserve up to \$3,000,000 to provide technical assistance
7 to eligible entities.

8 “(j) ADMINISTRATION.—Of the amounts made avail-
9 able to carry out this section, the Secretary may reserve
10 up to \$5,000,000 for the administrative costs of carrying
11 out the program under this section.

12 “(k) TREATMENT OF PROJECTS.—

13 “(1) FEDERAL REQUIREMENTS.—The Secretary
14 shall, with respect to a project funded by a grant
15 under this section, apply—

16 “(A) the requirements of this title to a
17 highway project;

18 “(B) the requirements of chapter 53 of
19 title 49 to a public transportation project; and

20 “(C) the requirements of section 22905 of
21 title 49 to a passenger rail or freight rail
22 project.

23 “(2) MULTIMODAL PROJECTS.—

1 “(A) IN GENERAL.—Except as otherwise
2 provided in this paragraph, if an eligible project
3 is a multimodal project, the Secretary shall—

4 “(i) determine the predominant modal
5 component of the project; and

6 “(ii) apply the applicable requirements
7 of such predominant modal component to
8 the project.

9 “(B) EXCEPTIONS.—

10 “(i) PASSENGER OR FREIGHT RAIL
11 COMPONENT.—For any passenger or
12 freight rail component of a project, the re-
13 quirements of section 22907(j)(2) of title
14 49 shall apply.

15 “(ii) PUBLIC TRANSPORTATION COM-
16 PONENT.—For any public transportation
17 component of a project, the requirements
18 of section 5333 of title 49 shall apply.

19 “(C) BUY AMERICA.—In applying the Buy
20 American requirements under section 313 of
21 this title and sections 5320, 22905(a), and
22 24305(f) of title 49 to a multimodal project
23 under this paragraph, the Secretary shall—

24 “(i) consider the various modal com-
25 ponents of the project; and

1 “(ii) seek to maximize domestic jobs.

2 “(3) FEDERAL-AID HIGHWAY REQUIRE-
3 MENTS.—Notwithstanding any other provision of
4 this subsection, the Secretary shall require recipients
5 of grants under this section to comply with sub-
6 section (a) of section 113 with respect to public
7 transportation projects, passenger rail projects, and
8 freight rail projects, in the same manner that recipi-
9 ents of grants are required to comply with such sub-
10 section for construction work performed on highway
11 projects on Federal-aid highways.

12 “(1) TRANSPARENCY.—

13 “(1) IN GENERAL.—Not later than 30 days
14 after awarding a grant for a project under this sec-
15 tion, the Secretary shall send to all applicants, and
16 publish on the website of the Department of Trans-
17 portation—

18 “(A) a summary of each application made
19 to the program for the grant application period;
20 and

21 “(B) the evaluation and justification for
22 the project selection, including ratings and
23 rankings assigned to all applications and a list
24 of applications that received final consideration

1 by the Secretary to receive an award under this
2 section, for the grant application period.

3 “(2) BRIEFING.—The Secretary shall provide,
4 at the request of a grant applicant under this sec-
5 tion, the opportunity to receive a briefing to explain
6 any reasons the grant applicant was not awarded a
7 grant.

8 “(m) DEFINITIONS.—In this section:

9 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
10 tity’ means—

11 “(A) a metropolitan planning organization;

12 “(B) a unit of local government;

13 “(C) a transit agency;

14 “(D) a Tribal Government or a consortium
15 of Tribal governments;

16 “(E) a multijurisdictional group of entities
17 described in this paragraph;

18 “(F) a special purpose district with a
19 transportation function or a port authority;

20 “(G) a territory; or

21 “(H) a State that applies for a grant
22 under this section jointly with an entity de-
23 scribed in subparagraphs (A) through (G).

1 “(2) ELIGIBLE PROJECT.—The term ‘eligible
2 project’ means any project eligible under this title or
3 chapter 53 of title 49.”.

4 (b) CLERICAL AMENDMENT.—The analysis for chap-
5 ter 1 of title 23, United States Code, is further amended
6 by adding at the end the following new item:

 “173. Community transportation investment grant program.”.

7 **SEC. 1303. GRANTS FOR CHARGING AND FUELING INFRA-**
8 **STRUCTURE TO MODERNIZE AND RECON-**
9 **NECT AMERICA FOR THE 21ST CENTURY.**

10 (a) PURPOSE.—The purpose of this section is to es-
11 tablish a grant program to strategically deploy electric ve-
12 hicle charging infrastructure and hydrogen fueling infra-
13 structure along designated alternative fuel corridors that
14 will be accessible to all drivers of electric vehicles and hy-
15 drogen vehicles.

16 (b) GRANT PROGRAM.—Section 151 of title 23,
17 United States Code, is amended—

18 (1) in subsection (a) by striking “Not later
19 than 1 year after the date of enactment of the
20 FAST Act, the Secretary shall” and inserting “The
21 Secretary shall periodically”;

22 (2) in subsection (b)(2) by inserting “previously
23 designated by the Federal Highway Administration
24 or” after “fueling corridors”;

25 (3) in subsection (d)—

1 (A) by striking “5 years after the date of
2 establishment of the corridors under subsection
3 (a), and every 5 years thereafter” and inserting
4 “180 days after the date of enactment of the
5 INVEST in America Act”; and

6 (B) by inserting “establish a recurring
7 process to regularly” after “the Secretary
8 shall”;

9 (4) in subsection (e)—

10 (A) in paragraph (1) by striking “; and”
11 and inserting a semicolon;

12 (B) in paragraph (2)—

13 (i) by striking “establishes an aspira-
14 tional goal of achieving” and inserting “de-
15 scribes efforts to achieve”; and

16 (ii) by striking “by the end of fiscal
17 year 2020.” and inserting a semicolon; and

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

19 “(3) summarizes best practices and provides
20 guidance, developed through consultation with the
21 Secretary of Energy, for project development of elec-
22 tric vehicle charging infrastructure, hydrogen fueling
23 infrastructure, and natural gas fueling infrastruc-
24 ture at the State, tribal, and local level to allow for

1 the predictable deployment of such infrastructure;
2 and

3 “(4) summarizes the progress and implementa-
4 tion of the grant program under subsection (f), in-
5 cluding—

6 “(A) a description of how funds awarded
7 through the grant program under subsection (f)
8 will aid efforts to achieve strategic deployment
9 of electric vehicle charging infrastructure and
10 hydrogen fueling infrastructure in those cor-
11 ridors;

12 “(B) the total number and location of
13 charging stations installed under subsection (f);
14 and

15 “(C) the total estimated greenhouse gas
16 emissions that have been reduced through the
17 use of electric vehicle charging or hydrogen
18 fueling infrastructure funded under subsection
19 (f) using the methodology identified in para-
20 graph (3)(B).”; and

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

22 “(f) ELECTRIC VEHICLE CHARGING AND HYDROGEN
23 FUELING INFRASTRUCTURE GRANTS.—

24 “(1) ESTABLISHMENT.—Not later than 1 year
25 after the date of enactment of the INVEST in

1 America Act, the Secretary shall establish a grant
2 program to award grants to eligible entities for elec-
3 tric vehicle charging and hydrogen fueling infra-
4 structure projects.

5 “(2) ELIGIBLE ENTITY.—An entity eligible to
6 receive a grant under this subsection is—

7 “(A) a State or political subdivision of a
8 State;

9 “(B) a metropolitan planning organization;

10 “(C) a unit of local government;

11 “(D) a special purpose district or public
12 authority with a transportation function, includ-
13 ing a port authority;

14 “(E) a Tribal government;

15 “(F) an authority, agency, or instrumen-
16 tality of, or an entity owned by, 1 or more of
17 the entities described in subparagraphs (A)
18 through (E); or

19 “(G) a group of entities described in sub-
20 paragraphs (A) through (F).

21 “(3) APPLICATION.—To be eligible to receive a
22 grant under this subsection, an eligible entity shall
23 submit to the Secretary an application at such time,
24 in such manner, and containing such information as
25 the Secretary shall require, including—

1 “(A) a description of—

2 “(i) the public accessibility of the
3 charging or fueling infrastructure proposed
4 to be funded with a grant under this sub-
5 section, including—

6 “(I) charging or fueling con-
7 nector types;

8 “(II) publicly available informa-
9 tion on real-time availability; and

10 “(III) payment methods available
11 to all members of the public to ensure
12 secure, convenient, fair, and equal ac-
13 cess and not limited by membership to
14 a particular provider;

15 “(ii) collaborative engagement with
16 the entity with jurisdiction over the road-
17 way and any other relevant stakeholders
18 (including automobile manufacturers, utili-
19 ties, infrastructure providers, technology
20 providers, electric charging and hydrogen
21 fuel providers, metropolitan planning orga-
22 nizations, States, Indian Tribes, units of
23 local government, fleet owners, fleet man-
24 agers, fuel station owners and operators,
25 labor organizations, infrastructure con-

1 struction and component parts suppliers,
2 and multistate and regional entities)—

3 “**(I)** to foster enhanced, coordi-
4 nated, public-private or private invest-
5 ment in electric vehicle charging and
6 hydrogen fueling infrastructure;

7 “**(II)** to expand deployment of
8 electric vehicle charging or hydrogen
9 fueling infrastructure;

10 “**(III)** to protect personal privacy
11 and ensure cybersecurity; and

12 “**(IV)** to ensure that a properly
13 trained workforce is available to con-
14 struct and install electric vehicle
15 charging or hydrogen fueling infra-
16 structure;

17 “**(iii)** the location of the station or
18 fueling site, including consideration of—

19 “**(I)** the availability of onsite
20 amenities for vehicle operators, includ-
21 ing restrooms or food facilities;

22 “**(II)** access in compliance with
23 the Americans with Disabilities Act of
24 1990 (42 U.S.C. 12101 et seq.);

1 “(III) height and fueling capacity
2 requirements for facilities that charge
3 or refuel large vehicles, including
4 semitrailer trucks; and

5 “(IV) appropriate distribution to
6 avoid redundancy and fill charging or
7 fueling gaps;

8 “(iv) infrastructure installation that
9 can be responsive to technology advance-
10 ments, including accommodating autono-
11 mous vehicles and future charging meth-
12 ods;

13 “(v) the long-term operation and
14 maintenance of the electric vehicle charg-
15 ing or hydrogen fueling infrastructure to
16 avoid stranded assets and protect the in-
17 vestment of public funds in such infra-
18 structure; and

19 “(vi) in the case of an applicant that
20 is not a State department of transpor-
21 tation, the degree of coordination with the
22 applicable State department of transpor-
23 tation; and

24 “(B) an assessment of the estimated
25 greenhouse gas emissions and air pollution from

1 vehicle emissions that will be reduced through
2 the use of electric vehicle charging or hydrogen
3 fueling infrastructure, which shall be conducted
4 using one standardized methodology or tool as
5 determined by the Secretary.

6 “(4) CONSIDERATIONS.—In selecting eligible
7 entities to receive a grant under this subsection, the
8 Secretary shall—

9 “(A) consider the extent to which the ap-
10 plication of the eligible entity would—

11 “(i) reduce estimated greenhouse gas
12 emissions and air pollution from vehicle
13 emissions, weighted by the total Federal
14 investment in the project;

15 “(ii) improve alternative fueling cor-
16 ridor networks by—

17 “(I) converting corridor-pending
18 corridors to corridor-ready corridors;
19 or

20 “(II) in the case of corridor-
21 ready corridors, providing additional
22 capacity—

23 “(aa) to meet excess demand
24 for charging or fueling infra-
25 structure; or

1 “(bb) to reduce congestion
2 at existing charging or fueling in-
3 frastructure in high-traffic loca-
4 tions;

5 “(iii) meet current or anticipated mar-
6 ket demands for charging or fueling infra-
7 structure;

8 “(iv) enable or accelerate the con-
9 struction of charging or fueling infrastruc-
10 ture that would be unlikely to be completed
11 without Federal assistance; and

12 “(v) support a long-term competitive
13 market for electric vehicle charging infra-
14 structure or hydrogen fueling infrastruc-
15 ture that does not significantly impair ex-
16 isting electric vehicle charging or hydrogen
17 fueling infrastructure providers; and

18 “(B) ensure, to the maximum extent prac-
19 ticable, geographic diversity among grant recipi-
20 ents to ensure that electric vehicle charging in-
21 frastructure or hydrogen fueling infrastructure
22 is available throughout the United States.

23 “(5) USE OF FUNDS.—

24 “(A) IN GENERAL.—Any grant made
25 under this subsection shall be—

1 “(i) directly related to the charging or
2 fueling of a vehicle; and

3 “(ii) only for charging or fueling in-
4 frastructure that is open to the general
5 public.

6 “(B) LOCATION OF INFRASTRUCTURE.—

7 “(i) IN GENERAL.—Any electric vehi-
8 cle charging or hydrogen fueling infra-
9 structure acquired and installed with a
10 grant under this subsection shall be located
11 along an alternative fuel corridor des-
12 ignated under this section or by a State or
13 group of States.

14 “(ii) EXCEPTION.—Notwithstanding
15 clause (i), the Secretary may make a grant
16 for electric vehicle charging infrastructure
17 not on a designated alternative fuel cor-
18 ridor if the applicant demonstrates that
19 the proposed charging infrastructure would
20 expand deployment of electric vehicle
21 charging to a greater number of users than
22 investments on such corridor.

23 “(C) OPERATING ASSISTANCE.—

24 “(i) IN GENERAL.—Subject to clauses
25 (ii) and (iii), an eligible entity that receives

1 a grant under this subsection may use a
2 portion of the funds for operating assist-
3 ance for the first 5 years of operations
4 after the installation of electric vehicle
5 charging or hydrogen fueling infrastruc-
6 ture while the facility transitions to inde-
7 pendent system operations.

8 “(ii) INCLUSION.—Operating assist-
9 ance under this subparagraph shall be lim-
10 ited to costs allocable to operating and
11 maintaining the electric vehicle charging or
12 hydrogen fueling infrastructure and serv-
13 ice.

14 “(iii) LIMITATION.—Operating assist-
15 ance under this subparagraph may not ex-
16 ceed the amount of a contract under sub-
17 paragraph (A) to acquire and install elec-
18 tric vehicle charging or hydrogen fueling
19 infrastructure.

20 “(D) SIGNS.—

21 “(i) IN GENERAL.—Subject to this
22 paragraph and paragraph (6)(B), an eligi-
23 ble entity that receives a grant under this
24 subsection may use a portion of the funds
25 to acquire and install—

1 “(I) traffic control devices lo-
2 cated in the right-of-way to provide
3 directional information to electric ve-
4 hicle charging or hydrogen fueling in-
5 frastructure acquired, installed, or op-
6 erated with the grant under this sub-
7 section; and

8 “(II) on-premises signs to pro-
9 vide information about electric vehicle
10 charging or hydrogen fueling infra-
11 structure acquired, installed, or oper-
12 ated with a grant under this sub-
13 section.

14 “(ii) REQUIREMENT.—Any traffic
15 control device or on-premises sign ac-
16 quired, installed, or operated with a grant
17 under this subsection shall comply with the
18 Manual on Uniform Traffic Control De-
19 vices, if located in the highway right-of-
20 way.

21 “(E) REVENUE.—An eligible entity receiv-
22 ing a grant under this subsection and a private
23 entity referred to in subparagraph (F) may
24 enter into a cost-sharing agreement under
25 which the private entity submits to the eligible

1 entity a portion of the revenue from the electric
2 vehicle charging or hydrogen fueling infrastruc-
3 ture.

4 “(F) PRIVATE ENTITY.—

5 “(i) IN GENERAL.—An eligible entity
6 receiving a grant under this subsection
7 may use the funds in accordance with this
8 paragraph to contract with a private entity
9 for installation, operation, or maintenance
10 of electric vehicle charging or hydrogen
11 fueling infrastructure.

12 “(ii) INCLUSION.—An eligible private
13 entity includes privately, publicly, or coop-
14 eratively owned electric utilities, private
15 electric vehicle service equipment and hy-
16 drogen fueling infrastructure providers,
17 and retail fuel stations.

18 “(6) PROJECT REQUIREMENTS.—

19 “(A) IN GENERAL.—Notwithstanding any
20 other provision of law, any project funded by a
21 grant under this subsection shall be treated as
22 a project on a Federal-aid highway.

23 “(B) ELECTRIC VEHICLE CHARGING
24 PROJECTS.—A project for electric vehicle charg-
25 ing infrastructure funded by a grant under this

1 subsection shall be subject to the requirements
2 of section 155.

3 “(7) FEDERAL SHARE.—The Federal share of
4 the cost of a project carried out with a grant under
5 this subsection shall not exceed 80 percent of the
6 total project cost.”.

7 **SEC. 1304. COMMUNITY CLIMATE INNOVATION GRANTS.**

8 (a) IN GENERAL.—Chapter 1 of title 23, United
9 States Code, as amended by this title, is further amended
10 by inserting after section 171 the following:

11 **“§ 172. Community climate innovation grants**

12 “(a) ESTABLISHMENT.—The Secretary shall estab-
13 lish a community climate innovation grant program (in
14 this section referred to as the ‘Program’) to make grants,
15 on a competitive basis, for locally selected projects that
16 reduce greenhouse gas emissions while improving the mo-
17 bility, accessibility, and connectivity of the surface trans-
18 portation system.

19 “(b) PURPOSE.—The purpose of the Program shall
20 be to support communities in reducing greenhouse gas
21 emissions from the surface transportation system.

22 “(c) ELIGIBLE APPLICANTS.—The Secretary may
23 make grants under the Program to the following entities:

24 “(1) A metropolitan planning organization.

1 “(2) A unit of local government or a group of
2 local governments.

3 “(3) A subdivision of a local government.

4 “(4) A transit agency.

5 “(5) A special purpose district with a transpor-
6 tation function or a port authority.

7 “(6) A Tribal government or a consortium of
8 tribal governments.

9 “(7) A territory.

10 “(8) A multijurisdictional group of entities de-
11 scribed in paragraphs (1) through (7).

12 “(d) APPLICATIONS.—To be eligible for a grant
13 under the Program, an entity specified in subsection (c)
14 shall submit to the Secretary an application in such form,
15 at such time, and containing such information as the Sec-
16 retary determines appropriate.

17 “(e) ELIGIBLE PROJECTS.—The Secretary may only
18 provide a grant under the Program for a project that is
19 expected to yield a significant reduction in greenhouse gas
20 emissions from the surface transportation system and—

21 “(1) is a project eligible for assistance under
22 this title or under chapter 53 of title 49; or

23 “(2) is a capital project as defined in section
24 22906 of title 49 to improve intercity passenger rail
25 that will yield a significant reduction in single occu-

1 pant vehicle trips and improve mobility on public
2 roads.

3 “(f) ELIGIBLE USES.—Grant amounts received for a
4 project under the Program may be used for—

5 “(1) development phase activities, including
6 planning, feasibility analysis, revenue forecasting,
7 environmental review, preliminary engineering and
8 design work, and other preconstruction activities;
9 and

10 “(2) construction, reconstruction, rehabilitation,
11 acquisition of real property (including land related
12 to the project and improvements to the land), envi-
13 ronmental mitigation, construction contingencies, ac-
14 quisition of equipment, and operational improve-
15 ments.

16 “(g) PROJECT PRIORITIZATION.—In making grants
17 for projects under the Program, the Secretary shall give
18 priority to projects that are expected to yield the most sig-
19 nificant reductions in greenhouse gas emissions from the
20 surface transportation system.

21 “(h) ADDITIONAL CONSIDERATIONS.—In making
22 grants for projects under the Program, the Secretary shall
23 consider the extent to which—

24 “(1) a project maximizes greenhouse gas reduc-
25 tions in a cost-effective manner;

1 “(2) a project reduces dependence on single-oc-
2 cupant vehicle trips or provides additional transpor-
3 tation options;

4 “(3) a project improves the connectivity and ac-
5 cessibility of the surface transportation system, par-
6 ticularly to low- and zero-emission forms of trans-
7 portation, including public transportation, walking,
8 and bicycling;

9 “(4) an applicant has adequately considered or
10 will adequately consider, including through the op-
11 portunity for public comment, the environmental jus-
12 tice and equity impacts of the project;

13 “(5) a project contributes to geographic diver-
14 sity among grant recipients, including to achieve a
15 balance between urban, suburban, and rural commu-
16 nities;

17 “(6) a project serves low-income residents of
18 low-income communities, including areas of per-
19 >sistent poverty, while not displacing such residents;
20 and

21 “(7) a project uses pavement materials that
22 demonstrate reductions in greenhouse gas emissions
23 through sequestration or innovative manufacturing
24 processes.

25 “(i) FUNDING.—

1 “(1) MAXIMUM AMOUNT.—The maximum
2 amount of a grant under the Program shall be
3 \$25,000,000.

4 “(2) TECHNICAL ASSISTANCE.—Of the amounts
5 made available to carry out the Program, the Sec-
6 retary may use up to 1 percent to provide technical
7 assistance to applicants and potential applicants.

8 “(j) TREATMENT OF PROJECTS.—

9 “(1) FEDERAL REQUIREMENTS.—The Secretary
10 shall, with respect to a project funded by a grant
11 under this section, apply—

12 “(A) the requirements of this title to a
13 highway project;

14 “(B) the requirements of chapter 53 of
15 title 49 to a public transportation project; and

16 “(C) the requirements of section 22905 of
17 title 49 to a passenger rail or freight rail
18 project.

19 “(2) MULTIMODAL PROJECTS.—

20 “(A) IN GENERAL.—Except as otherwise
21 provided in this paragraph, if an eligible project
22 is a multimodal project, the Secretary shall—

23 “(i) determine the predominant modal
24 component of the project; and

1 “(ii) apply the applicable requirements
2 of such predominant modal component to
3 the project.

4 “(B) EXCEPTIONS.—

5 “(i) PASSENGER OR FREIGHT RAIL
6 COMPONENT.—For any passenger or
7 freight rail component of a project, the re-
8 quirements of section 22907(j)(2) of title
9 49 shall apply.

10 “(ii) PUBLIC TRANSPORTATION COM-
11 PONENT.—For any public transportation
12 component of a project, the requirements
13 of section 5333 of title 49 shall apply.

14 “(C) BUY AMERICA.—In applying the Buy
15 American requirements under section 313 of
16 this title and sections 5320, 22905(a), and
17 24305(f) of title 49 to a multimodal project
18 under this paragraph, the Secretary shall—

19 “(i) consider the various modal com-
20 ponents of the project; and

21 “(ii) seek to maximize domestic jobs.

22 “(3) FEDERAL-AID HIGHWAY REQUIRE-
23 MENTS.—Notwithstanding any other provision of
24 this subsection, the Secretary shall require recipients
25 of grants under this section to comply with sub-

1 section (a) of section 113 with respect to public
2 transportation projects, passenger rail projects, and
3 freight rail projects, in the same manner that recipi-
4 ents of grants are required to comply with such sub-
5 section for construction work performed on highway
6 projects on Federal-aid highways.

7 “(k) SINGLE-OCCUPANCY VEHICLE HIGHWAY FA-
8 CILITIES.—None of the funds provided under this section
9 may be used for a project that will result in the construc-
10 tion of new capacity available to single occupant vehicles
11 unless the project consists of a high-occupancy vehicle fa-
12 cility and is consistent with section 166.

13 “(l) DEFINITION OF AREAS OF PERSISTENT POV-
14 ERTY.—In this section, the term ‘areas of persistent pov-
15 erty’ means—

16 “(1) any county that has had 20 percent or
17 more of the population of such county living in pov-
18 erty over the past 30 years, as measured by the
19 1990 and 2000 decennial censuses and the most re-
20 cent Small Area Income and Poverty Estimates;

21 “(2) any census tract with a poverty rate of at
22 least 20 percent, as measured by the most recent 5-
23 year data series available from the American Com-
24 munity Survey of the Bureau of the Census for all
25 States and Puerto Rico; or

1 “(3) any other territory or possession of the
2 United States that has had 20 percent or more of
3 its population living in poverty over the past 30
4 years, as measured by the 1990, 2000, and 2010 is-
5 land areas decennial censuses, or equivalent data, of
6 the Bureau of the Census.”.

7 (b) CLERICAL AMENDMENT.—The analysis for chap-
8 ter 1 of title 23, United States Code, is amended by insert-
9 ing after the item relating to section 171 the following:
 “172. Community climate innovation grants.”.

10 **SEC. 1305. METRO PERFORMANCE PROGRAM.**

11 (a) ESTABLISHMENT.—The Secretary of Transpor-
12 tation shall directly allocate funds in accordance with this
13 section to enhance local decision making and control in
14 delivering projects to address local transportation needs.

15 (b) DESIGNATION.—

16 (1) IN GENERAL.—The Secretary shall des-
17 ignate direct recipients based on the criteria in para-
18 graph (3) to be direct recipients of funds under this
19 section.

20 (2) RESPONSIBILITIES.—A direct recipient shall
21 be responsible for compliance with any requirements
22 related to the use of Federal funds vested in a State
23 department of transportation under chapter 1 of
24 title 23, United States Code.

1 (3) CRITERIA.—In designating an applicant
2 under this subsection, the Secretary shall consider—

3 (A) the legal, financial, and technical ca-
4 pacity of the applicant;

5 (B) the level of coordination between the
6 applicant and—

7 (i) the State department of transpor-
8 tation of the State or States in which the
9 metropolitan planning area represented by
10 the applicant is located;

11 (ii) local governments and providers of
12 public transportation within the metropoli-
13 tan planning area represented by the appli-
14 cant; and

15 (iii) if more than 1 metropolitan plan-
16 ning organization is designated within an
17 urbanized area represented by the appli-
18 cant, any other such metropolitan planning
19 organization;

20 (C) in the case of an applicant that rep-
21 resents an urbanized area population of greater
22 than 200,000, the effectiveness of project deliv-
23 ery and timely obligation of funds made avail-
24 able under section 133(d)(1)(A)(i) of title 23,
25 United States Code;

1 (D) if the applicant or a local government
2 within the metropolitan planning area that the
3 applicant represents has been the recipient of a
4 discretionary grant from the Secretary within
5 the preceding 5 years, the administration of
6 such grant;

7 (E) the extent to which the planning and
8 decision making process of the applicant, in-
9 cluding the long-range transportation plan and
10 the approved transportation improvement pro-
11 gram under section 134 of such title, support—

12 (i) the performance goals established
13 under section 150(b) of such title; and

14 (ii) the achievement of metropolitan
15 or statewide performance targets estab-
16 lished under section 150(d) of such title;
17 and

18 (F) any other criteria established by the
19 Secretary.

20 (4) REQUIREMENTS.—

21 (A) CALL FOR NOMINATION.—Not later
22 than February 1, 2022, the Secretary shall
23 publish in the Federal Register a notice solie-
24 iting applications for designation under this
25 subsection.

1 (B) GUIDANCE.—The notification under
2 paragraph (1) shall include guidance on the re-
3 quirements and responsibilities of a direct re-
4 cipient under this section, including imple-
5 menting regulations.

6 (C) DETERMINATION.—The Secretary
7 shall make all designations under this section
8 for fiscal year 2023 not later than June 1,
9 2022.

10 (5) TERM.—Except as provided in paragraph
11 (6), a designation under this subsection shall—

12 (A) be for a period of not less than 5
13 years; and

14 (B) be renewable.

15 (6) TERMINATION.—

16 (A) IN GENERAL.—The Secretary shall es-
17 tablish procedures for the termination of a des-
18 ignation under this subsection.

19 (B) CONSIDERATIONS.—In establishing
20 procedures under subparagraph (A), the Sec-
21 retary shall consider—

22 (i) with respect to projects carried out
23 under this section, compliance with the re-
24 quirements of title 23, United States Code,

1 or chapter 53 of title 49, United States
2 Code; and

3 (ii) the obligation rate of any funds—

4 (I) made available under this sec-
5 tion; and

6 (II) in the case of a metropolitan
7 planning organization that represents
8 a metropolitan planning area with an
9 urbanized area population of greater
10 than 200,000, made available under
11 section 133(d)(1)(A)(i) of title 23,
12 United States Code.

13 (c) USE OF FUNDS.—

14 (1) ELIGIBLE PROJECTS.—Funds made avail-
15 able under this section may be obligated for the pur-
16 poses described in section 133(b) of title 23, United
17 States Code.

18 (2) ADMINISTRATIVE EXPENSES AND TECH-
19 NICAL ASSISTANCE.—Of the amounts made available
20 under this section, the Secretary may set aside not
21 more than \$5,000,000 for program management,
22 oversight, and technical assistance to direct recipi-
23 ents.

24 (d) RESPONSIBILITIES OF DIRECT RECIPIENTS.—

1 (1) DIRECT AVAILABILITY OF FUNDS.—Not-
2 withstanding title 23, United States Code, the
3 amounts made available under this section shall be
4 allocated to each direct recipient for obligation.

5 (2) PROJECT DELIVERY.—

6 (A) IN GENERAL.—At the request of the
7 direct recipient, the State may collaborate with
8 a project sponsor, including exercising on behalf
9 of the direct recipient any available decision-
10 making authorities or actions assumed from the
11 Secretary, to ensure delivery of the project and
12 compliance with all applicable Federal require-
13 ments.

14 (B) USE OF FUNDS.—Amounts made
15 available under this section may be used to
16 compensate the State for costs incurred in pro-
17 viding assistance under this paragraph.

18 (3) DISTRIBUTION OF AMOUNTS AMONG DIRECT
19 RECIPIENTS.—

20 (A) IN GENERAL.—Subject to subpara-
21 graph (B), on the first day of the fiscal year for
22 which funds are made available under this sec-
23 tion, the Secretary shall allocate such funds to
24 each direct recipient as the proportion of the
25 population (as determined by data collected by

1 the Bureau of the Census) of the urbanized
2 area represented by any 1 direct recipient bears
3 to the total population of all of urbanized areas
4 represented by all direct recipients.

5 (B) MINIMUM AND MAXIMUM AMOUNTS.—
6 Of funds allocated to direct recipients under
7 subparagraph (A), each direct recipient shall re-
8 ceive not less than \$10,000,000 and not more
9 than \$50,000,000 each fiscal year.

10 (C) MINIMUM GUARANTEED AMOUNT.—In
11 making a determination whether to designate a
12 metropolitan planning organization as a direct
13 recipient under subsection (b), the Secretary
14 shall ensure that each direct recipient receives
15 the minimum required allocation under sub-
16 paragraph (B).

17 (D) ADDITIONAL AMOUNTS.—If any
18 amounts remain undistributed after the dis-
19 tribution described in this subsection, such re-
20 maining amounts and an associated amount of
21 obligation limitation shall be made available as
22 if suballocated under clauses (i) and (ii) of sec-
23 tion 133(d)(1)(A) of title 23, United States
24 Code, and distributed among the States in the
25 proportion that the relative shares of the popu-

1 lation (as determined by data collected by the
2 Bureau of the Census) of the urbanized areas
3 of each State bears to the total populations of
4 all urbanized areas across all States.

5 (4) ASSUMPTION OF RESPONSIBILITY OF THE
6 SECRETARY.—

7 (A) IN GENERAL.—For projects carried
8 out with funds provided under this section, the
9 direct recipient may assume the responsibilities
10 of the Secretary under section 106 of title 23,
11 United States Code, for design, plans, specifica-
12 tions, estimates, contract awards, and inspec-
13 tions with respect to the projects unless the
14 Secretary determines that the assumption is not
15 appropriate.

16 (B) AGREEMENT.—The Secretary and the
17 direct recipient shall enter into an agreement
18 relating to the extent to which the direct recipi-
19 ent assumes the responsibilities of the Secretary
20 under this paragraph.

21 (C) LIMITATIONS.—The Secretary shall re-
22 tain responsibilities described in subparagraph
23 (A) for any project that the Secretary deter-
24 mines to be in a high-risk category, including
25 projects on the National Highway System.

1 (e) EXPENDITURE OF FUNDS.—

2 (1) CONSISTENCY WITH METROPOLITAN PLAN-
3 NING.—Except as otherwise provided in this section,
4 programming and expenditure of funds for projects
5 under this section shall be consistent with the re-
6 quirements of section 134 of title 23, United States
7 Code, and section 5303 of title 49, United States
8 Code.

9 (2) SELECTION OF PROJECTS.—

10 (A) IN GENERAL.—Notwithstanding sub-
11 sections (j)(5) and (k)(4) of section 134 of title
12 23, United States Code, or subsections (j)(5)
13 and (k)(4) of section 5303 of title 49, United
14 States Code, a direct recipient shall select, from
15 the approved transportation improvement pro-
16 gram under such sections, all projects to be
17 funded under this section, including projects on
18 the National Highway System.

19 (B) ELIGIBLE PROJECTS.—The project se-
20 lection process described in this subsection shall
21 apply to all federally funded projects within the
22 boundaries of a metropolitan planning area
23 served by a direct recipient that are carried out
24 under this section.

1 (C) CONSULTATION REQUIRED.—In select-
2 ing a project under this subsection, the metro-
3 politan planning organization shall consult
4 with—

5 (i) in the case of a highway project,
6 the State and locality in which such project
7 is located; and

8 (ii) in the case of a transit project,
9 any affected public transportation oper-
10 ator.

11 (3) RULE OF CONSTRUCTION.—Nothing in this
12 section shall be construed to limit the ability of a di-
13 rect recipient to partner with a State department of
14 transportation or other recipient of Federal funds
15 under title 23, United States Code, or chapter 53 of
16 title 49, United States Code, to carry out a project.

17 (f) TREATMENT OF FUNDS.—

18 (1) IN GENERAL.—Except as provided in this
19 section, funds made available to carry out this sec-
20 tion shall be administered as if apportioned under
21 chapter 1 of title 23, United States Code.

22 (2) TREATMENT OF PROJECTS.—Notwith-
23 standing any other provision of law, any project
24 using funds provided under this section shall be

1 treated as a project on a Federal-aid highway under
2 chapter 1 of title 23, United States Code.

3 (3) FEDERAL SHARE.—The Federal share of
4 the cost of a project carried out under this section
5 shall be determined in accordance with section 120
6 of title 23, United States Code.

7 (g) REPORT.—

8 (1) DIRECT RECIPIENT REPORT.—Not later
9 than 60 days after the end of each fiscal year, each
10 direct recipient shall submit to the Secretary a re-
11 port that includes—

12 (A) a list of projects funded with amounts
13 provided under this section;

14 (B) a description of any obstacles to com-
15 plete projects or timely obligation of funds; and

16 (C) recommendations to improve the effec-
17 tiveness of the program under this section.

18 (2) REPORT TO CONGRESS.—Not later than Oc-
19 tober 1, 2024, the Secretary shall submit to the
20 Committee on Environment and Public Works of the
21 Senate and the Committee on Transportation and
22 Infrastructure of the House of Representatives a re-
23 port that—

24 (A) summarizes the findings of each direct
25 recipient provided under paragraph (1);

1 (B) describes the efforts undertaken by
2 both direct recipients and the Secretary to en-
3 sure compliance with the requirements of title
4 23 and chapter 53 of title 49, United States
5 Code;

6 (C) analyzes the capacity of direct recipi-
7 ents to receive direct allocations of funds under
8 chapter 1 of title 23, United States Code; and

9 (D) provides recommendations from the
10 Secretary to—

11 (i) improve the administration, over-
12 sight, and performance of the program es-
13 tablished under this section;

14 (ii) improve the effectiveness of direct
15 recipients to complete projects and obligate
16 funds in a timely manner; and

17 (iii) evaluate options to expand the
18 authority provided under this section, in-
19 cluding to allow for the direct allocation to
20 metropolitan planning organizations of
21 funds made available to carry out clause
22 (i) or (ii) of section 133(d)(1)(A) of title
23 23, United States Code.

1 (3) UPDATE.—Not less frequently than every 2
2 years, the Secretary shall update the report de-
3 scribed in paragraph (2).

4 (h) DEFINITIONS.—

5 (1) DIRECT RECIPIENT.—In this section, the
6 term “direct recipient” means a metropolitan plan-
7 ning organization designated by the Secretary as
8 high-performing under subsection (b) and that was
9 directly allocated funds as described in subsection
10 (d).

11 (2) METROPOLITAN PLANNING AREA.—The
12 term “metropolitan planning area” has the meaning
13 given such term in section 134 of title 23, United
14 States Code.

15 (3) METROPOLITAN PLANNING ORGANIZA-
16 TION.—The term “metropolitan planning organiza-
17 tion” has the meaning given such term in section
18 134 of title 23, United States Code.

19 (4) NATIONAL HIGHWAY SYSTEM.—The term
20 “National Highway System” has the meaning given
21 such term in section 101 of title 23, United States
22 Code.

23 (5) STATE.—The term “State” has the mean-
24 ing given such term in section 101 of title 23,
25 United States Code.

1 (6) URBANIZED AREA.—The term “urbanized
2 area” has the meaning given such term in section
3 134 of title 23, United States Code.

4 **SEC. 1306. GRIDLOCK REDUCTION GRANT PROGRAM.**

5 (a) ESTABLISHMENT.—The Secretary of Transpor-
6 tation shall establish a gridlock reduction program to
7 make grants, on a competitive basis, for projects to re-
8 duce, and mitigate the adverse impacts of, traffic conges-
9 tion.

10 (b) APPLICATIONS.—To be eligible for a grant under
11 this section, an applicant shall submit to the Secretary an
12 application in such form, at such time, and containing
13 such information as the Secretary determines appropriate.

14 (c) ELIGIBLE APPLICANTS.—The Secretary may
15 make grants under this section to an applicant that is
16 serving an urbanized area, as designated by the Bureau
17 of the Census, with a population of not less than
18 1,000,000 and that is—

19 (1) a metropolitan planning organization;

20 (2) a unit of local government or a group of
21 local governments;

22 (3) a multijurisdictional group of entities de-
23 scribed in paragraphs (1) and (2); or

1 (4) a State that is in partnership with an entity
2 or group of entities described in paragraph (1), (2),
3 or (3).

4 (d) ELIGIBLE PROJECTS.—The Secretary may award
5 grants under this section to applicants that submit a com-
6 prehensive program of surface transportation-related
7 projects to reduce traffic congestion and related adverse
8 impacts, including a project for 1 or more of the following:

9 (1) Transportation systems management and
10 operations.

11 (2) Intelligent transportation systems.

12 (3) Real-time traveler information.

13 (4) Traffic incident management.

14 (5) Active traffic management.

15 (6) Traffic signal timing.

16 (7) Multimodal travel payment systems.

17 (8) Transportation demand management, in-
18 cluding employer-based commuting programs such
19 as carpool, vanpool, transit benefit, parking cashout,
20 shuttle, or telework programs.

21 (9) A project to provide transportation options
22 to reduce traffic congestion, including—

23 (A) a project under chapter 53 of title 49,
24 United States Code;

1 (B) a bicycle or pedestrian project, includ-
2 ing a project to provide safe and connected ac-
3 tive transportation networks; and

4 (C) a surface transportation project car-
5 ried out in accordance with the national travel
6 and tourism infrastructure strategic plan under
7 section 1431(e) of the FAST Act (49 U.S.C.
8 301 note).

9 (10) Any other project, as determined appro-
10 priate by the Secretary.

11 (e) AWARD PRIORITIZATION.—

12 (1) IN GENERAL.—In selecting grants under
13 this section, the Secretary shall prioritize applicants
14 serving urbanized areas, as described in subsection
15 (c), that are experiencing a high degree of recurrent
16 transportation congestion, as determined by the Sec-
17 retary.

18 (2) ADDITIONAL CONSIDERATIONS.—In select-
19 ing grants under this section, the Secretary shall
20 also consider the extent to which the project
21 would—

22 (A) reduce traffic congestion and improve
23 the reliability of the surface transportation sys-
24 tem;

1 (B) mitigate the adverse impacts of traffic
2 congestion on the surface transportation sys-
3 tem, including safety and environmental im-
4 pacts;

5 (C) maximize the use of existing capacity;
6 and

7 (D) employ innovative, integrated, and
8 multimodal solutions to the items described in
9 subparagraphs (A), (B), and (C).

10 (f) FEDERAL SHARE.—

11 (1) IN GENERAL.—The Federal share of the
12 cost of a project carried out under this section may
13 not exceed 60 percent.

14 (2) MAXIMUM FEDERAL SHARE.—Federal as-
15 sistance other than a grant for a project under this
16 section may be used to satisfy the non-Federal share
17 of the cost of such project, except that the total Fed-
18 eral assistance provided for a project receiving a
19 grant under this section may not exceed 80 percent
20 of the total project cost.

21 (g) USE OF FUNDS.—Funds made available for a
22 project under this section may be used for—

23 (1) development phase activities, including plan-
24 ning, feasibility analysis, revenue forecasting, envi-

1 ronmental review, preliminary engineering and de-
2 sign work, and other preconstruction activities; and

3 (2) construction, reconstruction, rehabilitation,
4 acquisition of real property (including land related
5 to the project and improvements to the land), envi-
6 ronmental mitigation, construction contingencies, ac-
7 quisition of equipment, and operational improve-
8 ments.

9 (h) FUNDING.—

10 (1) GRANT AMOUNT.—A grant under this sec-
11 tion shall be in an amount not less than
12 \$10,000,000 and not more than \$50,000,000.

13 (2) AVAILABILITY.—Funds made available
14 under this program shall be available until expended.

15 (i) FREIGHT PROJECT SET-ASIDE.—

16 (1) IN GENERAL.—The Secretary shall set aside
17 not less than 50 percent of the funds made available
18 to carry out this section for grants for freight
19 projects under this subsection.

20 (2) ELIGIBLE USES.—The Secretary shall pro-
21 vide funds set aside under this subsection to appli-
22 cants that submit a comprehensive program of sur-
23 face transportation-related projects to reduce
24 freight-related traffic congestion and related adverse
25 impacts, including—

- 1 (A) freight intelligent transportation sys-
2 tems;
- 3 (B) real-time freight parking information;
- 4 (C) real-time freight routing information;
- 5 (D) freight transportation and delivery
6 safety projects;
- 7 (E) first-mile and last-mile delivery solu-
8 tions;
- 9 (F) shifting freight delivery to off-peak
10 travel times;
- 11 (G) reducing greenhouse gas emissions and
12 air pollution from freight transportation and
13 delivery, including through the use of innovative
14 vehicles that produce fewer greenhouse gas
15 emissions;
- 16 (H) use of centralized delivery locations;
- 17 (I) designated freight vehicle parking and
18 staging areas;
- 19 (J) curb space management; and
- 20 (K) other projects, as determined appro-
21 priate by the Secretary.

22 (3) AWARD PRIORITIZATION.—

- 23 (A) IN GENERAL.—In providing funds set
24 aside under this section, the Secretary shall
25 prioritize applicants serving urbanized areas, as

1 described in subsection (c), that are experi-
2 encing a high degree of recurrent congestion
3 due to freight transportation, as determined by
4 the Secretary.

5 (B) ADDITIONAL CONSIDERATIONS.—In
6 providing funds set aside under this subsection,
7 the Secretary shall consider the extent to which
8 the proposed project—

9 (i) reduces freight-related traffic con-
10 gestion and improves the reliability of the
11 freight transportation system;

12 (ii) mitigates the adverse impacts of
13 freight-related traffic congestion on the
14 surface transportation system, including
15 safety and environmental impacts;

16 (iii) maximizes the use of existing ca-
17 pacity;

18 (iv) employs innovative, integrated,
19 and multimodal solutions to the items de-
20 scribed in clauses (i) through (iii); and

21 (v) leverages Federal funds with non-
22 Federal contributions.

23 (4) FLEXIBILITY.—If the Secretary determines
24 that there are insufficient qualified applicants to use
25 the funds set aside under this subsection, the Sec-

1 retary may use such funds for grants for any
2 projects eligible under this section.

3 (j) REPORT.—

4 (1) RECIPIENT REPORT.—The Secretary shall
5 ensure that not later than 2 years after the Sec-
6 retary awards grants under this section, the recipi-
7 ent of each such grant submits to the Secretary a
8 report that contains—

9 (A) information on each activity or project
10 that received funding under this section;

11 (B) a summary of any non-Federal re-
12 sources leveraged by a grant under this section;

13 (C) any statistics, measurements, or quan-
14 titative assessments that demonstrate the con-
15 gestion reduction, reliability, safety, and envi-
16 ronmental benefits achieved through activities
17 or projects that received funding under this sec-
18 tion; and

19 (D) any additional information required by
20 the Secretary.

21 (2) REPORT TO CONGRESS.—Not later than 9
22 months after the date specified in paragraph (1), the
23 Secretary shall submit to the Committee on Trans-
24 portation and Infrastructure of the House of Rep-
25 resentatives and the Committee on Environment and

1 Public Works, the Committee on Commerce, Science,
2 and Transportation, and the Committee on Banking,
3 Housing, and Urban Affairs of the Senate, and
4 make publicly available on a website, a report detail-
5 ing—

6 (A) a summary of any information pro-
7 vided under paragraph (1); and

8 (B) recommendations and best practices
9 to—

10 (i) reduce traffic congestion, including
11 freight-related traffic congestion, and im-
12 prove the reliability of the surface trans-
13 portation system;

14 (ii) mitigate the adverse impacts of
15 traffic congestion, including freight-related
16 traffic congestion, on the surface transpor-
17 tation system, including safety and envi-
18 ronmental impacts; and

19 (iii) employ innovative, integrated,
20 and multimodal solutions to the items de-
21 scribed in clauses (i) and (ii).

22 (k) NOTIFICATION.—Not later than 3 business days
23 before awarding a grant under this section, the Secretary
24 shall notify the Committee on Transportation and Infra-
25 structure of the House of Representatives and the Com-

1 mittee on Environment and Public Works, the Committee
2 on Commerce, Science, and Transportation, and the Com-
3 mittee on Banking, Housing, and Urban Affairs of the
4 Senate of the intention to award such a grant.

5 (l) TREATMENT OF PROJECTS.—

6 (1) FEDERAL REQUIREMENTS.—The Secretary
7 shall, with respect to a project funded by a grant
8 under this section, apply—

9 (A) the requirements of title 23, United
10 States Code, to a highway project;

11 (B) the requirements of chapter 53 of title
12 49, United States Code, to a public transpor-
13 tation project; and

14 (C) the requirements of section 22905 of
15 title 49, United States Code, to a passenger rail
16 or freight rail project.

17 (2) MULTIMODAL PROJECTS.—

18 (A) IN GENERAL.—Except as otherwise
19 provided in this paragraph, if an eligible project
20 is a multimodal project, the Secretary shall—

21 (i) determine the predominant modal
22 component of the project; and

23 (ii) apply the applicable requirements
24 of such predominant modal component to
25 the project.

1 (B) EXCEPTIONS.—

2 (i) PASSENGER OR FREIGHT RAIL
3 COMPONENT.—For any passenger or
4 freight rail component of a project, the re-
5 quirements of section 22907(j)(2) of title
6 49, United States Code, shall apply.

7 (ii) PUBLIC TRANSPORTATION COMPO-
8 NENT.—For any public transportation
9 component of a project, the requirements
10 of section 5333 of title 49, United States
11 Code, shall apply.

12 (C) BUY AMERICA.—In applying the Buy
13 American requirements under section 313 of
14 title 23, United States Code, and sections 5320,
15 22905(a), and 24305(f) of title 49, United
16 States Code, to a multimodal project under this
17 paragraph, the Secretary shall—

18 (i) consider the various modal compo-
19 nents of the project; and

20 (ii) seek to maximize domestic jobs.

21 (3) FEDERAL-AID HIGHWAY REQUIREMENTS.—

22 Notwithstanding any other provision of this sub-
23 section, the Secretary shall require recipients of
24 grants under this section to comply with subsection
25 (a) of section 113 of title 23, United States Code,

1 with respect to public transportation projects, pas-
2 senger rail projects, and freight rail projects, in the
3 same manner that recipients of grants are required
4 to comply with such subsection for construction
5 work performed on highway projects on Federal-aid
6 highways.

7 (m) TREATMENT OF FUNDS.—Except as provided in
8 subsection (l), funds authorized for the purposes described
9 in this section shall be available for obligation in the same
10 manner as if the funds were apportioned under chapter
11 1 of title 23, United States Code.

12 **SEC. 1307. REBUILD RURAL GRANT PROGRAM.**

13 (a) ESTABLISHMENT.—The Secretary of Transpor-
14 tation shall establish a rebuild rural grant program to im-
15 prove the safety, state of good repair, and connectivity of
16 transportation infrastructure in rural communities.

17 (b) GRANT AUTHORITY.—

18 (1) IN GENERAL.—In carrying out the program
19 established in subsection (a), the Secretary shall
20 make grants, on a competitive basis, in accordance
21 with this section.

22 (2) GRANT AMOUNT.—A grant made under this
23 program shall be for no more than \$25,000,000.

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 or a
3 regional transportation planning organization;

4 (3) a unit of local government;

5 (4) a Federal land management agency;

6 (5) a Tribal government or a consortium of
7 Tribal governments; and

8 (6) a multijurisdictional group of entities de-
9 scribed in this subsection.

10 (d) APPLICATIONS.—To be eligible for a grant under
11 this section, an entity specified under subsection (c) shall
12 submit to the Secretary an application in such form, at
13 such time, and containing such information as the Sec-
14 retary determines is appropriate.

15 (e) ELIGIBLE PROJECTS.—The Secretary shall pro-
16 vide grants under this section to projects eligible under
17 title 23, United States Code, including projects on and off
18 the Federal-aid highway system, that improve safety, state
19 of good repair, or connectivity in a rural community, in-
20 cluding projects to—

21 (1) improve transportation safety, including
22 projects on high-risk rural roads and on Federal
23 lands;

1 (2) improve state of good repair, including
2 projects to repair and rehabilitate bridges on and off
3 the Federal-aid highway system;

4 (3) provide or increase access to jobs and serv-
5 ices;

6 (4) provide or increase access to—

7 (A) a grain elevator;

8 (B) an agricultural facility;

9 (C) a mining facility;

10 (D) a forestry facility;

11 (E) an intermodal facility;

12 (F) travel or tourism destinations; or

13 (G) any other facility that supports the
14 economy of a rural community; and

15 (5) reduce vehicle-wildlife collisions and improve
16 habitat connectivity.

17 (f) ELIGIBLE PROJECT COSTS.—Grant amounts for
18 a project under this section may be used for—

19 (1) development phase activities, including plan-
20 ning, feasibility analysis, revenue forecasting, envi-
21 ronmental review, preliminary engineering and de-
22 sign work, and other preconstruction activities; and

23 (2) construction, reconstruction, rehabilitation,
24 acquisition of real property (including land related
25 to the project and improvements to the land), envi-

1 ronmental mitigation, construction contingencies, ac-
2 quisition of equipment, and operational improve-
3 ments.

4 (g) FEDERAL SHARE.—

5 (1) IN GENERAL.—The share of the cost of a
6 project provided with a grant under this section may
7 not exceed 80 percent of the total cost of such
8 project.

9 (2) MAXIMUM FEDERAL ASSISTANCE.—Federal
10 assistance other than a grant under this section may
11 be used to satisfy up to 100 percent of the total cost
12 of such project.

13 (h) PRIORITY.—In making grants under this section,
14 the Secretary shall prioritize projects that address—

15 (1) significant transportation safety challenges;

16 (2) state of good repair challenges that pose
17 safety risks or risks to a local economy;

18 (3) economic development challenges;

19 (4) connectivity challenges that limit access to
20 jobs or services; and

21 (5) coordination of projects in the highway
22 right-of-way with proposed broadband service infra-
23 structure needs.

24 (i) NOTIFICATION.—Not later than 3 business days
25 before awarding a grant under this section, the Secretary

1 of Transportation shall notify the Committee on Transpor-
2 tation and Infrastructure of the House of Representatives
3 and the Committee on Environment and Public Works of
4 the Senate of the intention to award such a grant.

5 (j) TREATMENT OF PROJECTS.—Notwithstanding
6 any other provision of law, a project carried out under this
7 section shall be treated as if the project is located on a
8 Federal-aid highway.

9 (k) DEFINITION OF RURAL COMMUNITY.—In this
10 section, the term “rural community” means an area that
11 is not an urbanized area, as such term is defined in section
12 101(a) of title 23, United States Code.

13 **SEC. 1308. PARKING FOR COMMERCIAL MOTOR VEHICLES.**

14 (a) ESTABLISHMENT.—The Secretary of Transpor-
15 tation shall establish a program under which the Secretary
16 shall make grants, on a competitive basis, to eligible enti-
17 ties to address the shortage of parking for commercial
18 motor vehicles to improve the safety of commercial motor
19 vehicle operators.

20 (b) APPLICATIONS.—To be eligible for a grant under
21 this section, an eligible entity shall submit to the Secretary
22 an application in such form, at such time, and containing
23 such information as the Secretary may require.

24 (c) ELIGIBLE PROJECTS.—Projects eligible under
25 this section are projects that—

1 (1) construct safety rest areas that include
2 parking for commercial motor vehicles;

3 (2) construct commercial motor vehicle parking
4 facilities—

5 (A) adjacent to private commercial truck-
6 stops and travel plazas;

7 (B) within the boundaries of, or adjacent
8 to, a publicly owned freight facility, including a
9 port terminal operated by a public authority;
10 and

11 (C) at existing facilities, including inspec-
12 tion and weigh stations and park-and-ride loca-
13 tions;

14 (3) open existing weigh stations, safety rest
15 areas, and park-and-ride facilities to commercial
16 motor vehicle parking;

17 (4) facilitate access to publicly and privately
18 provided commercial motor vehicle parking, such as
19 through the use of intelligent transportation sys-
20 tems;

21 (5) construct turnouts along a Federal-aid
22 highway for commercial motor vehicles;

23 (6) make capital improvements to public com-
24 mercial motor vehicle parking facilities that are

1 closed on a seasonal basis to allow the facilities to
2 remain open year-round;

3 (7) open existing commercial motor vehicle
4 chain-up areas that are closed on a seasonal basis to
5 allow the facilities to remain open year-round for
6 commercial motor vehicle parking;

7 (8) address commercial motor vehicle parking
8 and layover needs in emergencies that strain the ca-
9 pacity of existing publicly and privately provided
10 commercial motor vehicle parking; and

11 (9) make improvements to existing commercial
12 motor vehicle parking facilities, including advanced
13 truckstop electrification systems.

14 (d) USE OF FUNDS.—

15 (1) IN GENERAL.—An eligible entity may use a
16 grant under this section for—

17 (A) development phase activities, including
18 planning, feasibility analysis, benefit-cost anal-
19 ysis, environmental review, preliminary engi-
20 neering and design work, and other
21 preconstruction activities necessary to advance
22 a project described in subsection (c); and

23 (B) construction and operational improve-
24 ments, as such terms are defined in section 101
25 of title 23, United States Code.

1 (2) PRIVATE SECTOR PARTICIPATION.—An eli-
2 gible entity that receives a grant under this section
3 may partner with a private entity to carry out an eli-
4 gible project under this section.

5 (3) LIMITATION.—Not more than 10 percent of
6 the amounts made available to carry out this section
7 may be used to promote the availability of existing
8 commercial motor vehicle parking.

9 (e) SELECTION CRITERIA.—In making grants under
10 this section, the Secretary shall consider—

11 (1) in the case of construction of new commer-
12 cial motor vehicle parking capacity, the shortage of
13 public and private commercial motor vehicle parking
14 near the project; and

15 (2) the extent to which each project—

16 (A) would increase commercial motor vehi-
17 cle parking capacity or utilization;

18 (B) would facilitate the efficient movement
19 of freight;

20 (C) would improve safety, traffic conges-
21 tion, and air quality;

22 (D) is cost effective; and

23 (E) reflects consultation with motor car-
24 riers, commercial motor vehicle operators, and

1 private providers of commercial motor vehicle
2 parking.

3 (f) NOTIFICATION OF CONGRESS.—Not later than 3
4 business days before announcing a project selected to re-
5 ceive a grant under this section, the Secretary of Trans-
6 portation shall notify the Committee on Transportation
7 and Infrastructure of the House of Representatives and
8 the Committee on Environment and Public Works of the
9 Senate of the intention to award such a grant.

10 (g) TREATMENT OF FUNDS.—

11 (1) TREATMENT OF PROJECTS.—Notwith-
12 standing any other provision of law, any project
13 funded by a grant under this section shall be treated
14 as a project on a Federal-aid highway under chapter
15 1 of title 23, United States Code.

16 (2) FEDERAL SHARE.—The Federal share of
17 the cost of a project under this section shall be de-
18 termined in accordance with subsections (b) and (c)
19 of section 120 of title 23, United States Code.

20 (h) AMENDMENT TO MAP-21.—Section 1401(c)(1)
21 of MAP-21 (23 U.S.C. 137 note) is amended—

22 (1) by inserting “and private providers of com-
23 mercial motor vehicle parking” after “personnel”;
24 and

1 (2) in subparagraph (A) by striking “the capa-
2 bility of the State to provide” and inserting “the
3 availability of”.

4 (i) SURVEY; COMPARATIVE ASSESSMENT; REPORT.—

5 (1) UPDATE.—Not later than 2 years after the
6 date of enactment of this Act, the Secretary shall
7 update the survey of each State required under sec-
8 tion 1401(c)(1) of the MAP-21 (23 U.S.C. 137
9 note).

10 (2) REPORT.—Not later than 1 year after the
11 deadline under paragraph (1), the Secretary shall
12 publish on the website of the Department of Trans-
13 portation a report that—

14 (A) evaluates the availability of adequate
15 parking and rest facilities for commercial motor
16 vehicles engaged in interstate transportation;

17 (B) evaluates the effectiveness of the
18 projects funded under this section in improving
19 access to commercial motor vehicle parking; and

20 (C) reports on the progress being made to
21 provide adequate commercial motor vehicle
22 parking facilities in the State.

23 (3) CONSULTATION.—The Secretary shall pre-
24 pare the report required under paragraph (2) in con-
25 sultation with—

1 (A) relevant State motor carrier safety
2 personnel;

3 (B) motor carriers and commercial motor
4 vehicle operators; and

5 (C) private providers of commercial motor
6 vehicle parking.

7 (j) DEFINITIONS.—In this section:

8 (1) COMMERCIAL MOTOR VEHICLE.—The term
9 “commercial motor vehicle” has the meaning given
10 such term in section 31132 of title 49, United
11 States Code.

12 (2) ELIGIBLE ENTITY.—The term “eligible enti-
13 ty” means—

14 (A) a State;

15 (B) a metropolitan planning organization;

16 (C) a unit of local government;

17 (D) a political subdivision of a State or
18 local government carrying out responsibilities
19 relating to commercial motor vehicle parking;
20 and

21 (E) a multistate or multijurisdictional
22 group of entities described in subparagraphs
23 (A) through (D).

1 (8) any local or regional governmental entity
2 with responsibility for or oversight of transportation
3 or recreational trails; and

4 (9) a multistate or multijurisdictional group of
5 entities described in this subsection.

6 (d) APPLICATIONS.—To be eligible for a grant under
7 this section, an entity specified under subsection (c) shall
8 submit to the Secretary an application in such form, at
9 such time, and containing such information as the Sec-
10 retary determines is appropriate.

11 (e) ELIGIBLE PROJECTS.—The Secretary shall pro-
12 vide grants under this section to projects that improve the
13 connectivity and the use of active transportation facili-
14 ties—

15 (1) including—

16 (A) active transportation networks;

17 (B) active transportation spines; and

18 (C) planning related to the development

19 of—

20 (i) active transportation networks;

21 (ii) active transportation spines; and

22 (iii) complete streets plans to create a

23 connected network of active transportation

24 facilities, including sidewalks, bikeways, or

25 pedestrian and bicycle trails; and

1 (2) that have—

2 (A) total project costs of not less than
3 \$15,000,000; or

4 (B) in the case of planning grants under
5 subsection (f), a total cost of not less than
6 \$100,000.

7 (f) PLANNING GRANTS.—Of the amounts made avail-
8 able to carry out this section, the Secretary may use not
9 more than 10 percent to provide planning grants to eligi-
10 ble applicants for activities under subsection (e)(1)(C).

11 (g) CONSIDERATIONS.—In making grants under this
12 section, the Secretary shall consider the extent to which—

13 (1) a project is likely to provide substantial ad-
14 ditional opportunities for walking and bicycling, in-
15 cluding through the creation of—

16 (A) active transportation networks con-
17 necting destinations within or between commu-
18 nities, including schools, workplaces, residences,
19 businesses, recreation areas, and other commu-
20 nity areas; and

21 (B) active transportation spines connecting
22 2 or more communities, metropolitan areas, or
23 States;

24 (2) an applicant has adequately considered or
25 will consider, including through the opportunity for

1 public comment, the environmental justice and eq-
2 uity impacts of the project;

3 (3) the project would improve safety for vulner-
4 able road users, including through the use of com-
5 plete street design policies or a safe system ap-
6 proach; and

7 (4) a project integrates active transportation fa-
8 cilities with public transportation services, where
9 available, to improve access to public transportation.

10 (h) LIMITATION.—

11 (1) IN GENERAL.—The share of the cost of a
12 project assisted with a grant under this section may
13 not exceed 80 percent.

14 (2) MAXIMUM FEDERAL ASSISTANCE.—Federal
15 assistance other than a grant under this section may
16 be used to satisfy up to 100 percent of the total
17 project cost.

18 (i) ELIGIBLE PROJECT COSTS.—Amounts made
19 available for a project under this section may be used
20 for—

21 (1) development phase activities, including plan-
22 ning, feasibility analysis, revenue forecasting, envi-
23 ronmental review, preliminary engineering and de-
24 sign work, and other preconstruction activities; 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.

7 (j) NOTIFICATION.—Not later than 3 business days
8 before awarding a grant under this section, the Secretary
9 of Transportation shall notify the Committee on Transpor-
10 tation and Infrastructure of the House of Representatives
11 and the Committee on Environment and Public Works of
12 the Senate of the intention to award such a grant.

13 (k) TREATMENT OF PROJECTS.—Notwithstanding
14 any other provision of law, a project carried out under this
15 section shall be treated in the manner described under sec-
16 tion 133(i) of title 23, United States Code.

17 (l) DEFINITIONS.—In this section:

18 (1) ACTIVE TRANSPORTATION.—The term “ac-
19 tive transportation” means mobility options powered
20 primarily by human energy, including bicycling and
21 walking.

22 (2) ACTIVE TRANSPORTATION NETWORK.—The
23 term “active transportation network” means facili-
24 ties built for active transportation, including side-
25 walks, bikeways, and pedestrian and bicycle trails,

1 that connect destinations within a community, a
2 metropolitan area, or on Federal lands.

3 (3) ACTIVE TRANSPORTATION SPINE.—The
4 term “active transportation spine” means facilities
5 built for active transportation, including sidewalks,
6 bikeways, and pedestrian and bicycle trails, that con-
7 nect communities, metropolitan areas, Federal lands,
8 or States.

9 (4) SAFE SYSTEM APPROACH.—The term “safe
10 system approach” has the meaning given such term
11 in section 148(a) of title 23, United States Code.

12 (5) VULNERABLE ROAD USER.—The term “vul-
13 nerable road user” has the meaning given such term
14 in section 148(a) of title 23, United States Code.

15 **Subtitle D—Planning, Performance**
16 **Management, and Asset Man-**
17 **agement**

18 **SEC. 1401. METROPOLITAN TRANSPORTATION PLANNING.**

19 Section 134 of title 23, United States Code, is
20 amended—

21 (1) in subsection (a) by striking “resiliency
22 needs while minimizing transportation-related fuel
23 consumption and air pollution” and inserting “resil-
24 ience and climate change adaptation needs while re-

1 ducing transportation-related fuel consumption, air
2 pollution, and greenhouse gas emissions”;

3 (2) in subsection (b)—

4 (A) by redesignating paragraphs (6) and
5 (7) as paragraphs (7) and (8), respectively; and

6 (B) by inserting after paragraph (5) the
7 following:

8 “(6) STIP.—The term ‘STIP’ means a state-
9 wide transportation improvement program developed
10 by a State under section 135(g).”;

11 (3) in subsection (c)—

12 (A) in paragraph (1) by striking “and
13 transportation improvement programs” and in-
14 serting “and TIPs”; and

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

16 “(4) CONSIDERATION.—In developing the plans
17 and TIPs, metropolitan planning organizations shall
18 consider direct and indirect emissions of greenhouse
19 gases.”;

20 (4) in subsection (d)—

21 (A) in paragraph (2) by striking “Not
22 later than 2 years after the date of enactment
23 of MAP–21, each” and inserting “Each”;

24 (B) in paragraph (3) by adding at the end
25 the following:

1 “(D) CONSIDERATIONS.—

2 “(i) EQUITABLE AND PROPORTIONAL
3 REPRESENTATION.—In designating offi-
4 cials or representatives under paragraph
5 (2), the metropolitan planning organization
6 shall consider the equitable and propor-
7 tional representation of the population of
8 the metropolitan planning area.

9 “(ii) SAVINGS CLAUSE.—Nothing in
10 this paragraph shall require a metropolitan
11 planning organization in existence on the
12 date of enactment of this subparagraph to
13 be restructured.

14 “(iii) REDESIGNATION.—Notwith-
15 standing clause (ii), the requirements of
16 this paragraph shall apply to any metro-
17 politan planning organization redesignated
18 under paragraph (6).”;

19 (C) in paragraph (6)(B) by striking “para-
20 graph (2)” and inserting “paragraphs (2) or
21 (3)(D)”; and

22 (D) in paragraph (7)—

23 (i) by striking “an existing metropoli-
24 tan planning area” and inserting “an ur-
25 banized area”; and

1 (ii) by striking “the existing metro-
2 politan planning area” and inserting “the
3 area”;

4 (5) in subsection (g)—

5 (A) in paragraph (1) by striking “a metro-
6 politan area” and inserting “an urbanized
7 area”;

8 (B) in paragraph (2) by striking “MPOS”
9 and inserting “METROPOLITAN PLANNING
10 AREAS”;

11 (C) in paragraph (3)(A) by inserting
12 “emergency response and evacuation, climate
13 change adaptation and resilience,” after “dis-
14 aster risk reduction,”; and

15 (D) by adding at the end the following:

16 “(4) COORDINATION BETWEEN MPOS.—

17 “(A) IN GENERAL.—If more than 1 metro-
18 politan planning organization is designated
19 within an urbanized area under subsection
20 (d)(7), the metropolitan planning organizations
21 designated within the area shall ensure, to the
22 maximum extent practicable, the consistency of
23 any data used in the planning process, includ-
24 ing information used in forecasting transpor-
25 tation demand.

1 “(B) SAVINGS CLAUSE.—Nothing in this
2 paragraph requires metropolitan planning orga-
3 nizations designated within a single urbanized
4 area to jointly develop planning documents, in-
5 cluding a unified long-range transportation plan
6 or unified TIP.”;

7 (6) in subsection (h)(1)—

8 (A) by striking subparagraph (E) and in-
9 serting the following:

10 “(E) protect and enhance the environment,
11 promote energy conservation, reduce greenhouse
12 gas emissions, improve the quality of life and
13 public health, and promote consistency between
14 transportation improvements and State and
15 local planned growth and economic development
16 patterns, including housing and land use pat-
17 terns;”;

18 (B) in subparagraph (I)—

19 (i) by inserting “, sea level rise, ex-
20 treme weather, and climate change” after
21 “stormwater”; and

22 (ii) by striking “and” at the end;

23 (C) by redesignating subparagraph (J) as
24 subparagraph (M); and

1 (D) by inserting after subparagraph (I) the
2 following:

3 “(J) facilitate emergency management, re-
4 sponse, and evacuation and hazard mitigation;

5 “(K) improve the level of transportation
6 system access;

7 “(L) support inclusive zoning policies and
8 land use planning practices that incentivize af-
9 fordable, elastic, and diverse housing supply, fa-
10 cilitate long-term economic growth by improving
11 the accessibility of housing to jobs, and prevent
12 high housing costs from displacing economically
13 disadvantaged households; and”;

14 (7) in subsection (h)(2) by striking subpara-
15 graph (A) and inserting the following:

16 “(A) IN GENERAL.—Through the use of a
17 performance-based approach, transportation in-
18 vestment decisions made as a part of the metro-
19 politan transportation planning process shall
20 support the national goals described in section
21 150(b), the achievement of metropolitan and
22 statewide targets established under section
23 150(d), the improvement of transportation sys-
24 tem access (consistent with section 150(f)), and

1 the general purposes described in section 5301
2 of title 49.”;

3 (8) in subsection (i)—

4 (A) in paragraph (2)(D)(i) by inserting
5 “reduce greenhouse gas emissions and” before
6 “restore and maintain”;

7 (B) in paragraph (2)(G) by inserting “and
8 climate change” after “infrastructure to natural
9 disasters”;

10 (C) in paragraph (2)(H) by inserting
11 “greenhouse gas emissions,” after “pollution,”;

12 (D) in paragraph (5)—

13 (i) in subparagraph (A) by inserting
14 “air quality, public health, housing, trans-
15 portation, resilience, hazard mitigation,
16 emergency management,” after “conserva-
17 tion,”; and

18 (ii) by striking subparagraph (B) and
19 inserting the following:

20 “(B) ISSUES.—The consultation shall in-
21 volve, as appropriate, comparison of transpor-
22 tation plans to other relevant plans, including,
23 if available—

24 “(i) State conservation plans or maps;

25 and

1 “(ii) inventories of natural or historic
2 resources.”; and

3 (E) by amending paragraph (6)(C) to read
4 as follows:

5 “(C) METHODS.—

6 “(i) IN GENERAL.—In carrying out
7 subparagraph (A), the metropolitan plan-
8 ning organization shall, to the maximum
9 extent practicable—

10 “(I) hold any public meetings at
11 convenient and accessible locations
12 and times;

13 “(II) employ visualization tech-
14 niques to describe plans; and

15 “(III) make public information
16 available in electronically accessible
17 format and means, such as the inter-
18 net, as appropriate to afford reason-
19 able opportunity for consideration of
20 public information under subpara-
21 graph (A).

22 “(ii) ADDITIONAL METHODS.—In ad-
23 dition to the methods described in clause
24 (i), in carrying out subparagraph (A), the

1 metropolitan planning organization shall,
2 to the maximum extent practicable—

3 “(I) use virtual public involve-
4 ment, social media, and other web-
5 based tools to encourage public par-
6 ticipation and solicit public feedback;
7 and

8 “(II) use other methods, as ap-
9 propriate, to further encourage public
10 participation of historically underrep-
11 resented individuals in the transpor-
12 tation planning process.”;

13 (9) in subsection (j) by striking “transportation
14 improvement program” and inserting “TIP” each
15 place it appears; and

16 (10) by striking “Federally” each place it ap-
17 pears and inserting “federally”.

18 **SEC. 1402. STATEWIDE AND NONMETROPOLITAN TRANS-**
19 **PORTATION PLANNING.**

20 Section 135 of title 23, United States Code, is
21 amended—

22 (1) in subsection (a)—

23 (A) in paragraph (1) by striking “state-
24 wide transportation improvement program” and
25 inserting “STIP”;

1 (B) in paragraph (2)—

2 (i) by striking “The statewide trans-
3 portation plan and the” and inserting the
4 following:

5 “(A) IN GENERAL.—The statewide trans-
6 portation plan and the”;

7 (ii) by striking “transportation im-
8 provement program” and inserting
9 “STIP”; and

10 (iii) by adding at the end the fol-
11 lowing:

12 “(B) CONSIDERATION.—In developing the
13 statewide transportation plans and STIPs,
14 States shall consider direct and indirect emis-
15 sions of greenhouse gases.”; and

16 (C) in paragraph (3) by striking “trans-
17 portation improvement program” and inserting
18 “STIP”;

19 (2) in subsection (d)—

20 (A) in paragraph (1)—

21 (i) in subparagraph (E)—

22 (I) by inserting “reduce green-
23 house gas emissions,” after “promote
24 energy conservation,”;

1 (II) by inserting “and public
2 health” after “improve the quality of
3 life”; and

4 (III) by inserting “, including
5 housing and land use patterns” after
6 “economic development patterns”;

7 (ii) in subparagraph (I)—

8 (I) by inserting “, sea level rise,
9 extreme weather, and climate change”
10 after “mitigate stormwater”; and

11 (II) by striking “and” after the
12 semicolon;

13 (iii) by redesignating subparagraph
14 (J) as subparagraph (M); and

15 (iv) by inserting after subparagraph
16 (I) the following:

17 “(J) facilitate emergency management, re-
18 sponse, and evacuation and hazard mitigation;

19 “(K) improve the level of transportation
20 system access;

21 “(L) support inclusive zoning policies and
22 land use planning practices that incentivize af-
23 fordable, elastic, and diverse housing supply, fa-
24 cilitate long-term economic growth by improving
25 the accessibility of housing to jobs, and prevent

1 high housing costs from displacing economically
2 disadvantaged households; and”;

3 (B) in paragraph (2)—

4 (i) by striking subparagraph (A) and
5 inserting the following:

6 “(A) IN GENERAL.—Through the use of a
7 performance-based approach, transportation in-
8 vestment decisions made as a part of the state-
9 wide transportation planning process shall sup-
10 port—

11 “(i) the national goals described in
12 section 150(b);

13 “(ii) the consideration of transpor-
14 tation system access (consistent with sec-
15 tion 150(f));

16 “(iii) the achievement of statewide
17 targets established under section 150(d);
18 and

19 “(iv) the general purposes described
20 in section 5301 of title 49.”; and

21 (ii) in subparagraph (D) by striking
22 “statewide transportation improvement
23 program” and inserting “STIP”; and

1 (C) in paragraph (3) by striking “state-
2 wide transportation improvement program” and
3 inserting “STIP”;

4 (3) in subsection (e)(3) by striking “transpor-
5 tation improvement program” and inserting
6 “STIP”;

7 (4) in subsection (f)—

8 (A) in paragraph (2)(D)—

9 (i) in clause (i) by inserting “air qual-
10 ity, public health, housing, transportation,
11 resilience, hazard mitigation, emergency
12 management,” after “conservation,”; and

13 (ii) by amending clause (ii) to read as
14 follows:

15 “(ii) COMPARISON AND CONSIDER-
16 ATION.—Consultation under clause (i)
17 shall involve the comparison of transpor-
18 tation plans to other relevant plans and in-
19 ventories, including, if available—

20 “(I) State and tribal conservation
21 plans or maps; and

22 “(II) inventories of natural or
23 historic resources.”;

24 (B) in paragraph (3)(B)—

1 (i) by striking “In carrying out” and
2 inserting the following:

3 “(i) IN GENERAL.—in carrying out”;

4 (ii) by redesignating clauses (i)
5 through (iv) as subclauses (I) through
6 (IV), respectively; and

7 (iii) by adding at the end the fol-
8 lowing:

9 “(ii) ADDITIONAL METHODS.—In ad-
10 dition to the methods described in clause
11 (i), in carrying out subparagraph (A), the
12 State shall, to the maximum extent prac-
13 ticable—

14 “(I) use virtual public involve-
15 ment, social media, and other web-
16 based tools to encourage public par-
17 ticipation and solicit public feedback;
18 and

19 “(II) use other methods, as ap-
20 propriate, to further encourage public
21 participation of historically underrep-
22 resented individuals in the transpor-
23 tation planning process.”;

1 (C) in paragraph (4)(A) by inserting “re-
2 duce greenhouse gas emissions and” after “po-
3 tential to”; and

4 (D) in paragraph (8) by inserting “green-
5 house gas emissions,” after “pollution,”;
6 (5) in subsection (g)—

7 (A) in paragraph (1)(A) by striking “state-
8 wide transportation improvement program” and
9 inserting “STIP”;

10 (B) in paragraph (3) by striking “opera-
11 tors),,” and inserting “operators),”;

12 (C) in paragraph (4) by striking “state-
13 wide transportation improvement program” and
14 inserting “STIP” each place it appears;

15 (D) in paragraph (5)—

16 (i) in subparagraph (A) by striking
17 “transportation improvement program”
18 and inserting “STIP”;

19 (ii) in subparagraph (B)(ii) by strik-
20 ing “metropolitan transportation improve-
21 ment program” and inserting “TIP”;

22 (iii) in subparagraph (C) by striking
23 “transportation improvement program”
24 and inserting “STIP” each place it ap-
25 pears;

1 (iv) in subparagraph (E) by striking
2 “transportation improvement program”
3 and inserting “STIP”;

4 (v) in subparagraph (F)(i) by striking
5 “transportation improvement program”
6 and inserting “STIP” each place it ap-
7 pears;

8 (vi) in subparagraph (G)(ii) by strik-
9 ing “transportation improvement program”
10 and inserting “STIP”; and

11 (vii) in subparagraph (H) by striking
12 “transportation improvement program”
13 and inserting “STIP”;

14 (E) in paragraph (6)—

15 (i) in subparagraph (A)—

16 (I) by striking “transportation
17 improvement program” and inserting
18 “STIP”; and

19 (II) by striking “and projects
20 carried out under the bridge program
21 or the Interstate maintenance pro-
22 gram”; and

23 (ii) in subparagraph (B)—

1 (I) by striking “or under the
2 bridge program or the Interstate
3 maintenance program”;

4 (II) by striking “5310, 5311,
5 5316, and 5317” and inserting “5310
6 and 5311”; and

7 (III) by striking “statewide
8 transportation improvement program”
9 and inserting “STIP”;

10 (F) in paragraph (7)—

11 (i) in the heading by striking “TRANS-
12 PORTATION IMPROVEMENT PROGRAM” and
13 inserting “STIP”; and

14 (ii) by striking “transportation im-
15 provement program” and inserting
16 “STIP”;

17 (G) in paragraph (8) by striking “state-
18 wide transportation plans and programs” and
19 inserting “statewide transportation plans and
20 STIPs”; and

21 (H) in paragraph (9) by striking “trans-
22 portation improvement program” and inserting
23 “STIP”;

24 (6) in subsection (h)(2)(A) by striking “Not
25 later than 5 years after the date of enactment of the

1 MAP-21,” and inserting “Not less frequently than
2 once every 4 years,”;

3 (7) in subsection (k) by striking “transportation
4 improvement program” and inserting “STIP” each
5 place it appears; and

6 (8) in subsection (m) by striking “transportation
7 improvement programs” and inserting
8 “STIPs”.

9 **SEC. 1403. NATIONAL GOALS AND PERFORMANCE MANAGE-**
10 **MENT MEASURES.**

11 (a) IN GENERAL.—Section 150 of title 23, United
12 States Code, is amended—

13 (1) in subsection (b)—

14 (A) by redesignating paragraph (7) as
15 paragraph (8); and

16 (B) by inserting after paragraph (6) the
17 following:

18 “(7) COMBATING CLIMATE CHANGE.—To re-
19 duce carbon dioxide and other greenhouse gas emis-
20 sions and reduce the climate impacts of the trans-
21 portation system.”;

22 (2) in subsection (c)—

23 (A) in paragraph (1) by striking “Not
24 later than 18 months after the date of enact-

1 ment of the MAP-21, the Secretary” and in-
2 serting “The Secretary”; and

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

4 “(7) GREENHOUSE GAS EMISSIONS.—The Sec-
5 retary shall establish, in consultation with the Ad-
6 ministrator of the Environmental Protection Agency,
7 measures for States to use to assess—

8 “(A) carbon dioxide emissions per capita
9 on public roads; and

10 “(B) any other greenhouse gas emissions
11 per capita on public roads that the Secretary
12 determines to be appropriate.”;

13 (3) in subsection (d)—

14 (A) in paragraph (1)—

15 (i) by striking “Not later than 1 year
16 after the Secretary has promulgated the
17 final rulemaking under subsection (c),
18 each” and inserting “Each”; and

19 (ii) by striking “and (6)” and insert-
20 ing “(6), and (7)”; and

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

22 “(3) REGRESSIVE TARGETS.—

23 “(A) IN GENERAL.—A State may not es-
24 tablish a regressive target for the measures de-

1 scribed under paragraph (4) or paragraph (7)
2 of subsection (e).

3 “(B) REGRESSIVE TARGET DEFINED.—In
4 this paragraph, the term ‘regressive target’
5 means a target that fails to demonstrate con-
6 stant or improved performance for a particular
7 measure.”;

8 (4) in subsection (e)—

9 (A) by striking “Not later than 4 years
10 after the date of enactment of the MAP–21 and
11 biennially thereafter, a” and inserting “A”; and

12 (B) by inserting “biennial” after “the Sec-
13 retary a”; and

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

15 “(f) TRANSPORTATION SYSTEM ACCESS.—

16 “(1) IN GENERAL.—The Secretary shall estab-
17 lish measures for States and metropolitan planning
18 organizations to use to assess the level of safe, reli-
19 able, and convenient transportation system access
20 to—

21 “(A) employment; and

22 “(B) services.

23 “(2) CONSIDERATIONS.—The measures estab-
24 lished pursuant to paragraph (1) shall include the

1 ability for States and metropolitan planning organi-
2 zations to assess—

3 “(A) the change in the level of transpor-
4 tation system access for various modes of trav-
5 el, including connection to other modes of
6 transportation, that would result from new
7 transportation investments;

8 “(B) the level of transportation system ac-
9 cess for economically disadvantaged commu-
10 nities, including to affordable housing; and

11 “(C) the extent to which transportation ac-
12 cess is impacted by zoning policies and land use
13 planning practices that effect the affordability,
14 elasticity, and diversity of the housing supply.

15 “(3) DEFINITION OF SERVICES.—In this sub-
16 section, the term ‘services’ includes healthcare facili-
17 ties, child care, education and workforce training,
18 food sources, banking and other financial institu-
19 tions, and other retail shopping establishments.”.

20 (b) METROPOLITAN TRANSPORTATION PLANNING.—
21 Section 134 of title 23, United States Code, is further
22 amended—

23 (1) in subsection (j)(2)(D)—

1 (A) by striking “PERFORMANCE TARGET
2 ACHIEVEMENT” and inserting “PERFORMANCE
3 MANAGEMENT”;

4 (B) by striking “The TIP” and inserting
5 the following:

6 “(i) IN GENERAL.—The TIP”; and

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

8 “(ii) TRANSPORTATION MANAGEMENT
9 AREAS.—For metropolitan planning areas
10 that represent an urbanized area des-
11 ignated as a transportation management
12 area under subsection (k), the TIP shall
13 include—

14 “(I) a discussion of the antici-
15 pated effect of the TIP toward achiev-
16 ing the performance targets estab-
17 lished in the metropolitan transpor-
18 tation plan, linking investment prior-
19 ities to such performance targets; and

20 “(II) a description of how the
21 TIP would improve the overall level of
22 transportation system access, con-
23 sistent with section 150(f).”;

24 (2) in subsection (k)—

25 (A) in paragraph (3)(A)—

- 1 (i) by striking “shall address conges-
- 2 tion management” and inserting the fol-
- 3 lowing: “shall address—
- 4 “(i) congestion management”;
- 5 (ii) by striking the period at the end
- 6 and inserting “; and”; and
- 7 (iii) by adding at the end the fol-
- 8 lowing:
- 9 “(ii) the overall level of transportation
- 10 system access for various modes of travel
- 11 within the metropolitan planning area, in-
- 12 cluding the level of access for economically
- 13 disadvantaged communities, consistent
- 14 with section 150(f), that is based on a co-
- 15 operatively developed and implemented
- 16 metropolitan-wide strategy, assessing both
- 17 new and existing transportation facilities
- 18 eligible for funding under this title and
- 19 chapter 53 of title 49.”; and
- 20 (B) in paragraph (5)(B)—
- 21 (i) in clause (i) by striking “; and”
- 22 and inserting a semicolon;
- 23 (ii) in clause (ii) by striking the pe-
- 24 riod and inserting “; and”; and

1 (iii) by adding at the end the fol-
2 lowing:

3 “(iii) the TIP approved under clause
4 (ii) improves the level of transportation
5 system access, consistent with section
6 150(f).”; and

7 (3) in subsection (l)(2)—

8 (A) by striking “5 years after the date of
9 enactment of the MAP-21” and inserting “2
10 years after the date of enactment of the IN-
11 VEST in America Act, and every 2 years there-
12 after”;

13 (B) in subparagraph (C) by striking “and
14 whether metropolitan planning organizations
15 are developing meaningful performance targets;
16 and” and inserting a semicolon; and

17 (C) by striking subparagraph (D) and in-
18 serting the following:

19 “(D) a listing of all metropolitan planning
20 organizations that are establishing performance
21 targets and whether such performance targets
22 established by the metropolitan planning orga-
23 nization are meaningful or regressive (as de-
24 fined in section 150(d)(3)(B)); and

1 “(E) the progress of implementing the
2 measure established under section 150(f).”.

3 (c) STATEWIDE AND NONMETROPOLITAN TRANSPOR-
4 TATION PLANNING.—Section 135(g)(4) of title 23, United
5 States Code, is further amended—

6 (1) by striking “PERFORMANCE TARGET
7 ACHIEVEMENT” and inserting “PERFORMANCE
8 MANAGEMENT”;

9 (2) by striking “shall include, to the maximum
10 extent practicable, a discussion” and inserting the
11 following: “shall include—

12 “(A) a discussion”;

13 (3) by striking the period at the end and insert-
14 ing “; and”; and

15 (4) by adding at the end the following:

16 “(B) a consideration of how the STIP im-
17 pacts the overall level of transportation system
18 access, consistent with section 150(f).”.

19 (d) EFFECTIVE DATE.—The amendment made by
20 subsection (a)(3)(B) shall take effect 1 year before the
21 subsequent State target and reporting deadlines estab-
22 lished pursuant to section 150 of title 23, United States
23 Code.

24 (e) DEVELOPMENT OF GREENHOUSE GAS MEAS-
25 URE.—Not later than 1 year after the date of enactment

1 of this Act, the Secretary of Transportation shall issue
2 such regulations as are necessary to carry out paragraph
3 (7) of section 150(c) of title 23, United States Code, as
4 added by this Act.

5 (f) DEVELOPMENT OF TRANSPORTATION SYSTEM
6 ACCESS MEASURE.—

7 (1) ESTABLISHMENT.—Not later than 120 days
8 after the date of enactment of this Act, the Sec-
9 retary of Transportation shall establish a working
10 group to assess the provisions of paragraphs (1) and
11 (2) of section 150(f) and make recommendations re-
12 garding the establishment of measures for States
13 and metropolitan planning organizations to use to
14 assess the level of transportation system access for
15 various modes of travel, consistent with section
16 150(f) of title 23, United States Code.

17 (2) MEMBERS.—The working group established
18 pursuant to paragraph (1) shall include representa-
19 tives from—

20 (A) the Department of Transportation;

21 (B) State departments of transportation,
22 including representatives that specialize in pe-
23 destrian and bicycle safety;

24 (C) metropolitan planning organizations
25 representing transportation management areas

1 (as those terms are defined in section 134 of
2 title 23, United States Code);

3 (D) other metropolitan planning organiza-
4 tions or local governments;

5 (E) providers of public transportation;

6 (F) nonprofit entities related to transpor-
7 tation, including relevant safety groups;

8 (G) experts in the field of transportation
9 access data; and

10 (H) any other stakeholders, as determined
11 by the Secretary.

12 (3) REPORT.—

13 (A) SUBMISSION.—Not later than 1 year
14 after the establishment of the working group
15 pursuant to paragraph (1), the working group
16 shall submit to the Secretary a report of rec-
17 ommendations regarding the establishment of
18 measures for States and metropolitan planning
19 organizations to use to assess the level of trans-
20 portation system access, consistent with section
21 150(f) of title 23, United States Code.

22 (B) PUBLICATION.—Not later than 30
23 days after the date on which the Secretary re-
24 ceives the report under subparagraph (A), the
25 Secretary shall publish the report on a publicly

1 accessible website of the Department of Trans-
2 portation.

3 (4) RULEMAKING.—Not later than 2 years after
4 the date on which the Secretary receives the report
5 under paragraph (3), the Secretary shall issue such
6 regulations as are necessary to implement the re-
7 quirements of section 150(f) of title 23, United
8 States Code.

9 (5) TERMINATION.—The Secretary shall termi-
10 nate the working group established pursuant to
11 paragraph (1) on the date on which the regulation
12 issued pursuant to paragraph (4) takes effect.

13 (g) TRANSPORTATION SYSTEM ACCESS DATA.—

14 (1) IN GENERAL.—Not later than 90 days after
15 the date on which the Secretary of Transportation
16 establishes the measure required under section
17 150(f) of title 23, United States Code, the Secretary
18 shall develop or procure eligible transportation sys-
19 tem access data sets and analytical tools and make
20 such data sets and analytical tools available to State
21 departments of transportation and metropolitan
22 planning areas that represent transportation man-
23 agement areas.

1 (2) REQUIREMENTS.—An eligible transpor-
2 tation system access data set and analytical tool
3 shall have the following characteristics:

4 (A) The ability to quantify the level of
5 safe, reliable, and convenient transportation
6 system access to—

7 (i) employment;

8 (ii) services; and

9 (iii) connections to other modes of
10 transportation.

11 (B) The ability to quantify transportation
12 system access for various modes of travel, in-
13 cluding—

14 (i) driving;

15 (ii) public transportation;

16 (iii) walking (including conveyance for
17 persons with disabilities); and

18 (iv) cycling (including micromobility).

19 (C) The ability to disaggregate the level of
20 transportation system access by various trans-
21 portation modes by a variety of population cat-
22 egories, including—

23 (i) low-income populations;

24 (ii) minority populations;

25 (iii) age;

1 (iv) disability; and

2 (v) geographical location.

3 (D) The ability to assess the change in the
4 level of transportation system access that would
5 result from new transportation investments.

6 (3) CONSIDERATION.—An eligible transpor-
7 tation system access data set and analytical tool
8 shall take into consideration safe and connected net-
9 works for walking, cycling, and persons with disabil-
10 ities.

11 (h) DEFINITIONS.—In this section:

12 (1) TRANSPORTATION SYSTEM ACCESS.—The
13 term “transportation system access” has the mean-
14 ing given such term in section 101 of title 23,
15 United States Code.

16 (2) SERVICES.—The term “services” has the
17 meaning given such term in section 150(f) of title
18 23, United States Code.

19 **SEC. 1404. TRANSPORTATION DEMAND DATA AND MOD-**
20 **ELING STUDY.**

21 (a) STUDY.—

22 (1) IN GENERAL.—The Secretary of Transpor-
23 tation shall conduct a study on transportation de-
24 mand data and modeling, including transportation
25 demand forecasting.

1 (2) CONTENTS.—In carrying out the study
2 under this section, the Secretary shall—

3 (A) collect observed transportation demand
4 data and transportation demand forecasts from
5 States and metropolitan planning organizations,
6 including data and forecasts on—

7 (i) traffic counts;

8 (ii) transportation mode share and
9 public transportation ridership; and

10 (iii) vehicle occupancy measures;

11 (B) compare the transportation demand
12 forecasts with the observed transportation de-
13 mand data gathered under subparagraph (A);
14 and

15 (C) use the information described in sub-
16 paragraphs (A) and (B) to—

17 (i) develop best practices and guid-
18 ance for States and metropolitan planning
19 organizations to use in forecasting trans-
20 portation demand for future investments in
21 transportation improvements;

22 (ii) evaluate the impact of transpor-
23 tation investments, including new roadway
24 capacity, on transportation behavior and
25 transportation demand, including public

1 transportation ridership, induced highway
2 transportation, and congestion;

3 (iii) support more accurate transpor-
4 tation demand forecasting by States and
5 metropolitan planning organizations;

6 (iv) enhance the capacity of States
7 and metropolitan planning organizations
8 to—

9 (I) forecast transportation de-
10 mand; and

11 (II) track observed transpor-
12 tation behavior responses, including
13 induced transportation, to changes in
14 transportation capacity, pricing, and
15 land use patterns; and

16 (v) develop transportation demand
17 management strategies to maximize the ef-
18 ficiency of the transportation system, im-
19 prove mobility, reduce congestion, and
20 lower vehicle emissions.

21 (3) COVERED ENTITIES.—In carrying out the
22 study under this section, the Secretary shall ensure
23 that data and forecasts described in paragraph
24 (2)(A) are collected from—

25 (A) States;

1 (B) metropolitan planning organizations
2 that serve an area with a population of 200,000
3 people or fewer; and

4 (C) metropolitan planning organizations
5 that serve an area with a population of over
6 200,000 people.

7 (b) REPORT.—Not later than 2 years after the date
8 of enactment of this Act, the Secretary shall submit to
9 Congress a report containing the findings of the study
10 conducted under subsection (a).

11 (c) SECRETARIAL SUPPORT.—The Secretary shall
12 seek opportunities to support the transportation planning
13 processes under sections 134 and 135 of title 23, United
14 States Code, through the provision of data to States and
15 metropolitan planning organizations to improve the qual-
16 ity of transportation plans, models, and demand forecasts.

17 **Subtitle E—Federal Lands, Tribes,**
18 **and Territories**

19 **SEC. 1501. TERRITORIAL AND PUERTO RICO HIGHWAY PRO-**
20 **GRAM.**

21 Section 165 of title 23, United States Code, is
22 amended—

23 (1) in subsection (a)—

1 (A) in paragraph (1) by striking
2 “\$158,000,000” and inserting “\$210,000,000”;
3 and

4 (B) in paragraph (2) by striking
5 “\$42,000,000” and inserting “\$100,000,000”;

6 (2) in subsection (e)(6)(A)(iii) by striking “in
7 accordance with subsections (b) and (c) of section
8 129” and inserting “including such boats, facilities,
9 and approaches that are privately or majority-privately
10 owned, provided that such boats, facilities,
11 and approaches provide a substantial public benefit”;
12 and

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

14 “(d) PARTICIPATION OF TERRITORIES IN DISCRE-
15 TIONARY PROGRAMS.—For any program in which the Sec-
16 retary may allocate funds out of the Highway Trust Fund
17 (other than the Mass Transit Account) to a State at the
18 discretion of the Secretary, the Secretary may allocate
19 funds to one or more territory for any project or activity
20 that otherwise would be eligible under such program if
21 such project or activity was being carried out in a State.”.

22 **SEC. 1502. TRIBAL TRANSPORTATION PROGRAM.**

23 Section 202 of title 23, United States Code, is
24 amended—

25 (1) in subsection (d)—

1 (A) in paragraph (1) by striking “improv-
2 ing deficient” and inserting “the construction
3 and reconstruction of”;

4 (B) in paragraph (2)—

5 (i) in subparagraph (A) by inserting
6 “construct,” after “project to”; and

7 (ii) in subparagraph (B)—

8 (I) by striking “deficient”; and

9 (II) by inserting “in poor condi-
10 tion” after “facility bridges”; and

11 (C) in paragraph (3)—

12 (i) in the heading by striking “ELIGI-
13 BLE BRIDGES” and inserting “ELIGIBILITY
14 FOR EXISTING BRIDGES”;

15 (ii) by striking “a bridge” and insert-
16 ing “an existing bridge”; and

17 (iii) in subparagraph (C) by striking
18 “structurally deficient or functionally obso-
19 lete” and inserting “in poor condition”;
20 and

21 (2) in subsection (e) by striking “for eligible
22 projects described in section 148(a)(4).” and insert-
23 ing the following: “for—

24 “(A) eligible projects described in section
25 148(a)(4);

1 “(B) projects to promote public awareness
2 and education concerning highway safety mat-
3 ters (including bicycle, all-terrain, motorecyclist,
4 and pedestrian safety); or
5 “(C) projects to enforce highway safety
6 laws.”.

7 **SEC. 1503. TRIBAL HIGH PRIORITY PROJECTS PROGRAM.**

8 (a) TRIBAL TRANSPORTATION PROGRAM.—Section
9 202 of title 23, United States Code, is amended—

10 (1) by redesignating subsection (f) as sub-
11 section (g); and

12 (2) by inserting after subsection (e) the fol-
13 lowing:

14 “(f) TRIBAL HIGH PRIORITY PROJECTS PROGRAM.—
15 Before making any distribution under subsection (b), the
16 Secretary shall set aside \$50,000,000 from the funds
17 made available under the tribal transportation program
18 for each fiscal year to carry out the Tribal High Priority
19 Projects program under section 1123 of MAP–21 (23
20 U.S.C. 202 note).”.

21 (b) TRIBAL HIGH PRIORITY PROJECTS PROGRAM.—
22 Section 1123 of MAP–21 (23 U.S.C. 202 note) is amend-
23 ed—

1 (1) in subsection (a)(1)(C) by striking “re-
2 quired by that section” and inserting “required
3 under such program”;

4 (2) in subsection (b)(1) by striking “use
5 amounts made available under subsection (h) to”;

6 (3) in subsection (d)—

7 (A) in paragraph (2) by inserting “, in
8 consultation with the Secretary of the Interior,”
9 after “The Secretary”; and

10 (B) in paragraph (3) by striking “of the
11 Interior” each place it appears;

12 (4) in subsection (f) by striking “\$1,000,000”
13 and inserting “\$5,000,000”;

14 (5) in subsection (g) by striking “and the Sec-
15 retary” and inserting “or the Secretary”; and

16 (6) by striking subsection (h) and inserting the
17 following:

18 “(h) ADMINISTRATION.—The funds made available to
19 carry out this section shall be administered in the same
20 manner as funds made available for the Tribal transpor-
21 tation program under section 202 of title 23, United
22 States Code.”.

23 **SEC. 1504. FEDERAL LANDS TRANSPORTATION PROGRAM.**

24 Section 203(a) of title 23, United States Code, is
25 amended by adding at the end the following:

1 “(6) TRANSFER FOR HIGH-COMMUTER COR-
2 RIDORS.—

3 “(A) REQUEST.—If the head of a covered
4 agency determines that a high-commuter cor-
5 ridor requires additional investment, based on
6 the criteria described in subparagraph (D), the
7 head of a covered agency, with respect to such
8 corridor, shall submit to the State—

9 “(i) information on condition of pave-
10 ments and bridges;

11 “(ii) an estimate of the amounts need-
12 ed to bring such corridor into a state of
13 good repair, taking into consideration any
14 planned future investments; and

15 “(iii) at the discretion of the head of
16 a covered agency, a request that the State
17 transfer to the covered agency, under the
18 authority of section 132 or section 204, or
19 to the Federal Highway Administration,
20 under the authority of section 104, a por-
21 tion of such amounts necessary to address
22 the condition of the corridor.

23 “(B) STATE RESPONSE.—Not later than
24 45 days after the date of receipt of the request

1 described in subparagraph (A)(iii), the State
2 shall—

3 “(i) approve the request;

4 “(ii) deny the request and explain the
5 reasons for such denial; or

6 “(iii) request any additional informa-
7 tion necessary to take action on the re-
8 quest.

9 “(C) NOTIFICATION TO THE SEC-
10 RETARY.—The head of a covered agency shall
11 provide to the Secretary a copy of any request
12 described under subparagraph (A)(iii) and re-
13 sponse described under subparagraph (B).

14 “(D) CRITERIA.—In making a determina-
15 tion under subparagraph (A), the head of a cov-
16 ered agency, with respect to the corridor, shall
17 consider—

18 “(i) the condition of roads, bridges,
19 and tunnels; and

20 “(ii) the average annual daily traffic.

21 “(E) DEFINITIONS.—In this paragraph:

22 “(i) COVERED AGENCY.—The term
23 ‘covered agency’ means a Federal agency
24 eligible to receive funds under this section
25 or section, section 203, or section 204.

1 “(ii) HIGH-COMMUTER CORRIDOR.—
2 The term ‘high-commuter corridor’ means
3 a Federal lands transportation facility that
4 has average annual daily traffic of not less
5 than 20,000 vehicles.”.

6 **SEC. 1505. FEDERAL LANDS AND TRIBAL MAJOR PROJECTS**
7 **PROGRAM.**

8 (a) IN GENERAL.—Chapter 2 of title 23, United
9 States Code, is amended by inserting after section 207 the
10 following:

11 **“§ 208. Federal lands and Tribal major projects pro-**
12 **gram**

13 “(a) ESTABLISHMENT.—The Secretary shall estab-
14 lish a Federal lands and Tribal major projects program
15 (referred to in this section as the ‘program’) to provide
16 funding to construct, reconstruct, or rehabilitate critical
17 Federal lands and Tribal transportation infrastructure.

18 “(b) ELIGIBLE APPLICANTS.—

19 “(1) IN GENERAL.—Except as provided in para-
20 graph (2), entities eligible to receive funds under
21 sections 201, 202, 203, and 204 may apply for fund-
22 ing under the program.

23 “(2) SPECIAL RULE.—A State, county, or unit
24 of local government may only apply for funding

1 under the program if sponsored by an eligible Fed-
2 eral land management agency or Indian Tribe.

3 “(c) ELIGIBLE PROJECTS.—An eligible project under
4 the program shall be on a Federal lands transportation
5 facility, a Federal lands access transportation facility, or
6 a tribal transportation facility, except that such facility is
7 not required to be included in an inventory described in
8 section 202 or 203, and for which—

9 “(1) the project—

10 “(A) has completed the activities required
11 under the National Environmental Policy Act of
12 1969 (42 U.S.C. 4321 et seq.) which has been
13 demonstrated through—

14 “(i) a record of decision with respect
15 to the project;

16 “(ii) a finding that the project has no
17 significant impact; or

18 “(iii) a determination that the project
19 is categorically excluded; or

20 “(B) is reasonably expected to begin con-
21 struction not later than 18 months after the
22 date of obligation of funds for the project; and

23 “(2) the project has an estimated cost equal to
24 or exceeding—

1 “(A) \$12,500,000 if it is on a Federal
2 lands transportation facility or a Federal lands
3 access transportation facility; and

4 “(B) \$5,000,000 if it is on a Tribal trans-
5 portation facility.

6 “(d) ELIGIBLE ACTIVITIES.—Grant amounts re-
7 ceived for a project under this section may be used for—

8 “(1) development phase activities, including
9 planning, feasibility analysis, revenue forecasting,
10 environmental review, preliminary engineering and
11 design work, and other preconstruction activities;
12 and

13 “(2) construction, reconstruction, and rehabili-
14 tation activities.

15 “(e) APPLICATIONS.—Eligible applicants shall submit
16 to the Secretary an application at such time, in such form,
17 and containing such information as the Secretary may re-
18 quire.

19 “(f) PROJECT REQUIREMENTS.—The Secretary may
20 select a project to receive funds under the program only
21 if the Secretary determines that the project—

22 “(1) improves the condition of critical transpor-
23 tation facilities, including multimodal facilities;

1 “(2) cannot be easily and efficiently completed
2 with amounts made available under section 202,
3 203, or 204; and

4 “(3) is cost effective.

5 “(g) MERIT CRITERIA.—In making a grant under
6 this section, the Secretary shall consider whether the
7 project—

8 “(1) will generate state of good repair, resil-
9 ience, economic competitiveness, quality of life, mo-
10 bility, or safety benefits;

11 “(2) in the case of a project on a Federal lands
12 transportation facility or a Federal lands access
13 transportation facility, has costs matched by funds
14 that are not provided under this section or this title;
15 and

16 “(3) generates benefits for land owned by mul-
17 tiple Federal land management agencies or Indian
18 Tribes, or which spans multiple States.

19 “(h) EVALUATION AND RATING.—To evaluate appli-
20 cations, the Secretary shall—

21 “(1) determine whether a project meets the re-
22 quirements under subsection (f);

23 “(2) evaluate, through a discernable and trans-
24 parent methodology, how each application addresses

1 one or more merit criteria established under sub-
2 section (g);

3 “(3) assign a rating for each merit criteria for
4 each application; and

5 “(4) consider applications only on the basis of
6 such quality ratings and which meet the minimally
7 acceptable level for each of the merit criteria.

8 “(i) COST SHARE.—

9 “(1) FEDERAL LANDS PROJECTS.—

10 “(A) IN GENERAL.—Notwithstanding sec-
11 tion 120, the Federal share of the cost of a
12 project on a Federal lands transportation facil-
13 ity or a Federal lands access transportation fa-
14 cility shall be up to 90 percent.

15 “(B) NON-FEDERAL SHARE.—Notwith-
16 standing any other provision of law, any Fed-
17 eral funds may be used to pay the non-Federal
18 share of the cost of a project carried out under
19 this section.

20 “(2) TRIBAL PROJECTS.—The Federal share of
21 the cost of a project on a Tribal transportation facil-
22 ity shall be 100 percent.

23 “(j) USE OF FUNDS.—For each fiscal year, of the
24 amounts made available to carry out this section, not more
25 than 50 percent shall be used for eligible projects on Fed-

1 eral lands transportation facilities or Federal lands access
2 transportation facilities and Tribal transportation facili-
3 ties, respectively.”.

4 (b) CLERICAL AMENDMENT.—The analysis for chap-
5 ter 2 of title 23, United States Code, is amended by insert-
6 ing after the item relating to section 207 the following
7 new item:

“208. Federal lands and Tribal major projects program.”.

8 (c) REPEAL.—Section 1123 of the FAST Act (23
9 U.S.C. 201 note), and the item related to such section in
10 the table of contents under section 1(b) of such Act, are
11 repealed.

12 **SEC. 1506. OFFICE OF TRIBAL GOVERNMENT AFFAIRS.**

13 Section 102 of title 49, United States Code, is
14 amended—

15 (1) in subsection (e)(1)—

16 (A) by striking “6 Assistant” and inserting
17 “7 Assistant”;

18 (B) in subparagraph (C) by striking “;
19 and” and inserting a semicolon;

20 (C) by redesignating subparagraph (D) as
21 subparagraph (E); and

22 (D) by inserting after subparagraph (C)
23 the following:

1 “(D) an Assistant Secretary for Tribal
2 Government Affairs, who shall be appointed by
3 the President; and”;

4 (2) in subsection (f)—

5 (A) in the heading by striking “DEPUTY
6 ASSISTANT SECRETARY FOR TRIBAL GOVERN-
7 MENT AFFAIRS” and inserting “OFFICE OF
8 TRIBAL GOVERNMENT AFFAIRS”; and

9 (B) by striking paragraph (1) and insert-
10 ing the following:

11 “(1) ESTABLISHMENT.—There is established in
12 the Department an Office of Tribal Government Af-
13 fairs, under the Assistant Secretary for Tribal Gov-
14 ernment Affairs, to—

15 “(A) oversee the Tribal transportation self-
16 governance program under section 207 of title
17 23;

18 “(B) plan, coordinate, and implement poli-
19 cies and programs serving Indian Tribes and
20 Tribal organizations;

21 “(C) coordinate Tribal transportation pro-
22 grams and activities in all offices and adminis-
23 trations of the Department;

24 “(D) provide technical assistance to Indian
25 Tribes and Tribal organizations; and

1 “(E) be a participant in any negotiated
2 rulemakings relating to, or having an impact
3 on, projects, programs, or funding associated
4 with the Tribal transportation program under
5 section 202 of title 23.”.

6 **SEC. 1507. ALTERNATIVE CONTRACTING METHODS.**

7 (a) LAND MANAGEMENT AGENCIES AND TRIBAL
8 GOVERNMENTS.—Section 201 of title 23, United States
9 Code, is amended by adding at the end the following:

10 “(f) ALTERNATIVE CONTRACTING METHODS.—

11 “(1) IN GENERAL.—Notwithstanding any other
12 provision of law, the Secretary may use a con-
13 tracting method available to a State under this title
14 on behalf of—

15 “(A) a Federal land management agency,
16 with respect to any funds available pursuant to
17 section 203 or 204;

18 “(B) a Federal land management agency,
19 with respect to any funds available pursuant to
20 section 1535 of title 31 for any eligible use de-
21 scribed in sections 203(a)(1) and 204(a)(1) of
22 this title; or

23 “(C) a Tribal Government, with respect to
24 any funds available pursuant to section
25 202(b)(7)(D).

1 “(2) METHODS DESCRIBED.—The contracting
2 methods referred to in paragraph (1) shall include,
3 at a minimum—

4 “(A) project bundling;

5 “(B) bridge bundling;

6 “(C) design-build contracting;

7 “(D) 2-phase contracting;

8 “(E) long-term concession agreements; and

9 “(F) any method tested, or that could be
10 tested, under an experimental program relating
11 to contracting methods carried out by the Sec-
12 retary.

13 “(3) RULE OF CONSTRUCTION.—Nothing in
14 this subsection—

15 “(A) affects the application of the Federal
16 share for a project carried out with a con-
17 tracting method under this subsection; or

18 “(B) modifies the point of obligation of
19 Federal salaries and expenses.”.

20 (b) USE OF ALTERNATIVE CONTRACTING METH-
21 OD.—In carrying out the amendments made by this sec-
22 tion, the Secretary shall—

23 (1) in consultation with the applicable Federal
24 land management agencies, establish procedures that
25 are—

1 (A) applicable to each alternative con-
2 tracting method; and

3 (B) to the maximum extent practicable,
4 consistent with requirements for Federal pro-
5 curement transactions;

6 (2) solicit input on the use of each alternative
7 contracting method from any affected industry prior
8 to using such method; and

9 (3) analyze and prepare an evaluation of the
10 use of each alternative contracting method.

11 **SEC. 1508. DIVESTITURE OF FEDERALLY OWNED BRIDGES.**

12 (a) IN GENERAL.—The Commissioner of the Bureau
13 of Reclamation may transfer ownership of a bridge that
14 is owned by the Bureau of Reclamation if—

15 (1) the ownership of the bridge is transferred to
16 a State with the concurrence of such State;

17 (2) the State to which ownership is transferred
18 agrees to operate and maintain the bridge;

19 (3) the transfer of ownership complies with all
20 applicable Federal requirements, including—

21 (A) section 138 of title 23, United States
22 Code;

23 (B) section 306108 of title 54, United
24 States Code; and

1 (C) the National Environmental Policy Act
2 of 1969 (42 U.S.C. 4321 et seq.); and

3 (4) the Bureau of Reclamation and the State to
4 which ownership is being transferred jointly notify
5 the Secretary of Transportation of the intent to con-
6 duct a transfer prior to such transfer.

7 (b) ACCESS.—In a transfer of ownership of a bridge
8 under this section, the Commissioner of the Bureau of
9 Reclamation—

10 (1) shall not be required to transfer ownership
11 of the land on which the bridge is located or any ad-
12 jacent lands; and

13 (2) shall make arrangements with the State to
14 which ownership is being transferred to allow for
15 adequate access to such bridge, including for the
16 purposes of construction, maintenance, and bridge
17 inspections pursuant to section 144 of title 23,
18 United States Code.

19 **Subtitle F—Additional Provisions**

20 **SEC. 1601. VISION ZERO.**

21 (a) IN GENERAL.—A local government, metropolitan
22 planning organization, or regional transportation planning
23 organization may develop and implement a vision zero
24 plan to significantly reduce or eliminate transportation-re-

1 lated fatalities and serious injuries within a specified time-
2 frame, not to exceed 20 years.

3 (b) USE OF FUNDS.—Amounts apportioned to a
4 State under paragraph (2) or (3) of section 104(b) of title
5 23, United States Code, may be used to carry out a vision
6 zero plan under this section.

7 (c) CONTENTS OF PLAN.—A vision zero plan under
8 this section shall include—

9 (1) a description of programs, strategies, or
10 policies intended to significantly reduce or eliminate
11 transportation-related fatalities and serious injuries
12 within a specified timeframe, not to exceed 20 years,
13 that is consistent with a State strategic highway
14 safety plan and uses existing transportation data
15 and consideration of risk factors;

16 (2) plans for implementation of, education of
17 the public about, and enforcement of such programs,
18 strategies, or policies;

19 (3) a description of how such programs, strate-
20 gies, or policies, and the enforcement of such pro-
21 grams, strategies, or policies will—

22 (A) equitably invest in the safety needs of
23 low-income and minority communities;

1 (B) ensure that such communities are not
2 disproportionately targeted by law enforcement;
3 and

4 (C) protect the rights of members of such
5 communities with respect to title VI of the Civil
6 Rights Act of 1964 (42 U.S.C. 2000d et seq.);
7 and

8 (4) a description of a mechanism to evaluate
9 progress of the development and implementation of
10 the plan, including the gathering and use of trans-
11 portation safety and demographic data.

12 (d) INCLUSIONS.—A vision zero plan may include a
13 complete streets prioritization plan that identifies a spe-
14 cific list of projects to—

15 (1) create a connected network of active trans-
16 portation facilities, including sidewalks, bikeways, or
17 pedestrian and bicycle trails, to connect communities
18 and provide safe, reliable, affordable, and convenient
19 access to employment, housing, and services, con-
20 sistent with the goals described in section 150(b) of
21 title 23, United States Code;

22 (2) integrate active transportation facilities with
23 public transportation service or improve access to
24 public transportation; and

1 (3) improve transportation options for low-in-
2 come and minority communities.

3 (e) COORDINATION.—A vision zero plan under this
4 section shall provide for coordination of various subdivi-
5 sions of a unit of local government in the implementation
6 of the plan, including subdivisions responsible for law en-
7 forcement, public health, data collection, and public works.

8 (f) SAFETY PERFORMANCE MANAGEMENT.—A vision
9 zero plan under this section is not sufficient to dem-
10 onstrate compliance with the safety performance or plan-
11 ning requirements of section 148 or 150 of title 23, United
12 States Code.

13 **SEC. 1602. SPEED LIMITS.**

14 (a) SPEED LIMITS.—The Secretary of Transpor-
15 tation shall revise the Manual on Uniform Traffic Control
16 Devices to provide for a safe system approach to setting
17 speed limits, consistent with the safety recommendations
18 issued by the National Transportation Safety Board on
19 August 15, 2017, numbered H–17–27 and H–17–028.

20 (b) CONSIDERATIONS.—In carrying out subpara-
21 graph (A), the Secretary shall consider—

- 22 (1) crash statistics;
- 23 (2) road geometry characteristics;
- 24 (3) roadside characteristics;
- 25 (4) traffic volume;

1 (5) the possibility and likelihood of human
2 error;

3 (6) human injury tolerance;

4 (7) the prevalence of vulnerable road users; and

5 (8) any other consideration, consistent with a
6 safe system approach, as determined by the Sec-
7 retary.

8 (c) **REPORT ON SPEED MANAGEMENT PROGRAM**
9 **PLAN.**—Not later than 1 year after the date of enactment
10 of this Act, the Secretary shall update and report on the
11 implementation progress of the Speed Management Pro-
12 gram Plan of the Department of Transportation, as de-
13 scribed in the safety recommendation issued by the Na-
14 tional Transportation Safety Board on August 15, 2017,
15 numbered H–17–018.

16 (d) **DEFINITIONS.**—In this section, the terms “safe
17 system approach” and “vulnerable road user” have the
18 meanings given such terms in section 148(a) of title 23,
19 United States Code.

20 **SEC. 1603. BROADBAND INFRASTRUCTURE DEPLOYMENT.**

21 (a) **DEFINITIONS.**—In this section:

22 (1) **APPROPRIATE STATE AGENCY.**—The term
23 “appropriate State agency” means a State govern-
24 mental agency that is recognized by the executive
25 branch of the State as having the experience nec-

1 essary to evaluate and facilitate the installation and
2 operation of broadband infrastructure within the
3 State.

4 (2) BROADBAND.—The term “broadband” has
5 the meaning given the term “advanced telecommuni-
6 cations capability” in section 706 of the Tele-
7 communications Act of 1996 (47 U.S.C. 1302).

8 (3) BROADBAND CONDUIT.—The term
9 “broadband conduit” means a conduit or innerduct
10 for fiber optic cables (or successor technology of
11 greater quality and speed) that supports the provi-
12 sion of broadband.

13 (4) BROADBAND INFRASTRUCTURE.—The term
14 “broadband infrastructure” means any buried or un-
15 derground facility and any wireless or wireline con-
16 nection that enables the provision of broadband.

17 (5) BROADBAND PROVIDER.—The term
18 “broadband provider” means an entity that provides
19 broadband to any person or facilitates provision of
20 broadband to any person, including, with respect to
21 such entity—

22 (A) a corporation, company, association,
23 firm, partnership, nonprofit organization, or
24 any other private entity;

25 (B) a State or local broadband provider;

1 (C) an Indian Tribe; and

2 (D) a partnership between any of the enti-
3 ties described in subparagraphs (A), (B), and
4 (C).

5 (6) COVERED HIGHWAY CONSTRUCTION
6 PROJECT.—

7 (A) IN GENERAL.—The term “covered
8 highway construction project” means a project
9 to construct a new highway or an additional
10 lane for an existing highway, to reconstruct an
11 existing highway, or new construction, including
12 for a paved shoulder.

13 (B) EXCLUSIONS.—The term “covered
14 highway construction project” excludes any
15 project—

16 (i) awarded before the date on which
17 regulations required under subsection (b)
18 take effect;

19 (ii) that does not include work beyond
20 the edge of pavement or current paved
21 shoulder; and

22 (iii) that does not require excavation.

23 (7) DIG ONCE REQUIREMENT.—The term “dig
24 once requirement” means a requirement designed to
25 reduce the cost and accelerate the deployment of ac-

1 cess to broadband by minimizing the number and
2 scale of repeated excavations for the installation and
3 maintenance of broadband conduit or broadband in-
4 frastructure in rights-of-way.

5 (8) INDIAN TRIBE.—The term “Indian Tribe”
6 has the meaning given such term in section 4(e) of
7 the Indian Self-Determination and Education Assist-
8 ance Act (25 U.S.C. 5304(e)).

9 (9) NTLA ADMINISTRATOR.—The term “NTLA
10 Administrator” means the Assistant Secretary of
11 Commerce for Communications and Information.

12 (10) SECRETARY.—The term “Secretary”
13 means the Secretary of Transportation.

14 (11) STATE.—The term “State” has the mean-
15 ing given such term in section 101 of title 23,
16 United States Code.

17 (12) STATE OR LOCAL BROADBAND PRO-
18 VIDER.—The term “State or local broadband pro-
19 vider” means a State or political subdivision thereof,
20 or any agency, authority, or instrumentality of a
21 State or political subdivision thereof, that provides
22 broadband to any person or facilitates the provision
23 of broadband to any person in that State.

24 (13) TRIBAL GOVERNMENT.—The term “Tribal
25 government” means the recognized governing body

1 of an Indian Tribe or any agency, authority, or in-
2 strumentality of such governing body or such Indian
3 Tribe.

4 (b) DIG ONCE REQUIREMENT.—To facilitate the in-
5 stallation of broadband infrastructure, the Secretary shall,
6 not later than 9 months after the date of enactment of
7 this Act, promulgate regulations to ensure that each State
8 that receives funds under chapter 1 of title 23, United
9 States Code, meets the following requirements:

10 (1) BROADBAND PLANNING.—The State depart-
11 ment of transportation, in consultation with appro-
12 priate State agencies, shall—

13 (A) identify a broadband coordinator, who
14 may have additional responsibilities in the State
15 department of transportation or in another
16 State agency, that is responsible for facilitating
17 the broadband infrastructure right-of-way ef-
18 forts within the State; and

19 (B) review existing State broadband plans,
20 including existing dig once requirements of the
21 State, municipal governments incorporated
22 under State law, and Tribal governments within
23 the State, to determine opportunities to coordi-
24 nate projects occurring within or across high-

1 way rights-of-way with planned broadband in-
2 frastructure projects.

3 (2) NOTICE OF PLANNED CONSTRUCTION FOR
4 BROADBAND PROVIDERS.—The State department of
5 transportation, in consultation with appropriate
6 State agencies, shall establish a process—

7 (A) for the registration of broadband pro-
8 viders that seek to be included in the advance
9 notification of, and opportunity to participate
10 in, broadband infrastructure right-of-way facili-
11 tation efforts within the State;

12 (B) to electronically notify all broadband
13 providers registered under subparagraph (A)—

14 (i) of the State transportation im-
15 provement program on an annual basis;

16 (ii) of projects within the highway
17 right-of-way for which Federal funding is
18 expected to be obligated in the subsequent
19 fiscal year; and

20 (iii) any opportunities for coordination
21 identified by the State under paragraph
22 (1)(B); and

23 (C) for a broadband provider to commit to
24 installing broadband conduit or broadband in-

1 frastructure as part of any project identified
2 under subparagraph (B).

3 (3) REQUIRED INSTALLATION OF CONDUIT.—

4 (A) IN GENERAL.—The State department
5 of transportation shall install broadband con-
6 duit, in accordance with this paragraph, except
7 as described in subparagraph (F), as part of
8 any covered highway construction project, un-
9 less a broadband provider has committed to in-
10 stall broadband conduit or broadband infra-
11 structure as part of such project in a process
12 described under paragraph (2)(C).

13 (B) INSTALLATION REQUIREMENTS.—The
14 State department of transportation shall ensure
15 that—

16 (i) an appropriate number of
17 broadband conduits, as determined in con-
18 sultation with the appropriate State agen-
19 cies, are installed along the highway of a
20 covered highway construction project to ac-
21 commodate multiple broadband providers,
22 with consideration given to the availability
23 of existing conduits;

24 (ii) the size of each such conduit is
25 consistent with industry best practices and

1 is sufficient to accommodate potential de-
2 mand, as determined in consultation with
3 the appropriate State agencies;

4 (iii) hand holes and manholes nec-
5 essary for fiber access and pulling with re-
6 spect to such conduit are placed at inter-
7 vals consistent with standards determined
8 in consultation with the appropriate State
9 agencies (which may differ by type of road,
10 topologies, and rurality) and consistent
11 with safety requirements;

12 (iv) each broadband conduit installed
13 pursuant to this paragraph includes a pull
14 tape and is capable of supporting fiber
15 optic cable placement techniques consistent
16 with best practices; and

17 (v) is placed at a depth consistent
18 with requirements of the covered highway
19 construction project and best practices and
20 that, in determining the depth of place-
21 ment, consideration is given to the location
22 of existing utilities and cable separation re-
23 quirements of State and local electrical
24 codes.

1 (C) GUIDANCE FOR THE INSTALLATION OF
2 BROADBAND CONDUIT.—The Secretary, in con-
3 sultation with the NTIA Administrator, shall
4 issue guidance for best practices related to the
5 installation of broadband conduit as described
6 in this paragraph.

7 (D) ACCESS.—

8 (i) IN GENERAL.—The State depart-
9 ment of transportation shall ensure that
10 any requesting broadband provider has ac-
11 cess to each broadband conduit installed
12 pursuant to this paragraph, on a competi-
13 tively neutral and nondiscriminatory basis,
14 and in accordance with State permitting,
15 licensing, leasing, or other similar laws and
16 regulations, for a charge not to exceed an
17 incremental cost-based rate, including the
18 cost of installation and on-going mainte-
19 nance of the broadband fiber optic cables,
20 as determined by the State department of
21 transportation, to the extent that such
22 charge is in accordance with relevant Fed-
23 eral and State law.

24 (ii) IN-KIND COMPENSATION.—The
25 State department of transportation may

1 negotiate in-kind compensation with any
2 broadband provider requesting access to
3 broadband conduit installed under the pro-
4 visions of this paragraph as a replacement
5 for part or all of, but not to exceed, the
6 charge described in clause (i).

7 (iii) SAFETY CONSIDERATIONS.—The
8 State department of transportation shall
9 require of broadband providers a process
10 for safe access to the highway right-of-way
11 during installation and on-going mainte-
12 nance of the broadband fiber optic cables
13 including a traffic control safety plan.

14 (iv) COMMUNICATION.—A broadband
15 provider with access to the conduit in-
16 stalled pursuant to this subsection shall
17 notify and receive permission from the rel-
18 evant agencies of State responsible for the
19 installation of such broadband conduit
20 prior to accessing any highway or highway
21 right-of-way.

22 (E) TREATMENT OF PROJECTS.—Notwith-
23 standing any other provision of law, broadband
24 conduit installation projects under this para-

1 graph shall comply with section 113(a) of title
2 23, United States Code.

3 (F) WAIVER AUTHORITY.—

4 (i) IN GENERAL.—A State department
5 of transportation may waive the required
6 installation of broadband conduit for any
7 covered highway construction project under
8 this paragraph if, in the determination of
9 the State—

10 (I) broadband infrastructure or
11 broadband conduit is present near a
12 majority of the length of the covered
13 highway construction project;

14 (II) the installation of conduit
15 significantly increases overall costs of
16 a covered highway construction
17 project;

18 (III) the installation of
19 broadband conduit associated with
20 covered highway construction project
21 will not be utilized or connected to fu-
22 ture broadband infrastructure in the
23 next 20 years, in the determination of
24 the State department of transpor-

1 tation, in consultation with appro-
2 priate State agencies;

3 (IV) any relevant portion of a
4 covered highway construction project,
5 the requirements of this paragraph
6 would require installation of conduit
7 redundant with a dig once require-
8 ment of a local or Tribal government;
9 or

10 (V) other relevant factors, as de-
11 termined by the Secretary in consulta-
12 tion with the NTIA Administrator
13 through regulation warrant a waiver.

14 (ii) CONTENTS OF WAIVER.—A waiver
15 authorized under this subparagraph
16 shall—

17 (I) identify the covered highway
18 construction project; and

19 (II) include a brief description of
20 the determination of the State for
21 issuing such waiver.

22 (iii) AVAILABILITY OF WAIVER.—A
23 waiver authorized under this subparagraph
24 shall be included in the plans, specifica-
25 tions, and estimates for the associated

1 project, as long as such info is publicly
2 available.

3 (4) PRIORITY.—If a State provides for the in-
4 stallation of broadband infrastructure in the right-
5 of-way of an applicable Federal-aid highway project
6 under this subsection, the State department of
7 transportation, along with appropriate State agen-
8 cies, shall carry out appropriate measures to ensure
9 that any existing broadband providers are afforded
10 equal opportunity access, as compared to other
11 broadband providers, with respect to the program
12 under this subsection.

13 (5) CONSULTATION.—In promulgating regula-
14 tions required by this subsection or to implement
15 any part of this section, the Secretary shall con-
16 sult—

17 (A) the NTIA Administrator;

18 (B) the Federal Communications Commis-
19 sion;

20 (C) State departments of transportation;

21 (D) appropriate State agencies;

22 (E) agencies of local governments respon-
23 sible for transportation and rights-of-way, utili-
24 ties, and telecommunications and broadband;

25 (F) Tribal governments;

1 (G) broadband providers; and

2 (H) manufacturers of optical fiber, con-
3 duit, pull tape, and related items.

4 (6) PROHIBITION ON UNFUNDED MANDATE.—

5 (A) IN GENERAL.—This subsection shall
6 apply only to activities for which Federal obli-
7 gations or expenditures are initially approved
8 on or after the date regulations required under
9 this subsection take effect.

10 (B) NO MANDATE.—Absent an available
11 and dedicated Federal source of funding—

12 (i) nothing in this subsection estab-
13 lishes a mandate or requirement that a
14 State install broadband conduit in a high-
15 way right-of-way; and

16 (ii) nothing in paragraph (3) shall es-
17 tablish any requirement for a State.

18 (7) RULES OF CONSTRUCTION.—

19 (A) STATE LAW.—Nothing in this sub-
20 section shall be construed to require a State to
21 install or allow the installation of broadband
22 conduit or broadband infrastructure—

23 (i) that is otherwise inconsistent with
24 what is allowable under State law; or

1 (ii) where the State lacks the author-
2 ity or property easement necessary for
3 such installation.

4 (B) NO REQUIREMENT FOR INSTALLATION
5 OF MOBILE SERVICES EQUIPMENT.—Nothing in
6 this section shall be construed to require a
7 State, a municipal government incorporated
8 under State law, or an Indian Tribe to install
9 or allow for the installation of equipment essen-
10 tial for the provision of commercial mobile serv-
11 ices (as defined in section 332(d) of the Com-
12 munications Act of 1934 (47 U.S.C. 332(d)))
13 or commercial mobile data service (as defined in
14 section 6001 of the Middle Class Tax Relief
15 and Job Creation Act of 2012 (47 U.S.C.
16 1401)), other than broadband conduit and asso-
17 ciated equipment described in paragraph
18 (3)(B).

19 (c) RELATION TO STATE DIG ONCE REQUIRE-
20 MENTS.—Nothing in this section or any regulations pro-
21 mulgated under this section shall be construed to alter or
22 supersede any provision of a State law or regulation that
23 provides for a dig once requirement that includes similar
24 or more stringent requirements to the provisions of this

1 section and any regulations promulgated under this sec-
2 tion.

3 (d) DIG ONCE FUNDING TASK FORCE.—

4 (1) ESTABLISHMENT.—There is established an
5 independent task force on funding the nationwide
6 dig once requirement described in this section to be
7 known as the “Dig Once Funding Task Force”
8 (hereinafter referred to as the “Task Force”).

9 (2) DUTIES.—The duties of the Task Force
10 shall be to—

11 (A) estimate the annual cost for a nation-
12 wide dig once requirement; and

13 (B) propose and evaluate options for fund-
14 ing a nationwide dig once requirement described
15 in this section that includes—

16 (i) a discussion of the role and poten-
17 tial share of costs of—

18 (I) the Federal Government;

19 (II) State, local, and Tribal gov-
20 ernments; and

21 (III) broadband providers; and

22 (ii) consideration of the role of exist-
23 ing dig once requirements of State, local,
24 and Tribal governments and private
25 broadband investment, with a goal to not

1 discourage or disincentivize such dig once
2 requirements or such investment.

3 (3) REPORTS.—

4 (A) INTERIM REPORT AND BRIEFING.—

5 Not later than 9 months after the date of en-
6 actment of this Act, the Task Force shall sub-
7 mit an interim report to Congress and provide
8 briefings for Congress on the findings of the
9 Task Force.

10 (B) FINAL REPORT.—Not later than 12
11 months after the date of enactment of this Act,
12 the Task Force shall submit a final report to
13 Congress on the findings of the Task Force.

14 (4) MEMBERS.—

15 (A) APPOINTMENTS.—The Task Force
16 shall consist of 14 members, consisting of—

17 (i) the 2 co-chairs described in sub-
18 paragraph (B); and

19 (ii) 6 members jointly appointed by
20 the Speaker and minority leader of the
21 House of Representatives, in consultation
22 with the respective Chairs and Ranking
23 Members of the—

1 (I) the Committee on Transpor-
2 tation and Infrastructure of the
3 House of Representatives;

4 (II) the Committee on Energy
5 and Commerce of the House of Rep-
6 resentatives; and

7 (III) the Committee on Appro-
8 priations of the House of Representa-
9 tives; and

10 (iii) 6 members jointly appointed by
11 the majority leader and minority leader of
12 the Senate, in consultation with the respec-
13 tive Chairs and Ranking Members of the—

14 (I) the Committee on Environ-
15 ment and Public Works of the Senate;

16 (II) the Committee on Com-
17 merce, Science, and Transportation of
18 the Senate; and

19 (III) the Committee on Appro-
20 priations of the Senate.

21 (B) CO-CHAIRS.—The Task Force shall be
22 co-chaired by the Secretary and the NTIA Ad-
23 ministrator, or their designees.

24 (C) COMPOSITION.—The Task Force shall
25 include at least—

1 (i) 1 representative from a State de-
2 partment of transportation;

3 (ii) 1 representative from a local gov-
4 ernment;

5 (iii) 1 representative from a Tribal
6 government;

7 (iv) 1 representative from a
8 broadband provider;

9 (v) 1 representative from a State or
10 local broadband provider; and

11 (vi) 1 representative from a public in-
12 terest organization.

13 (D) APPOINTMENT DEADLINE.—Members
14 shall be appointed to the Task Force not later
15 than 60 days after the date of enactment of
16 this Act.

17 (E) EFFECT OF LACK OF APPOINTMENT
18 BY APPOINTMENT DATE.—If 1 or more appoint-
19 ments required under subparagraph (A) is not
20 made by the appointment date specified in sub-
21 paragraph (D), the authority to make such ap-
22 pointment or appointments shall expire and the
23 number of members of the Task Force shall be
24 reduced by the number equal to the number of
25 appointments so expired.

1 (F) TERMS.—Members shall be appointed
2 for the life of the Task Force. A vacancy in the
3 Task Force shall not affect its powers and shall
4 be filled in the same manner as the initial ap-
5 pointment was made.

6 (5) CONSULTATIONS.—In carrying out the du-
7 ties required under this subsection, the Task Force
8 shall consult, at a minimum—

9 (A) the Federal Communications Commis-
10 sion;

11 (B) agencies of States including—

12 (i) State departments of transpor-
13 tation; and

14 (ii) appropriate State agencies;

15 (C) agencies of local governments respon-
16 sible for transportation and rights of way, utili-
17 ties, and telecommunications and broadband;

18 (D) Tribal governments;

19 (E) broadband providers and other tele-
20 communications providers; and

21 (F) State or local broadband providers and
22 Tribal governments that act as broadband pro-
23 viders.

24 (6) ADDITIONAL PROVISIONS.—

1 (A) EXPENSES FOR NON-FEDERAL MEM-
2 BERS.—Non-Federal members of the Task
3 Force shall be allowed travel expenses, includ-
4 ing per diem in lieu of subsistence, at rates au-
5 thorized for employees under subchapter I of
6 chapter 57 of title 5, United States Code, while
7 away from their homes or regular places of
8 business in the performance of services for the
9 Task Force.

10 (B) STAFF.—Staff of the Task Force shall
11 comprise detailees with relevant expertise from
12 the Department of Transportation and the Na-
13 tional Telecommunications and Information Ad-
14 ministration, or another Federal agency the co-
15 chairpersons consider appropriate, with the con-
16 sent of the head of the Federal agency, and
17 such detailee shall retain the rights, status, and
18 privileges of his or her regular employment
19 without interruption.

20 (C) ADMINISTRATIVE ASSISTANCE.—The
21 Secretary and NTIA Administrator shall pro-
22 vide to the Task Force on a reimbursable basis
23 administrative support and other services for
24 the performance of the functions of the Task
25 Force.

1 (7) TERMINATION.—The Task Force shall ter-
2 minate not later than 90 days after issuance of the
3 final report required under paragraph (3)(B).

4 **SEC. 1604. APPALACHIAN DEVELOPMENT HIGHWAY SYS-**
5 **TEM FUNDING FLEXIBILITY.**

6 (a) IN GENERAL.—Any funds made available to a
7 State for the Appalachian development highway system
8 program under subtitle IV of title 40, United States Code,
9 before the date of enactment of this Act may be used, at
10 the request of such State to the Secretary of Transpor-
11 tation, for the purposes described in section 133(b) of title
12 23, United States Code.

13 (b) LIMITATION.—The flexibility described in sub-
14 section (a) may only be used by an Appalachian Develop-
15 ment Highway System state if all of the Appalachian De-
16 velopment Highway System corridors authorized by sub-
17 title IV of title 40, United States Code, in the State, have
18 been fully completed and are open to traffic prior to the
19 State making a request to the Secretary as described in
20 subsection (a).

21 **SEC. 1605. STORMWATER BEST MANAGEMENT PRACTICES.**

22 (a) STUDY.—

23 (1) IN GENERAL.—Not later than 180 days
24 after the date of enactment of this Act, the Sec-
25 retary of Transportation and the Administrator shall

1 seek to enter into an agreement with the Transpor-
2 tation Research Board of the National Academy of
3 Sciences to under which the Transportation Re-
4 search Board shall conduct a study—

5 (A) to estimate pollutant loads from
6 stormwater runoff from highways and pedes-
7 trian facilities eligible for assistance under title
8 23, United States Code, to inform the develop-
9 ment of appropriate total maximum daily load
10 requirements;

11 (B) to provide recommendations (including
12 recommended revisions to existing laws and reg-
13 ulations) regarding the evaluation and selection
14 by State departments of transportation of po-
15 tential stormwater management and total max-
16 imum daily load compliance strategies within a
17 watershed, including environmental restoration
18 and pollution abatement carried out under sec-
19 tion 328 of title 23, United States Code;

20 (C) to examine the potential for the Sec-
21 retary to assist State departments of transpor-
22 tation in carrying out and communicating
23 stormwater management practices for highways
24 and pedestrian facilities that are eligible for as-
25 sistance under title 23, United States Code,

1 through information-sharing agreements, data-
2 base assistance, or an administrative platform
3 to provide the information described in sub-
4 paragraphs (A) and (B) to entities issued per-
5 mits under the Federal Water Pollution Control
6 Act (33 U.S.C. 1251 et seq.); and

7 (D) to examine the benefit of concen-
8 trating stormwater retrofits in impaired water-
9 sheds and selecting such retrofits according to
10 a process that depends on a watershed manage-
11 ment plan developed in accordance with section
12 319 of the Federal Water Pollution Control Act
13 (33 U.S.C. 1329).

14 (2) REQUIREMENTS.—In conducting the study
15 under the agreement entered into pursuant to para-
16 graph (1), the Transportation Research Board
17 shall—

18 (A) review and supplement, as appropriate,
19 the methodologies examined and recommended
20 in the 2019 report of the National Academies
21 of Sciences, Engineering, and Medicine titled
22 “Approaches for Determining and Complying
23 with TMDL Requirements Related to Roadway
24 Stormwater Runoff”;

25 (B) consult with—

- 1 (i) the Secretary of Transportation;
2 (ii) the Administrator;
3 (iii) the Secretary of the Army, acting
4 through the Chief of Engineers; and
5 (iv) State departments of Transpor-
6 tation; and
7 (C) solicit input from—
8 (i) stakeholders with experience in im-
9 plementing stormwater management prac-
10 tices for projects; and
11 (ii) educational and technical
12 stormwater management groups.

13 (3) REPORT.—In carrying out the agreement
14 entered into pursuant to paragraph (1), not later
15 than 18 months after the date of enactment of this
16 Act, the Transportation Research Board shall sub-
17 mit to the Secretary of Transportation, the Adminis-
18 trator, the Committee on Transportation and Infra-
19 structure of the House of Representatives, and the
20 Committee on Environment and Public Works of the
21 Senate a report describing the results of the study.

22 (b) STORMWATER BEST MANAGEMENT PRACTICES
23 REPORTS.—

24 (1) REISSUANCE.—Not later than 180 days
25 after the date of enactment of this Act, the Adminis-

1 trator shall update and reissue the best management
2 practices reports to reflect new information and ad-
3 vancements in stormwater management.

4 (2) UPDATES.—Not less frequently than once
5 every 5 years after the date on which the Secretary
6 reissues the best management practices reports
7 under paragraph (1), the Secretary shall update and
8 reissue the best management practices reports, un-
9 less the contents of the best management practices
10 reports have been incorporated (including by ref-
11 erence) into applicable regulations of the Secretary.

12 (c) DEFINITIONS.—In this section:

13 (1) ADMINISTRATOR.—The term “Adminis-
14 trator” means the Administrator of the Environ-
15 mental Protection Agency.

16 (2) BEST MANAGEMENT PRACTICES RE-
17 PORTS.—The term “best management practices re-
18 ports” means—

19 (A) the 2014 report sponsored by the De-
20 partment of Transportation titled “Determining
21 the State of the Practice in Data Collection and
22 Performance Measurement of Stormwater Best
23 Management Practices” (FHWA–HEP–16–
24 021); and

1 (B) the 2000 report sponsored by the De-
2 partment of Transportation titled “Stormwater
3 Best Management Practices in an Ultra-Urban
4 Setting: Selection and Monitoring”.

5 (3) TOTAL MAXIMUM DAILY LOAD.—The term
6 “total maximum daily load” has the meaning given
7 such term in section 130.2 of title 40, Code of Fed-
8 eral Regulations (or successor regulations).

9 **SEC. 1606. PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT-**
10 **OF-WAY.**

11 (a) IN GENERAL.—Not later than 180 days after the
12 date of enactment of this Act, the Architectural and
13 Transportation Barriers Compliance Board established
14 under section 502(a)(1) of the Rehabilitation Act of 1973
15 (29 U.S.C. 792), in consultation with the Secretary of
16 Transportation, shall establish accessibility guidelines set-
17 ting forth minimum standards for pedestrian facilities in
18 the public right-of-way.

19 (b) CONTENT OF GUIDANCE.—The guidelines de-
20 scribed in subsection (a) shall be substantially similar to,
21 and carried out under the same statutory authority as—

22 (1) the notice of proposed rulemaking published
23 on July 26, 2011, titled “Accessibility Guidelines for
24 Pedestrian Facilities in the Public Right-of-Way”
25 (76 Fed. Reg. 44664); and

1 (2) the supplemental notice of proposed rule-
2 making published on February 13, 2013, titled “Ac-
3 cessibility Guidelines for Pedestrian Facilities in the
4 Public Right-of-Way; Shared Use Paths” (78 Fed.
5 Reg. 10110).

6 (c) ADOPTION OF REGULATIONS.—Not later than
7 180 days after the establishment of the guidelines pursu-
8 ant to subsection (a), the Secretary shall issue such regu-
9 lations as are necessary to adopt such guidelines.

10 **SEC. 1607. HIGHWAY FORMULA MODERNIZATION REPORT.**

11 (a) HIGHWAY FORMULA MODERNIZATION STUDY.—

12 (1) IN GENERAL.—The Secretary of Transpor-
13 tation, in consultation with the State departments of
14 transportation and representatives of local govern-
15 ments (including metropolitan planning organiza-
16 tions), shall conduct a highway formula moderniza-
17 tion study to assess the method and data used to ap-
18 portion Federal-aid highway funds under subsections
19 (b) and (c) of section 104 of title 23, United States
20 Code, and issue recommendations on such method
21 and data.

22 (2) ASSESSMENT.—The highway formula mod-
23 ernization study required under paragraph (1) shall
24 include an assessment of, based on the latest avail-

1 able data, whether the apportionment method under
2 such section results in—

3 (A) an equitable distribution of funds
4 based on the estimated tax payments attrib-
5 utable to—

6 (i) highway users in the State that are
7 paid into the Highway Trust Fund; and

8 (ii) individuals in the State that are
9 paid to the Treasury, based on contribu-
10 tions to the Highway Trust Fund from the
11 general fund of the Treasury; and

12 (B) the achievement of the goals described
13 in section 101(b)(3) of title 23, United States
14 Code.

15 (3) CONSIDERATIONS.—In carrying out the as-
16 sessment under paragraph (2), the Secretary shall
17 consider the following:

18 (A) The factors described in sections
19 104(b), 104(f)(2), 104(h)(2), 130(f), and
20 144(e) of title 23, United States Code, as in ef-
21 fect on the date of enactment of SAFETEA-
22 LU (Public Law 109–59).

23 (B) The availability and accuracy of data
24 necessary to calculate formula apportionments

1 under the factors described in subparagraph
2 (A).

3 (C) The measures established under sec-
4 tion 150 of title 23, United States Code, and
5 whether such measures are appropriate for con-
6 sideration as formula apportionment factors.

7 (D) The results of the CMAQ formula
8 modernization study required under subsection
9 (b).

10 (E) Any other factors that the Secretary
11 determines are appropriate.

12 (4) RECOMMENDATIONS.—The Secretary shall,
13 in consultation with the State departments of trans-
14 portation and representatives of local governments
15 (including metropolitan planning organizations), de-
16 velop recommendations on a new apportionment
17 method, including—

18 (A) the factors recommended to be in-
19 cluded in such apportionment method;

20 (B) the weighting recommended to be ap-
21 plied to the factors under subparagraph (A);
22 and

23 (C) any other recommendations to ensure
24 that the apportionment method best achieves an
25 equitable distribution of funds described under

1 paragraph (2)(A) and the goals described in
2 paragraph (2)(B).

3 (b) CMAQ FORMULA MODERNIZATION STUDY.—

4 (1) IN GENERAL.—Not later than 1 year after
5 the date of enactment of this Act, the Secretary of
6 Transportation, in consultation with the Adminis-
7 trator of the Environmental Protection Agency, shall
8 conduct an CMAQ formula modernization study to
9 assess whether the apportionment method under sec-
10 tion 104(b)(4) of title 23, United States Code, re-
11 sults in a distribution of funds that best achieves the
12 air quality goals of section 149 of such title.

13 (2) CONSIDERATIONS.—In providing consulta-
14 tion under this subsection, the Administrator of the
15 Environmental Protection Agency shall provide to
16 the Secretary an analysis of—

17 (A) factors that contribute to the appor-
18 tionment, including population, types of pollut-
19 ants, and severity of pollutants, as such factors
20 were determined on the date prior to the date
21 of enactment of MAP-21;

22 (B) the weighting of the factors listed
23 under subparagraph (A); and

1 (C) the recency of the data used in making
2 the apportionment under section 104(b)(4) of
3 title 23, United States Code.

4 (3) RECOMMENDATIONS.—If, in conducting the
5 study under this subsection, the Secretary finds that
6 modifying the apportionment method under section
7 104(b)(4) of title 23, United States Code, would
8 best achieve the air quality goals of section 149 of
9 title 23, United States Code, the Secretary shall, in
10 consultation with the Administrator, include in such
11 study recommendations for a new apportionment
12 method, including—

13 (A) the factors recommended to be in-
14 cluded in such apportionment method;

15 (B) the weighting recommended to be ap-
16 plied to the factors under subparagraph (A);
17 and

18 (C) any other recommendations to ensure
19 that the apportionment method best achieves
20 the air quality goals section 149 of such title.

21 (c) REPORT.—No later than 2 years after the date
22 of enactment of this Act, the Secretary shall submit to
23 the Committee on Transportation and Infrastructure of
24 the House of Representatives and the Committee on Envi-
25 ronment and Public Works of the Senate a report con-

1 taining the results of the highway formula modernization
2 study and the CMAQ formula modification study.

3 **SEC. 1608. CONSOLIDATION OF PROGRAMS.**

4 Section 1519 of MAP-21 (Public Law 112-141) is
5 amended—

6 (1) in subsection (a)—

7 (A) by striking “fiscal years 2016 through
8 2020” and inserting “fiscal years 2022 through
9 2025”; and

10 (B) by striking “\$3,500,000” and insert-
11 ing “\$4,000,000”;

12 (2) by redesignating subsections (b) and (c) as
13 subsections (c) and (d), respectively; and

14 (3) by inserting after subsection (a) the fol-
15 lowing:

16 “(b) FEDERAL SHARE.—The Federal share of the
17 cost of a project or activity carried out under subsection
18 (a) shall be 100 percent.”.

19 **SEC. 1609. STUDENT OUTREACH REPORT TO CONGRESS.**

20 (a) REPORT.—Not later than 180 days after the date
21 of enactment of this Act, the Secretary of Transportation
22 shall submit to the Committee on Transportation and In-
23 frastructure of the House of Representatives and the Com-
24 mittee on Environment and Public Works of the Senate
25 a report that describes the efforts of the Department of

1 Transportation to encourage elementary, secondary, and
2 post-secondary students to pursue careers in the surface
3 transportation sector.

4 (b) CONTENTS.—The report required under sub-
5 section (a) shall include—

6 (1) a description of efforts to increase aware-
7 ness of careers related to surface transportation
8 among elementary, secondary, and post-secondary
9 students;

10 (2) a description of efforts to prepare and in-
11 spire such students for surface transportation ca-
12 reers;

13 (3) a description of efforts to support the devel-
14 opment of a diverse, well-qualified workforce for fu-
15 ture surface transportation needs; and

16 (4) the effectiveness of the efforts described in
17 paragraphs (1) through (3).

18 **SEC. 1610. TASK FORCE ON DEVELOPING A 21ST CENTURY**
19 **SURFACE TRANSPORTATION WORKFORCE.**

20 (a) IN GENERAL.—Not later than 90 days after the
21 date of enactment of this Act, the Secretary of Transpor-
22 tation shall establish a task force on developing a 21st
23 century surface transportation workforce (in this section
24 referred to as the “Task Force”).

1 (b) DUTIES.—Not later than 12 months after the es-
2 tablishment of the Task Force under subsection (a), the
3 Task Force shall develop and submit to the Secretary rec-
4 ommendations and strategies for the Department of
5 Transportation to—

6 (1) evaluate the current and future state of the
7 surface transportation workforce, including projected
8 job needs in the surface transportation sector;

9 (2) identify factors influencing individuals pur-
10 suing careers in surface transportation, including
11 barriers to attracting individuals into the workforce;

12 (3) address barriers to retaining individuals in
13 surface transportation careers;

14 (4) identify and address potential impacts of
15 emerging technologies on the surface transportation
16 workforce;

17 (5) increase access for vulnerable or underrep-
18 resented populations, especially women and minori-
19 ties, to high-skill, in-demand surface transportation
20 careers;

21 (6) facilitate and encourage elementary, sec-
22 ondary, and post-secondary students in the United
23 States to pursue careers in the surface transpor-
24 tation sector; and

1 (7) identify and develop pathways for students
2 and individuals to secure pre-apprenticeships, reg-
3 istered apprenticeships, and other work-based learn-
4 ing opportunities in the surface transportation sector
5 of the United States.

6 (c) CONSIDERATIONS.—In developing recommenda-
7 tions and strategies under subsection (b), the Task Force
8 shall—

9 (1) identify factors that influence whether
10 young people pursue careers in surface transpor-
11 tation, especially traditionally underrepresented pop-
12 ulations, including women and minorities;

13 (2) consider how the Department, businesses,
14 industry, labor, educators, and other stakeholders
15 can coordinate efforts to support qualified individ-
16 uals in pursuing careers in the surface transpor-
17 tation sector;

18 (3) identify methods of enhancing surface
19 transportation pre-apprenticeships and registered
20 apprenticeships, job skills training, mentorship, edu-
21 cation, and outreach programs that are exclusive to
22 youth in the United States; and

23 (4) identify potential sources of funding, includ-
24 ing grants and scholarships, that may be used to

1 support youth and other qualified individuals in pur-
2 suing careers in the surface transportation sector.

3 (d) CONSULTATION.—In developing the recommenda-
4 tions and strategies required under subsection (b), the
5 Task Force may consult with—

6 (1) local educational agencies and institutes of
7 higher education, including community colleges and
8 vocational schools; and

9 (2) State workforce development boards.

10 (e) REPORT.—Not later than 60 days after the sub-
11 mission of the recommendations and strategies under sub-
12 section (b), the Secretary shall submit to the Committee
13 on Transportation and Infrastructure of the House of
14 Representatives and the Committee on Environment and
15 Public Works of the Senate a report containing such rec-
16 ommendations and strategies.

17 (f) COMPOSITION OF TASK FORCE.—The Secretary
18 shall appoint members to the Task Force whose diverse
19 background and expertise allow such members to con-
20 tribute balanced points of view and ideas in carrying out
21 this section, comprised of equal representation from each
22 of the following:

23 (1) Industries in the surface transportation sec-
24 tor.

1 (2) Surface transportation sector labor organi-
2 zations.

3 (3) Such other surface transportation stake-
4 holders and experts as the Secretary considers ap-
5 propriate.

6 (g) PERIOD OF APPOINTMENT.—Members shall be
7 appointed to the Task Force for the duration of the exist-
8 ence of the Task Force.

9 (h) COMPENSATION.—Task Force members shall
10 serve without compensation.

11 (i) SUNSET.—The Task Force shall terminate upon
12 the submission of the report required under subsection (e).

13 (j) DEFINITIONS.—In this section:

14 (1) PRE-APPRENTICESHIP.—The term “pre-ap-
15 prenticeship” means a training model or program
16 that prepares individuals for acceptance into a reg-
17 istered apprenticeship and has a demonstrated part-
18 nership with 1 or more registered apprenticeships.

19 (2) REGISTERED APPRENTICESHIP.—The term
20 “registered apprenticeship” means an apprenticeship
21 program registered under the Act of August 16,
22 1937 (29 U.S.C. 50 et seq.; commonly known as the
23 “National Apprenticeship Act”), that satisfies the
24 requirements of parts 29 and 30 of title 29, Code

1 of Federal Regulations (as in effect on January 1,
2 2020).

3 **SEC. 1611. ON-THE-JOB TRAINING AND SUPPORTIVE SERV-**
4 **ICES.**

5 Section 140(b) of title 23, United States Code, is
6 amended to read as follows:

7 “(b) WORKFORCE TRAINING AND DEVELOPMENT.—

8 “(1) IN GENERAL.—The Secretary, in coopera-
9 tion with the Secretary of Labor and any other de-
10 partment or agency of the Government, State agen-
11 cy, authority, association, institution, Indian Tribal
12 government, corporation (profit or nonprofit), or any
13 other organization or person, is authorized to de-
14 velop, conduct, and administer surface transpor-
15 tation and technology training, including skill im-
16 provement programs, and to develop and fund sum-
17 mer transportation institutes.

18 “(2) STATE RESPONSIBILITIES.—A State de-
19 partment of transportation participating in the pro-
20 gram under this subsection shall—

21 “(A) develop an annual workforce plan
22 that identifies immediate and anticipated work-
23 force gaps and underrepresentation of women
24 and minorities and a detailed plan to fill such
25 gaps and address such underrepresentation;

1 “(B) establish an annual workforce devel-
2 opment compact with the State workforce devel-
3 opment board and appropriate agencies to pro-
4 vide a coordinated approach to workforce train-
5 ing, job placement, and identification of train-
6 ing and skill development program needs, which
7 shall be coordinated to the extent practical with
8 an institution or agency, such as a State work-
9 force development board under section 101 of
10 the Workforce Innovation and Opportunities
11 Act (29 U.S.C. 3111), that has established
12 skills training, recruitment, and placement re-
13 sources; and

14 “(C) demonstrate program outcomes, in-
15 cluding—

16 “(i) impact on areas with transpor-
17 tation workforce shortages;

18 “(ii) diversity of training participants;

19 “(iii) number and percentage of par-
20 ticipants obtaining certifications or creden-
21 tials required for specific types of employ-
22 ment;

23 “(iv) employment outcome, including
24 job placement and job retention rates and
25 earnings, using performance metrics estab-

1 lished in consultation with the Secretary of
2 Labor and consistent with metrics used by
3 programs under the Workforce Innovation
4 and Opportunity Act (29 U.S.C. 3101 et
5 seq.); and

6 “(v) to the extent practical, evidence
7 that the program did not preclude workers
8 that participate in training or registered
9 apprenticeship activities under the pro-
10 gram from being referred to, or hired on,
11 projects funded under this chapter.

12 “(3) FUNDING.—From administrative funds
13 made available under section 104(a), the Secretary
14 shall deduct such sums as necessary, not to exceed
15 \$10,000,000 in each fiscal year, for the administra-
16 tion of this subsection. Such sums shall remain
17 available until expended.

18 “(4) NONAPPLICABILITY OF TITLE 41.—Sub-
19 sections (b) through (d) of section 6101 of title 41
20 shall not apply to contracts and agreements made
21 under the authority granted to the Secretary under
22 this subsection.

23 “(5) USE OF SURFACE TRANSPORTATION PRO-
24 GRAM AND NATIONAL HIGHWAY PERFORMANCE PRO-
25 GRAM FUNDS.—Notwithstanding any other provision

1 of law, not to exceed $\frac{1}{2}$ of 1 percent of funds appor-
2 tioned to a State under paragraph (1) or (2) of sec-
3 tion 104(b) may be available to carry out this sub-
4 section upon request of the State transportation de-
5 partment to the Secretary.”.

6 **SEC. 1612. WORK ZONE SAFETY.**

7 Section 504(e)(1) of title 23, United States Code, is
8 amended—

9 (1) by redesignating subparagraphs (F) and
10 (G) as subparagraphs (G) and (H), respectively; and

11 (2) by inserting after subparagraph (E) the fol-
12 lowing:

13 “(F) tuition and direct educational ex-
14 penses or other costs of instruction related to
15 the work zone safety training and certification
16 of employees of State and local transportation
17 agencies and surface transportation construc-
18 tion workers;”.

19 **SEC. 1613. TRANSPORTATION EDUCATION DEVELOPMENT**
20 **PROGRAM.**

21 Section 504 of title 23, United States Code, is
22 amended—

23 (1) in subsection (e)(1) by inserting “and (8)
24 through (9)” after “paragraphs (1) through (4)”;
25 and

1 (2) in subsection (f) by adding at the end the
2 following:

3 “(4) REPORTS.—The Secretary shall submit to
4 the Committee on Transportation and Infrastructure
5 of the House of Representatives and the Committee
6 on Commerce, Science, and Transportation of the
7 Senate an annual report that includes—

8 “(A) a list of all grant recipients under
9 this subsection;

10 “(B) an explanation of why each recipient
11 was chosen in accordance with the criteria
12 under paragraph (2);

13 “(C) a summary of each recipient’s objec-
14 tive to carry out the purpose described in para-
15 graph (1) and an analysis of progress made to-
16 ward achieving each such objective;

17 “(D) an accounting for the use of Federal
18 funds obligated or expended in carrying out this
19 subsection; and

20 “(E) an analysis of outcomes of the pro-
21 gram under this subsection.”.

22 **SEC. 1614. WORKING GROUP ON CONSTRUCTION RE-**
23 **SOURCES.**

24 (a) ESTABLISHMENT.—Not later than 120 days after
25 the date of enactment of this Act, the Secretary of Trans-

1 portation shall establish a working group (in this section
2 referred to as the “Working Group”) to conduct a study
3 on access to covered resources for infrastructure projects.

4 (b) MEMBERSHIP.—

5 (1) APPOINTMENT.—The Secretary shall ap-
6 point to the Working Group individuals with knowl-
7 edge and expertise in the production and transpor-
8 tation of covered resources.

9 (2) REPRESENTATION.—The Working Group
10 shall include at least 1 representative of each of the
11 following:

12 (A) State departments of transportation.

13 (B) State agencies associated with covered
14 resources protection.

15 (C) State planning and geologic survey and
16 mapping agencies.

17 (D) Commercial motor vehicle operators,
18 including small business operators and opera-
19 tors who transport covered resources.

20 (E) Covered resources producers.

21 (F) Construction contractors.

22 (G) Metropolitan planning organizations
23 and regional planning organizations.

24 (H) Indian Tribes, including Tribal elected
25 leadership or Tribal transportation officials.

1 (I) Any other stakeholders that the Sec-
2 retary determines appropriate.

3 (3) TERMINATION.—The Working Group shall
4 terminate 6 months after the date on which the Sec-
5 retary receives the report under subsection (e)(1).

6 (c) DUTIES.—In carrying out the study required
7 under subsection (a), the Working Group shall analyze—

8 (1) the use of covered resources in transpor-
9 tation projects funded with Federal dollars;

10 (2) how the proximity of covered resources to
11 such projects affects the cost and environmental im-
12 pact of such projects;

13 (3) whether and how State, Tribal, and local
14 transportation and planning agencies consider cov-
15 ered resources when developing transportation
16 projects; and

17 (4) any challenges for transportation project
18 sponsors regarding access and proximity to covered
19 resources.

20 (d) CONSULTATION.—In carrying out the study re-
21 quired under subsection (a), the Working Group shall con-
22 sult with, as appropriate—

23 (1) chief executive officers of States;

24 (2) State, Tribal, and local transportation and
25 planning agencies;

1 (3) other relevant State, Tribal, and local agen-
2 cies, including State agencies associated with cov-
3 ered resources protection;

4 (4) members of the public with industry experi-
5 ence with respect to covered resources;

6 (5) other Federal entities that provide funding
7 for transportation projects; and

8 (6) any other stakeholder the Working Group
9 determines appropriate.

10 (e) REPORTS.—

11 (1) WORKING GROUP REPORT.—Not later than
12 2 years after the date on which the Working Group
13 is established, the Working Group shall submit to
14 the Secretary a report that includes—

15 (A) the findings of the study required
16 under subsection (a), including a summary of
17 comments received during the consultation
18 process under subsection (d); and

19 (B) any recommendations to preserve ac-
20 cess to and reduce the costs and environmental
21 impacts of covered resources for infrastructure
22 projects.

23 (2) DEPARTMENTAL REPORT.—Not later than
24 3 months after the date on which the Secretary re-
25 ceives the report under paragraph (1), the Secretary

1 shall submit to the Committee on Transportation
2 and Infrastructure of the House of Representatives
3 and the Committee on Environment and Public
4 Works of the Senate a summary of the findings
5 under such report and any recommendations, as ap-
6 propriate.

7 (f) DEFINITIONS.—In this section:

8 (1) COVERED RESOURCES.—The term “covered
9 resources” means common variety materials used in
10 transportation infrastructure construction and main-
11 tenance, including stone, sand, and gravel.

12 (2) STATE.—The term “State” means each of
13 the several States, the District of Columbia, and
14 each territory or possession of the United States.

15 **SEC. 1615. NUMBERING SYSTEM OF HIGHWAY INTER-**
16 **CHANGES.**

17 (a) IN GENERAL.—Notwithstanding section 315 of
18 title 23, United States Code, and section 1.36 of title 23,
19 Code of Federal Regulations, the Secretary of Transpor-
20 tation may not impose a penalty on a State that does not
21 comply with section 2E.31 of the Manual on Uniform
22 Traffic Control Devices (or a successor section) with re-
23 spect to the numbering of highway interchanges.

1 (b) APPLICABILITY.—Subsection (a) shall only apply
2 to a method of numbering of a highway interchange in
3 effect on the date of enactment of this Act.

4 **SEC. 1616. TOLL CREDITS.**

5 (a) PURPOSES.—The Secretary of Transportation
6 shall—

7 (1) identify the extent of the demand to pur-
8 chase toll credits;

9 (2) identify the expected cash price of toll cred-
10 its;

11 (3) analyze the impact of the exchange of toll
12 credits on transportation expenditures; and

13 (4) identify any other repercussions of estab-
14 lishing a toll credit exchange.

15 (b) SOLICITATION.—To carry out the requirements of
16 this section, the Secretary shall solicit information from
17 States eligible to use a credit under section 120(i) of title
18 23, United States Code, including—

19 (1) the amount of unused toll credits, includ-
20 ing—

21 (A) toll revenue generated and the sources
22 of that revenue;

23 (B) toll revenue used by public, quasi-pub-
24 lic, and private agencies to build, improve, or
25 maintain highways, bridges, or tunnels that

1 serve the public purpose of interstate commerce;
2 and

3 (C) an accounting of any Federal funds
4 used by the public, quasi-public, or private
5 agency to build, improve, or maintain the toll
6 facility, to validate that the credit has been re-
7 duced by a percentage equal to the percentage
8 of the total cost of building, improving, or
9 maintaining the facility that was derived from
10 Federal funds;

11 (2) the documentation of maintenance of effort
12 for toll credits earned by the State; and

13 (3) the accuracy of the accounting system of
14 the State to earn and track toll credits.

15 (c) WEBSITE.—The Secretary shall make available a
16 publicly accessible website on which a State eligible to use
17 a credit under section 120(i) of title 23, United States
18 Code shall publish the information described under sub-
19 section (b)(1).

20 (d) EVALUATION AND RECOMMENDATIONS TO CON-
21 GRESS.—Not later than 2 years after the date of enact-
22 ment of this Act, the Secretary shall provide to the Com-
23 mittee on Transportation and Infrastructure of the House
24 of Representatives and the Committee on Environment
25 and Public Works of the Senate, and make publicly avail-

1 able on the website of the Department of Transpor-
2 tation—

3 (1) an evaluation of the accuracy of the ac-
4 counting and documentation of toll credits earned
5 under section 120(i);

6 (2) a determination whether a toll credit mar-
7 ketplace is viable and cost effective;

8 (3) estimates, to the extent possible, of the av-
9 erage sale price of toll credits; and

10 (4) recommendations on any modifications nec-
11 essary, including legislative changes, to establish and
12 implement a toll credit exchange program.

13 (e) DEFINITION.—In this section, the term “State”
14 has the meaning given the term in section 101(a) of title
15 23, United States Code.

16 **TITLE II—PUBLIC**
17 **TRANSPORTATION**
18 **Subtitle A—Federal Transit**
19 **Administration**

20 **SEC. 2101. AUTHORIZATIONS.**

21 (a) IN GENERAL.—Section 5338 of title 49, United
22 States Code, is amended to read as follows:

23 **“§ 5338. Authorizations**

24 **“(a) GRANTS.—**

1 “(1) IN GENERAL.—There shall be available
2 from the Mass Transit Account of the Highway
3 Trust Fund to carry out sections 5305, 5307, 5308,
4 5310, 5311, 5312, 5314, 5318, 5320, 5328, 5335,
5 5337, 5339, and 5340—

6 “(A) \$16,185,800,000 for fiscal year 2022;

7 “(B) \$16,437,600,000 for fiscal year 2023;

8 “(C) \$16,700,600,000 for fiscal year 2024;

9 and

10 “(D) \$16,963,600,000 for fiscal year
11 2025.

12 “(2) ALLOCATION OF FUNDS.—Of the amounts
13 made available under paragraph (1)—

14 “(A) \$189,879,151 for fiscal year 2022,
15 \$192,841,266 for fiscal year 2023,
16 \$195,926,726 for fiscal year 2024, and
17 \$199,002,776 for fiscal year 2025, shall be
18 available to carry out section 5305;

19 “(B) \$7,505,830,848 for fiscal year 2022,
20 \$7,622,921,809 for fiscal year 2023,
21 \$7,744,888,558 for fiscal year 2024, and
22 \$7,866,483,309 for fiscal year 2025 shall be al-
23 located in accordance with section 5336 to pro-
24 vide financial assistance for urbanized areas
25 under section 5307;

1 “(C) \$101,510,000 for fiscal year 2022,
2 \$103,093,556 for fiscal year 2023,
3 \$104,743,053 for fiscal year 2024, and
4 \$106,387,519 for fiscal year 2025 shall be
5 available for grants under section 5308;

6 “(D) \$434,830,298 for fiscal year 2022,
7 \$441,613,651 for fiscal year 2023,
8 \$448,679,469 for fiscal year 2024, and
9 \$455,723,737 for fiscal year 2025 shall be
10 available to carry out section 5310, of which
11 not less than—

12 “(i) \$5,075,500 for fiscal year 2022,
13 \$5,154,678 for fiscal year 2023,
14 \$5,237,153 for fiscal year 2024, and
15 \$5,319,376 for fiscal year 2025 shall be
16 available to carry out section 5310(j); and

17 “(ii) \$20,302,000 for fiscal year 2022,
18 \$20,618,711 for fiscal year 2023,
19 \$20,948,611 for fiscal year 2024, and
20 \$21,277,504 for fiscal year 2025 shall be
21 available to carry out section 5310(k);

22 “(E) \$1,025,199,724 for fiscal year 2022,
23 \$1,041,192,839 for fiscal year 2023,
24 \$1,057,851,925 for fiscal year 2024, and
25 \$1,074,460,200 for fiscal year 2025 shall be

1 available to carry out section 5311, of which
2 not less than—

3 “(i) \$55,679,500 for fiscal year 2022,
4 \$56,392,100 for fiscal year 2023,
5 \$57,134,374 for fiscal year 2024, and
6 \$57,874,383 for fiscal year 2025 shall be
7 available to carry out section 5311(c)(1);
8 and

9 “(ii) \$50,755,000 for fiscal year 2022,
10 \$51,546,778 for fiscal year 2023,
11 \$52,371,526 for fiscal year 2024, and
12 \$53,193,759 for fiscal year 2025 shall be
13 available to carry out section 5311(c)(2);

14 “(F) \$33,498,300 for fiscal year 2022,
15 \$34,020,873 for fiscal year 2023, \$34,565,207
16 for fiscal year 2024, and \$35,107,881 for fiscal
17 year 2025 shall be available to carry out section
18 5312, of which not less than—

19 “(i) \$5,075,500 for fiscal year 2022,
20 \$5,154,678 for fiscal year 2023,
21 \$5,237,153 for fiscal year 2024, and
22 \$5,319,376 for fiscal year 2025 shall be
23 available to carry out each of sections
24 5312(d)(3), 5312(d)(4) and 5312(j);

1 “(ii) \$3,045,300 for fiscal year 2022,
2 \$3,092,807 for fiscal year 2023,
3 \$3,142,292 for fiscal year 2024, and
4 \$3,191,626 for fiscal year 2025 shall be
5 available to carry out section 5312(h); and

6 “(iii) \$10,151,000 for fiscal year
7 2022, \$10,309,356 for fiscal year 2023,
8 \$10,474,305 for fiscal year 2024, and
9 \$10,638,752 for fiscal year 2025 shall be
10 available to carry out section 5312(i);

11 “(G) \$23,347,300 for fiscal year 2022,
12 \$23,711,518 for fiscal year 2023, \$24,090,902
13 for fiscal year 2024, and \$24,469,129 for fiscal
14 year 2025 shall be available to carry out section
15 5314, of which not less than—

16 “(i) \$4,060,400 for fiscal year 2022,
17 \$4,123,742 for fiscal year 2023,
18 \$4,189,722 for fiscal year 2024, and
19 \$4,255,501 for fiscal year 2025 shall be
20 available to carry out section of 5314(a);

21 “(ii) \$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 5314(c); and

1 “(iii) \$12,181,200 for fiscal year
2 2022, \$12,371,227 for fiscal year 2023,
3 \$12,569,166 for fiscal year 2024, and
4 \$12,766,502 for fiscal year 2025 shall be
5 available to carry out section 5314(b)(2);

6 “(H) \$5,075,500 for fiscal year 2022,
7 \$5,154,678 for fiscal year 2023, \$5,237,153 for
8 fiscal year 2024, and \$5,319,376 for fiscal year
9 2025 shall be available to carry out section
10 5318;

11 “(I) \$30,453,000 for fiscal year 2022,
12 \$30,928,067 for fiscal year 2023, \$31,422,916
13 for fiscal year 2024, and \$31,916,256 for fiscal
14 year 2025 shall be available to carry out section
15 5328, of which not less than—

16 “(i) \$25,377,500 for fiscal year 2022,
17 \$25,773,389 for fiscal year 2023,
18 \$26,185,763 for fiscal year 2024, and
19 \$26,596,880 for fiscal year 2025 shall be
20 available to carry out section of 5328(b);
21 and

22 “(ii) \$2,537,750 for fiscal year 2022,
23 \$2,577,339 for fiscal year 2023,
24 \$2,618,576 for fiscal year 2024, and

1 \$2,659,688 for fiscal year 2025 shall be
2 available to carry out section 5328(e);

3 “(J) \$4,060,400 for fiscal year 2022,
4 \$4,123,742 for fiscal year 2023, \$4,189,722 for
5 fiscal year 2024, and \$4,255,501 for fiscal year
6 2025 shall be available to carry out section
7 5335;

8 “(K) \$4,192,573,361 for fiscal year 2022,
9 \$4,266,448,314 for fiscal year 2023,
10 \$4,344,093,870 for fiscal year 2024, and
11 \$4,422,314,724 for fiscal year 2025 shall be
12 available to carry out section 5337;

13 “(L) to carry out the bus formula program
14 under section 5339(a)—

15 “(i) \$1,240,328,213 for fiscal year
16 2022, \$1,259,667,334 for fiscal year 2023,
17 \$1,279,832,171 for fiscal year 2024, and
18 \$1,299,925,536 for fiscal year 2025; ex-
19 cept that

20 “(ii) 15 percent of the amounts under
21 clause (i) shall be available to carry out
22 5339(d);

23 “(M) \$437,080,000 for fiscal year 2022,
24 \$424,748,448 for fiscal year 2023,
25 \$387,944,423 for fiscal year 2024, and

1 \$351,100,151 for fiscal year 2025 shall be
2 available to carry out section 5339(b);

3 “(N) \$375,000,000 for fiscal year 2022,
4 \$400,000,000 for fiscal year 2023,
5 \$450,000,000 for fiscal year 2024, and
6 \$500,000,000 for fiscal year 2025 shall be
7 available to carry out section 5339(c); and

8 “(O) \$587,133,905 for each of fiscal years
9 2022 through 2025 shall be available to carry
10 out section 5340 to provide financial assistance
11 for urbanized areas under section 5307 and
12 rural areas under section 5311, of which—

13 “(i) \$309,688,908 for each of fiscal
14 years 2022 through 2025 shall be for
15 growing States under section 5340(c); and

16 “(ii) \$277,444,997 for each of fiscal
17 years 2022 through 2025 shall be for high
18 density States under section 5340(d).

19 “(b) CAPITAL INVESTMENT GRANTS.—There are au-
20 thorized to be appropriated to carry out section 5309
21 \$3,500,000,000 for fiscal year 2022, \$4,250,000,000 for
22 fiscal year 2023, \$5,000,000,000 for fiscal year 2024, and
23 5,500,000,000 for fiscal year 2025.

24 “(c) ADMINISTRATION.—

1 “(1) IN GENERAL.—There are authorized to be
2 appropriated to carry out section 5334,
3 \$142,060,785 for fiscal year 2022, \$144,191,696 for
4 fiscal year 2023, \$146,412,248 for fiscal year 2024,
5 and 148,652,356 for fiscal year 2025.

6 “(2) SECTION 5329.—Of the amounts author-
7 ized to be appropriated under paragraph (1), not
8 less than \$6,000,000 for each of fiscal years 2022
9 through 2025 shall be available to carry out section
10 5329.

11 “(3) SECTION 5326.—Of the amounts made
12 available under paragraph (2), not less than
13 \$2,500,000 for each of fiscal years 2022 through
14 2025 shall be available to carry out section 5326.

15 “(d) OVERSIGHT.—

16 “(1) IN GENERAL.—Of the amounts made
17 available to carry out this chapter for a fiscal year,
18 the Secretary may use not more than the following
19 amounts for the activities described in paragraph
20 (2):

21 “(A) 0.5 percent of amounts made avail-
22 able to carry out section 5305.

23 “(B) 0.75 percent of amounts made avail-
24 able to carry out section 5307.

1 “(C) 1 percent of amounts made available
2 to carry out section 5309.

3 “(D) 1 percent of amounts made available
4 to carry out section 601 of the Passenger Rail
5 Investment and Improvement Act of 2008
6 (Public Law 110–432; 126 Stat. 4968).

7 “(E) 0.5 percent of amounts made avail-
8 able to carry out section 5310.

9 “(F) 0.5 percent of amounts made avail-
10 able to carry out section 5311.

11 “(G) 1 percent of amounts made available
12 to carry out section 5337, of which not less
13 than 25 percent of such amounts shall be avail-
14 able to carry out section 5329 and of which not
15 less than 10 percent of such amounts shall be
16 made available to carry out section 5320.

17 “(H) 1 percent of amounts made available
18 to carry out section 5339 of which not less than
19 10 percent of such amounts shall be made
20 available to carry out section 5320.

21 “(I) 1 percent of amounts made available
22 to carry out section 5308.

23 “(2) ACTIVITIES.—The activities described in
24 this paragraph are as follows:

1 “(A) Activities to oversee the construction
2 of a major capital project.

3 “(B) Activities to review and audit the
4 safety and security, procurement, management,
5 and financial compliance of a recipient or sub-
6 recipient of funds under this chapter.

7 “(C) Activities to provide technical assist-
8 ance generally, and to provide technical assist-
9 ance to correct deficiencies identified in compli-
10 ance reviews and audits carried out under this
11 section.

12 “(3) GOVERNMENT SHARE OF COSTS.—The
13 Government shall pay the entire cost of carrying out
14 a contract under this subsection/activities described
15 in paragraph (2).

16 “(4) AVAILABILITY OF CERTAIN FUNDS.—
17 Funds made available under paragraph (1)(C) shall
18 be made available to the Secretary before allocating
19 the funds appropriated to carry out any project
20 under a full funding grant agreement.

21 “(e) GRANTS AS CONTRACTUAL OBLIGATIONS.—

22 “(1) GRANTS FINANCED FROM HIGHWAY TRUST
23 FUND.—A grant or contract that is approved by the
24 Secretary and financed with amounts made available
25 from the Mass Transit Account of the Highway

1 Trust Fund pursuant to this section is a contractual
2 obligation of the Government to pay the Government
3 share of the cost of the project.

4 “(2) GRANTS FINANCED FROM GENERAL
5 FUND.—A grant or contract that is approved by the
6 Secretary and financed with amounts appropriated
7 in advance from the general fund of the Treasury
8 pursuant to this section is a contractual obligation
9 of the Government to pay the Government share of
10 the cost of the project only to the extent that
11 amounts are appropriated for such purpose by an
12 Act of Congress.

13 “(f) AVAILABILITY OF AMOUNTS.—Amounts made
14 available by or appropriated under this section shall re-
15 main available until expended.”.

16 (b) CONFORMING AMENDMENTS.—

17 (1) Section 5311 of title 49, United States
18 Code, is amended by striking “5338(a)(2)(F)” and
19 inserting “5338(a)(2)(E)”.

20 (2) Section 5312(i)(1) of title 49, United States
21 Code, is amended by striking “5338(a)(2)(G)(ii)”
22 and inserting “5338(a)(2)(F)(iii)”.

23 (3) Section 5333(b) of title 49, United States
24 Code, is amended by striking “5328, 5337, and

1 5338(b)” each place it appears and inserting “and
2 5337”.

3 (4) Section 5336 of title 49, United States
4 Code, is amended—

5 (A) in subsection (d)(1) by striking
6 “5338(a)(2)(C)” and inserting
7 “5338(a)(2)(B)”;

8 (B) in subsection (h) by striking
9 “5338(a)(2)(C)” and inserting
10 “5338(a)(2)(B)”.

11 (5) Subsections (e) and (d)(1) of section 5327
12 of title 49, United States Code, are amended by
13 striking “5338(f)” and inserting “5338(d)”.

14 (6) Section 5340(b) of title 49, United States
15 Code, is amended by striking “5338(b)(2)(N)” and
16 inserting “5338(a)(2)(O)”.

17 **SEC. 2102. CHAPTER 53 DEFINITIONS.**

18 Section 5302 of title 49, United States Code, is
19 amended—

20 (1) in paragraph (1)(E)—

21 (A) by striking “and the installation” and
22 inserting “, the installation”; and

23 (B) by inserting “, and bikeshare projects”
24 after “public transportation vehicles”;

25 (2) in paragraph (3)—

1 (A) in subparagraph (G) by striking clause
2 (iii) and inserting the following:

3 “(iii) provides a fair share of revenue
4 established by the Secretary that will be
5 used for public transportation, except for a
6 joint development that is a community
7 service (as defined by the Federal Transit
8 Administration), publicly operated facility,
9 or offers a minimum of 50 percent of units
10 as affordable housing, meaning legally
11 binding affordability restricted housing
12 units available to tenants with incomes
13 below 60 percent of the area median in-
14 come or owners with incomes below the
15 area median;” and

16 (B) in subparagraph (N)—

17 (i) by striking “no emission” and in-
18 serting “zero emission”; and

19 (ii) by striking “(as defined in section
20 5339(c))”; and

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

22 “(25) RESILIENCE.—

23 “(A) IN GENERAL.—The term ‘resilience’
24 means, with respect to a facility, the ability
25 to—

1 “(i) anticipate, prepare for, or adapt
2 to conditions; or

3 “(ii) withstand, respond to, or recover
4 rapidly from disruptions.

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

7 “(i) resist hazards or withstand im-
8 pacts from disruptions;

9 “(ii) reduce the magnitude, duration,
10 or impact of a disruption; or

11 “(iii) have the absorptive capacity,
12 adaptive capacity, and recoverability to de-
13 crease vulnerability to a disruption.

14 “(26) ASSAULT ON A TRANSIT WORKER.—The
15 term ‘assault on a transit worker’ means any cir-
16 cumstance in which an individual knowingly, without
17 lawful authority or permission, and with intent to
18 endanger the safety of any individual, or with a
19 reckless disregard for the safety of human life, inter-
20 feres with, disables, or incapacitates any transit
21 worker while the transit worker is performing his or
22 her duties.”.

23 **SEC. 2103. GENERAL PROVISIONS.**

24 Section 5323 of title 49, United States Code, is
25 amended—

1 (1) in subsection (d)—

2 (A) in paragraph (1) by striking “urban
3 area” and inserting “urbanized area”;

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

5 “(3) EXCEPTIONS.—This subsection shall not
6 apply to financial assistance under this chapter—

7 “(A) in which the non-Federal share of
8 project costs are provided from amounts re-
9 ceived under a service agreement with a State
10 or local social service agency or private social
11 service organization pursuant to section
12 5307(d)(3)(E) or section 5311(g)(3)(C);

13 “(B) provided to a recipient or sub-
14 recipient whose sole receipt of such assistance
15 derives from section 5310; or

16 “(C) provided to a recipient operating a
17 fixed route service that is—

18 “(i) for a period of less than 30 days;

19 “(ii) accessible to the public;

20 “(iii) contracted by a local govern-
21 ment entity that provides local cost share
22 to the recipient; and

23 “(iv) not contracted for the purposes
24 of a convention or on behalf of a conven-
25 tion and visitors bureau.

1 “(4) GUIDELINES.—The Secretary shall publish
2 guidelines for grant recipients and private bus oper-
3 ators that clarify when and how a transit agency
4 may step back and provide the service in the event
5 a registered charter provider does not contact the
6 customer, provide a quote, or provide the service.”;

7 (2) in subsection (h)—

8 (A) in paragraph (1) by adding “or” at the
9 end; and

10 (B) by striking paragraph (2) and redesign-
11 ating paragraph (3) as paragraph (2);

12 (3) by striking subsection (j) and inserting the
13 following:

14 “(j) REPORTING ACCESSIBILITY COMPLAINTS.—

15 “(1) IN GENERAL.—The Secretary shall ensure
16 that an individual who believes that he or she, or a
17 specific class in which the individual belongs, has
18 been subjected to discrimination on the basis of dis-
19 ability by a State or local governmental entity, pri-
20 vate nonprofit organization, or Tribe that operates a
21 public transportation service and is a recipient or
22 subrecipient of funds under this chapter, may, by
23 the individual or by an authorized representative, file
24 a complaint with the Department of Transportation.

1 “(2) PROCEDURES.—Not later than 1 year
2 after the date of enactment of the INVEST in
3 America Act, the Secretary shall implement proce-
4 dures that allow an individual to submit a complaint
5 described in paragraph (1) by phone, mail-in form,
6 and online through the website of the Office of Civil
7 Rights of the Federal Transit Administration.

8 “(3) NOTICE TO INDIVIDUALS WITH DISABIL-
9 ITIES.—Not later than 12 months after the date of
10 enactment of the INVEST in America Act, the Sec-
11 retary shall require that each public transit provider
12 and contractor providing paratransit services shall
13 include on a publicly available website of the service
14 provider, any related mobile device application, and
15 online service—

16 “(A) notice that an individual can file a
17 disability-related complaint with the local tran-
18 sit agency and the process and any timelines for
19 filing such a complaint;

20 “(B) the telephone number, or a com-
21 parable electronic means of communication, for
22 the disability assistance hotline of the Office of
23 Civil Rights of the Federal Transit Administra-
24 tion;

1 “(C) notice that a consumer can file a dis-
2 ability related complaint with the Office of Civil
3 Rights of the Federal Transit Administration;
4 and

5 “(D) an active link to the website of the
6 Office of Civil Rights of the Federal Transit
7 Administration for an individual to file a dis-
8 ability-related complaint.

9 “(4) INVESTIGATION OF COMPLAINTS.—Not
10 later than 60 days after the last day of each fiscal
11 year, the Secretary shall publish a report that lists
12 the disposition of complaints described in paragraph
13 (1), including—

14 “(A) the number and type of complaints
15 filed with Department of Transportation;

16 “(B) the number of complaints inves-
17 tigated by the Department;

18 “(C) the result of the complaints that were
19 investigated by the Department including
20 whether the complaint was resolved—

21 “(i) informally;

22 “(ii) by issuing a violation through a
23 noncompliance Letter of Findings; or

24 “(iii) by other means, which shall be
25 described; and

1 “(D) if a violation was issued for a com-
2 plaint, whether the Department resolved the
3 noncompliance by—

4 “(i) reaching a voluntary compliance
5 agreement with the entity;

6 “(ii) referring the matter to the Attor-
7 ney General; or

8 “(iii) by other means, which shall be
9 described.

10 “(5) REPORT.—The Secretary shall, upon im-
11 plementation of this section and annually thereafter,
12 submit to the Committee on Transportation and In-
13 frastructure of the House of Representatives, the
14 Committee on Banking, Housing, and Urban Affairs
15 of the Senate, and make publicly available a report
16 containing the information collected under this sec-
17 tion.”;

18 (4) by striking subsection (m) and inserting the
19 following:

20 “(m) PREAWARD AND POSTDELIVERY REVIEW OF
21 ROLLING STOCK PURCHASES.—The Secretary shall pre-
22 scribe regulations requiring a preaward and postdelivery
23 review of a grant under this chapter to buy rolling stock
24 to ensure compliance with bid specifications requirements
25 of grant recipients under this chapter. Under this sub-

1 section, grantee inspections and review are required, and
2 a manufacturer certification is not sufficient.”;

3 (5) in subsection (r)—

4 (A) by inserting “or beneficial” after “det-
5 rimental”;

6 (B) by striking the period at the end and
7 inserting “; and”;

8 (C) by striking “under this chapter may
9 not deny” and inserting the following: “under
10 this chapter—

11 “(1) may not deny”; and

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

13 “(2) shall respond to any request for reasonable
14 access within 75 days of the receipt of the request.”;

15 and

16 (6) by striking subsection (t) and redesignating
17 subsections (u) and (v) as subsections (t) and (u),
18 respectively.

19 **SEC. 2104. MISCELLANEOUS PROVISIONS.**

20 (a) STATE OF GOOD REPAIR GRANTS.—Section
21 5337(e) of title 49, United States Code, is amended by
22 adding at the end the following:

23 “(3) ACCESSIBILITY COSTS.—Notwithstanding
24 paragraph (1), the Federal share of the net project
25 cost of a project to provide accessibility in compli-

1 ance with the Americans with Disabilities Act of
2 1990 (42 U.S.C. 12101 et seq.) shall be 90 per-
3 cent.”.

4 (b) APPORTIONMENTS BASED ON GROWING STATES
5 AND HIGH DENSITY STATES FORMULA FACTORS.—Sec-
6 tion 5340(a) of title 49, United States Code, is amended
7 by inserting “and the District of Columbia” after “United
8 States”.

9 (c) TECHNICAL ASSISTANCE AND WORKFORCE DE-
10 VELOPMENT.—Section 5314 of title 49, United States
11 Code, is amended—

12 (1) in subsection (a)(1)(B)—

13 (A) in clause (i) by striking “; and” and
14 inserting a semicolon;

15 (B) in clause (ii) by striking the period
16 and inserting “; and”; and

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

18 “(iii) technical assistance to assist re-
19 cipients with the impacts of a new census
20 count.”; and

21 (2) in subsection (c)(4)(A) by inserting “,
22 5311” after “5307”.

23 (d) ADMINISTRATIVE PROVISIONS.—Section 5334 of
24 title 49, United States Code, is amended by adding at the
25 end the following:

1 “(1) NECESSARILY IMPLIED ACTIVITIES.—Notwith-
2 standing any other provision of law, in the event of a lapse
3 in authorization or appropriations for the Federal transit
4 program under this title, the administrative activities that
5 are necessary to disburse valid obligations are necessarily
6 implied by the continued availability of funding for making
7 disbursements of amounts previously obligated, pursuant
8 to section 1553 of title 31.”.

9 (e) NATIONAL TRANSIT DATABASE.—Section 5335
10 of title 49, United States Code, is amended—

11 (1) in subsection (a) by inserting “, including
12 information on transit routes and ridership on those
13 routes” after “public sector investment decision”;
14 and

15 (2) in subsection (c) by inserting “, any data on
16 each assault on a transit worker, and pedestrian in-
17 juries and fatalities as a result of an impact with a
18 bus. Each of the data sets shall be publicly reported
19 without aggregating the data with other safety data”
20 after “by the recipient”.

21 (f) URBANIZED AREA FORMULA GRANTS.—Section
22 5307 of title 49, United States Code, is amended—

23 (1) in subsection (a)(2)(A)—

24 (A) in clause (i) by striking “or” at the
25 end; and

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

2 “(iii) operate a minimum of 101 buses
3 and a maximum of 125 buses in fixed
4 route service or demand response service,
5 excluding ADA complementary paratransit
6 service, during peak service hours, in an
7 amount not to exceed 25 percent of the
8 share of the apportionment which is attrib-
9 utable to such systems within the urban-
10 ized area, as measured by vehicle revenue
11 hours; or”;

12 (2) in subsection (a)(2)(B)—

13 (A) in clause (i) by striking “or” at the
14 end;

15 (B) in clause (ii) by striking the period at
16 the end and inserting “; or”; and

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

18 “(iii) operate a minimum of 101 buses
19 and a maximum of 125 buses in fixed
20 route service or demand response service,
21 excluding ADA complementary paratransit
22 service, during peak service hours, in an
23 amount not to exceed 25 percent of the
24 share of the apportionment allocated to
25 such systems within the urbanized area, as

1 determined by the local planning process
2 and included in the designated recipient’s
3 final program of projects prepared under
4 subsection (b).”; and

5 (3) in subsection (b)—

6 (A) in paragraph (6) by striking “and” at
7 the end;

8 (B) by redesignating paragraph (7) as
9 paragraph (8); and

10 (C) by inserting after paragraph (6) the
11 following:

12 “(7) ensure that the proposed program of
13 projects provides improved access to transit for the
14 individuals described in section 5336(j); and”.

15 (g) TECHNICAL CORRECTION.—Section
16 5307(a)(2)(B)(ii) of title 49, United States Code, is
17 amended by striking “service during peak” and inserting
18 “service, during peak”.

19 (h) IMPOSITION OF DEADLINE.—Section 5324 of
20 title 49, United States Code, is amended by adding at the
21 end the following:

22 “(f) IMPOSITION OF DEADLINE.—

23 “(1) IN GENERAL.—Notwithstanding any other
24 provision of law, the Secretary may not require any
25 project funded under this section to advance to the

1 construction obligation stage before the date that is
2 the last day of the sixth fiscal year after the later
3 of—

4 “(A) the date on which the Governor de-
5 clared the emergency, as described in subsection
6 (d)(1)(A); or

7 “(B) the date on which the President de-
8 clared the emergency to be a major disaster, as
9 described in such subsection.

10 “(2) EXTENSION OF DEADLINE.—If the Sec-
11 retary imposes a deadline for advancement to the
12 construction obligation stage pursuant to paragraph
13 (1), the Secretary may, upon the request of the Gov-
14 ernor of the State, issue an extension of not more
15 than 1 year to complete such advancement, and may
16 issue additional extensions after the expiration of
17 any extension, if the Secretary determines the Gov-
18 ernor of the State has provided suitable justification
19 to warrant such an extension.”.

20 **SEC. 2105. POLICIES AND PURPOSES.**

21 Section 5301(b) of title 49, United States Code, is
22 amended—

23 (1) in paragraph (7) by striking “; and” and in-
24 serting a semicolon;

1 (2) in paragraph (8) by striking the period and
2 inserting a semicolon; and

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

4 “(9) reduce the contributions of the surface
5 transportation system to the total carbon pollution
6 of the United States; and

7 “(10) improve the resiliency of the public trans-
8 portation network to withstand weather events and
9 other natural disasters.”.

10 **SEC. 2106. FISCAL YEAR 2022 FORMULAS.**

11 For fiscal year 2022, the Secretary shall apportion
12 and distribute formula funds provided for under chapter
13 53 of title 49, United States Code, using data submitted
14 to the 2019 National Transit Database.

15 **SEC. 2107. METROPOLITAN TRANSPORTATION PLANNING.**

16 Section 5303 of title 49, United States Code, is
17 amended—

18 (1) by amending subsection (a)(1) to read as
19 follows:

20 “(1) to encourage and promote the safe and ef-
21 ficient management, operation, and development of
22 surface transportation systems that will serve the
23 mobility needs of people and freight, foster economic
24 growth and development within and between States
25 and urbanized areas, and take into consideration re-

1 siliency and climate change adaptation needs while
2 reducing transportation-related fuel consumption, air
3 pollution, and greenhouse gas emissions through
4 metropolitan and statewide transportation planning
5 processes identified in this chapter; and”.

6 (2) in subsection (b)—

7 (A) by redesignating paragraphs (6) and
8 (7) as paragraphs (7) and (8), respectively; and

9 (B) by inserting after paragraph (5) the
10 following:

11 “(6) STIP.—The term ‘STIP’ means a state-
12 wide transportation improvement program developed
13 by a State under section 135(g).”;

14 (3) in subsection (c)—

15 (A) in paragraph (1) by striking “and
16 transportation improvement programs” and in-
17 serting “and TIPs”; and

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

19 “(4) CONSIDERATION.—In developing the plans
20 and TIPs, metropolitan planning organizations shall
21 consider direct and indirect emissions of greenhouse
22 gases.”;

23 (4) in subsection (d)—

24 (A) in paragraph (2) by striking “Not
25 later than 2 years after the date of enactment

1 of the Federal Public Transportation Act of
2 2012, each” and inserting “Each”;

3 (B) in paragraph (3) by adding at the end
4 the following:

5 “(D) CONSIDERATIONS.—

6 “(i) EQUITABLE AND PROPORTIONAL
7 REPRESENTATION.—In designating offi-
8 cials or representatives under paragraph
9 (2), the metropolitan planning organization
10 shall consider the equitable and propor-
11 tional representation of the population of
12 the metropolitan planning area.

13 “(ii) SAVINGS CLAUSE.—Nothing in
14 this paragraph shall require a metropolitan
15 planning organization in existence on the
16 date of enactment of this subparagraph to
17 be restructured.

18 “(iii) REDESIGNATION.—Notwith-
19 standing clause (ii), the requirements of
20 this paragraph shall apply to any metro-
21 politan planning organization redesignated
22 under paragraph (6).”;

23 (C) in paragraph (6)(B) by striking “para-
24 graph (2)” and inserting “paragraphs (2) or
25 (3)(D)”;

1 (D) in paragraph (7)—

2 (i) by striking “an existing metropoli-
3 tan planning area” and inserting “an ur-
4 banized area”; and

5 (ii) by striking “the existing metro-
6 politan planning area” and inserting “the
7 area”;

8 (5) in subsection (g)—

9 (A) in paragraph (1) by striking “a metro-
10 politan area” and inserting “an urbanized
11 area”;

12 (B) in paragraph (2) by striking “MPOS”
13 and inserting “METROPOLITAN PLANNING
14 AREAS”

15 (C) in paragraph (3)(A) by inserting
16 “emergency response and evacuation, climate
17 change adaptation and resilience,” after “dis-
18 aster risk reduction,”; and

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

20 “(4) COORDINATION BETWEEN MPOS.—

21 “(A) IN GENERAL.—If more than 1 metro-
22 politan planning organization is designated
23 within an urbanized area under subsection
24 (d)(7), the metropolitan planning organizations
25 designated within the area shall ensure, to the

1 maximum extent practicable, the consistency of
2 any data used in the planning process, includ-
3 ing information used in forecasting travel de-
4 mand.

5 “(B) SAVINGS CLAUSE.—Nothing in this
6 paragraph requires metropolitan planning orga-
7 nizations designated within a single urbanized
8 area to jointly develop planning documents, in-
9 cluding a unified long-range transportation plan
10 or unified TIP.”;

11 (6) in subsection (h)(1)—

12 (A) by striking subparagraph (E) and in-
13 serting the following:

14 “(E) protect and enhance the environment,
15 promote energy conservation, reduce greenhouse
16 gas emissions, improve the quality of life and
17 public health, and promote consistency between
18 transportation improvements and State and
19 local planned growth and economic development
20 patterns, including housing and land use pat-
21 terns;”;

22 (B) in subparagraph (H) by striking
23 “and” at the end;

24 (C) in subparagraph (I) by striking the pe-
25 riod at the end and inserting “and reduce or

1 mitigate stormwater, sea level rise, extreme
2 weather, and climate change impacts of surface
3 transportation;” and

4 (D) by inserting after subparagraph (I) the
5 following:

6 “(J) facilitate emergency management, re-
7 sponse, and evacuation and hazard mitigation;

8 “(K) improve the level of transportation
9 system access; and

10 “(L) support inclusive zoning policies and
11 land use planning practices that incentivize af-
12 fordable, elastic, and diverse housing supply, fa-
13 cilitate long-term economic growth by improving
14 the accessibility of housing to jobs, and prevent
15 high housing costs from displacing economically
16 disadvantaged households.”;

17 (7) in subsection (h)(2) by striking subpara-
18 graph (A) and inserting the following:

19 “(A) IN GENERAL.—Through the use of a
20 performance-based approach, transportation in-
21 vestment decisions made as a part of the metro-
22 politan transportation planning process shall
23 support the national goals described in section
24 150(b), the achievement of metropolitan and
25 statewide targets established under section

1 150(d), the improvement of transportation sys-
2 tem access (consistent with section 150(f)), and
3 the general purposes described in section 5301
4 of title 49.”;

5 (8) in subsection (i)—

6 (A) in paragraph (1) by striking “(i) IN
7 GENERAL” and all that follows through “every
8 5 years” and inserting “The metropolitan plan-
9 ning organization shall prepare and update
10 such plan every 4 years”;

11 (B) in paragraph (2)(D)(i) by inserting
12 “reduce greenhouse gas emissions and” before
13 “restore and maintain”;

14 (C) in paragraph (2)(G) by inserting “and
15 climate change” after “infrastructure to natural
16 disasters”;

17 (D) in paragraph (2)(H) by inserting
18 “greenhouse gas emissions,” after “pollution,”;

19 (E) in paragraph (5)—

20 (i) in subparagraph (A) by inserting
21 “air quality, public health, housing, trans-
22 portation, resilience, hazard mitigation,
23 emergency management,” after “conserva-
24 tion,”; and

1 (ii) by striking subparagraph (B) and
2 inserting the following:

3 “(B) ISSUES.—The consultation shall in-
4 volve, as appropriate, comparison of transpor-
5 tation plans to other relevant plans, including,
6 if available—

7 “(i) State conservation plans or maps;
8 and

9 “(ii) inventories of natural or historic
10 resources.”; and

11 (F) by amending paragraph (6)(C) to read
12 as follows:

13 “(C) METHODS.—

14 “(i) IN GENERAL.—In carrying out
15 subparagraph (A), the metropolitan plan-
16 ning organization shall, to the maximum
17 extent practicable—

18 “(I) hold any public meetings at
19 convenient and accessible locations
20 and times;

21 “(II) employ visualization tech-
22 niques to describe plans; and

23 “(III) make public information
24 available in electronically accessible
25 format and means, such as the World

1 Wide Web, as appropriate to afford
2 reasonable opportunity for consider-
3 ation of public information under sub-
4 paragraph (A).

5 “(ii) ADDITIONAL METHODS.—In ad-
6 dition to the methods described in clause
7 (i), in carrying out subparagraph (A), the
8 metropolitan planning organization shall,
9 to the maximum extent practicable—

10 “(I) use virtual public involve-
11 ment, social media, and other web-
12 based tools to encourage public par-
13 ticipation and solicit public feedback;
14 and

15 “(II) use other methods, as ap-
16 propriate, to further encourage public
17 participation of historically underrep-
18 resented individuals in the transpor-
19 tation planning process.”;

20 (9) in subsection (j)—

21 (A) by striking “transportation improve-
22 ment program” and inserting “TIP” each place
23 it appears; and

24 (B) in paragraph (2)(D)—

1 (i) by striking “PERFORMANCE TAR-
2 GET ACHIEVEMENT” and inserting “PER-
3 FORMANCE MANAGEMENT”;

4 (ii) by striking “The TIP” and insert-
5 ing the following:

6 “(i) IN GENERAL.—The TIP”; and

7 (iii) by adding at the end the fol-
8 lowing:

9 “(ii) TRANSPORTATION MANAGEMENT
10 AREAS.—For metropolitan planning areas
11 that represent an urbanized area des-
12 ignated as a transportation management
13 area under subsection (k), the TIP shall
14 include—

15 “(I) a discussion of the antici-
16 pated effect of the TIP toward achiev-
17 ing the performance targets estab-
18 lished in the metropolitan transpor-
19 tation plan, linking investment prior-
20 ities to such performance targets; and

21 “(II) a description of how the
22 TIP would improve the overall level of
23 transportation system access, con-
24 sistent with section 150(f) of title
25 23.”;

- 1 (10) in subsection (k)—
- 2 (A) in paragraph (3)(A)—
- 3 (i) by striking “shall address congestion
4 tion management” and inserting the following: “shall address—
5 (i) congestion management”;
- 6 (ii) by striking the period at the end
7 and inserting “; and”; and
- 8 (iii) by adding at the end the following:
9 “
10 (ii) the overall level of transportation
11 system access for various modes of travel
12 within the metropolitan planning area, including the level of access for economically
13 disadvantaged communities, consistent
14 with section 150(f) of title 23, that is
15 based on a cooperatively developed and implemented metropolitan-wide strategy, assessing both new and existing transportation
16 facilities eligible for funding under
17 this chapter and title 23.”; and
- 18 (B) in paragraph (5)(B)—
- 19 (i) in clause (i) by striking “; and”
20 and inserting a semicolon;
- 21
22
23
24

1 (ii) in clause (ii) by striking the pe-
2 riod and inserting “; and”; and

3 (iii) by adding at the end the fol-
4 lowing:

5 “(iii) the TIP approved under clause
6 (ii) improves the level of transportation
7 system access, consistent with section
8 150(f) of title 23.”;

9 (11) in subsection (l)(2)—

10 (A) by striking “5 years after the date of
11 enactment of the Federal Public Transportation
12 Act of 2012” and inserting “2 years after the
13 date of enactment of the INVEST in America
14 Act, and every 2 years thereafter,”;

15 (B) in subparagraph (C) by striking “and
16 whether metropolitan planning organizations
17 are developing meaningful performance targets;
18 and” and inserting a semicolon; and

19 (C) by striking subparagraph (D) and in-
20 serting the following:

21 “(D) a listing of all metropolitan planning
22 organizations that are establishing performance
23 targets and whether such performance targets
24 established by the metropolitan planning orga-

1 nization are meaningful or regressive (as de-
2 fined in section 150(d)(3)(B) of title 23); and

3 “(E) the progress of implementing the
4 measure established under section 150(f) of
5 title 23 and related requirements under this
6 section and section 135 of title 23.”; and

7 (12) by striking “Federally” each place it ap-
8 pears and inserting “federally”.

9 **SEC. 2108. STATEWIDE AND NONMETROPOLITAN TRANS-**
10 **PORTATION PLANNING.**

11 Section 5304 of title 49, United States Code, is
12 amended—

13 (1) in subsection (a)—

14 (A) in paragraph (1) by striking “state-
15 wide transportation improvement program” and
16 inserting “STIP”;

17 (B) in paragraph (2)—

18 (i) by striking “The statewide trans-
19 portation plan and the” and inserting the
20 following:

21 “(A) IN GENERAL.—The statewide trans-
22 portation plan and the”;

23 (ii) by striking “transportation im-
24 provement program” and inserting
25 “STIP”; and

1 (iii) by adding at the end the fol-
2 lowing:

3 “(B) CONSIDERATION.—In developing the
4 statewide transportation plans and STIPs,
5 States shall consider direct and indirect emis-
6 sions of greenhouse gases.”; and

7 (C) in paragraph (3) by striking “trans-
8 portation improvement program” and inserting
9 “STIP”;
10 (2) in subsection (d)—

11 (A) in paragraph (1)—

12 (i) in subparagraph (E)—

13 (I) by inserting “reduce green-
14 house gas emissions,” after “promote
15 energy conservation,”;

16 (II) by inserting “and public
17 health” after “improve the quality of
18 life”; and

19 (III) by inserting “, including
20 housing and land use patterns” after
21 “economic development patterns”;

22 (ii) in subparagraph (H) by striking
23 “and”;

24 (iii) in subparagraph (I) by striking
25 the period at the end and inserting “and

1 reduce or mitigate stormwater, sea level
2 rise, extreme weather, and climate change
3 impacts of surface transportation;” and

4 (iv) by adding at the end the fol-
5 lowing:

6 “(J) facilitate emergency management, re-
7 sponse, and evacuation and hazard mitigation;

8 “(K) improve the level of transportation
9 system access; and

10 “(L) support inclusive zoning policies and
11 land use planning practices that incentivize af-
12 fordable, elastic, and diverse housing supply, fa-
13 cilitate long-term economic growth by improving
14 the accessibility of housing to jobs, and prevent
15 high housing costs from displacing economically
16 disadvantaged households.”;

17 (B) in paragraph (2)—

18 (i) by striking subparagraph (A) and
19 inserting the following:

20 “(A) IN GENERAL.—Through the use of a
21 performance-based approach, transportation in-
22 vestment decisions made as a part of the state-
23 wide transportation planning process shall sup-
24 port—

1 “(i) the national goals described in
2 section 150(b);

3 “(ii) the consideration of transpor-
4 tation system access (consistent with sec-
5 tion 150(f));

6 “(iii) the achievement of statewide
7 targets established under section 150(c);
8 and

9 “(iv) the general purposes described
10 in section 5301 of title 49.”; and

11 (ii) in subparagraph (D) by striking
12 “statewide transportation improvement
13 program” and inserting “STIP”; and

14 (C) in paragraph (3) by striking “state-
15 wide transportation improvement program” and
16 inserting “STIP”;

17 (3) in subsection (e)(3) by striking “transpor-
18 tation improvement program” and inserting
19 “STIP”;

20 (4) in subsection (f)—

21 (A) in paragraph (2)(D)—

22 (i) in clause (i) by inserting “air qual-
23 ity, public health, housing, transportation,
24 resilience, hazard mitigation, emergency
25 management,” after “conservation,”; and

1 (ii) by amending clause (ii) to read as
2 follows:

3 “(ii) COMPARISON AND CONSIDER-
4 ATION.—Consultation under clause (i)
5 shall involve the comparison of transpor-
6 tation plans to other relevant plans and in-
7 ventories, including, if available—

8 “(I) State and tribal conservation
9 plans or maps; and

10 “(II) inventories of natural or
11 historic resources.”;

12 (B) in paragraph (3)(B)—

13 (i) by striking “In carrying out” and
14 inserting the following:

15 “(i) IN GENERAL.—in carrying out”;

16 (ii) by redesignating clauses (i)
17 through (iv) as subclauses (I) through
18 (IV), respectively; and

19 (iii) by adding at the end the fol-
20 lowing:

21 “(ii) ADDITIONAL METHODS.—In ad-
22 dition to the methods described in clause
23 (i), in carrying out subparagraph (A), the
24 State shall, to the maximum extent prac-
25 ticable—

1 “(I) use virtual public involve-
2 ment, social media, and other web-
3 based tools to encourage public par-
4 ticipation and solicit public feedback;
5 and

6 “(II) use other methods, as ap-
7 propriate, to further encourage public
8 participation of historically underrep-
9 resented individuals in the transpor-
10 tation planning process.”;

11 (C) in paragraph (4)(A) by inserting “re-
12 duce greenhouse gas emissions and” after “po-
13 tential to”; and

14 (D) in paragraph (8) by inserting “includ-
15 ing consideration of the role that intercity buses
16 may play in reducing congestion, pollution,
17 greenhouse gas emissions, and energy consump-
18 tion in a cost-effective manner and strategies
19 and investments that preserve and enhance
20 intercity bus systems, including systems that
21 are privately owned and operated” after “trans-
22 portation system”;

23 (5) in subsection (g)—

1 (A) in paragraph (1)(A) by striking “state-
2 wide transportation improvement program” and
3 inserting “STIP”;

4 (B) in paragraph (4)—

5 (i) by striking “PERFORMANCE TAR-
6 GET ACHIEVEMENT” and inserting “PER-
7 FORMANCE MANAGEMENT”;

8 (ii) by striking “shall include, to the
9 maximum extent practicable, a discussion”
10 and inserting the following: “shall include
11 “(A) a discussion”;

12 (iii) by striking the period at the end
13 and inserting “; and”;

14 (iv) by striking “statewide transpor-
15 tation improvement program” and insert-
16 ing “STIP” each place it appears; and

17 (v) by adding at the end the following:

18 “(B) a consideration of how the STIP im-
19 pacts the overall level of transportation system
20 access, consistent with section 150(f) of title
21 23.”;

22 (C) in paragraph (5)—

23 (i) in subparagraph (A) by striking
24 “transportation improvement program”
25 and inserting “STIP”;

1 (ii) in subparagraph (B)(ii) by strik-
2 ing “metropolitan transportation improve-
3 ment program” and inserting “TIP”;

4 (iii) in subparagraph (C) by striking
5 “transportation improvement program”
6 and inserting “STIP” each place it ap-
7 pears;

8 (iv) in subparagraph (E) by striking
9 “transportation improvement program”
10 and inserting “STIP”;

11 (v) in subparagraph (F)(i) by striking
12 “transportation improvement program”
13 and inserting “STIP” each place it ap-
14 pears;

15 (vi) in subparagraph (G)(ii) by strik-
16 ing “transportation improvement program”
17 and inserting “STIP”; and

18 (vii) in subparagraph (H) by striking
19 “transportation improvement program”
20 and inserting “STIP”;

21 (D) in paragraph (6)—

22 (i) in subparagraph (A)—

23 (I) by striking “transportation
24 improvement program” and inserting
25 “STIP”; and

1 (II) by striking “and projects
2 carried out under the bridge program
3 or the Interstate maintenance pro-
4 gram under title 23”; and

5 (ii) in subparagraph (B)—

6 (I) by striking “or under the
7 bridge program or the Interstate
8 maintenance program”;

9 (II) by striking “statewide trans-
10 portation improvement program” and
11 inserting “STIP”;

12 (E) in paragraph (7)—

13 (i) in the heading by striking “TRANS-
14 PORTATION IMPROVEMENT PROGRAM” and
15 inserting “STIP”; and

16 (ii) by striking “transportation im-
17 provement program” and inserting
18 “STIP”;

19 (F) in paragraph (8) by striking “state-
20 wide transportation plans and programs” and
21 inserting “statewide transportation plans and
22 STIPs”; and

23 (G) in paragraph (9) by striking “trans-
24 portation improvement program” and inserting
25 “STIP”;

1 (6) in subsection (h)(2)(A) by striking “Not
2 later than 5 years after the date of enactment of the
3 Federal Public Transportation Act of 2012,” and in-
4 serting “Not less frequently than once every 4
5 years,”;

6 (7) in subsection (j) by striking “transportation
7 improvement program” and inserting “STIP” each
8 place it appears;

9 (8) in subsection (l) by striking “transportation
10 improvement programs” and inserting “STIPs”.

11 **Subtitle B—Improving Frequency** 12 **and Ridership**

13 **SEC. 2201. MULTI-JURISDICTIONAL BUS FREQUENCY AND** 14 **RIDERSHIP COMPETITIVE GRANTS.**

15 (a) IN GENERAL.—Chapter 53 of title 49, United
16 States Code, is amended by inserting after section 5307
17 the following new section:

18 **“§ 5308. Multi-jurisdictional bus frequency and rider-** 19 **ship competitive grants**

20 “(a) IN GENERAL.—The Secretary shall make grants
21 under this section, on a competitive basis, to eligible re-
22 cipients to increase the frequency and ridership of public
23 transit buses.

24 “(b) APPLICATIONS.—To be eligible for a grant
25 under this section, an eligible recipient shall submit to the

1 Secretary an application at such time, in such manner,
2 and containing such information as the Secretary may re-
3 quire.

4 “(c) APPLICATION TIMING.—Not later than 90 days
5 after amounts are made available to carry out this section,
6 the Secretary shall solicit grant applications from eligible
7 recipients for projects described in subsection (d).

8 “(d) USES OF FUNDS.—An eligible recipient of a
9 grant under this section shall use such grant for capital
10 projects that—

11 “(1) increase—

12 “(A) the frequency of bus service;

13 “(B) bus ridership; and

14 “(C) total person throughput; and

15 “(2) are consistent with, and as described in,
16 the design guidance issued by the National Associa-
17 tion of City Transportation Officials and titled
18 ‘Transit Street Design Guide’.

19 “(e) GRANT CRITERIA.—In making grants under this
20 section, the Secretary shall consider the following:

21 “(1) Each eligible recipient’s projected increase
22 in bus frequency.

23 “(2) Each eligible recipient’s projected increase
24 in bus ridership.

1 “(3) Each eligible recipient’s projected increase
2 in total person throughput.

3 “(4) The degree of regional collaboration de-
4 scribed in each eligible recipient’s application, in-
5 cluding collaboration with—

6 “(A) a local government entity that oper-
7 ates a public transportation service;

8 “(B) local government agencies that con-
9 trol street design;

10 “(C) metropolitan planning organizations
11 (as such term is defined in section 5303); and

12 “(D) State departments of transportation.

13 “(f) GRANT TIMING.—The Secretary shall award
14 grants under this section not later than 120 days after
15 the date on which the Secretary completes the solicitation
16 described in subsection (e).

17 “(g) REQUIREMENTS OF THE SECRETARY.—In car-
18 rying out the program under this section, the Secretary
19 shall—

20 “(1) not later than the date described in sub-
21 section (e), publish in the Federal Register a list of
22 all metrics and evaluation procedures to be used in
23 making grants under this section; and

24 “(2) publish in the Federal Register—

1 “(A) a summary of the final metrics and
2 evaluations used in making grants under this
3 section; and

4 “(B) a list of the ratings of eligible recipi-
5 ents receiving a grant under this section based
6 on such metrics and evaluations.

7 “(h) FEDERAL SHARE.—

8 “(1) IN GENERAL.—The Federal share of the
9 cost of a project carried out under this section shall
10 not exceed 80 percent.

11 “(2) RESTRICTION ON GRANT AMOUNTS.—The
12 Secretary may make a grant for a project under this
13 section in an amount up to 150 percent of the
14 amount—

15 “(A) provided for such project under title
16 23; and

17 “(B) of remaining costs, as defined under
18 section 5307(d)(3), that were budgeted for
19 roadways for such project.

20 “(i) REQUIREMENTS OF SECTION 5307.—Except as
21 otherwise provided in this section, a grant under this sec-
22 tion shall be subject to the requirements of section 5307.

23 “(j) AVAILABILITY OF FUNDS.—

24 “(1) IN GENERAL.—Amounts made available to
25 carry out this section shall remain available for 4

1 fiscal years after the fiscal year for which the
2 amount was made available.

3 “(2) UNOBLIGATED AMOUNTS.—After the expi-
4 ration of the period described in paragraph (1) for
5 an amount made available to carry out this section,
6 any unobligated amounts made available to carry out
7 this section shall be added to the amounts made
8 available for the following fiscal year.

9 “(k) ELIGIBLE RECIPIENTS.—In this section, the
10 term ‘eligible recipient’ means a recipient of a grant under
11 section 5307 in an urbanized area with a population great-
12 er than 500,000.”.

13 (b) CLERICAL AMENDMENT.—The analysis for chap-
14 ter 53 of title 49, United States Code, is amended by in-
15 serting after the item relating to section 5307 the fol-
16 lowing new item:

“5308. Multi-jurisdictional bus frequency and ridership competitive grants.”.

17 **SEC. 2202. INCENTIVIZING FREQUENCY IN THE URBAN FOR-**
18 **MULA.**

19 Section 5336 of title 49, United States Code, is
20 amended—

21 (1) in subsection (b)—

22 (A) in paragraph (2)—

23 (i) in subparagraph (A)—

1 (I) in the matter preceding clause
2 (i) by striking “95.61 percent” and
3 inserting “95 percent”;

4 (II) in clause (i) by striking
5 “95.61 percent” and inserting “95
6 percent”; and

7 (III) in clause (ii) by striking
8 “95.61 percent” and inserting “95
9 percent”; and
10 (ii) in subparagraph (B)—

11 (I) in the matter preceding clause
12 (i) by striking “4.39 percent” and in-
13 serting “5 percent”;

14 (II) in clause (i)—

15 (aa) by inserting “in the
16 highest 25 percent of routes by
17 ridership” before “multiplied
18 by”; and

19 (bb) by striking “vehicle
20 passenger miles traveled for each
21 dollar of operating cost in an
22 area” and inserting “vehicles op-
23 erating in peak revenue service
24 per hour in the highest 25 per-
25 cent of routes by ridership”; and

1 (III) in clause (ii)—

2 (aa) by inserting “in the
3 highest 25 percent of routes by
4 ridership” before “multiplied
5 by”; and

6 (bb) by striking “vehicle
7 passenger miles traveled for each
8 dollar of operating cost in all
9 areas” and inserting “vehicles
10 operating in peak revenue service
11 per hour in the highest 25 per-
12 cent of routes by ridership”; and

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

14 “(3) SPECIAL RULE.—For fiscal year 2022, the
15 percentage—

16 “(A) in paragraph (2)(A) in the matter
17 preceding clause (i) shall be treated as 100 per-
18 cent; and

19 “(B) in paragraph (2)(B) in the matter
20 preceding clause (i) shall be treated as 0 per-
21 cent.”;

22 (2) in subsection (c)—

23 (A) in paragraph (1) by striking “90.8
24 percent” and inserting “90 percent” each place
25 it appears;

1 (B) in paragraph (2)—

2 (i) by striking “9.2 percent” and in-
3 serting “8 percent”;

4 (ii) by striking “200,000” and insert-
5 ing “500,000”;

6 (iii) by striking subparagraph (A) and
7 inserting the following:

8 “(A) the number of bus passenger miles
9 traveled on the highest 25 percent of routes by
10 ridership multiplied by the number of buses op-
11 erating in peak revenue service per hour on the
12 highest 25 percent of routes by ridership; di-
13 vided by”; and

14 (iv) by striking subparagraph (B) and
15 inserting the following:

16 “(B) the total number of bus passenger
17 miles traveled on the highest 25 percent of
18 routes by ridership multiplied by the total num-
19 ber of buses operating in peak revenue service
20 per hour on the highest 25 percent of routes by
21 ridership in all areas.”; and

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

23 “(3) 2 percent of the total amount apportioned
24 under this subsection shall be apportioned so that
25 each urbanized area with a population of at least

1 200,000 and less than 500,000 is entitled to receive
2 an amount using the formula in paragraph (1).

3 “(4) For fiscal year 2022, the percentage—

4 “(A) in paragraph (1) in the matter pre-
5 ceding subparagraph (A) shall be treated as
6 100 percent;

7 “(B) in paragraph (2) in the matter pre-
8 ceding subparagraph (A) shall be treated as 0
9 percent; and

10 “(C) in paragraph (3) shall be treated as
11 0 percent.”; and

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

13 “(k) **PEAK REVENUE SERVICE DEFINED.**—In this
14 section, the term ‘peak revenue service’ means the time
15 period between the time that an agency exceeds the num-
16 ber of midday vehicles in revenue service per hour in the
17 morning peak and the time that an agency falls below the
18 number of midday vehicles in revenue service per hour in
19 the evening peak.”.

20 **SEC. 2203. MOBILITY INNOVATION.**

21 (a) **IN GENERAL.**—Chapter 53 of title 49, United
22 States Code, is amended by inserting after section 5315
23 the following new section:

1 **“§ 5316. Mobility innovation**

2 “(a) IN GENERAL.—Amounts made available to a
3 covered recipient to carry out sections 5307, 5310, and
4 5311 may be used by such covered recipient under this
5 section to assist in the financing of—

6 “(1) mobility as a service; and

7 “(2) mobility on demand services.

8 “(b) FEDERAL SHARE.—

9 “(1) IN GENERAL.—Except as provided in para-
10 graphs (2) and (3), the Federal share of the net cost
11 of a project carried out under this section shall not
12 exceed 80 percent.

13 “(2) INSOURCING INCENTIVE.—Notwith-
14 standing paragraph (1), the Federal share of the net
15 cost of a project described in paragraph (1) shall be
16 reduced by 25 percent if the recipient uses a third-
17 party contract for a mobility on demand service.

18 “(3) ZERO EMISSION INCENTIVE.—Notwith-
19 standing paragraph (1), the Federal share of the net
20 cost of a project described in paragraph (1) shall be
21 reduced by 25 percent if such project involves an eli-
22 gible use that uses a vehicle that produces carbon di-
23 oxide or particulate matter.

24 “(c) ELIGIBLE USES.—

1 “(1) IN GENERAL.—The Secretary shall publish
2 guidance describing eligible activities that are dem-
3 onstrated 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, provided that the transit
25 agency operating hours are not reduced;

1 “(vi) new low density service relative
2 to the higher density urban areas of the
3 agency’s service area; and

4 “(vii) rural service.

5 “(2) PROHIBITION ON USE OF FUNDS.—
6 Amounts used by a covered recipient for projects eli-
7 gible under this section may not be used for—

8 “(A) single passenger vehicle miles (in a
9 passenger motor vehicle, as such term is de-
10 fined in section 32101, that carries less than 9
11 passengers), unless the trip—

12 “(i) meets the definition of public
13 transportation; and

14 “(ii) begins or completes a fixed route
15 public transportation trip;

16 “(B) deadhead vehicle miles; or

17 “(C) any service considered a taxi service
18 for purposes of section 5331.

19 “(d) FEDERAL REQUIREMENTS.—A project carried
20 out under this section shall be treated as if such project
21 were carried out under the section from which the funds
22 were provided to carry out such project, including the ap-
23 plication of any additional requirements provided for by
24 law that apply to section 5307, 5310, or 5311, as applica-
25 ble.

1 “(e) WAIVER.—

2 “(1) INDIVIDUAL WAIVER.—Except as provided
3 in paragraph (2), the Secretary may waive any re-
4 quirement applied to a project carried out under this
5 section pursuant to subsection (d) if the Secretary
6 determines that the project would—

7 “(A) not undermine labor standards;

8 “(B) increase employment opportunities of
9 the recipient; and

10 “(C) be consistent with the public interest.

11 “(2) WAIVER UNDER OTHER SECTIONS.—The
12 Secretary may not waive any requirement under
13 paragraph (1) for which a waiver is otherwise avail-
14 able.

15 “(3) PROHIBITION OF WAIVER.—Notwith-
16 standing paragraph (1), the Secretary may not
17 waive any requirement of—

18 “(A) section 5333;

19 “(B) section 5331;

20 “(C) section 5302(14); and

21 “(D) chapter 53 that establishes a max-
22 imum Federal share for operating costs.

23 “(4) APPLICATION OF SECTION 5320.—Notwith-
24 standing paragraphs (1) and (2), the Secretary may

1 only waive the requirements of section 5320 with re-
2 spect to—

3 “(A) a passenger vehicle owned by an indi-
4 vidual; and

5 “(B) subsection (q) of such section for any
6 passenger vehicle not owned by an individual
7 for the period beginning on the date of enact-
8 ment of this section and ending 3 years after
9 such date.

10 “(f) OPEN DATA STANDARDS.—

11 “(1) IN GENERAL.—Not later than 90 days
12 after the date of enactment of this section, the Sec-
13 retary shall initiate procedures under subchapter III
14 of chapter 5 of title 5 to develop an open data stand-
15 ard and an application programming interface nec-
16 essary to carry out this section.

17 “(2) REGULATIONS.—The regulations required
18 under paragraph (1) shall require public transpor-
19 tation agencies, mobility on demand providers, mo-
20 bility as a service technology providers, other non-
21 government actors, and local governments the effi-
22 cient means to transfer data to—

23 “(A) foster the efficient use of transpor-
24 tation capacity;

1 “(B) enhance the management of new
2 modes of mobility;

3 “(C) enable the use of innovative planning
4 tools;

5 “(D) enable single payment systems for all
6 mobility on demand services;

7 “(E) establish metropolitan planning orga-
8 nization, State, and local government access to
9 anonymized data for transportation planning,
10 real time operations data, and rules;

11 “(F) safeguard personally identifiable in-
12 formation;

13 “(G) protect confidential business informa-
14 tion; and

15 “(H) enhance cybersecurity protections.

16 “(3) PROHIBITION ON FOR PROFIT ACTIVITY.—
17 Any data received by an entity under this subsection
18 may not be sold, leased, or otherwise used to gen-
19 erate profit, except for the direct provision of the re-
20 lated mobility on demand services and mobility as a
21 service.

22 “(4) COMMITTEE.—A negotiated rulemaking
23 committee established pursuant to section 565 of
24 title 5 to carry out this subsection shall have a max-
25 imum of 17 members limited to representatives of

1 the Department of Transportation, State and local
2 governments, metropolitan planning organizations,
3 urban and rural covered recipients, associations that
4 represent public transit agencies, representatives
5 from at least 3 different organizations engaged in
6 collective bargaining on behalf of transit workers in
7 not fewer than 3 States, mobility on demand pro-
8 viders, and mobility as a service technology pro-
9 viders.

10 “(5) PUBLICATION OF PROPOSED REGULA-
11 TIONS.—Proposed regulations to implement this sec-
12 tion shall be published in the Federal Register by
13 the Secretary not later than 18 months after such
14 date of enactment.

15 “(6) EXTENSION OF DEADLINES.—A deadline
16 set forth in paragraph (4) may be extended up to
17 180 days if the negotiated rulemaking committee re-
18 ferred to in paragraph (5) concludes that the com-
19 mittee cannot meet the deadline and the Secretary
20 so notifies the Committee on Transportation and In-
21 frastructure of the House of Representatives and the
22 Committee on Banking, Housing, and Urban Affairs
23 of the Senate.

24 “(g) APPLICATION OF RECIPIENT REVENUE VEHI-
25 CLE MILES.—With respect to revenue vehicle miles with

1 one passenger of a covered recipient using amounts under
2 this section, such miles—

3 “(1) shall be included in the National Transit
4 Database under section 5335; and

5 “(2) shall be excluded from vehicle revenue
6 miles data used in the calculation described in sec-
7 tion 5336.

8 “(h) SAVINGS CLAUSE.—Subsection (c)(2) and sub-
9 section (g) shall not apply to any eligible activities under
10 this section if such activities are being carried out in com-
11 pliance with the Americans with Disabilities Act of 1990
12 (42 U.S.C. 12101 et seq.).

13 “(i) DEFINITIONS.—In this section:

14 “(1) DEADHEAD VEHICLE MILES.—The term
15 ‘deadhead vehicle miles’ means the miles that a vehi-
16 cle travels when out of revenue service, including
17 leaving or returning to the garage or yard facility,
18 changing routes, when there is no expectation of car-
19 rying revenue passengers, and any miles traveled by
20 a private operator without a passenger.

21 “(2) MOBILITY AS A SERVICE.—The term ‘mo-
22 bility as a service’ means services that constitute the
23 integration of mobility on demand services and pub-
24 lic transportation that are available and accessible to

1 all travelers, provide multimodal trip planning, and
2 a unified payment system.

3 “(3) MOBILITY ON DEMAND.—The term ‘mobil-
4 ity on demand’ means an on-demand transportation
5 service shared among individuals, either concurrently
6 or one after another.

7 “(4) COVERED RECIPIENT.—The term ‘covered
8 recipient’ means a State or local government entity,
9 private nonprofit organization, or Tribe that—

10 “(A) operates a public transportation serv-
11 ice; and

12 “(B) is a recipient or subrecipient of funds
13 under section 5307, 5310, or 5311.”.

14 (b) CLERICAL AMENDMENT.—The analysis for chap-
15 ter 53 of title 49, United States Code, is amended by in-
16 serting after the item relating to section 5315 the fol-
17 lowing new item:

“5316. Mobility innovation.”.

18 (c) EFFECTIVE DATE.—This section and the amend-
19 ments made by this section shall take effect on the date
20 on which the Secretary has finalized both—

21 (1) the guidance required under section 5316(c)
22 of title 49, United States Code; and

23 (2) the regulations required under section
24 5316(f) of title 49, United States Code.

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)”; and

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)”; and

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 tplied 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, highly skilled labor costs involved in
6 final assembly shall be included as a separate com-
7 ponent in the cost of components and subcompo-
8 nents under subsection (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 cost of all compo-
3 nents of the rolling stock, that reduces, by more
4 than half, the percentage of domestic content
5 above 70 percent.

6 “(2) CERTIFICATION OF PERCENTAGE.—The
7 Secretary may, at the request of a component or
8 subcomponent manufacturer, certify the percentage
9 of domestic content and place of manufacturing for
10 a component or subcomponent.

11 “(3) FREEDOM OF INFORMATION ACT.—In car-
12 rying out this subsection, the Secretary shall consist-
13 ently apply the provisions of section 552 of title 5,
14 including subsection (b)(4) of such section.

15 “(4) NONCOMPLIANCE.—The Secretary shall
16 prohibit recipients from procuring rolling stock, com-
17 ponents, or subcomponents from a supplier that in-
18 tentionally provides false information to comply with
19 this subsection.

20 “(n) SCOPE.—The requirements of this section apply
21 to all contracts for a public transportation project carried
22 out within the scope of the applicable finding, determina-
23 tion, or decision under the National Environmental Policy
24 Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the
25 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 new 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;”; and

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.”; and

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 using the data from the 20 percent of eligible
20 recipients and subrecipients.

21 “(4) RURAL ALLOCATION.—The Secretary
22 shall—

23 “(A) calculate the percentage of funds
24 under section 5338(a)(2)(L)(ii) to allocate to
25 rural subrecipients by dividing—

1 “(i) the asset vehicle miles for buses
2 beyond the useful life benchmark (estab-
3 lished by the Federal Transit Administra-
4 tion) of the rural subrecipients described in
5 paragraph (2); by

6 “(ii) the total asset vehicle miles for
7 buses beyond such benchmark of all eligi-
8 ble recipients and subrecipients described
9 in paragraph (2); and

10 “(B) prior to the allocation described in
11 paragraph (3)(B), apportion to each State the
12 amount of the total rural allocation calculated
13 under subparagraph (A) attributable to such
14 State based the proportion that—

15 “(i) the asset vehicle miles for buses
16 beyond the useful life benchmark (estab-
17 lished by the Federal Transit Administra-
18 tion) for rural subrecipients described in
19 paragraph (2) in such State; bears to

20 “(ii) the total asset vehicle miles de-
21 scribed in subparagraph (A)(i).

22 “(5) APPLICATION OF OTHER PROVISIONS.—
23 Paragraphs (3), (7), and (8) of subsection (a) shall
24 apply to eligible recipients and subrecipients de-

1 scribed in paragraph (2) of a grant under this sub-
2 section.

3 “(6) PROHIBITION.—No eligible recipient or
4 subrecipient outside the top 5 percent of asset vehi-
5 cle miles for buses beyond the useful life benchmark
6 established by the Federal Transit Administration
7 may receive a grant in both fiscal year 2022 and fis-
8 cal year 2023.

9 “(7) REQUIREMENT.—The Secretary shall re-
10 quire—

11 “(A) States to expend, to the benefit of the
12 subrecipients eligible under paragraph (2), the
13 apportioned funds attributed to such subrecipi-
14 ents; and

15 “(B) designated recipients to provide the
16 allocated funds to the recipients eligible under
17 paragraph (2) the apportioned funds attributed
18 to such recipients.”.

19 **Subtitle E—Supporting All Riders**

20 **SEC. 2501. LOW-INCOME URBAN FORMULA FUNDS.**

21 Section 5336(j) of title 49, United States Code, is
22 amended

23 (1) in paragraph (1) by striking “75 percent”
24 and inserting “50 percent”;

1 (2) in paragraph (2) by striking “25 percent”
2 and inserting “12.5 percent”; and

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

4 “(3) 30 percent of the funds shall be appor-
5 tioned among designated recipients for urbanized
6 areas with a population of 200,000 or more in the
7 ratio that—

8 “(A) the number of individuals in each
9 such urbanized area residing in an urban cen-
10 sus tract with a poverty rate of at least 20 per-
11 cent during the 5 years most recently ending;
12 bears to

13 “(B) the number of individuals in all such
14 urbanized areas residing in an urban census
15 tract with a poverty rate of at least 20 percent
16 during the 5 years most recently ending; and

17 “(4) 7.5 percent of the funds shall be appor-
18 tioned among designated recipients for urbanized
19 areas with a population less than 200,000 in the
20 ratio that—

21 “(A) the number of individuals in each
22 such urbanized area residing in an urban cen-
23 sus tract with a poverty rate of at least 20 per-
24 cent during the 5 years most recently ending;
25 bears to

1 “(B) the number of individuals in all such
2 areas residing in an urban census tract with a
3 poverty rate of at least 20 percent during the
4 5 years most recently ending.”.

5 **SEC. 2502. RURAL PERSISTENT POVERTY FORMULA.**

6 Section 5311 of title 49, United States Code, as
7 amended in section 2204, is further amended—

8 (1) in subsection (a) by adding at the end the
9 following:

10 “(3) PERSISTENT POVERTY COUNTY.—The
11 term ‘persistent poverty county’ means any county
12 with a poverty rate of at least 20 percent—

13 “(A) as determined in each of the 1990
14 and 2000 decennial censuses;

15 “(B) in the Small Area Income and Pov-
16 erty Estimates of the Bureau of the Census for
17 the most recent year for which the estimates
18 are available; and

19 “(C) has at least 25 percent of its popu-
20 lation in rural areas.”;

21 (2) in subsection (b)(2)(C)(i) by inserting “and
22 persistent poverty counties” before the semicolon;
23 and

24 (3) in subsection (c) by striking paragraph (2)
25 and inserting the following:

1 “(2) PERSISTENT POVERTY PUBLIC TRANSPOR-
2 TATION ASSISTANCE PROGRAM.—

3 “(A) IN GENERAL.—The Secretary shall
4 carry out a public transportation assistance
5 program for areas of persistent poverty.

6 “(B) APPORTIONMENT.—Of amounts
7 made available or appropriated for each fiscal
8 year under section 5338(a)(2)(E)(ii) to carry
9 out this paragraph, the Secretary shall appor-
10 tion funds to recipients for service in, or di-
11 rectly benefitting, persistent poverty counties
12 for any eligible purpose under this section in
13 the ratio that—

14 “(i) the number of individuals in each
15 such rural area residing in a persistent
16 poverty county; bears to

17 “(ii) the number of individuals in all
18 such rural areas residing in a persistent
19 poverty county.”.

20 **SEC. 2503. DEMONSTRATION GRANTS TO SUPPORT RE-**
21 **DUCE FARE TRANSIT.**

22 Section 5312 of title 49, United States Code, is
23 amended by adding at the end the following:

24 “(j) DEMONSTRATION GRANTS TO SUPPORT RE-
25 DUCED FARE TRANSIT.—

1 “(1) IN GENERAL.—Not later than 300 days
2 after the date of enactment of the INVEST in
3 America Act, the Secretary shall award grants
4 (which shall be known as ‘Access to Jobs Grants’)
5 to eligible entities, on a competitive basis, to imple-
6 ment reduced fare transit service.

7 “(2) NOTICE.—Not later than 180 days after
8 the date of enactment of the INVEST in America
9 Act, the Secretary shall provide notice to eligible en-
10 tities of the availability of grants under paragraph
11 (1).

12 “(3) APPLICATION.—To be eligible to receive a
13 grant under this subsection, an eligible recipient
14 shall submit to the Secretary an application con-
15 taining such information as the Secretary may re-
16 quire, including, at a minimum, the following:

17 “(A) A description of how the eligible enti-
18 ty plans to implement reduced fare transit ac-
19 cess with respect to low-income individuals, in-
20 cluding any eligibility requirements for such
21 transit access.

22 “(B) A description of how the eligible enti-
23 ty will consult with local community stake-
24 holders, labor unions, local education agencies
25 and institutions of higher education, public

1 housing agencies, and workforce development
2 boards in the implementation of reduced fares.

3 “(C) A description of the eligible entity’s
4 current fare evasion enforcement policies, in-
5 cluding how the eligible entity plans to use the
6 reduced fare program to reduce fare evasion.

7 “(D) An estimate of additional costs to
8 such eligible entity as a result of reduced tran-
9 sit fares.

10 “(4) GRANT DURATION.—Grants awarded
11 under this subsection shall be for a 2-year period.

12 “(5) SELECTION OF ELIGIBLE RECIPIENTS.—In
13 carrying out the program under this subsection, the
14 Secretary shall award not more than 20 percent of
15 grants to eligible entities located in rural areas.

16 “(6) USES OF FUNDS.—An eligible entity re-
17 ceiving a grant under this subsection shall use such
18 grant to implement a reduced fare transit program
19 and offset lost fare revenue.

20 “(7) DEFINITIONS.—In this subsection:

21 “(A) ELIGIBLE ENTITY.—The term ‘eligi-
22 ble entity’ means a State, local, or Tribal gov-
23 ernmental entity that operates a public trans-
24 portation service and is a recipient or sub-
25 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, and a reduction in visibility
6 impairments that contribute to pedes-
7 trian fatalities.”;

8 (2) in subsection (d)—

9 (A) in paragraph (1)—

10 (i) in subparagraph (A) by inserting
11 “the safety committee established under
12 paragraph (4), and subsequently,” before
13 “the board of directors”;

14 (ii) in subparagraph (C) by striking
15 “public, personnel, and property” and in-
16 serting “public and personnel to injuries,
17 assaults, and fatalities, and strategies to
18 minimize the exposure of property”;

19 (iii) by striking subparagraph (G) and
20 inserting the following:

21 “(G) a comprehensive staff training pro-
22 gram for the operations and maintenance per-
23 sonnel and personnel directly responsible for
24 safety of the recipient that includes—

1 “(i) the completion of a safety train-
2 ing program;

3 “(ii) continuing safety education and
4 training; and

5 “(iii) de-escalation training;

6 “(H) a requirement that the safety com-
7 mittee only approve a safety plan under sub-
8 paragraph (A) if such plan stays within such
9 recipient’s fiscal budget; and

10 “(I) a risk reduction program for transit
11 operations to improve safety by reducing the
12 number and rates of accidents, injuries, and as-
13 saults on transit workers using data submitted
14 to the National Transit Database, including—

15 “(i) a reduction of vehicular and pe-
16 destrian accidents involving buses that in-
17 cludes measures to reduce visibility impair-
18 ments for bus operators that contribute to
19 accidents, including retrofits to buses in
20 revenue service and specifications for fu-
21 ture procurements that reduce visibility
22 impairments; and

23 “(ii) transit worker assault mitigation,
24 including the deployment of assault mitiga-
25 tion infrastructure and technology on

1 buses, including barriers to restrict the un-
2 wanted entry of individuals and objects
3 into bus operators' workstations when a re-
4 cipient's risk analysis performed by the
5 safety committee established in paragraph
6 (4) determines that such barriers or other
7 measures would reduce assaults on and in-
8 juries to transit workers; and"; 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—

17 “(i) if the recipient directly employs
18 frontline transit workers, the recipient; or

19 “(ii) if the recipient does not directly
20 employ frontline transit workers, the con-
21 tractor employing the most frontline tran-
22 sit workers providing service on behalf of
23 the recipient; and

24 “(B) employer or State representatives.”;

25 and

1 (3) in subsection (e)(4)(A)(v) by inserting “, in-
2 spection,” after “has investigative”.

3 **SEC. 2603. INNOVATION WORKFORCE STANDARDS.**

4 (a) PROHIBITION ON USE OF FUNDS.—No financial
5 assistance under chapter 53 of title 49, United States
6 Code, may be used for—

7 (1) an automated vehicle providing public trans-
8 portation unless—

9 (A) the recipient of such assistance that
10 proposes to deploy an automated vehicle pro-
11 viding public transportation certifies to the Sec-
12 retary of Transportation that the deployment
13 does not duplicate, eliminate, or reduce the fre-
14 quency of existing public transportation service;
15 and

16 (B) the Secretary receives, approves, and
17 publishes the workforce development plan under
18 subsection (b) submitted by the eligible entity
19 when required by subsection (b)(1); and

20 (2) a mobility on demand service unless—

21 (A) the recipient of such assistance that
22 proposes to deploy a mobility on demand service
23 certifies to the Secretary that the service meets
24 the criteria under section 5316 of title 49,
25 United States Code; and

1 (B) the Secretary receives, approves, and
2 publishes the workforce development plan under
3 subsection (b) submitted by the eligible entity
4 when required by subsection (b)(1).

5 (b) WORKFORCE DEVELOPMENT PLAN.—

6 (1) IN GENERAL.—A recipient of financial as-
7 sistance under chapter 53 of title 49, United States
8 Code, proposing to deploy an automated vehicle pro-
9 viding public transportation or mobility on demand
10 service shall submit to the Secretary, prior to imple-
11 mentation of such service, a workforce development
12 plan if such service, combined with any other auto-
13 mated vehicle providing public transportation or mo-
14 bility on demand service offered by such recipient,
15 would exceed by more than 0.5 percent of the recipi-
16 ent's total transit passenger miles traveled.

17 (2) CONTENTS.—The workforce development
18 plan under subsection (a) shall include the following:

19 (A) A description of services offered by ex-
20 isting modes of public transportation in the
21 area served by the recipient that could be af-
22 fected by the proposed automated vehicle pro-
23 viding public transportation or mobility on de-
24 mand service, including jobs and functions of
25 such jobs.

1 (B) A forecast of the number of jobs pro-
2 vided by existing modes of public transportation
3 that would be eliminated or that would be sub-
4 stantially changed and the number of jobs ex-
5 pected to be created by the proposed automated
6 vehicle providing public transportation or mobil-
7 ity on demand service over a 5-year period from
8 the date of the publication of the workforce de-
9 velopment plan.

10 (C) Identified gaps in skills needed to op-
11 erate and maintain the proposed automated ve-
12 hicle providing public transportation or mobility
13 on demand service.

14 (D) A comprehensive plan to transition,
15 train, or retrain employees that could be af-
16 fected by the proposed automated vehicle pro-
17 viding public transportation or mobility on de-
18 mand service.

19 (E) An estimated budget to transition,
20 train, or retrain employees impacted by the pro-
21 posed automated vehicle providing public trans-
22 portation or mobility on demand service over a
23 5-year period from the date of the publication
24 of the workforce development plan.

25 (c) NOTICE REQUIRED.—

1 (1) IN GENERAL.—A recipient of financial as-
2 sistance under chapter 53 of title 49, United States
3 Code, shall issue a notice to employees who, due to
4 the use of an automated vehicle providing public
5 transportation or mobility on demand service, may
6 be subjected to a loss of employment or a change in
7 responsibilities not later than 60 days before issuing
8 a request for proposals to procure or contract for
9 such a vehicle.

10 (2) CONTENT.—The notice required in para-
11 graph (1) shall include the following:

12 (A) A description of the automated vehicle
13 providing public transportation or mobility on
14 demand service.

15 (B) The impact of the automated vehicle
16 providing public transportation or mobility on
17 demand service on employment positions, in-
18 cluding a description of which employment posi-
19 tions will be affected and whether any new posi-
20 tions will be created.

21 (d) DEFINITIONS.—In this section:

22 (1) AUTOMATED VEHICLE.—The term “auto-
23 mated vehicle” means a motor vehicle that—

24 (A) is capable of performing the entire
25 task of driving (including steering, accelerating

1 and decelerating, and reacting to external stim-
2 ulus) without human intervention; and

3 (B) is designed to be operated exclusively
4 by a Level 4 or Level 5 automated driving sys-
5 tem for all trips according to the recommended
6 practice standards published on June 15, 2018,
7 by the Society of Automotive Engineers Inter-
8 national (J3016__201806) or equivalent stand-
9 ards adopted by the Secretary with respect to
10 automated motor vehicles.

11 (2) MOBILITY ON DEMAND.—The term “mobil-
12 ity on demand” has the meaning given such term in
13 section 5316 of title 49, United States Code.

14 (3) PUBLIC TRANSPORTATION.—The term
15 “public transportation” has the meaning given such
16 term in section 5302 of title 49, United States Code.

17 **SEC. 2604. SAFETY PERFORMANCE MEASURES AND SET**
18 **ASIDES.**

19 Section 5329(d)(2) of title 49, United States Code,
20 is amended to read as follows:

21 “(2) SAFETY COMMITTEE PERFORMANCE MEAS-
22 URES.—

23 “(A) IN GENERAL.—The safety committee
24 described in paragraph (4) shall establish per-
25 formance measures for the risk reduction pro-

1 gram in paragraph (1)(I) using a 3-year rolling
2 average of the data submitted by the recipient
3 to the National Transit Database.

4 “(B) SAFETY SET ASIDE.—With respect to
5 a recipient serving an urbanized area that re-
6 ceives funds under section 5307, such recipient
7 shall allocate not less than 0.75 percent of such
8 funds to projects eligible under 5307.

9 “(C) FAILURE TO MEET PERFORMANCE
10 MEASURES.—Any recipient that receives funds
11 under section 5307 that does not meet the per-
12 formance measures established in subparagraph
13 (A) shall allocate the amount made available in
14 subparagraph (B) in the following fiscal year to
15 projects described in subparagraph (D).

16 “(D) ELIGIBLE PROJECTS.—Funds set
17 aside under this paragraph shall be used for
18 projects that are reasonably likely to meet the
19 performance measures established in subpara-
20 graph (A), including modifications to rolling
21 stock and de-escalation training.”.

1 **Subtitle G—Transit-Supportive**
2 **Communities**

3 **SEC. 2701. TRANSIT-SUPPORTIVE COMMUNITIES.**

4 (a) IN GENERAL.—Chapter 53 of subtitle III of title
5 49, United States Code, is amended by inserting after sec-
6 tion 5327 the following:

7 **“§ 5328. Transit-supportive communities**

8 “(a) ESTABLISHMENT.—The Secretary shall estab-
9 lish within the Federal Transit Administration, an Office
10 of Transit-Supportive Communities to make grants, pro-
11 vide technical assistance, and assist in the coordination
12 of transit and housing policies within the Federal Transit
13 Administration, the Department of Transportation, and
14 across the Federal Government.

15 “(b) TRANSIT ORIENTED DEVELOPMENT PLANNING
16 GRANT PROGRAM.—

17 “(1) DEFINITION.—In this subsection the term
18 ‘eligible project’ means—

19 “(A) a new fixed guideway capital project
20 or a core capacity improvement project as de-
21 fined in section 5309;

22 “(B) an existing fixed guideway system, or
23 an existing station that is served by a fixed
24 guideway system; or

1 “(C) the immediate corridor along the
2 highest 25 percent of routes by ridership as
3 demonstrated in section 5336(b)(2)(B).

4 “(2) GENERAL AUTHORITY.—The Secretary
5 may make grants under this subsection to a State
6 or local governmental authority to assist in financing
7 comprehensive planning associated with an eligible
8 project that seeks to—

9 “(A) enhance economic development, rider-
10 ship, and other goals established during the
11 project development and engineering processes
12 or the grant application;

13 “(B) facilitate multimodal connectivity and
14 accessibility;

15 “(C) increase access to transit hubs for pe-
16 destrian and bicycle traffic;

17 “(D) enable mixed-use development;

18 “(E) identify infrastructure needs associ-
19 ated with the eligible project; and

20 “(F) include private sector participation.

21 “(3) ELIGIBILITY.—A State or local govern-
22 mental authority that desires to participate in the
23 program under this subsection shall submit to the
24 Secretary an application that contains at a min-
25 imum—

1 “(A) an identification of an eligible project;

2 “(B) a schedule and process for the devel-
3 opment of a comprehensive plan;

4 “(C) a description of how the eligible
5 project and the proposed comprehensive plan
6 advance the metropolitan transportation plan of
7 the metropolitan planning organization;

8 “(D) proposed performance criteria for the
9 development and implementation of the com-
10 prehensive plan;

11 “(E) a description of how the project will
12 reduce and mitigate social and economic im-
13 pacts on existing residents and businesses vul-
14 nerable to displacement; and

15 “(F) identification of—

16 “(i) partners;

17 “(ii) availability of and authority for
18 funding; and

19 “(iii) potential State, local or other
20 impediments to the implementation of the
21 comprehensive plan.

22 “(4) COST SHARE.—A grant under this sub-
23 section shall not exceed an amount in excess of 80
24 percent of total project costs, except that a grant
25 that includes an affordable housing component shall

1 not exceed an amount in excess of 90 percent of
2 total project costs.

3 “(c) TECHNICAL ASSISTANCE.—The Secretary shall
4 provide technical assistance to local governmental authori-
5 ties and states in the planning and development of transit-
6 oriented development projects and transit supportive cor-
7 ridor policies, including—

8 “(1) the siting, planning, financing, and inte-
9 gration of transit-oriented development projects;

10 “(2) the integration of transit-oriented develop-
11 ment and transit-supportive corridor policies in the
12 preparation for and development of an application
13 for funding under section 602 of title 23;

14 “(3) the siting, planning, financing, and inte-
15 gration of transit-oriented development and transit
16 supportive corridor policies associated with projects
17 under section 5309;

18 “(4) the development of housing feasibility as-
19 sessments as allowed under section 5309(g)(3)(B);

20 “(5) the development of transit-supportive cor-
21 ridor policies that promote transit ridership and
22 transit-oriented development;

23 “(6) the development, implementation, and
24 management of land value capture programs; and

1 “(7) the development of model contracts, model
2 codes, and best practices for the implementation of
3 transit-oriented development projects and transit-
4 supportive corridor policies.

5 “(d) EQUITY.—In providing technical assistance
6 under subsection (c), the Secretary shall incorporate strat-
7 egies to promote equity for underrepresented and under-
8 served communities, including—

9 “(1) preventing displacement of existing resi-
10 dents and businesses;

11 “(2) mitigating rent and housing price in-
12 creases;

13 “(3) incorporating affordable rental and owner-
14 ship housing in transit-oriented development;

15 “(4) engaging under-served, limited English
16 proficiency, low income, and minority communities
17 in the planning process;

18 “(5) fostering economic development opportuni-
19 ties for existing residents and businesses; and

20 “(6) targeting affordable housing that help less-
21 en homelessness.

22 “(e) AUTHORITY TO REQUEST STAFFING ASSIST-
23 ANCE.—In fulfilling the duties of this section, the Sec-
24 retary shall, as needed, request staffing and technical as-

1 sistance from other Federal agencies, programs, adminis-
2 trations, boards, or commissions.

3 “(f) REVIEW EXISTING POLICIES AND PROGRAMS.—

4 Not later than 24 months after the date of enactment of
5 this section, the Secretary shall review and evaluate all
6 existing policies and programs within the Federal Transit
7 Administration that support or promote transit-oriented
8 development to ensure their coordination and effectiveness
9 relative to the goals of this section.

10 “(g) REPORTING.—Not later than February 1 of
11 each year beginning the year after the date of enactment
12 of this section, the Secretary shall prepare a report detail-
13 ing the grants and technical assistance provided under this
14 section. The report shall be provided to the Committee on
15 Transportation and Infrastructure of the House of Rep-
16 resentatives and the Committee on Banking, Housing and
17 Urban Affairs of the Senate.

18 “(h) SAVINGS CLAUSE.—Nothing in this section au-
19 thorizes the Secretary to provide any financial assistance
20 for the construction of housing.”.

21 (b) CLERICAL AMENDMENT.—The analysis for chap-
22 ter 53 of subtitle III of title 49, United States Code, is
23 amended by inserting after the item relating to section
24 5327 the following:

“5328. Transit-supportive communities.”.

1 (c) TECHNICAL AND CONFORMING AMENDMENT.—
2 Section 20005 of the MAP-21 (Public Law 112-141) is
3 amended—

- 4 (1) by striking “(a) AMENDMENT.—”; and
5 (2) by striking subsection (b).

6 **SEC. 2702. PROPERTY DISPOSITION FOR AFFORDABLE**
7 **HOUSING.**

8 Section 5334(h)(1) of title 49, United States Code,
9 is amended to read as follows:

10 “(1) IN GENERAL.—If a recipient of assistance
11 under this chapter decides an asset acquired under
12 this chapter at least in part with that assistance is
13 no longer needed for the purpose for which such
14 asset was acquired, the Secretary may authorize the
15 recipient to transfer such asset to—

16 “(A) a local governmental authority to be
17 used for a public purpose with no further obli-
18 gation to the Government if the Secretary de-
19 cides—

20 “(i) the asset will remain in public use
21 for at least 5 years after the date the asset
22 is transferred;

23 “(ii) there is no purpose eligible for
24 assistance under this chapter for which the
25 asset should be used;

1 “(iii) the overall benefit of allowing
2 the transfer is greater than the interest of
3 the Government in liquidation and return
4 of the financial interest of the Government
5 in the asset, after considering fair market
6 value and other factors; and

7 “(iv) through an appropriate screen-
8 ing or survey process, that there is no in-
9 terest in acquiring the asset for Govern-
10 ment use if the asset is a facility or land;
11 or

12 “(B) a local governmental authority, non-
13 profit organization, or other third party entity
14 to be used for the purpose of transit-oriented
15 development with no further obligation to the
16 Government if the Secretary decides—

17 “(i) the asset is a necessary compo-
18 nent of a proposed transit-oriented devel-
19 opment project;

20 “(ii) the transit-oriented development
21 project will increase transit ridership;

22 “(iii) at least 15 percent of the hous-
23 ing units offered in the transit-oriented de-
24 velopment are legally binding affordability
25 restricted to tenants with incomes below

1 60 percent of the area median income and/
2 or owners with incomes below 60 percent
3 the area median income;

4 “ (iv) the asset will remain in use as
5 described in this section for at least 15
6 years after the date the asset is trans-
7 ferred; and

8 “ (v) with respect to a transfer to a
9 third party entity—

10 “ (I) a local government authority
11 or nonprofit organization is unable to
12 receive the property; and

13 “ (II) the overall benefit of allow-
14 ing the transfer is greater than the in-
15 terest of the Government in liquida-
16 tion and return of the financial inter-
17 est of the Government in the asset,
18 after considering fair market value
19 and other factors.”.

20 **SEC. 2703. AFFORDABLE HOUSING INCENTIVES IN CAPITAL**
21 **INVESTMENT GRANTS.**

22 Section 5309 of title 49, United States Code, is
23 amended—

24 (1) in subsection (g)—

25 (A) in paragraph (2)(B)—

1 (i) in clause (i) by striking “; and”
2 and inserting a semicolon;

3 (ii) in clause (ii) by striking the pe-
4 riod and inserting “; and”; and

5 (iii) by adding at the end the fol-
6 lowing:

7 “(iii) in the case of a new fixed guide-
8 way capital project or a core capacity im-
9 provement project, allow a weighting five
10 points greater to the economic development
11 subfactor and five points lesser to the low-
12 est scoring subfactor if the applicant dem-
13 onstrates substantial efforts to preserve or
14 encourage affordable housing near the
15 project by providing documentation of poli-
16 cies that allow by-right multi-family hous-
17 ing, single room occupancy units, or acces-
18 sory dwelling units, providing local capital
19 sources for transit-oriented development,
20 or demonstrate other methods as deter-
21 mined by the Secretary.”; and

22 (B) in paragraph (3), as amended by this
23 Act, by adding at the end the following:

24 “(B) establish a warrant that applies to
25 the economic development project justification

1 criteria, provided that the applicant that re-
2 quests a warrant under this process has com-
3 pleted and submitted a housing feasibility as-
4 sessment.”; and

5 (2) in subsection (l)(4)—

6 (A) in subparagraph (B) by striking “; or”
7 and inserting a semicolon;

8 (B) in subparagraph (C) by striking the
9 period and inserting “; or”; and

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

11 “(D) from grant proceeds distributed
12 under section 103 of the Housing and Commu-
13 nity Development Act of 1974 (42 U.S.C.
14 5303) or section 201 of the Public Works and
15 Economic Development Act of 1965 (42 U.S.C.
16 3141) provided that—

17 “(i) such funds are used in conjunc-
18 tion with the planning or development of
19 affordable housing; and

20 “(ii) such affordable housing is lo-
21 cated within one-half of a mile of a new
22 station.”.

1 **Subtitle H—Innovation**

2 **SEC. 2801. MOBILITY INNOVATION SANDBOX PROGRAM.**

3 Section 5312(d) of title 49, United States Code, is
4 amended by adding at the end the following:

5 “(3) MOBILITY INNOVATION SANDBOX PRO-
6 GRAM.—The Secretary may make funding available
7 under this subsection to carry out research on mobil-
8 ity on demand and mobility as a service activities eli-
9 gible under section 5316.”.

10 **SEC. 2802. TRANSIT BUS OPERATOR COMPARTMENT REDE-**
11 **SIGN PROGRAM.**

12 Section 5312(d) of title 49, United States Code, is
13 further amended by adding at the end the following:

14 “(4) TRANSIT BUS OPERATOR COMPARTMENT
15 REDESIGN PROGRAM.—

16 “(A) IN GENERAL.—The Secretary may
17 make funding available under this subsection to
18 carry out research on redesigning transit bus
19 operator compartments to improve safety, oper-
20 ational efficiency, and passenger accessibility.

21 “(B) OBJECTIVES.—Research objectives
22 under this paragraph shall include—

23 “(i) increasing bus operator safety
24 from assaults;

1 “(ii) optimizing operator visibility and
2 reducing operator distractions to improve
3 safety of bus passengers, pedestrians,
4 bicyclists, and other roadway users;

5 “(iii) expanding passenger accessi-
6 bility for positive interactions between op-
7 erators and passengers, including assisting
8 passengers in need of special assistance;

9 “(iv) accommodating compliance for
10 passenger boarding, alighting, and secure-
11 ment with the Americans with Disabilities
12 Act of 1990 (42 U.S.C. 12101 et seq.);
13 and

14 “(v) improving ergonomics to reduce
15 bus operator work-related health issues
16 and injuries, as well as locate key instru-
17 ment and control interfaces to improve
18 operational efficiency and convenience.

19 “(C) ACTIVITIES.—Eligible activities under
20 this paragraph shall include—

21 “(i) measures to reduce visibility im-
22 pairments and distractions for bus opera-
23 tors that contribute to accidents, including
24 retrofits to buses in revenue service and
25 specifications for future procurements that

1 reduce visibility impairments and distrac-
2 tions;

3 “(ii) the deployment of assault mitiga-
4 tion infrastructure and technology on
5 buses, including barriers to restrict the un-
6 wanted entry of individuals and objects
7 into bus operators’ workstations;

8 “(iii) technologies to improve pas-
9 senger accessibility, including boarding,
10 alighting, and securement in compliance
11 with the Americans with Disabilities Act of
12 1990 (42 U.S.C. 12101 et seq.);

13 “(iv) installation of seating and modi-
14 fication to design specifications of bus op-
15 erator workstations that reduce or prevent
16 injuries from ergonomic risks; or

17 “(v) other measures that align with
18 the objectives under subparagraph (B).

19 “(D) ELIGIBLE ENTITIES.—Entities eligi-
20 ble to receive funding under this paragraph
21 shall include consortia consisting of, at a min-
22 imum:

23 “(i) recipients of funds under this
24 chapter that provide public transportation
25 services;

1 “(ii) transit vehicle manufacturers;

2 “(iii) representatives from organiza-
3 tions engaged in collective bargaining on
4 behalf of transit workers in not fewer than
5 3 States; and

6 “(iv) any nonprofit institution of high-
7 er education, as defined in section 101 of
8 the Higher Education Act of 1965 (20
9 U.S.C. 1001).”.

10 **SEC. 2803. FEDERAL TRANSIT ADMINISTRATION EVERY DAY**
11 **COUNTS INITIATIVE.**

12 Section 5312 of title 49, United States Code, as
13 amended by section 2503, is further amended by adding
14 at the end the following:

15 “(k) EVERY DAY COUNTS INITIATIVE.—

16 “(1) IN GENERAL.—It is in the national inter-
17 est for the Department of Transportation and recipi-
18 ents of Federal public transportation funds—

19 “(A) to identify, accelerate, and deploy in-
20 novation aimed at expediting project delivery,
21 enhancing the safety of transit systems of the
22 United States, and protecting the environment;

23 “(B) to ensure that the planning, design,
24 engineering, construction, and financing of

1 transportation projects is done in an efficient
2 and effective manner;

3 “(C) to promote the rapid deployment of
4 proven solutions that provide greater account-
5 ability for public investments; and

6 “(D) to create a culture of innovation
7 within the transit community.

8 “(2) FTA EVERY DAY COUNTS INITIATIVE.—To
9 advance the policies described in paragraph (1), the
10 Administrator of the Federal Transit Administration
11 shall adopt the Every Day Counts initiative to work
12 with recipients to identify and deploy the proven in-
13 novation practices and products that—

14 “(A) accelerate innovation deployment;

15 “(B) expedite the project delivery process;

16 “(C) improve environmental sustainability;

17 “(D) enhance transit safety;

18 “(E) expand mobility; and

19 “(F) reduce greenhouse gas emissions.

20 “(3) CONSIDERATION.—In accordance with the
21 Every Day Counts goals described in paragraphs (1)
22 and (2), the Administrator shall consider research
23 conducted through the university transportation cen-
24 ters program in section 5505.

25 “(4) INNOVATION DEPLOYMENT.—

1 “(A) IN GENERAL.—At least every 2 years,
2 the Administrator shall work collaboratively
3 with recipients to identify a new collection of in-
4 novations, best practices, and data to be de-
5 ployed to recipients through case studies,
6 webinars, and demonstration projects.

7 “(B) REQUIREMENTS.—In identifying a
8 collection described in subparagraph (A), the
9 Secretary shall take into account market readi-
10 ness, impacts, benefits, and ease of adoption of
11 the innovation or practice.

12 “(5) PUBLICATION.—Each collection identified
13 under paragraph (4) shall be published by the Ad-
14 ministrator on a publicly available website.”.

15 **SEC. 2804. TECHNICAL CORRECTIONS.**

16 Section 5312 of title 49, United States Code, as
17 amended in section 2503 and 2803, is further amended—

18 (1) in subsection (e)—

19 (A) in paragraph (3)(C) by striking “low
20 or no emission vehicles, zero emission vehicles,”
21 and inserting “zero emission vehicles”; and

22 (B) by striking paragraph (6) and insert-
23 ing the following:

24 “(6) ZERO EMISSION VEHICLE DEFINED.—In
25 this subsection, the term ‘zero emission vehicle’

1 means a passenger vehicle used to provide public
2 transportation that produces no carbon or particu-
3 late matter.”;

4 (2) by redesignating the first subsection (g) as
5 subsection (f); and

6 (3) in subsection (h)—

7 (A) in the header by striking “LOW OR NO
8 EMISSION” and inserting “ZERO EMISSION”;

9 (B) in paragraph (1)—

10 (i) by striking subparagraph (B) and
11 inserting the following:

12 “(B) the term ‘zero emission vehicle’ has
13 the meaning given such term in subsection
14 (e)(6);” and

15 (ii) in subparagraph (D) by striking
16 “low or no emission vehicle” and inserting
17 “zero emission vehicle” each place such
18 term appears;

19 (C) in paragraph (2)—

20 (i) in the heading by striking “LOW
21 OR NO EMISSION” and inserting “ZERO
22 EMISSION”; and

23 (ii) by striking “low or no emission”
24 and inserting “zero emission” each place
25 such term appears;

1 (D) in paragraph (3) by striking “low or
2 no emission” and inserting “zero emission”
3 each place such term appears; and

4 (E) in paragraph (5)(A) by striking “low
5 or no emission” and inserting “zero emission”.

6 **Subtitle I—Other Program** 7 **Reauthorizations**

8 **SEC. 2901. REAUTHORIZATION FOR CAPITAL AND PREVEN-** 9 **TIVE MAINTENANCE PROJECTS FOR WASH-** 10 **INGTON METROPOLITAN AREA TRANSIT AU-** 11 **THORITY.**

12 Section 601 of the Passenger Rail Investment and
13 Improvement Act of 2008 (Public Law 110–432) is
14 amended—

15 (1) in subsection (b) by striking “The Federal”
16 and inserting “Except as provided in subsection
17 (f)(2), the Federal”;

18 (2) by striking subsections (d) through (f) and
19 inserting the following:

20 “(d) **REQUIRED BOARD APPROVAL.**—No amounts
21 may be provided to the Transit Authority under this sec-
22 tion until the Transit Authority certifies to the Secretary
23 of Transportation that—

1 “(1) a board resolution has passed on or before
2 July 1, 2021, and is in effect for the period of July
3 1, 2022 through June 30, 2031, that—

4 “(A) establishes an independent budget au-
5 thority for the Office of Inspector General of
6 the Transit Authority;

7 “(B) establishes an independent procure-
8 ment authority for the Office of Inspector Gen-
9 eral of the Transit Authority;

10 “(C) establishes an independent hiring au-
11 thority for the Office of Inspector General of
12 the Transit Authority;

13 “(D) ensures the Inspector General of the
14 Transit Authority can obtain legal advice from
15 a counsel reporting directly to the Inspector
16 General;

17 “(E) requires the Inspector General of the
18 Transit Authority to submit recommendations
19 for corrective action to the General Manager
20 and the Board of Directors of the Transit Au-
21 thority;

22 “(F) requires the Inspector General of the
23 Transit Authority to publish any recommenda-
24 tion described in subparagraph (E) on the
25 website of the Office of Inspector General of the

1 Transit Authority, except that the Inspector
2 General may redact personally identifiable in-
3 formation and information that, in the deter-
4 mination of the Inspector General, would pose
5 a security risk to the systems of the Transit
6 Authority;

7 “(G) requires the Board of Directors of
8 the Transit Authority to provide written notice
9 to the Committee on Transportation and Infra-
10 structure of the House of Representatives and
11 the Committee on Banking, Housing, and
12 Urban Affairs of the Senate not less than 30
13 days before the Board of Directors removes the
14 Inspector General of the Transit Authority,
15 which shall include the reasons for removal and
16 supporting documentation; and

17 “(H) prohibits the Board of Directors from
18 removing the Inspector General of the Transit
19 Authority unless the Board of Directors has
20 provided a 30 day written notification as de-
21 scribed in subparagraph (G) that documents—

22 “(i) a permanent incapacity;

23 “(ii) a neglect of duty;

24 “(iii) malfeasance;

1 “(iv) a conviction of a felony or con-
2 duct involving moral turpitude;

3 “(v) a knowing violation of a law or
4 regulation;

5 “(vi) gross mismanagement;

6 “(vii) a gross waste of funds;

7 “(viii) an abuse of authority; or

8 “(ix) inefficiency; and

9 “(2) the Code of Ethics for Members of the
10 WMATA Board of Directors passed on September
11 26, 2019, remains in effect, or the Inspector General
12 of the Transit Authority has concurred with any
13 modifications to the Code of Ethics by the Board.

14 “(e) AUTHORIZATIONS.—

15 “(1) IN GENERAL.—There are authorized to be
16 appropriated to the Secretary of Transportation for
17 grants under this section—

18 “(A) for fiscal year 2021, \$150,000,000;

19 “(B) for fiscal year 2022, \$155,000,000;

20 “(C) for fiscal year 2023, \$160,000,000;

21 “(D) for fiscal year 2024, \$165,000,000;

22 “(E) for fiscal year 2025, \$170,000,000;

23 “(F) for fiscal year 2026, \$175,000,000;

24 “(G) for fiscal year 2027, \$180,000,000;

25 “(H) for fiscal year 2028, \$185,000,000;

1 “(I) for fiscal year 2029, \$190,000,000;

2 and

3 “(J) for fiscal year 2030, \$200,000,000.

4 “(2) SET ASIDE FOR OFFICE OF INSPECTOR
5 GENERAL OF TRANSIT AUTHORITY.—From the
6 amounts in paragraph (1), the Transit Authority
7 shall provide at least 7 percent for each fiscal year
8 to the Office of Inspector General of the Transit Au-
9 thority to carry out independent and objective au-
10 dits, investigations, and reviews of Transit Authority
11 programs and operations to promote economy, effi-
12 ciency, and effectiveness, and to prevent and detect
13 fraud, waste, and abuse in such programs and oper-
14 ations.”; and

15 (3) by redesignating subsection (g) as sub-
16 section (f).

17 **SEC. 2902. OTHER APPORTIONMENTS.**

18 Section 5336 of title 49, United States Code, is
19 amended—

20 (1) in subsection (h)—

21 (A) in the matter preceding paragraph (1)
22 by striking “section 5336(a)(2)(C)” and insert-
23 ing “section 5336(a)(2)(B)”;

24 (B) by amending paragraph (1) to read as
25 follows:

1 “(1) to carry out section 5307(h)—

2 “(A) \$60,906,000 shall be set aside in fis-
3 cal year 2022;

4 “(B) \$61,856,134 shall be set aside in fis-
5 cal year 2023;

6 “(C) \$62,845,832 shall be set aside in fis-
7 cal year 2024; and

8 “(D) \$63,832,511 shall be set aside in fis-
9 cal year 2025;”;

10 (C) in paragraph (2) by striking “3.07
11 percent” and inserting “6 percent”; and

12 (D) by amending paragraph (3) to read as
13 follows:

14 “(3) of amounts not apportioned under para-
15 graphs (1) and (2), 3 percent shall be apportioned
16 to urbanized areas with populations of less than
17 200,000 in accordance with subsection (i);”;

18 (2) in subsection (i) by adding at the end the
19 following:

20 “(3) CENSUS PHASE-OUT.—Before apportioning
21 funds under subsection (h)(3), for any urbanized
22 area that is no longer an eligible area due to a
23 change in population in the most recent decennial
24 census, the Secretary shall apportion to such urban-
25 ized area, for 3 fiscal years, an amount equal to half

1 of the funds apportioned to such urbanized area pur-
2 suant to this subsection for the previous fiscal
3 year.”.

4 **Subtitle J—Streamlining**

5 **SEC. 2911. FIXED GUIDEWAY CAPITAL INVESTMENT** 6 **GRANTS.**

7 Section 5309 of title 49, United States Code, as
8 amended by section 2703 of this Act, is further amend-
9 ed—

10 (1) in subsection (a)—

11 (A) by striking paragraph (6);

12 (B) by redesignating paragraph (7) as
13 paragraph (6); and

14 (C) in paragraph (6), as so redesignated;

15 (i) in subparagraph (A) by striking
16 “\$100,000,000” and inserting
17 “\$320,000,000”; and

18 (ii) in subparagraph (B) by striking
19 “\$300,000,000” and inserting
20 “\$400,000,000”;

21 (2) in subsection (b)(2) by inserting “expanding
22 station capacity,” after “construction of infill sta-
23 tions,”;

24 (3) in subsection (d)(1)—

1 (A) in subparagraph (C)(i) by striking “2
2 years” and inserting “3 years”; and

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

4 “(D) OPTIONAL PROJECT DEVELOPMENT
5 ACTIVITIES.—An applicant may perform cost
6 and schedule risk assessments with technical
7 assistance provided by the Secretary.

8 “(E) STATUTORY CONSTRUCTION.—Noth-
9 ing in this section shall be construed as author-
10 izing the Secretary to require cost and schedule
11 risk assessments in the project development
12 phase.”;

13 (4) in subsection (e)(1)—

14 (A) in subparagraph (C)(i) by striking “2
15 years” and inserting “3 years”; and

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

17 “(D) OPTIONAL PROJECT DEVELOPMENT
18 ACTIVITIES.—An applicant may perform cost
19 and schedule risk assessments with technical
20 assistance provided by the Secretary.

21 “(E) STATUTORY CONSTRUCTION.—Noth-
22 ing in this section shall be construed as author-
23 izing the Secretary to require cost and schedule
24 risk assessments in the project development
25 phase.”;

1 (5) in subsection (e)(2)(A)(iii)(II) by striking
2 “5 years” and inserting “10 years”;

3 (6) in subsection (f)—

4 (A) in paragraph (1) by striking “sub-
5 section (d)(2)(A)(v)” and inserting “subsection
6 (d)(2)(A)(iv)”;

7 (B) in paragraph (2)—

8 (i) by striking “subsection
9 (d)(2)(A)(v)” and inserting “subsection
10 (d)(2)(A)(iv)”;

11 (ii) in subparagraph (D) by adding
12 “and” at the end;

13 (iii) by striking subparagraph (E);
14 and

15 (iv) by redesignating subparagraph
16 (F) as subparagraph (E); and

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

18 “(3) COST-SHARE INCENTIVES.—For a project
19 for which a lower CIG cost share is elected by the
20 applicant under subsection (l)(1)(C), the Secretary
21 shall apply the following requirements and consider-
22 ations in lieu of paragraphs (1) and (2):

23 “(A) REQUIREMENTS.—In determining
24 whether a project is supported by local financial
25 commitment and shows evidence of stable and

1 dependable financing sources for purposes of
2 subsection (d)(2)(A)(iv) or (e)(2)(A)(v), the
3 Secretary shall require that—

4 “(i) the proposed project plan pro-
5 vides for the availability of contingency
6 amounts that the applicant determines to
7 be reasonable to cover unanticipated cost
8 increases or funding shortfalls;

9 “(ii) each proposed local source of
10 capital and operating financing is stable,
11 reliable, and available within the proposed
12 project timetable;

13 “(iii) an applicant certifies that local
14 resources are available to recapitalize,
15 maintain, and operate the overall existing
16 and proposed public transportation system,
17 including essential feeder bus and other
18 services necessary to achieve the projected
19 ridership levels without requiring a reduc-
20 tion in existing public transportation serv-
21 ices or level of service to operate the
22 project; and

23 “(iv) an executed full funding grant
24 agreement has at least 75 percent of local
25 financial commitment committed and the

1 remaining percentage budgeted for the pro-
2 posed purposes.

3 “(B) CONSIDERATIONS.—In assessing the
4 stability, reliability, and availability of proposed
5 sources of local financing for purposes of sub-
6 section (d)(2)(A)(iv) or (e)(2)(A)(v), the Sec-
7 retary shall consider—

8 “(i) the reliability of the forecasting
9 methods used to estimate costs and reve-
10 nues made by the recipient and the con-
11 tractors to the recipient;

12 “(ii) existing grant commitments;

13 “(iii) any debt obligation that exists,
14 or is proposed by the recipient, for the pro-
15 posed project or other public transpor-
16 tation purpose; and

17 “(iv) private contributions to the
18 project, including cost-effective project de-
19 livery, management or transfer of project
20 risks, expedited project schedule, financial
21 partnering, and other public-private part-
22 nership strategies.

23 “(4) CONTINGENCY SHARE.—For purposes of
24 paragraph (1)(A), the Secretary shall provide 50
25 percent of the recommended contingency established

1 by the project management oversight contractor
2 under section 5327 in addition to the grant amount
3 set in subsection (k)(2)(C)(ii).”;

4 (7) in subsection (g)—

5 (A) in paragraph (2)(A) by striking “de-
6 gree of local financial commitment” and insert-
7 ing “criteria in subsection (f)” each place it ap-
8 pears;

9 (B) in paragraph (3) by striking “The Sec-
10 retary shall” and all that follows through the
11 end and inserting the following: “The Secretary
12 shall—

13 “(A) to the maximum extent practicable,
14 develop and use special warrants for making a
15 project justification determination under sub-
16 section (d)(2) or (e)(2), as applicable, for a
17 project proposed to be funded using a grant
18 under this section if—

19 “(i) the share of the cost of the
20 project to be provided under this section—

21 “(I) does not exceed
22 \$500,000,000 and the total project
23 cost does not exceed \$1,000,000,000;
24 or

1 “(II) complies with subsection
2 (1)(1)(C);

3 “(ii) the applicant requests the use of
4 the warrants;

5 “(iii) the applicant certifies that its
6 existing public transportation system is in
7 a state of good repair; and

8 “(iv) the applicant meets any other
9 requirements that the Secretary considers
10 appropriate to carry out this subsection;
11 and”;

12 (C) by striking paragraph (5) and insert-
13 ing the following:

14 “(5) POLICY GUIDANCE.—The Secretary shall
15 issue policy guidance on the review and evaluation
16 process and criteria not later than 180 days after
17 the date of enactment of the INVEST in America
18 Act.”;

19 (D) by striking paragraph (6) and insert-
20 ing the following:

21 “(6) TRANSPARENCY.—Not later than 30 days
22 after the Secretary receives a written request from
23 an applicant for all remaining information necessary
24 to obtain 1 or more of the following, the Secretary
25 shall provide such information to the applicant:

1 “(A) Project advancement.

2 “(B) Medium or higher rating.

3 “(C) Warrant.

4 “(D) Letter of intent.

5 “(E) Early systems work agreement.”; and

6 (E) in paragraph (7) by striking “the Fed-
7 eral Public Transportation Act of 2012” and
8 inserting “the INVEST in America Act”;

9 (8) in subsection (h)—

10 (A) in paragraph (5) by striking the period
11 at the end and inserting the following: “, except
12 that for a project for which a lower local cost
13 share is elected under subsection (l)(1)(C), the
14 Secretary shall enter into a grant agreement
15 under this subsection for any such project
16 that—

17 “(A) has at least 75 percent of local finan-
18 cial commitment committed and the remaining
19 percentage budgeted for the proposed purposes;
20 and

21 “(B) establishes contingency amounts that
22 the applicant determines to be reasonable to
23 cover unanticipated cost increases or funding
24 shortfalls.”; and

1 (B) in paragraph (7)(C) by striking “10
2 days” and inserting “3 days”;

3 (9) by striking subsection (i) and inserting the
4 following:

5 “(i) INTERRELATED PROJECTS.—

6 “(1) RATINGS IMPROVEMENT.—The Secretary
7 shall grant a rating increase of 1 level in mobility
8 improvements to any project being rated under sub-
9 section (d), (e), or (h), if the Secretary certifies that
10 the project has a qualifying interrelated project that
11 meets the requirements of paragraph (2).

12 “(2) INTERRELATED PROJECT.—A qualifying
13 interrelated project is a transit project that—

14 “(A) is adopted into the metropolitan
15 transportation plan required under section
16 5303;

17 “(B) has received a class of action designa-
18 tion under the National Environmental Policy
19 Act of 1969 (42 U.S.C. 4321 et seq.);

20 “(C) will likely increase ridership on the
21 project being rated in subsection (d), (e), or
22 (h), respectively, as determined by the Sec-
23 retary; and

24 “(D) meets 1 of the following criteria:

1 “(i) Extends the corridor of the
2 project being rated in subsection (d), (e),
3 or (h), respectively.

4 “(ii) Provides a direct passenger
5 transfer to the project being rated in sub-
6 section (d), (e), or (h), respectively.”;

7 (10) in subsection (k)(5) by striking “30 days”
8 and inserting “3 days”;

9 (11) in subsection (l)—

10 (A) in paragraph (1) by striking subpara-
11 graph (B) and inserting the following:

12 “(B) CAP.—Except as provided in sub-
13 paragraph (C), a grant for a project under this
14 section shall not exceed 80 percent of the net
15 capital project cost, except that a grant for a
16 core capacity improvement project shall not ex-
17 ceed 80 percent of the net capital project cost
18 of the incremental cost to increase the capacity
19 in the corridor.

20 “(C) APPLICANT ELECTION OF LOWER
21 LOCAL CIG COST SHARE.—An applicant may
22 elect a lower local CIG cost share for a project
23 under this section for purposes of application of
24 the cost-share incentives under subsection
25 (f)(3). Such cost share shall not exceed 60 per-

1 cent of the net capital project cost, except that
2 for a grant for a core capacity improvement
3 project such cost share shall not exceed 60 per-
4 cent of the net capital project cost of the incre-
5 mental cost to increase the capacity in the cor-
6 ridor.”;

7 (B) by striking paragraph (5) and insert-
8 ing the following:

9 “(5) LIMITATION ON STATUTORY CONSTRUC-
10 TION.—Nothing in this section shall be construed as
11 authorizing the Secretary to require, incentivize (in
12 any manner not specified in this section), or place
13 additional conditions upon a non-Federal financial
14 commitment for a project that is more than 20 per-
15 cent of the net capital project cost or, for a core ca-
16 pacity improvement project, 20 percent of the net
17 capital project cost of the incremental cost to in-
18 crease the capacity in the corridor.”; and

19 (C) by striking paragraph (8);

20 (12) in subsection (o) by adding at the end the
21 following:

22 “(4) CIG PROGRAM DASHBOARD.—Not later
23 than the fifth day of each month, the Secretary shall
24 make publicly available on a website data on, includ-
25 ing the status of, each project under this section

1 that is in the project development phase, in the engi-
2 neering phase, or has received a grant agreement
3 and remains under construction. Such data shall in-
4 clude, for each project—

5 “(A) the amount and fiscal year of any
6 funding appropriated, allocated, or obligated for
7 the project;

8 “(B) the date on which the project—

9 “(i) entered the project development
10 phase;

11 “(ii) entered the engineering phase, if
12 applicable; and

13 “(iii) received a grant agreement, if
14 applicable; and

15 “(C) the status of review by the Federal
16 Transit Administration and the Secretary, in-
17 cluding dates of request, dates of acceptance of
18 request, and dates of a decision for each of the
19 following, if applicable:

20 “(i) A letter of no prejudice.

21 “(ii) An environmental impact state-
22 ment notice of intent.

23 “(iii) A finding of no significant envi-
24 ronmental impact.

1 “(iv) A draft environmental impact
2 statement.

3 “(v) A final environmental impact
4 statement.

5 “(vi) A record of decision on the final
6 environmental impact statement; and

7 “(vii) The status of the applicant in
8 securing the non-Federal match, based on
9 information provided by the applicant, in-
10 cluding the amount committed, budgeted,
11 planned, and undetermined.”; and

12 (13) by striking “an acceptable degree of” and
13 inserting “a” each place it appears.

14 **SEC. 2912. RURAL AND SMALL URBAN APPORTIONMENT**
15 **DEADLINE.**

16 Section 5336(d) of title 49, United States Code, is
17 amended—

18 (1) by redesignating paragraph (2) as para-
19 graph (3); and

20 (2) by inserting after paragraph (1) the fol-
21 lowing:

22 “(2) notwithstanding paragraph (1), apportion
23 amounts to the States appropriated under section
24 5338(a)(2) to carry out sections 5307, 5310, and

1 5311 not later than December 15 for which any
2 amounts are appropriated; and”.

3 **SEC. 2913. DISPOSITION OF ASSETS BEYOND USEFUL LIFE.**

4 Section 5334 of title 49, United States Code, is fur-
5 ther amended by adding at the end the following:

6 “(1) DISPOSITION OF ASSETS BEYOND USEFUL
7 LIFE.—

8 “(1) IN GENERAL.—If a recipient, or sub-
9 recipient, for assistance under this chapter disposes
10 of an asset with a current market value, or proceed
11 from the sale of such asset, acquired under this
12 chapter at least in part with such assistance, after
13 such asset has reached the useful life of such asset,
14 the Secretary shall allow the recipient, or sub-
15 recipient, to use the proceeds attributable to the
16 Federal share of such asset calculated under para-
17 graph (3) for capital projects under section 5307,
18 5310, or 5311.

19 “(2) MINIMUM VALUE.—This subsection shall
20 only apply to assets with a current market value, or
21 proceeds from sale, of at least \$5,000.

22 “(3) CALCULATION OF FEDERAL SHARE AT-
23 TRIBUTABLE.—The proceeds attributable to the
24 Federal share of an asset described in paragraph (1)
25 shall be calculated by multiplying—

1 “(A) the current market value of, or the
2 proceeds from the disposition of, such asset; by

3 “(B) the Federal share percentage for the
4 acquisition of such asset at the time of acqui-
5 sition of such asset.”.

6 **SEC. 2914. INNOVATIVE COORDINATED ACCESS AND MOBIL-**
7 **ITY.**

8 Section 5310 of title 49, United States Code, as
9 amended by section 2205, is further amended by adding
10 at the end the following:

11 “(k) INNOVATIVE COORDINATED ACCESS AND MO-
12 BILITY.—

13 “(1) START UP GRANTS.—

14 “(A) IN GENERAL.—The Secretary may
15 make grants under this paragraph to eligible
16 recipients to assist in financing innovative
17 projects for the transportation disadvantaged
18 that improve the coordination of transportation
19 services and non-emergency medical transpor-
20 tation services.

21 “(B) APPLICATION.—An eligible recipient
22 shall submit to the Secretary an application
23 that, at a minimum, contains—

24 “(i) a detailed description of the eligi-
25 ble project;

1 “(ii) an identification of all eligible
2 project partners and the specific role of
3 each eligible project partner in the eligible
4 project, including—

5 “(I) private entities engaged in
6 the coordination of nonemergency
7 medical transportation services for the
8 transportation disadvantaged;

9 “(II) nonprofit entities engaged
10 in the coordination of nonemergency
11 medical transportation services for the
12 transportation disadvantaged; or

13 “(III) Federal entities engaged in
14 the coordination of nonemergency
15 medical transportation services for the
16 transportation disadvantaged; and

17 “(iii) a description of how the eligible
18 project shall—

19 “(I) improve local coordination or
20 access to coordinated transportation
21 services;

22 “(II) reduce duplication of serv-
23 ice, if applicable; and

24 “(III) provide innovative solu-
25 tions in the State or community.

1 “(C) PERFORMANCE MEASURES.—An eligi-
2 ble recipient shall specify, in an application for
3 a grant under this paragraph, the performance
4 measures the eligible project will use to quan-
5 tify actual outcomes against expected outcomes,
6 including—

7 “(i) reduced transportation expendi-
8 tures as a result of improved coordination;
9 and

10 “(ii) reduced healthcare expenditures
11 as a result of improved coordination.

12 “(D) ELIGIBLE USES.—Eligible recipients
13 receiving a grant under this section may use
14 such funds for—

15 “(i) the deployment of coordination
16 technology;

17 “(ii) projects that create or increase
18 access to community One-Call/One-Click
19 Centers;

20 “(iii) projects that integrate transpor-
21 tation for 3 or more of—

22 “(I) public transportation pro-
23 vided under this section;

1 “(II) a State plan approved
2 under title XIX of the Social Security
3 Act (42 U.S.C. 1396 et seq.);

4 “(III) title XVIII of the Social
5 Security Act (42 U.S.C. 1395 et seq.);

6 “(IV) Veterans Health Adminis-
7 tration; or

8 “(V) private health care facilities;
9 and

10 “(iv) such other projects as deter-
11 mined appropriate by the Secretary.

12 “(2) INCENTIVE GRANTS.—

13 “(A) IN GENERAL.—The Secretary may
14 make grants under this paragraph to eligible
15 recipients to incentivize innovative projects for
16 the transportation disadvantaged that improve
17 the coordination of transportation services and
18 non-emergency medical transportation services.

19 “(B) SELECTION OF GRANT RECIPI-
20 ENTS.—The Secretary shall distribute grant
21 funds made available to carry out this para-
22 graph as described in subparagraph (E) to eli-
23 gible recipients that apply and propose to dem-
24 onstrate improvement in the metrics described
25 in subparagraph (F).

1 “(C) ELIGIBILITY.—An eligible recipient
2 shall not be required to have received a grant
3 under paragraph (1) to be eligible to receive a
4 grant under this paragraph.

5 “(D) APPLICATIONS.—Eligible recipients
6 shall submit to the Secretary an application
7 that includes—

8 “(i) which metrics under subpara-
9 graph (F) the eligible recipient intends to
10 improve;

11 “(ii) the performance data eligible re-
12 cipients and the Federal, State, nonprofit,
13 and private partners of the eligible recipi-
14 ent will make available; and

15 “(iii) a proposed incentive formula
16 that makes payments to the eligible recipi-
17 ent based on the proposed data and
18 metrics.

19 “(E) DISTRIBUTION.—The Secretary shall
20 distribute funds made available to carry out
21 this paragraph based upon the number of grant
22 applications approved by the Secretary, number
23 of individuals served by each grant, and the in-
24 centive formulas approved by the Secretary
25 using the following metrics:

1 “(i) The reduced transportation ex-
2 penditures as a result of improved coordi-
3 nation.

4 “(ii) The reduced Federal healthcare
5 expenditures using the metrics described in
6 subparagraph (F).

7 “(iii) The reduced private healthcare
8 expenditures using the metrics described in
9 subparagraph (F).

10 “(F) HEALTHCARE METRICS.—Healthcare
11 metrics described in this subparagraph shall
12 be—

13 “(i) reducing missed medical appoint-
14 ments;

15 “(ii) the timely discharge of patients
16 from hospitals;

17 “(iii) reducing readmissions of pa-
18 tients into hospitals; and

19 “(iv) other measureable healthcare
20 metrics, as determined appropriate by the
21 Secretary.

22 “(G) ELIGIBLE EXPENDITURES.—The Sec-
23 retary shall allow the funds distributed by this
24 grant program to be expended on eligible activi-
25 ties described in paragraph (1)(D) and any eli-

1 gible activity under this section that is likely to
2 improve the metrics described in subparagraph
3 (F).

4 “(H) RECIPIENT CAP.—The Secretary—

5 “(i) may not provide more than 20
6 grants under this paragraph; and

7 “(ii) shall reduce the maximum num-
8 ber of grants under this paragraph to en-
9 sure projects are fully funded, if necessary.

10 “(3) REPORT.—The Secretary shall make pub-
11 licly available an annual report on the program car-
12 ried out under this subsection for each fiscal year,
13 not later than December 31 of the calendar year in
14 which that fiscal year ends. The report shall include
15 a detailed description of the activities carried out
16 under the program, and an evaluation of the pro-
17 gram, including an evaluation of the performance
18 measures used by eligible recipients.

19 “(4) FEDERAL SHARE.—

20 “(A) IN GENERAL.—The Federal share of
21 the costs of a project carried out under this
22 subsection shall not exceed 80 percent.

23 “(B) NON-FEDERAL SHARE.—The non-
24 Federal share of the costs of a project carried

1 out under this subsection may be derived from
2 in-kind contributions.

3 “(5) RULE OF CONSTRUCTION.—For purposes
4 of this subsection, nonemergency medical transpor-
5 tation services shall be limited to services eligible
6 under Federal programs other than programs au-
7 thORIZED under this chapter.”.

8 **TITLE III—HIGHWAY TRAFFIC** 9 **SAFETY**

10 **SEC. 3001. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) IN GENERAL.—The following sums are author-
12 ized to be appropriated out of the Highway Trust Fund
13 (other than the Mass Transit Account):

14 (1) HIGHWAY SAFETY PROGRAMS.—For car-
15 rying out section 402 of title 23, United States
16 Code—

17 (A) \$378,400,000 for fiscal year 2022;

18 (B) \$382,400,000 for fiscal year 2023;

19 (C) \$386,500,000 for fiscal year 2024; and

20 (D) \$390,400,000 for fiscal year 2025.

21 (2) HIGHWAY SAFETY RESEARCH AND DEVEL-
22 OPMENT.—For carrying out section 403 of title 23,
23 United States Code—

24 (A) \$182,495,000 for fiscal year 2022;

25 (B) \$184,795,000 for fiscal year 2023;

1 (C) \$187,795,000 for fiscal year 2024; and

2 (D) \$190,695,000 for fiscal year 2025.

3 (3) NATIONAL PRIORITY SAFETY PROGRAMS.—

4 For carrying out section 405 of title 23, United
5 States Code—

6 (A) \$384,119,000 for fiscal year 2022;

7 (B) \$393,205,000 for fiscal year 2023;

8 (C) \$402,205,000 for fiscal year 2024; and

9 (D) \$411,388,000 for fiscal year 2025.

10 (4) NATIONAL DRIVER REGISTER.—For the Na-
11 tional Highway Traffic Safety Administration to
12 carry out chapter 303 of title 49, United States
13 Code—

14 (A) \$5,700,000 for fiscal year 2022;

15 (B) \$5,800,000 for fiscal year 2023;

16 (C) \$5,900,000 for fiscal year 2024; and

17 (D) \$6,000,000 for fiscal year 2025.

18 (5) HIGH-VISIBILITY ENFORCEMENT PRO-
19 GRAM.—For carrying out section 404 of title 23,
20 United States Code—

21 (A) \$60,200,000 for fiscal year 2022;

22 (B) \$60,600,000 for fiscal year 2023;

23 (C) \$60,800,000 for fiscal year 2024; and

24 (D) \$61,200,000 for fiscal year 2025.

1 (6) ADMINISTRATIVE EXPENSES.—For adminis-
2 trative and related operating expenses of the Na-
3 tional Highway Traffic Safety Administration in car-
4 rying out chapter 4 of title 23, United States
5 Code—

6 (A) \$30,586,000 for fiscal year 2022;

7 (B) \$31,000,000 for fiscal year 2023;

8 (C) \$31,500,000 for fiscal year 2024; and

9 (D) \$31,917,000 for fiscal year 2025.

10 (b) PROHIBITION ON OTHER USES.—Except as oth-
11 erwise provided in chapter 4 of title 23, United States
12 Code, and chapter 303 of title 49, United States Code,
13 the amounts made available from the Highway Trust
14 Fund (other than the Mass Transit Account) for a pro-
15 gram under such chapters—

16 (1) shall only be used to carry out such pro-
17 gram; and

18 (2) may not be used by States or local govern-
19 ments for construction purposes.

20 (c) APPLICABILITY OF TITLE 23.—Except as other-
21 wise provided in chapter 4 of title 23, United States Code,
22 and chapter 303 of title 49, United States Code, amounts
23 made available under subsection (a) for fiscal years 2022
24 through 2025 shall be available for obligation in the same

1 manner as if such funds were apportioned under chapter
2 1 of title 23, United States Code.

3 (d) REGULATORY AUTHORITY.—Grants awarded
4 under chapter 4 of title 23, United States Code, including
5 any amendments made by this title, shall be carried out
6 in accordance with regulations issued by the Secretary of
7 Transportation.

8 (e) STATE MATCHING REQUIREMENTS.—If a grant
9 awarded under chapter 4 of title 23, United States Code,
10 requires a State to share in the cost, the aggregate of all
11 expenditures for highway safety activities made during a
12 fiscal year by the State and its political subdivisions (ex-
13 clusive of Federal funds) for carrying out the grant (other
14 than planning and administration) shall be available for
15 the purpose of crediting the State during such fiscal year
16 for the non-Federal share of the cost of any other project
17 carried out under chapter 4 of title 23, United States Code
18 (other than planning or administration), without regard
19 to whether such expenditures were made in connection
20 with such project.

21 (f) GRANT APPLICATION AND DEADLINE.—To re-
22 ceive a grant under chapter 4 of title 23, United States
23 Code, a State shall submit an application, and the Sec-
24 retary of Transportation shall establish a single deadline

1 for such applications to enable the award of grants early
2 in the next fiscal year.

3 **SEC. 3002. HIGHWAY SAFETY PROGRAMS.**

4 Section 402 of title 23, United States Code, is
5 amended—

6 (1) in subsection (a)—

7 (A) in paragraph (2)(A)—

8 (i) in clause (ii) by striking “occupant
9 protection devices (including the use of
10 safety belts and child restraint systems)”
11 and inserting “seatbelts”;

12 (ii) in clause (vii) by striking “; and”
13 and inserting a semicolon; and

14 (iii) by inserting after clause (viii) the
15 following:

16 “(ix) to encourage more widespread
17 and proper use of child safety seats (in-
18 cluding booster seats) with an emphasis on
19 underserved populations;

20 “(x) to reduce injuries and deaths re-
21 sulting from drivers of motor vehicles not
22 moving to another traffic lane or reducing
23 the speed of such driver’s vehicle when law
24 enforcement, fire service, emergency med-
25 ical services, and other emergency vehicles

1 are stopped or parked on or next to a
2 roadway with emergency lights activated;
3 and

4 “(xi) to increase driver awareness of
5 the dangers of pediatric vehicular
6 hyperthermia;” and

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

8 “(3) ADDITIONAL CONSIDERATIONS.—States
9 which have legalized medicinal or recreational mari-
10 juana shall consider programs in addition to the pro-
11 grams described in paragraph (2)(A) to educate
12 drivers on the risks associated with marijuana-im-
13 paired driving and to reduce injuries and deaths re-
14 sulting from individuals driving motor vehicles while
15 impaired by marijuana.”;

16 (2) in subsection (c)(4)—

17 (A) by striking subparagraph (C);

18 (B) by redesignating subparagraph (B) as
19 subparagraph (D); and

20 (C) by inserting after subparagraph (A)
21 the following:

22 “(B) SPECIAL RULE FOR SCHOOL AND
23 WORK ZONES.—Notwithstanding subparagraph
24 (A), a State may expend funds apportioned to
25 that State under this section to carry out a pro-

1 gram to purchase, operate, or maintain an
2 automated traffic system in a work zone or
3 school zone.

4 “(C) AUTOMATED TRAFFIC ENFORCEMENT
5 SYSTEM GUIDELINES.—Any automated traffic
6 enforcement system installed pursuant to sub-
7 paragraph (B) shall comply with speed enforce-
8 ment camera systems and red light camera sys-
9 tems guidelines established by the Secretary.”;
10 and

11 (3) in subsection (n)—

12 (A) by striking “PUBLIC TRANSPARENCY”
13 and all that follows through “The Secretary”
14 and inserting the following: “PUBLIC TRANS-
15 PARENCY.—

16 “(1) IN GENERAL.—The Secretary”; and

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

18 “(2) STATE HIGHWAY SAFETY PLAN
19 WEBSITE.—

20 “(A) IN GENERAL.—In carrying out the
21 requirements of paragraph (1), the Secretary
22 shall establish a public website that is easily ac-
23 cessible, navigable, and searchable for the infor-
24 mation required under paragraph (1), in order

1 to foster greater transparency in approved
2 State highway safety programs.

3 “(B) CONTENTS.—The website established
4 under subparagraph (A) shall—

5 “(i) include each State highway safety
6 plan and annual report submitted and ap-
7 proved by the Secretary under subsection
8 (k);

9 “(ii) provide a means for the public to
10 search such website for State highway
11 safety program content required in sub-
12 section (k), including—

13 “(I) performance measures re-
14 quired by the Secretary under para-
15 graph (3)(A);

16 “(II) progress made toward
17 meeting the State’s performance tar-
18 gets for the previous year;

19 “(III) program areas and ex-
20 penditures; and

21 “(IV) a description of any
22 sources of funds other than funds pro-
23 vided under this section that the State
24 proposes to use to carry out the State
25 highway safety plan of such State.”.

1 **SEC. 3003. TRAFFIC SAFETY ENFORCEMENT GRANTS.**

2 Section 402 of title 23, United States Code, as
3 amended by section 3002 of this Act, is further amended
4 by inserting after subsection (k) the following:

5 “(1) TRAFFIC SAFETY ENFORCEMENT GRANTS.—

6 “(1) GENERAL AUTHORITY.—Subject to the re-
7 quirements under this subsection, the Secretary shall
8 award grants to States for the purpose of carrying
9 out top-rated traffic safety enforcement counter-
10 measures to reduce traffic-related injuries and fatali-
11 ties.

12 “(2) EFFECTIVE COUNTERMEASURE DE-
13 FINED.—In this subsection, the term ‘effective coun-
14 termeasure’ means a countermeasure rated 3, 4, or
15 5 stars in the most recent edition of the National
16 Highway Traffic Safety Administration’s Counter-
17 measures That Work highway safety guide.

18 “(3) FUNDING.—Notwithstanding the appor-
19 tionment formula set forth in section 402(c)(2), the
20 Secretary shall set aside \$35,000,000 of the funds
21 made available under this section for each fiscal year
22 to be allocated among up to 10 States.

23 “(4) SELECTION CRITERIA.—The Secretary
24 shall select up to 10 applicants based on the fol-
25 lowing criteria:

26 “(A) Geographically diverse.

1 “(B) Higher State average of traffic fatali-
2 ties per vehicle mile traveled.

3 “(C) A preference to applications that
4 agree to include under paragraph (6)(C) the
5 data derived from law enforcement activities
6 funded by a State under this section.

7 “(5) ELIGIBILITY.—A State may receive a
8 grant under this subsection in a fiscal year if the
9 State demonstrates, to the satisfaction of the Sec-
10 retary, that the State is able to meet the require-
11 ments in paragraph (6).

12 “(6) REQUIREMENTS.—In order to receive
13 funds, a State must establish an agreement with the
14 Secretary to—

15 “(A) identify areas with the highest risk of
16 traffic fatalities and injuries;

17 “(B) determine the most effective counter-
18 measures to implement in those areas, with pri-
19 ority given to countermeasures rated above 3
20 stars; and

21 “(C) report annual data under uniform re-
22 porting requirements established by the Sec-
23 retary, including—

24 “(i) traffic citations and arrests;

1 “(ii) the increase in traffic safety en-
2 forcement activity supported by these
3 funds; and

4 “(iii) any other metrics the Secretary
5 determines appropriate to determine the
6 success of the grant.

7 “(7) USE OF FUNDS.—

8 “(A) IN GENERAL.—Grant funds received
9 by a State under this subsection may be used
10 for—

11 “(i) implementing effective counter-
12 measures determined under paragraph (6);
13 and

14 “(ii) law enforcement-related ex-
15 penses, such as officer training, overtime,
16 technology, and equipment, if the Sec-
17 retary determines effective counter-
18 measures have been implemented success-
19 fully and the Secretary provides approval.

20 “(B) BROADCAST AND PRINT MEDIA.—Up
21 to 5 percent of grant funds received by a State
22 under this subsection may be used for the de-
23 velopment, production, and use of broadcast
24 and print media advertising in carrying out

1 traffic safety law enforcement efforts under this
2 subsection.

3 “(8) ALLOCATION.—Grant funds allocated to a
4 State under this subsection for a fiscal year shall be
5 in proportion to the State’s apportionment under
6 subsection (c)(2) for the fiscal year.

7 “(9) MAINTENANCE OF EFFORT.—No grant
8 may be made to a State in any fiscal year under this
9 subsection unless the State enters into such an
10 agreement with the Secretary, as the Secretary may
11 require, to ensure that the State will maintain its
12 aggregate expenditures from all State and local
13 sources for activities carried out in accordance with
14 this subsection at or above the average level of ex-
15 penditures in the 2 fiscal years preceding the date
16 of enactment of this subsection.

17 “(10) ANNUAL EVALUATION AND REPORT TO
18 CONGRESS.—The Secretary shall conduct an annual
19 evaluation of the effectiveness of grants awarded
20 under this subsection and shall submit to the Com-
21 mittee on Transportation and Infrastructure of the
22 House of Representatives and the Committee on
23 Commerce, Science, and Transportation of the Sen-
24 ate an annual report on the effectiveness of the
25 grants.”.

1 **SEC. 3004. HIGHWAY SAFETY RESEARCH AND DEVELOP-**
2 **MENT.**

3 Section 403 of title 23, United States Code, is
4 amended—

5 (1) in subsection (b) by inserting “, training,”
6 after “demonstration projects”;

7 (2) in subsection (f)(1)—

8 (A) by striking “\$2,500,000” and inserting
9 “\$3,500,000”; and

10 (B) by striking “subsection 402(c) in each
11 fiscal year ending before October 1, 2015, and
12 \$443,989 of the total amount available for ap-
13 portionment to the States for highway safety
14 programs under section 402(c) in the period be-
15 ginning on October 1, 2015, and ending on De-
16 cember 4, 2015,” and inserting “section
17 402(c)(2) in each fiscal year”; and

18 (3) by striking subsection (h) and redesignating
19 subsections (i) and (j) as subsections (h) and (i), re-
20 spectively.

21 **SEC. 3005. GRANT PROGRAM TO PROHIBIT RACIAL**
22 **PROFILING.**

23 Section 403 of title 23, United States Code, as
24 amended by section 3004 of this Act, is further amended
25 by adding at the end the following:

1 “(j) GRANT PROGRAM TO PROHIBIT RACIAL
2 PROFILING.—

3 “(1) GENERAL AUTHORITY.—Subject to the re-
4 quirements of this subsection, the Secretary shall
5 make grants to a State that—

6 “(A) is maintaining and allows public in-
7 spection of statistical information for each
8 motor vehicle stop made by a law enforcement
9 officer on a Federal-aid highway in the State
10 regarding the race and ethnicity of the driver;
11 or

12 “(B) provides assurances satisfactory to
13 the Secretary that the State is undertaking ac-
14 tivities to comply with the requirements of sub-
15 paragraph (A).

16 “(2) USE OF GRANT FUNDS.—A grant received
17 by a State under paragraph (1) shall be used by the
18 State for the costs of—

19 “(A) collecting and maintaining data on
20 traffic stops; and

21 “(B) evaluating the results of such data.

22 “(3) LIMITATIONS.—

23 “(A) MAXIMUM AMOUNT OF GRANTS.—
24 The total amount of grants made to a State
25 under this section in a fiscal year may not ex-

1 ceed 5 percent of the amount made available to
2 carry out this section in the fiscal year.

3 “(B) ELIGIBILITY.—On or after October
4 1, 2022, a State may not receive a grant under
5 paragraph (1)(B) in more than 2 fiscal years.

6 “(4) FUNDING.—

7 “(A) IN GENERAL.—From funds made
8 available under this section, the Secretary shall
9 set aside \$7,500,000 for each fiscal year to
10 carry out this subsection.

11 “(B) OTHER USES.—The Secretary may
12 reallocate, before the last day of any fiscal year,
13 amounts remaining available under subpara-
14 graph (A) to increase the amounts made avail-
15 able to carry out any other activities authorized
16 under this section in order to ensure, to the
17 maximum extent possible, that all such amounts
18 are obligated during such fiscal year.”.

19 **SEC. 3006. HIGH-VISIBILITY ENFORCEMENT PROGRAM.**

20 Section 404 of title 23, United States Code, is
21 amended—

22 (1) in subsection (a) by striking “3 campaigns
23 will be carried out in each of fiscal years 2016
24 through 2020” and inserting “6 campaigns will be

1 carried out in each of fiscal years 2022 through
2 2025”;

3 (2) in subsection (b)—

4 (A) in paragraph (1) by striking “or drug-
5 impaired”;

6 (B) in paragraph (2) by striking “Increase
7 use of seatbelts” and inserting “Increase proper
8 use of seatbelts and child restraints”;

9 (C) by redesignating paragraph (2) as
10 paragraph (3);

11 (D) by inserting after paragraph (1) the
12 following:

13 “(2) Reduce drug-impaired operation of motor
14 vehicles.”; and

15 (E) by adding at the end the following:

16 “(4) Reduce texting through a personal wireless
17 communications device by drivers while operating a
18 motor vehicle.

19 “(5) Reduce violations of move over laws of a
20 State that require motorists to change lanes or slow
21 down when law enforcement, fire service, emergency
22 medical services and other emergency vehicles are
23 stopped or parked on or next to a roadway with
24 emergency lights activated.”;

1 (3) by redesignating subsections (e) and (f) as
2 subsections (g) and (h), respectively;

3 (4) by inserting after subsection (d) the fol-
4 lowing:

5 “(e) FREQUENCY.—Each campaign administered
6 under this section shall occur not less than once in each
7 of fiscal years 2022 through 2025 with the exception of
8 campaigns to reduce alcohol-impaired operation of motor
9 vehicles which shall occur not less than twice in each of
10 fiscal years 2022 through 2025.

11 “(f) COORDINATION OF DYNAMIC HIGHWAY MES-
12 SAGE SIGNS.—During the time a State is carrying out a
13 campaign, the Secretary shall coordinate with States car-
14 rying out the campaigns under this section on the use of
15 dynamic highway message signs to support national high-
16 visibility advertising and education efforts associated with
17 the campaigns.”; and

18 (5) in subsection (g), as so redesignated—

19 (A) by redesignating paragraph (2) as
20 paragraph (3);

21 (B) by inserting after paragraph (1) the
22 following:

23 “(2) DYNAMIC HIGHWAY MESSAGE SIGN.—The
24 term ‘dynamic highway message sign’ means a traf-
25 fic control device that is capable of displaying one or

1 more alternative messages which convey information
2 to occupants of motor vehicles.”; and

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

4 “(4) TEXTING.—The term ‘texting’ has the
5 meaning given such term in section 405(e).”.

6 **SEC. 3007. NATIONAL PRIORITY SAFETY PROGRAMS.**

7 (a) IN GENERAL.—Section 405 of title 23, United
8 States Code, is amended—

9 (1) in subsection (a)—

10 (A) in paragraph (1) by striking “13 per-
11 cent” and inserting “12.85 percent”;

12 (B) in paragraph (2) by striking “14.5
13 percent” and inserting “14.3 percent”;

14 (C) in paragraph (3) by striking “52.5
15 percent” and inserting “51.75 percent”;

16 (D) in paragraph (4) by striking “8.5 per-
17 cent” and inserting “8.3 percent”;

18 (E) in paragraph (6) by striking “5 per-
19 cent” and inserting “4.9 percent”;

20 (F) in paragraph (7) by striking “5 per-
21 cent” and inserting “4.9 percent”;

22 (G) in paragraph (8)—

23 (i) by striking “paragraphs (1)
24 through (7)” and inserting “paragraphs
25 (1) through (8)”;

1 (ii) by striking “subsection (b)
2 through (h)” and inserting “subsections
3 (b) through (i)”; and

4 (iii) by inserting “to carry out any of
5 the other activities described in such sub-
6 sections, or the amount made available”
7 before “under section 402(c)(2)”;

8 (H) in paragraph (9)(A) by striking “date
9 of enactment of the FAST Act” and inserting
10 “date of enactment of the INVEST in America
11 Act”;

12 (I) by redesignating paragraphs (8) and
13 (9) as paragraphs (9) and (10), respectively;
14 and

15 (J) by inserting after paragraph (7) the
16 following:

17 “(8) DRIVER AND OFFICER SAFETY EDU-
18 CATION.—In each fiscal year, 1.5 percent of the
19 funds provided under this section shall be allocated
20 among States that meet the requirements with re-
21 spect to driver and officer safety education (as de-
22 scribed in subsection (i)).”;

23 (2) by striking subsection (c)(4) and inserting
24 the following:

1 “(4) USE OF GRANT AMOUNTS.—Grant funds
2 received by a State under this subsection shall be
3 used for—

4 “(A) making data program improvements
5 to core highway safety databases related to
6 quantifiable, measurable progress in any of the
7 6 significant data program attributes set forth
8 in paragraph (3)(D);

9 “(B) developing or acquiring programs to
10 identify, collect, and report data to State and
11 local government agencies, and enter data, in-
12 cluding crash, citation and adjudication, driver,
13 emergency medical services or injury surveil-
14 lance system, roadway, and vehicle, into the
15 core highway safety databases of a State;

16 “(C) purchasing equipment to improve
17 processes by which data is identified, collected,
18 and reported to State and local government
19 agencies;

20 “(D) linking core highway safety databases
21 of a State with such databases of other States
22 or with other data systems within the State, in-
23 cluding systems that contain medical, roadway,
24 and economic data;

1 “(E) improving the compatibility and
2 interoperability of the core highway safety data-
3 bases of the State with national data systems
4 and data systems of other States;

5 “(F) enhancing the ability of a State and
6 the Secretary to observe and analyze local,
7 State, and national trends in crash occurrences,
8 rates, outcomes, and circumstances;

9 “(G) supporting traffic records-related
10 training and related expenditures for law en-
11 forcement, emergency medical, judicial, prosecu-
12 torial, and traffic records professionals;

13 “(H) hiring traffic records professionals,
14 including a Fatality Analysis Reporting System
15 liaison for a State; and

16 “(I) conducting research on State traffic
17 safety information systems, including devel-
18 oping and evaluating programs to improve core
19 highway safety databases of such State and
20 processes by which data is identified, collected,
21 reported to State and local government agen-
22 cies, and entered into such core safety data-
23 bases.”;

24 (3) by striking subsection (d)(6)(A) and insert-
25 ing the following:

1 “(A) GRANTS TO STATES WITH ALCOHOL-
2 IGNITION INTERLOCK LAWS.—The Secretary
3 shall make a separate grant under this sub-
4 section to each State that—

5 “(i) adopts and is enforcing a manda-
6 tory alcohol-ignition interlock law for all
7 individuals arrested or convicted of driving
8 under the influence of alcohol or of driving
9 while intoxicated;

10 “(ii) does not allow any individual ar-
11 rested or convicted of driving under the in-
12 fluence of alcohol or driving while intoxi-
13 cated to drive a motor vehicle unless such
14 individual installs an ignition interlock for
15 a minimum 6-month interlock period; or

16 “(iii) has—

17 “(I) enacted and is enforcing a
18 state law requiring all individuals con-
19 victed of, or whose driving privilege is
20 revoked or denied for, refusing to sub-
21 mit to a chemical or other test for the
22 purpose of determining the presence
23 or concentration of any intoxicating
24 substance to install an ignition inter-

1 lock for a minimum 6-month interlock
2 period; and

3 “(II) a compliance-based removal
4 program in which an individual ar-
5 rested or convicted of driving under
6 the influence of alcohol or driving
7 while intoxicated shall install an igni-
8 tion interlock for a minimum 6-month
9 interlock period and have completed a
10 minimum consecutive period of not
11 less than 40 percent of the required
12 interlock period immediately preceding
13 the date of release, without a con-
14 firmed violation of driving under the
15 influence of alcohol or driving while
16 intoxicated.”;

17 (4) in subsection (e)—

18 (A) in paragraph (1) by striking “para-
19 graphs (2) and (3)” and inserting “paragraph
20 (2)”;

21 (B) in paragraph (4)—

22 (i) by striking “paragraph (2) or (3)”
23 and inserting “paragraph (3) or (4)”;

24 (ii) in subparagraph (A) by striking
25 “communications device to contact emer-

1 gency services” and inserting “communica-
2 tions device during an emergency to con-
3 tact emergency services or to prevent in-
4 jury to persons or property”;

5 (iii) in subparagraph (C) by striking
6 “; and” and inserting a semicolon;

7 (iv) by redesignating subparagraph
8 (D) as subparagraph (E); and

9 (v) by inserting after subparagraph
10 (C) the following:

11 “(D) a driver who uses a personal wireless
12 communication device for navigation; and”;

13 (C) in paragraph (5)(A)(i) by striking
14 “texting or using a cell phone while” and in-
15 serting “distracted”;

16 (D) in paragraph (7) by striking “Of the
17 amounts” and inserting “In addition to the
18 amounts authorized under section 404 and of
19 the amounts”;

20 (E) in paragraph (9)—

21 (i) by striking subparagraph (B) and
22 inserting the following:

23 “(B) PERSONAL WIRELESS COMMUNICA-
24 TIONS DEVICE.—The term ‘personal wireless
25 communications device’ means—

1 “(i) until the date on which the Sec-
2 retary issues a regulation pursuant to
3 paragraph (8)(A), a device through which
4 personal services (as such term is defined
5 in section 332(e)(7)(C)(i) of the Commu-
6 nications Act of 1934 (47 U.S.C.
7 332(e)(7)(C)(i)) are transmitted, but not
8 including the use of such a device as a
9 global navigation system receiver used for
10 positioning, emergency notification, or
11 navigation purposes; and

12 “(ii) on and after the date on which
13 the Secretary issues a regulation pursuant
14 to paragraph (8)(A), the definition de-
15 scribed in such regulation.”; and

16 (ii) by striking subparagraph (E) and
17 inserting the following:

18 “(E) TEXTING.—The term ‘texting’
19 means—

20 “(i) until the date on which the Sec-
21 retary issues a regulation pursuant to
22 paragraph (8)(A), reading from or manu-
23 ally entering data into a personal wireless
24 communications device, including doing so
25 for the purpose of SMS texting, emailing,

1 instant messaging, or engaging in any
2 other form of electronic data retrieval or
3 electronic data communication; and

4 “(ii) on and after the date on which
5 the Secretary issues a regulation pursuant
6 to paragraph (8)(A), the definition de-
7 scribed in such regulation.”;

8 (F) by striking paragraphs (2), (3), (6),
9 and (8);

10 (G) by redesignating paragraphs (4) and
11 (5) as paragraphs (5) and (6), respectively;

12 (H) by inserting after paragraph (1) the
13 following:

14 “(2) ALLOCATION.—

15 “(A) IN GENERAL.—Subject to subpara-
16 graphs (B) and (C), the allocation of grant
17 funds to a State under this subsection for a fis-
18 cal year shall be in proportion to the State’s ap-
19 portionment under section 402 for fiscal year
20 2009.

21 “(B) PRIMARY OFFENSE LAWS.—A State
22 that has enacted and is enforcing a law that
23 meets the requirements set forth in paragraphs
24 (3) and (4) as a primary offense shall be allo-

1 cated 100 percent of the amount calculated
2 under subparagraph (A).

3 “(C) SECONDARY OFFENSE LAWS.—A
4 State that has enacted and is enforcing a law
5 that meets the requirements set forth in para-
6 graphs (3) and (4) as a secondary offense shall
7 be allocated 50 percent of the amount cal-
8 culated under subparagraph (A).

9 “(3) PROHIBITION ON HANDHELD PERSONAL
10 WIRELESS COMMUNICATION DEVICE USE WHILE
11 DRIVING.—A State law meets the requirements set
12 forth in this paragraph if the law—

13 “(A) prohibits a driver from holding or
14 using, including texting, a personal wireless
15 communications device while driving, except for
16 the use of a personal wireless communications
17 device—

18 “(i) in a hands-free manner or with a
19 hands-free accessory, or

20 “(ii) to activate or deactivate a fea-
21 ture or function of the personal wireless
22 communications device;

23 “(B) establishes a fine for a violation of
24 the law; and

1 “(C) does not provide for an exemption
2 that specifically allows a driver to hold or use
3 a personal wireless communication device while
4 stopped in traffic.

5 “(4) PROHIBITION ON PERSONAL WIRELESS
6 COMMUNICATION DEVICE USE WHILE DRIVING OR
7 STOPPED IN TRAFFIC.—A State law meets the re-
8 quirements set forth in this paragraph if the law—

9 “(A) prohibits a driver from holding or
10 using a personal wireless communications device
11 while driving if the driver is—

12 “(i) younger than 18 years of age; or

13 “(ii) in the learner’s permit or inter-
14 mediate license stage described in subpara-
15 graph (A) or (B) of subsection (g)(2);

16 “(B) establishes a fine for a violation of
17 the law; and

18 “(C) does not provide for an exemption
19 that specifically allows a driver to use a per-
20 sonal wireless communication device while
21 stopped in traffic.”; and

22 (I) by inserting after paragraph (7) the
23 following:

24 “(8) RULEMAKING.—Not later than 1 year
25 after the date of enactment of this paragraph, the

1 Secretary shall issue such regulations as are nec-
2 essary to account for diverse State approaches to
3 combating distracted driving that—

4 “(A) defines the terms personal wireless
5 communications device and texting for the pur-
6 poses of this subsection; and

7 “(B) determines additional permitted ex-
8 ceptions that are appropriate for a State law
9 that meets the requirements under paragraph
10 (3) or (4).”;

11 (5) in subsection (g)—

12 (A) in paragraph (1) by inserting “sub-
13 paragraphs (A) and (B) of” before “paragraph
14 (2)”;

15 (B) by striking paragraph (2) and insert-
16 ing the following:

17 “(2) MINIMUM REQUIREMENTS.—

18 “(A) TIER 1 STATE.—A State shall be eli-
19 gible for a grant under this subsection as a Tier
20 1 State if such State requires novice drivers
21 younger than 18 years of age to comply with a
22 2-stage graduated driver licensing process be-
23 fore receiving an unrestricted driver’s license
24 that includes—

25 “(i) a learner’s permit stage that—

1 “(I) is at least 180 days in dura-
2 tion;

3 “(II) requires that the driver be
4 accompanied and supervised at all
5 times; and

6 “(III) has a requirement that the
7 driver obtain at least 40 hours of be-
8 hind-the-wheel training with a super-
9 visor; and

10 “(ii) an intermediate stage that—

11 “(I) commences immediately
12 after the expiration of the learner’s
13 permit stage;

14 “(II) is at least 180 days in du-
15 ration; and

16 “(III) for the first 180 days of
17 the intermediate stage, restricts the
18 driver from—

19 “(aa) driving at night be-
20 tween the hours of 11:00 p.m.
21 and at least 4:00 a.m. except—

22 “(AA) when a parent,
23 guardian, driving instructor,
24 or licensed driver who is at

1 least 21 years of age is in
2 the motor vehicle; and

3 “(BB) when driving to
4 and from work, school and
5 school-related activities, reli-
6 gious activities, for emer-
7 gencies, or as a member of
8 voluntary emergency service;
9 and

10 “(bb) operating a motor ve-
11 hicle with more than 1 non-
12 familial passenger younger than
13 18 years of age, except when a
14 parent, guardian, driving instruc-
15 tor, or licensed driver who is at
16 least 21 years of age is in the
17 motor vehicle.

18 “(B) TIER 2 STATE.—A State shall be eli-
19 gible for a grant under this subsection as a Tier
20 2 State if such State requires novice drivers
21 younger than 18 years of age to comply with a
22 2-stage graduated driver licensing process be-
23 fore receiving an unrestricted driver’s license
24 that includes—

25 “(i) a learner’s permit stage that—

1 “(I) is at least 180 days in dura-
2 tion;

3 “(II) requires that the driver be
4 accompanied and supervised at all
5 times; and

6 “(III) has a requirement that the
7 driver obtain at least 50 hours of be-
8 hind-the-wheel training, with at least
9 10 hours at night, with a supervisor;
10 and

11 “(ii) an intermediate stage that—

12 “(I) commences immediately
13 after the expiration of the learner’s
14 permit stage;

15 “(II) is at least 180 days in du-
16 ration; and

17 “(III) for the first 180 days of
18 the intermediate stage, restricts the
19 driver from—

20 “(aa) driving at night be-
21 tween the hours of 10:00 p.m.
22 and at least 4:00 a.m. except—

23 “(AA) when a parent,
24 guardian, driving instructor,
25 or licensed driver who is at

1 least 21 years of age is in
2 the motor vehicle; and

3 “(BB) when driving to
4 and from work, school and
5 school-related activities, reli-
6 gious activities, for emer-
7 gencies, or as a member of
8 voluntary emergency service;
9 and

10 “(bb) operating a motor ve-
11 hicle with any nonfamilial pas-
12 senger younger than 18 years of
13 age, except when a parent,
14 guardian, driving instructor, or
15 licensed driver who is at least 21
16 years of age is in the motor vehi-
17 cle.”;

18 (C) in paragraph (3)—

19 (i) in subparagraph (A) by inserting
20 “subparagraphs (A) and (B) of” before
21 “paragraph (2)”; and

22 (ii) in subparagraph (B) by inserting
23 “subparagraphs (A) and (B) of” before
24 “paragraph (2)” each place such term ap-
25 pears;

1 (D) in paragraph (4) by striking “such fis-
2 cal year” and inserting “fiscal year 2009”; and

3 (E) by striking paragraph (5) and insert-
4 ing the following:

5 “(5) USE OF FUNDS.—

6 “(A) TIER 1 STATES.—A Tier 1 State shall
7 use grant funds provided under this subsection
8 for—

9 “(i) enforcing a 2-stage licensing
10 process that complies with paragraph (2);

11 “(ii) training for law enforcement per-
12 sonnel and other relevant State agency
13 personnel relating to the enforcement de-
14 scribed in clause (i);

15 “(iii) publishing relevant educational
16 materials that pertain directly or indirectly
17 to the State graduated driver licensing law;

18 “(iv) carrying out other administrative
19 activities that the Secretary considers rel-
20 evant to the State’s 2-stage licensing proc-
21 ess; or

22 “(v) carrying out a teen traffic safety
23 program described in section 402(m).

1 “(B) TIER 2 STATES.—Of the grant funds
2 made available to a Tier 2 State under this
3 subsection—

4 “(i) 25 percent shall be used for any
5 activity described in subparagraph (A);
6 and

7 “(ii) 75 percent may be used for any
8 project or activity eligible under section
9 402.”; and

10 (6) by adding at the end the following:

11 “(i) DRIVER AND OFFICER SAFETY EDUCATION.—

12 “(1) GENERAL AUTHORITY.—Subject to the re-
13 quirements under this subsection, the Secretary shall
14 award grants to—

15 “(A) States that enact a commuter safety
16 education program; and

17 “(B) States qualifying under paragraph
18 (5)(A).

19 “(2) FEDERAL SHARE.—The Federal share of
20 the costs of activities carried out using amounts
21 from a grant awarded under this subsection may not
22 exceed 80 percent.

23 “(3) ELIGIBILITY.—To be eligible for a grant
24 under this subsection, a State shall enact a law or
25 adopt a program that requires the following:

1 “(A) DRIVER EDUCATION AND DRIVING
2 SAFETY COURSES.—Inclusion, in driver edu-
3 cation and driver safety courses provided to in-
4 dividuals by educational and motor vehicle
5 agencies of the State, of instruction and testing
6 concerning law enforcement practices during
7 traffic stops, including information on—

8 “(i) the role of law enforcement and
9 the duties and responsibilities of peace offi-
10 cers;

11 “(ii) an individual’s legal rights con-
12 cerning interactions with peace officers;

13 “(iii) best practices for civilians and
14 peace officers during such interactions;

15 “(iv) the consequences for an individ-
16 ual’s or officer’s failure to comply with
17 those laws and programs; and

18 “(v) how and where to file a com-
19 plaint against or a compliment on behalf of
20 a peace officer.

21 “(B) PEACE OFFICER TRAINING PRO-
22 GRAMS.—Development and implementation of a
23 training program, including instruction and
24 testing materials, for peace officers and reserve
25 law enforcement officers (other than officers

1 who have received training in a civilian course
2 described in subparagraph (A)) with respect to
3 proper interaction with civilians during traffic
4 stops.

5 “(4) GRANT AMOUNT.—The allocation of grant
6 funds to a State under this subsection for a fiscal
7 year shall be in proportion to the State’s apporportion-
8 ment under section 402 for fiscal year 2009.

9 “(5) SPECIAL RULE FOR CERTAIN STATES.—

10 “(A) QUALIFYING STATE.—A State quali-
11 fies pursuant to this subparagraph if—

12 “(i) the Secretary determines such
13 State has taken meaningful steps toward
14 the full implementation of a law or pro-
15 gram described in paragraph (3);

16 “(ii) the Secretary determines such
17 State has established a timetable for the
18 implementation of such a law or program;
19 and

20 “(iii) such State has received a grant
21 pursuant to this subsection for a period of
22 not more than 5 years.

23 “(B) WITHHOLDING.—With respect to a
24 State that qualifies pursuant to subparagraph
25 (A), the Secretary shall—

1 “(i) withhold 50 percent of the
2 amount that such State would otherwise
3 receive if such State were a State described
4 in paragraph (1)(A); and

5 “(ii) direct any such amounts for dis-
6 tribution among the States that are enforce-
7 ing and carrying out a law or program de-
8 scribed in paragraph (3).

9 “(6) USE OF GRANT AMOUNTS.—A State re-
10 ceiving a grant under this subsection may use such
11 grant—

12 “(A) for the production of educational ma-
13 terials and training of staff for driver education
14 and driving safety courses and peace officer
15 training described in paragraph (3); and

16 “(B) for the implementation of the law de-
17 scribed in paragraph (3).”.

18 (b) CONFORMING AMENDMENT.—Sections 402, 403,
19 and 405 of title 23, United States Code, are amended—

20 (1) by striking “accidents” and inserting
21 “crashes” each place it appears; and

22 (2) by striking “accident” and inserting
23 “crash” each place it appears.

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 (e), 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 (e) 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)—

1 (i) by striking “section 31102(l)(2)”
2 and inserting “paragraphs (2) and (4) of
3 section 31102(l)”;

4 (ii) by striking “the next 2 fiscal
5 years” and inserting “the following 3 fiscal
6 years”; and

7 (C) in paragraph (3) by striking “the next
8 4 fiscal years” and inserting “the following 5
9 fiscal years”; and
10 (4) by adding at the end the following:

11 “(j) TREATMENT OF REALLOCATIONS.—Amounts
12 that are obligated and subsequently, after the date of en-
13 actment of this subsection, released back to the Secretary
14 under subsection (i) shall not be subject to limitations on
15 obligations provided under any other provision of law.”.

16 **SEC. 4102. MOTOR CARRIER SAFETY OPERATIONS AND**
17 **PROGRAMS.**

18 (a) IN GENERAL.—Section 31110 of title 49, United
19 States Code, is amended by striking subsection (a) and
20 inserting the following:

21 “(a) ADMINISTRATIVE EXPENSES.—There is author-
22 ized to be appropriated from the Highway Trust Fund
23 (other than the Mass Transit Account) for the Secretary
24 of Transportation to pay administrative expenses of the
25 Federal Motor Carrier Safety Administration—

- 1 “(1) \$380,500,000 for fiscal year 2022;
2 “(2) \$381,500,000 for fiscal year 2023;
3 “(3) \$382,500,000 for fiscal year 2024; and
4 “(4) \$384,500,000 for fiscal year 2025.”.

5 (b) ADMINISTRATIVE EXPENSES.—

6 (1) USE OF FUNDS.—The Administrator of the
7 Federal Motor Carrier Safety Administration shall
8 use funds made available in subsection (a) for—

9 (A) acceleration of planned investments to
10 modernize the Administration’s information
11 technology and information management sys-
12 tems;

13 (B) completing outstanding mandates;

14 (C) carrying out a Large Truck Crash
15 Causal Factors Study of the Administration;

16 (D) construction and maintenance of bor-
17 der facilities; and

18 (E) other activities authorized under sec-
19 tion 31110(b) of title 49, United States Code.

20 (2) DEFINITION OF OUTSTANDING MANDATE.—

21 In this subsection, the term “outstanding mandate”
22 means a requirement for the Federal Motor Carrier
23 Safety Administration to issue regulations, under-
24 take a comprehensive review or study, conduct a
25 safety assessment, or collect data—

1 (A) under this Act;

2 (B) under MAP-21 (Public Law 112-
3 141), that has not been published in the Fed-
4 eral Register, if required, or otherwise com-
5 pleted as of the date of enactment of this Act;

6 (C) under the FAST Act (Public Law
7 114-94), that has not been published in the
8 Federal Register, if required, or otherwise com-
9 pleted as of the date of enactment of this Act;
10 and

11 (D) under any other Act enacted before
12 the date of enactment of this Act that has not
13 been published in the Federal Register by the
14 date required in such Act.

15 **SEC. 4103. IMMOBILIZATION GRANT PROGRAM.**

16 Section 31102(l) of title 49, United States Code, is
17 amended—

18 (1) in paragraph (1) by striking “and (3)” and
19 inserting “, (3), and (4)”; and

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

21 “(4) IMMOBILIZATION GRANT PROGRAM.—

22 “(A) IN GENERAL.—The Secretary shall
23 establish an immobilization grant program to
24 make discretionary grants to States for the im-
25 mobilization or impoundment of passenger-car-

1 rying commercial motor vehicles if such vehicles
2 are found to be unsafe or fail inspection.

3 “(B) CRITERIA FOR IMMOBILIZATION.—
4 The Secretary, in consultation with State com-
5 mercial motor vehicle entities, shall develop a
6 list of commercial motor vehicle safety viola-
7 tions and defects that the Secretary determines
8 warrant the immediate immobilization of a pas-
9 senger-carrying commercial motor vehicle.

10 “(C) ELIGIBILITY.—A State is only eligible
11 to receive a grant under this paragraph if such
12 State has the authority to require the immo-
13 bilization or impoundment of a passenger-car-
14 rying commercial motor vehicle if such vehicle is
15 found to have a violation or defect included in
16 the list developed under subparagraph (B).

17 “(D) USE OF FUNDS.— Grant funds pro-
18 vided under this paragraph may be used for—

19 “(i) the immobilization or impound-
20 ment of passenger-carrying commercial
21 motor vehicles found to have a violation or
22 defect included in the list developed under
23 subparagraph (B);

24 “(ii) safety inspections of such vehi-
25 cles; and

1 “(iii) other activities related to the ac-
2 tivities described in clauses (i) and (ii), as
3 determined by the Secretary.

4 “(E) SECRETARY AUTHORIZATION.—The
5 Secretary is authorized to award a State fund-
6 ing for the costs associated with carrying out
7 an immobilization program with funds made
8 available under section 31104(a)(2).

9 “(F) DEFINITION OF PASSENGER-CAR-
10 RYING COMMERCIAL MOTOR VEHICLE.—In this
11 paragraph, the term ‘passenger-carrying com-
12 mercial motor vehicle’ has the meaning given
13 the term commercial motor vehicle in section
14 31301.”.

15 **Subtitle B—Motor Carrier Safety** 16 **Oversight**

17 **SEC. 4201. MOTOR CARRIER SAFETY ADVISORY COM-** 18 **MITTEE.**

19 Section 4144 of SAFETEA-LU (49 U.S.C. 31100
20 note) is amended—

21 (1) in subsection (b)(1) by inserting “, includ-
22 ing small business motor carriers” after “industry”;
23 and

24 (2) in subsection (d) by striking “September
25 30, 2013” and inserting “September 30, 2025”.

1 **SEC. 4202. COMPLIANCE, SAFETY, ACCOUNTABILITY.**

2 (a) IN GENERAL.—Not later than 1 year after the
3 date of enactment of this Act, the Secretary of Transpor-
4 tation shall implement a revised methodology to be used
5 in the Compliance, Safety, Accountability program of the
6 Federal Motor Carrier Safety Administration to identify
7 and prioritize motor carriers for intervention, using the
8 recommendations of the study required by section 5221(a)
9 of the FAST Act (49 U.S.C. 31100 note).

10 (b) DATA AVAILABILITY.—The Secretary shall, in
11 working toward implementation of the revised method-
12 ology described in subsection (a) prioritize revisions nec-
13 essary to—

14 (1) restore the public availability of all relevant
15 safety data under a revised methodology; and

16 (2) make such safety data publicly available
17 that was made publicly available on the day before
18 the date of enactment of the FAST Act, and make
19 publicly available any safety data that was required
20 to be made available by section 5223 of the FAST
21 Act (49 U.S.C. 31100 note).

22 (c) IMPLEMENTATION.—

23 (1) PROGRESS REPORTS.—Not later than 30
24 days after the date of enactment of this Act, and
25 every 90 days thereafter until the date on which the
26 Secretary implements the revised methodology de-

1 scribed in subsection (a), the Secretary shall submit
2 to the Committee on Transportation and Infrastruc-
3 ture of the House of Representatives and the Com-
4 mittee on Commerce, Science, and Transportation of
5 the Senate, and make publicly available on a website
6 of the Department of Transportation, a progress re-
7 port on—

8 (A) the status of the revision of the meth-
9 odology and related data modifications under
10 subsection (a), a timeline for completion of such
11 revision, and an estimated date for implementa-
12 tion of such revised methodology;

13 (B) an explanation for any delays in devel-
14 opment or implementation of the revised meth-
15 odology over the reporting period; and

16 (C) if the Secretary has not resumed mak-
17 ing publicly available the data described in sub-
18 section (b), an updated timeline for the restora-
19 tion of the public availability of data and a de-
20 tailed explanation for why such restoration has
21 not occurred.

22 (2) PUBLICATION AND NOTIFICATION.—Prior
23 to commencing the use of the revised methodology
24 described in subsection (a) to identify and prioritize

1 motor carriers for intervention (other than in a test-
2 ing capacity), the Secretary shall—

3 (A) publish a detailed summary of the
4 methodology in the Federal Register and pro-
5 vide a period for public comment; and

6 (B) notify the Committee on Transpor-
7 tation and Infrastructure of the House of Rep-
8 resentatives and the Committee on Commerce,
9 Science, and Transportation of the Senate, in
10 writing.

11 (d) SAFETY FITNESS RULE.—

12 (1) RULEMAKING.—Not later than 1 year after
13 the date on which the Secretary notifies Congress
14 under subsection (c)(2), the Secretary shall issue
15 final regulations pursuant to section 31144(b) of
16 title 49, United States Code, to revise the method-
17 ology for issuance of motor carrier safety fitness de-
18 terminations.

19 (2) CONSIDERATIONS.—In issuing the regula-
20 tions under paragraph (1), the Secretary shall con-
21 sider the use of all available data to determine the
22 fitness of a motor carrier.

23 (e) REPEAL.—Section 5223 of the FAST Act (49
24 U.S.C. 31100 note), and the item related to such section

1 in the table of contents in section 1(b) of such Act, are
2 repealed.

3 **SEC. 4203. TERMS AND CONDITIONS FOR EXEMPTIONS.**

4 Section 31315 of title 49, United States Code, is
5 amended—

6 (1) in subsection (b)—

7 (A) in paragraph (4)(A) by inserting “, in-
8 cluding data submission requirements,” after
9 “terms and conditions”; and

10 (B) by striking paragraph (8) and insert-
11 ing the following:

12 “(8) TERMS AND CONDITIONS.—

13 “(A) IN GENERAL.—The Secretary shall
14 establish terms and conditions for each exemp-
15 tion to ensure that the exemption will not likely
16 degrade the level of safety achieved by the per-
17 son or class of persons granted the exemption,
18 and allow the Secretary to evaluate whether an
19 equivalent level of safety is maintained while
20 the person or class of persons is operating
21 under such exemption, including—

22 “(i) requiring the regular submission
23 of accident and incident data to the Sec-
24 retary;

1 “(ii) requiring immediate notification
2 to the Secretary in the event of a crash
3 that results in a fatality or serious bodily
4 injury;

5 “(iii) for exemptions granted by the
6 Secretary related to hours of service rules
7 under part 395 of title 49, Code of Federal
8 Regulations, requiring that the exempt
9 person or class of persons submit to the
10 Secretary evidence of participation in a
11 recognized fatigue management plan; and

12 “(iv) providing documentation of the
13 authority to operate under the exemption
14 to each exempt person, to be used to dem-
15 onstrate compliance if requested by a
16 motor carrier safety enforcement officer
17 during a roadside inspection.

18 “(B) IMPLEMENTATION.—The Secretary
19 shall monitor the implementation of the exemp-
20 tion to ensure compliance with its terms and
21 conditions.”; and

22 (2) in subsection (e) by inserting “, based on an
23 analysis of data collected by the Secretary and sub-
24 mitted to the Secretary under subsection (b)(8)”
25 after “safety”.

1 **SEC. 4204. SAFETY FITNESS OF MOTOR CARRIERS OF PAS-**
2 **SENGERS.**

3 Section 31144(i) of title 49, United States Code, is
4 amended—

5 (1) in paragraph (1)—

6 (A) in subparagraph (A) by striking “who
7 the Secretary registers under section 13902 or
8 31134”; and

9 (B) in subparagraph (B) by inserting “to
10 motor carriers of passengers and” after
11 “apply”; and

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

13 “(5) MOTOR CARRIER OF PASSENGERS DE-
14 FINED.—In this subsection, the term ‘motor carrier
15 of passengers’ includes an offeror of motorcoach
16 services that sells scheduled transportation of pas-
17 sengers for compensation at fares and on schedules
18 and routes determined by such offeror, regardless of
19 ownership or control of the vehicles or drivers used
20 to provide the transportation by motorcoach.”.

21 **SEC. 4205. PROVIDERS OF RECREATIONAL ACTIVITIES.**

22 Section 13506(b) of title 49, United States Code, is
23 amended—

24 (1) in paragraph (2) by striking “or” at the
25 end;

1 (2) in paragraph (3) by striking the period at
2 the end and inserting “; or”; and

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

4 “(4) transportation by a motor vehicle designed
5 or used to transport between 9 and 15 passengers
6 (including the driver), whether operated alone or
7 with a trailer attached for the transport of rec-
8 reational equipment, that is operated by a person
9 that provides recreational activities if—

10 “(A) the transportation is provided within
11 a 150 air-mile radius of the location where pas-
12 sengers are boarded; and

13 “(B) the person operating the motor vehi-
14 cle, if transporting passengers over a route be-
15 tween a place in a State and a place in another
16 State, is otherwise lawfully providing transpor-
17 tation of passengers over the entire route in ac-
18 cordance with applicable State law.”.

19 **Subtitle C—Commercial Motor**
20 **Vehicle Driver Safety**

21 **SEC. 4301. COMMERCIAL DRIVER’S LICENSE FOR PAS-**
22 **SENGER CARRIERS.**

23 Section 31301(4)(B) of title 49, United States Code,
24 is amended to read as follows:

25 “(B) is designed or used to transport—

1 “(i) more than 8 passengers (includ-
2 ing the driver) for compensation; or

3 “(ii) more than 15 passengers (includ-
4 ing the driver), whether or not the trans-
5 portation is provided for compensation;
6 or”.

7 **SEC. 4302. ALCOHOL AND CONTROLLED SUBSTANCES TEST-**
8 **ING.**

9 Section 31306(c)(2) of title 49, United States Code,
10 is amended by striking “, for urine testing,”.

11 **SEC. 4303. ENTRY-LEVEL DRIVER TRAINING.**

12 Not later than January 1, 2021, and every 90 days
13 thereafter until the compliance date for the final rule pub-
14 lished on December 8, 2016, titled “Minimum Training
15 Requirements for Entry-Level Commercial Motor Vehicle
16 Operators” (81 Fed. Reg. 88732), the Secretary shall sub-
17 mit to the Committee on Transportation and Infrastruc-
18 ture of the House of Representatives and the Committee
19 on Commerce, Science, and Transportation of the Senate
20 a report on—

21 (1) a schedule, including benchmarks, to com-
22 plete implementation of the requirements under such
23 final rule;

24 (2) any anticipated delays, if applicable, in
25 meeting the benchmarks described in paragraph (1);

1 (3) the progress that the Secretary has made in
2 updating the Department of Transportation’s infor-
3 mation technology infrastructure to support the
4 training provider registry;

5 (4) a list of States that have adopted laws or
6 regulations to implement such final rule; and

7 (5) a list of States, if applicable, that are imple-
8 menting the rule and confirming that an applicant
9 for a commercial driver’s license has complied with
10 the requirements.

11 **SEC. 4304. DRIVER DETENTION TIME.**

12 (a) DATA COLLECTION.—Not later than 30 days
13 after the date of enactment of this Act, the Secretary
14 shall—

15 (1) begin to collect data on delays experienced
16 by operators of commercial motor vehicles, as re-
17 quired under section 5501 of the FAST Act (49
18 U.S.C. 14103 note) and as referenced in the request
19 for information published on June 10, 2019, titled
20 “Request for Information Concerning Commercial
21 Motor Vehicle Driver Detention Times During Load-
22 ing and Unloading” (84 Fed. Reg. 26932); and

23 (2) make such data available on a publicly ac-
24 cessible website of the Department of Transpor-
25 tation.

1 (b) DETENTION TIME LIMITS.—

2 (1) RULEMAKING.—Not later than 1 year after
3 the date of enactment of this Act, the Secretary
4 shall initiate a rulemaking to establish limits on the
5 amount of time that an operator of a commercial
6 motor vehicle may be reasonably detained by a ship-
7 per or receiver before the loading or unloading of the
8 vehicle, if the operator is not compensated for such
9 time detained.

10 (2) CONTENTS.—As part of the rulemaking
11 conducted pursuant to subsection (a), the Secretary
12 shall—

13 (A) consider the diverse nature of oper-
14 ations in the movement of goods by commercial
15 motor vehicle;

16 (B) examine any correlation between time
17 detained and violations of the hours-of-service
18 rules under part 395 of title 49, Code of Fed-
19 eral Regulations;

20 (C) determine whether the effect of deten-
21 tion time on safety differs based on—

22 (i) how an operator is compensated;

23 and

24 (ii) the contractual relationship be-
25 tween the operator and the motor carrier,

1 including whether an operator is an em-
2 ployee, a leased owner-operator, or an
3 owner-operator with independent authority;
4 and

5 (D) establish a process for a motor carrier,
6 shipper, receiver, broker, or commercial motor
7 vehicle operator to report instances of time de-
8 tained beyond the Secretary's established limits.

9 (3) INCORPORATION OF INFORMATION.—The
10 Secretary shall incorporate information received
11 under paragraph (2)(D) into the process established
12 pursuant to subsection (a) once a final rule takes ef-
13 fect.

14 (c) DATA PROTECTION.—Data made available pursu-
15 ant to this section shall be made available in a manner
16 that—

17 (1) precludes the connection of the data to any
18 individual motor carrier or commercial motor vehicle
19 operator; and

20 (2) protects privacy and confidentiality of indi-
21 viduals, operators, and motor carriers submitting the
22 data.

23 (d) COMMERCIAL MOTOR VEHICLE DEFINED.—In
24 this section, the term “commercial motor vehicle” has the

1 meaning given such term in section 31101 of title 49,
2 United States Code.

3 **SEC. 4305. TRUCK LEASING TASK FORCE.**

4 (a) ESTABLISHMENT.—Not later than 6 months after
5 the date of enactment of this Act, the Secretary of Trans-
6 portation, in consultation with the Secretary of Labor,
7 shall establish a Truck Leasing Task Force (hereinafter
8 referred to as the “Task Force”).

9 (b) MEMBERSHIP.—The Secretary of Transportation
10 shall select not more than 15 individuals to serve as mem-
11 bers of the Task Force, including equal representation
12 from each of the following:

13 (1) Labor organizations.

14 (2) The motor carrier industry, including inde-
15 pendent owner-operators.

16 (3) Consumer protection groups.

17 (4) Safety groups.

18 (5) Members of the legal profession who spe-
19 cialize in consumer finance issues.

20 (c) DUTIES.—The Task Force shall examine, at a
21 minimum—

22 (1) common truck leasing arrangements avail-
23 able to commercial motor vehicle drivers, including
24 lease-purchase agreements;

25 (2) the terms of such leasing agreements;

1 (3) the prevalence of predatory leasing agree-
2 ments in the motor carrier industry;

3 (4) specific agreements available to drayage
4 drivers at ports related to the Clean Truck Program
5 or similar programs to decrease emissions from port
6 operations;

7 (5) the impact of truck leasing agreements on
8 the net compensation of commercial motor vehicle
9 drivers, including port drayage drivers;

10 (6) resources to assist commercial motor vehicle
11 drivers in assessing the impacts of leasing agree-
12 ments; and

13 (7) the classification of commercial motor vehi-
14 cle drivers under lease-purchase agreements.

15 (d) COMPENSATION.—A member of the Task Force
16 shall serve without compensation.

17 (e) REPORT.—Upon completion of the examination
18 described in subsection (c), the Task Force shall submit
19 to the Secretary of Transportation, Secretary of Labor,
20 and appropriate congressional committees a report con-
21 taining—

22 (1) the findings of the Task Force on the mat-
23 ters described in subsection (c);

24 (2) best practices related to—

1 (A) assisting a commercial motor vehicle
2 driver in assessing the impacts of leasing agree-
3 ments prior to entering into such agreements;
4 and

5 (B) assisting a commercial motor vehicle
6 driver who has entered into a predatory lease
7 agreement; and

8 (3) recommendations on changes to laws or reg-
9 ulations, as applicable, at the Federal, State, or local
10 level to promote fair leasing agreements under which
11 a commercial motor vehicle driver is able to earn a
12 living wage.

13 (f) TERMINATION.—Not later than 1 month after the
14 date of submission of the report pursuant to subsection
15 (e), the Task Force shall terminate.

16 **SEC. 4306. HOURS OF SERVICE.**

17 (a) AUTHORITY TO ISSUE REGULATIONS.—Notwith-
18 standing the authority of the Secretary of Transportation
19 to issue regulations under section 31502 of title 49,
20 United States Code, the Secretary shall delay the effective
21 date of the final rule published on June 1, 2020, titled
22 “Hours of Service of Drivers” (85 Fed. Reg. 33396) until
23 60 days after the date on which the Secretary submits
24 the report required under subsection (d).

25 (b) COMPREHENSIVE REVIEW.—

1 (1) COMPREHENSIVE REVIEW OF HOURS OF
2 SERVICE RULES.—Not later than 60 days after the
3 date of enactment of this Act, the Secretary shall
4 initiate a comprehensive review of hours of service
5 rules and the impacts of waivers, exemptions, and
6 other allowances that limit the applicability of such
7 rules.

8 (2) LIST OF EXEMPTIONS.—In carrying out the
9 comprehensive review required under paragraph (1),
10 the Secretary shall—

11 (A) compile a list of waivers, exemptions,
12 and other allowances—

13 (i) under which a driver may operate
14 in excess of the otherwise applicable limits
15 on on-duty or driving time in absence of
16 such exemption, waiver, or other allowance;

17 (ii) under which a driver may operate
18 without recording compliance with hours of
19 service rules through the use of an elec-
20 tronic logging device; and

21 (iii) applicable—

22 (I) to specific segments of the
23 motor carrier industry or sectors of
24 the economy;

1 (II) on a periodic or seasonal
2 basis; and

3 (III) to specific types of oper-
4 ations, including the short haul ex-
5 emption under part 395 of title 49,
6 Code of Federal Regulations;

7 (B) specify whether each such waiver, ex-
8 emption, or other allowance was granted by the
9 Department of Transportation or enacted by
10 Congress, and how long such waiver, exemption,
11 or other allowance has been in effect; and

12 (C) estimate the number of motor carriers,
13 motor private carriers, and drivers that may
14 qualify to use each waiver, exemption, or other
15 allowance.

16 (3) SAFETY IMPACT ANALYSIS.—

17 (A) IN GENERAL.—In carrying out the
18 comprehensive review under paragraph (1), the
19 Secretary, in consultation with State motor car-
20 rier enforcement entities, shall undertake a sta-
21 tistically valid analysis to determine the safety
22 impact, including on enforcement, of the exemp-
23 tions, waivers, or other allowances compiled
24 under paragraph (2) by—

1 (i) using available data, or collecting
2 from motor carriers or motor private car-
3 riers and drivers operating under an ex-
4 emption, waiver, or other allowance if the
5 Secretary does not have sufficient data, to
6 determine the incidence of accidents, fa-
7 tigue-related incidents, and other relevant
8 safety information related to hours of serv-
9 ice among motor carriers, private motor
10 carriers, and drivers permitted to operate
11 under each exemption, waiver, or other al-
12 lowance;

13 (ii) comparing the data described in
14 subparagraph (A) to safety data from
15 motor carriers, motor private carriers, and
16 drivers that are subject to the hours of
17 service rules and not operating under an
18 exemption, waiver, or other allowance; and

19 (iii) based on the comparison under
20 subparagraph (B), determining whether
21 waivers, exemptions, and other allowances
22 in effect provide an equivalent level of safe-
23 ty as would exist in the absence of exemp-
24 tions, waivers, or other allowances.

1 (B) CONSULTATION.—The Secretary shall
2 consult with State motor carrier enforcement
3 entities in carrying out this paragraph.

4 (C) EXCLUSIONS.—The Secretary shall ex-
5 clude data related to exemptions, waivers, or
6 other allowances made pursuant to an emer-
7 gency declaration under section 390.23 of title
8 49, Code of Federal Regulations, or extended
9 under section 390.25 of title 49, Code of Fed-
10 eral Regulations, from the analysis required
11 under this paragraph.

12 (4) DRIVER IMPACT ANALYSIS.—In carrying out
13 the comprehensive review under paragraph (1), the
14 Secretary shall further consider—

15 (A) data on driver detention collected by
16 the Secretary pursuant to section 4304 of this
17 Act and other conditions affecting the move-
18 ment of goods by commercial motor vehicle, and
19 how such conditions interact with the Sec-
20 retary’s regulations on hours of service;

21 (B) whether exemptions, waivers, or other
22 allowances that permit additional on-duty time
23 or driving time have a deleterious effect on the
24 physical condition of drivers; and

1 (C) whether differences in the manner in
2 which drivers are compensated result in dif-
3 ferent levels of burden for drivers in complying
4 with hours of service rules.

5 (c) PEER REVIEW.—Prior to the publication of the
6 review required under subsection (d), the analyses per-
7 formed by the Secretary shall undergo an independent
8 peer review.

9 (d) PUBLICATION.—Not later than 18 months after
10 the date that the Secretary initiates the comprehensive re-
11 view under subsection (b)(1), the Secretary shall publish
12 the findings of such review in the Federal Register and
13 provide for a period for public comment.

14 (e) REPORT TO CONGRESS.—Not later than 30 days
15 after the conclusion of the public comment period under
16 subsection (d), the Secretary shall submit to the Com-
17 mittee on Commerce, Science, and Transportation and the
18 Committee on Environment and Public Works of the Sen-
19 ate and the Committee on Transportation and Infrastruc-
20 ture of the House of Representatives and make publicly
21 available on a website of the Department of Transpor-
22 tation a report containing the information and analyses
23 required under subsection (b).

24 (f) REPLACEMENT OF GUIDANCE.—Notwithstanding
25 subsection (a), the Secretary shall replace the Department

1 of Transportation guidance published on June 7, 2018,
2 titled “Hours of Service of Drivers of Commercial Motor
3 Vehicles: Regulatory Guidance Concerning the Use of a
4 Commercial Motor Vehicle for Personal Conveyance” (83
5 Fed. Reg. 26377) with specific mileage or time limits, or
6 both, for the use of personal conveyance established
7 through a rulemaking.

8 (g) DEFINITIONS.—In this section:

9 (1) MOTOR CARRIER; MOTOR PRIVATE CAR-
10 RIER.—The terms “motor carrier” and “motor pri-
11 vate carrier” have the meanings given such terms in
12 section 31501 of title 49, United States Code.

13 (2) ON-DUTY TIME; DRIVING TIME; ELEC-
14 TRONIC LOGGING DEVICE.—The terms “on-duty
15 time”, “driving time”, and “electronic logging de-
16 vice” have the meanings given such terms in section
17 395.2 of title 49, Code of Federal Regulations (as
18 in effect on June 1, 2020).

19 **SEC. 4307. DRIVER RECRUITMENT.**

20 (a) IN GENERAL.—Not later than 1 year after the
21 date of enactment of this Act, the inspector general of the
22 Department of Transportation shall submit to the Com-
23 mittee on Transportation and Infrastructure of the House
24 of Representatives and the Committee on Commerce,
25 Science, and Transportation of the Senate a report exam-

1 ining the operation of commercial motor vehicles in the
2 United States by drivers admitted to the United States
3 under temporary business visas.

4 (b) CONTENTS.—The report under paragraph (1)
5 shall include—

6 (1) an assessment of—

7 (A) the prevalence of the operation of com-
8 mercial motor vehicles in the United States by
9 drivers admitted to the United States under
10 temporary business visas;

11 (B) the characteristics of motor carriers
12 that recruit and use such drivers, including the
13 country of domicile of the motor carrier or sub-
14 sidiary;

15 (C) the demographics of drivers operating
16 in the United States under such visas, including
17 the country of domicile of such drivers; and

18 (D) the contractual relationship between
19 such motor carriers and such drivers;

20 (2) an analysis of whether such drivers are re-
21 quired to comply with—

22 (A) motor carrier safety regulations under
23 subchapter B of chapter III of title 49, Code of
24 Federal Regulations, including—

1 (i) the English proficiency require-
2 ment under section 391.11(2) of title 49,
3 Code of Federal Regulations;

4 (ii) the requirement for drivers of a
5 motor carrier to report any violations of a
6 regulation to such motor carrier under sec-
7 tion 391.27 of title 49, Code of Federal
8 Regulations; and

9 (iii) driver's licensing requirements
10 under part 383 of title 49, Code of Federal
11 Regulations, including entry-level driver
12 training and drug and alcohol testing
13 under part 382 of such title; and

14 (B) regulations prohibiting point-to-point
15 transportation in the United States, or cabo-
16 tage, under part 365 of title 49, Code of Fed-
17 eral Regulations;

18 (3) an evaluation of the safety record of the op-
19 erations and drivers described in paragraph (1), in-
20 cluding—

21 (A) violations of the motor carrier safety
22 regulations under subchapter B of chapter III
23 of title 49, Code of Federal Regulations, includ-
24 ing applicable requirements described in para-
25 graph (2)(A); and

1 (B) the number of crashes involving such
2 operations and drivers; and

3 (4) the impact of such operations and drivers
4 on—

5 (A) commercial motor vehicle drivers domi-
6 ciled in the United States, including employ-
7 ment levels and driver compensation of such
8 drivers; and

9 (B) the competitiveness of motor carriers
10 domiciled in the United States.

11 (c) DEFINITIONS.—In this section:

12 (1) COMMERCIAL MOTOR VEHICLE.—In this
13 section, the term “commercial motor vehicle” has
14 the meaning given such term in section 31101 of
15 title 49, United States Code.

16 (2) TEMPORARY BUSINESS VISA.—The term
17 “temporary business visa” means any driver who is
18 present in the United States with status under sec-
19 tion 101(a)(15)(H)(i)(b) of the Immigration and
20 Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)).

21 **Subtitle D—Commercial Motor**
22 **Vehicle and Schoolbus Safety**

23 **SEC. 4401. SCHOOLBUS SAFETY STANDARDS.**

24 (a) SCHOOLBUS SEATBELTS.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this Act, the Secretary
3 shall issue a notice of proposed rulemaking to con-
4 sider requiring large schoolbuses to be equipped with
5 safety belts for all seating positions, if the Secretary
6 determines that such standards meet the require-
7 ments and considerations set forth in subsections (a)
8 and (b) of section 30111 of title 49, United States
9 Code.

10 (2) CONSIDERATIONS.—In issuing a notice of
11 proposed rulemaking under paragraph (1), the Sec-
12 retary shall consider—

13 (A) the safety benefits of a lap/shoulder
14 belt system (also known as a Type 2 seatbelt
15 assembly);

16 (B) the recommendations of the National
17 Transportation Safety Board on seatbelts in
18 schoolbuses; and

19 (C) existing experience from States that
20 require schoolbuses to be equipped with seat-
21 belts, including Type 2 seatbelt assembly.

22 (3) REPORT.—If the Secretary determines that
23 a standard described in paragraph (1) does not meet
24 the requirements and considerations set forth in sub-
25 sections (a) and (b) of section 30111 of title 49,

1 United States Code, the Secretary shall submit to
2 the Committee on Transportation and Infrastructure
3 of the House of Representatives and the Committee
4 on Commerce, Science, and Transportation of the
5 Senate a report that describes the reasons for not
6 prescribing such a standard.

7 (4) APPLICATION OF REGULATIONS.—Any regu-
8 lation issued based on the notice of proposed rule-
9 making described in paragraph (1) shall apply to
10 schoolbuses manufactured more than 3 years after
11 the date on which the regulation takes effect.

12 (b) AUTOMATIC EMERGENCY BRAKING.—Not later
13 than 2 years after the date of enactment of this Act, the
14 Secretary shall—

15 (1) prescribe a motor vehicle safety standard
16 under section 30111 of title 49, United States Code,
17 that requires all schoolbuses manufactured after the
18 effective date of such standard to be equipped with
19 an automatic emergency braking system; and

20 (2) as part of such standard, establish perform-
21 ance requirements for automatic emergency braking
22 systems, including operation of such systems.

23 (c) ELECTRONIC STABILITY CONTROL.—Not later
24 than 2 years after the date of enactment of this Act, the
25 Secretary shall—

1 (1) prescribe a motor vehicle safety standard
2 under section 30111 of title 49, United States Code,
3 that requires all schoolbuses manufactured after the
4 effective date of such standard to be equipped with
5 an electronic stability control system (as such term
6 is defined in section 571.136 of title 49, Code of
7 Federal Regulations (as in effect on the date of en-
8 actment of this Act)); and

9 (2) as part of such standard, establish perform-
10 ance requirements for electronic stability control sys-
11 tems, including operation of such systems.

12 (d) FIRE PREVENTION AND MITIGATION.—

13 (1) RESEARCH AND TESTING.—The Secretary
14 shall conduct research and testing to determine the
15 most prevalent causes of schoolbus fires and the best
16 methods to prevent such fires and to mitigate the ef-
17 fect of such fires, both inside and outside the school-
18 bus. Such research and testing shall consider—

19 (A) fire suppression systems standards,
20 which at a minimum prevent engine fires;

21 (B) firewall standards to prevent gas or
22 flames from entering into the passenger com-
23 partment in schoolbuses with engines that ex-
24 tend beyond the firewall; and

1 (C) interior flammability and smoke emis-
2 sions characteristics standards.

3 (2) STANDARDS.—The Secretary may issue fire
4 prevention and mitigation standards for schoolbuses,
5 based on the results of the Secretary’s research and
6 testing under paragraph (1), if the Secretary deter-
7 mines that such standards meet the requirements
8 and considerations set forth in subsections (a) and
9 (b) of section 30111 of title 49, United States Code.
10 (e) DEFINITIONS.—In this section:

11 (1) AUTOMATIC BRAKING SYSTEM.—The term
12 “automatic braking system” means a crash avoid-
13 ance system installed and operational in a vehicle
14 that consists of—

15 (A) a forward warning function—

16 (i) to detect vehicles and objects
17 ahead of the vehicle; and

18 (ii) to alert the operator of an im-
19 pending collision; and

20 (B) a crash-imminent braking function to
21 provide automatic braking when forward-look-
22 ing sensors of the vehicle indicate that—

23 (i) a crash is imminent; and

24 (ii) the operator of the vehicle is not
25 applying the brakes.

1 (2) LARGE SCHOOLBUS.—The term “large
2 schoolbus” means a schoolbus with a gross vehicle
3 weight rating of more than 10,000 pounds.

4 (3) SCHOOLBUS.—The term “schoolbus” has
5 the meaning given such term in section 30125(a) of
6 title 49, United States Code.

7 **SEC. 4402. ILLEGAL PASSING OF SCHOOLBUSES.**

8 (a) REVIEW OF ILLEGAL PASSING LAWS.—

9 (1) IN GENERAL.—Not later than 2 years after
10 the date of enactment of this Act, the Secretary of
11 Transportation shall—

12 (A) prepare a compilation of illegal passing
13 laws in all States, including levels of enforce-
14 ment and penalties and enforcement issues with
15 such laws and the impact of such laws on illegal
16 passing of schoolbuses in each State;

17 (B) review existing State laws that may in-
18 hibit effective schoolbus loading zone counter-
19 measures, which may include laws requiring
20 camera visibility of a driver’s face for enforce-
21 ment action, laws that may reduce stop-arm
22 camera effectiveness, the need for an officer to
23 witness the event for enforcement, and the lack
24 of primary enforcement for texting and driving;

1 (C) evaluate methods used by States to re-
2 view, document, and report to law enforcement
3 schoolbus stop-arm violations; and

4 (D) following the completion of the com-
5 pilation, issue recommendations on best prac-
6 tices on the most effective approaches to ad-
7 dress illegal passing of schoolbuses.

8 (2) PUBLICATION.—The compilation and rec-
9 ommendations prepared under paragraph (1) shall
10 be made publicly available on the website of the De-
11 partment of Transportation.

12 (b) PUBLIC SAFETY MESSAGING CAMPAIGN.—

13 (1) IN GENERAL.—Not later than 1 year after
14 the date on which the Secretary makes the compila-
15 tion and recommendations under subsection (a)(2)
16 publicly available, the Secretary shall create and exe-
17 cute a public safety messaging campaign for dis-
18 tribution to States, divisions of motor vehicles,
19 schools, and other public outlets to highlight the
20 dangers of the illegal passing of schoolbuses, and
21 should include educating students and the public on
22 safe loading and unloading of schoolbuses.

23 (2) CONSULTATION.—The Secretary shall con-
24 sult with public and private schoolbus industry rep-

1 representatives and States in developing the campaign
2 materials.

3 (3) UPDATE.—The Secretary shall periodically
4 update such materials.

5 (c) REVIEW OF TECHNOLOGIES.—

6 (1) IN GENERAL.—Not later than 2 years after
7 the date of enactment of this Act, the Secretary
8 shall review and evaluate the effectiveness of various
9 technologies to enhance schoolbus safety, including
10 cameras, audible warning systems, enhanced light-
11 ing, and other technological solutions.

12 (2) CONTENT.—The review under paragraph
13 (1)—

14 (A) shall include an evaluation of the costs
15 of new equipment and the potential impact on
16 overall schoolbus ridership;

17 (B) shall include an evaluation of advanced
18 technologies surrounding loading zone safety;

19 (C) shall include an evaluation of motion-
20 activated detection systems that are capable
21 of—

22 (i) detecting pedestrians, bicyclists,
23 and other road users located near the exte-
24 rior of the schoolbus; and

1 (ii) alerting the operator of the school-
2 bus of the road users described in clause
3 (i);

4 (D) shall include an evaluation of school-
5 bus lighting systems, to ensure clear commu-
6 nication to surrounding drivers on their appro-
7 priate action; and

8 (E) may include other technological solu-
9 tions that enhance schoolbus safety.

10 (3) CONSULTATION.—The Secretary shall con-
11 sult with manufacturers of schoolbus vehicles, manu-
12 facturers of various technologies, and school bus in-
13 dustry representatives in conducting the review
14 under paragraph (1).

15 (4) PUBLICATION.—The Secretary shall make
16 the findings of the review under paragraph (1) pub-
17 licly available on the website of the Department.

18 (d) REVIEW OF DRIVER EDUCATION MATERIALS.—

19 (1) IN GENERAL.—Not later than 2 years after
20 the date of enactment of this Act, the Secretary
21 shall—

22 (A) review driver education materials
23 across all States to determine whether and how
24 illegal passing of schoolbuses is addressed in
25 driver education materials, manuals, non-com-

1 mercial driver's license testing, and road tests;
2 and

3 (B) make recommendations on how States
4 can improve education about illegal passing of
5 schoolbuses, particularly with new drivers.

6 (2) CONSULTATION.—The Secretary shall con-
7 sult with schoolbus industry representatives, States,
8 motor vehicle administrators, and other appropriate
9 motor vehicle experts in the preparation of the re-
10 view under paragraph (1).

11 (3) PUBLICATION.—The Secretary shall make
12 the findings of the review under paragraph (1) pub-
13 licly available on the website of the Department.

14 (e) REVIEW OF OTHER SAFETY ISSUES.—

15 (1) IN GENERAL.—Not later than 2 years after
16 the date of enactment of this Act, the Secretary
17 shall—

18 (A) research the connections between ille-
19 gal passing of schoolbuses and other safety
20 issues, including distracted driving, morning
21 darkness, illumination and reach of vehicle
22 headlights, speed limits, and schoolbus stop lo-
23 cations in rural areas; and

24 (B) create a report containing the findings.

1 (2) PUBLICATION.—The Secretary shall make
2 the report created under paragraph (1)(B) publicly
3 available on the website of the Department.

4 **SEC. 4403. STATE INSPECTION OF PASSENGER-CARRYING**
5 **COMMERCIAL MOTOR VEHICLES.**

6 (a) IN GENERAL.—Not later than 2 years after the
7 date of enactment of this Act, the Secretary of Transpor-
8 tation shall issue a final rule based on the advance notice
9 of proposed rulemaking published on April 27, 2016, titled
10 “State Inspection Programs for Passenger-Carrier Vehi-
11 cles” (81 Fed. Reg. 24769).

12 (b) CONSIDERATIONS.—In issuing a final rule under
13 subsection (a), the Secretary shall consider the impact of
14 continuing to allow self-inspection as a means to satisfy
15 periodic inspection requirements on the safety of pas-
16 senger carrier operations.

17 **SEC. 4404. AUTOMATIC EMERGENCY BRAKING.**

18 (a) FEDERAL MOTOR VEHICLE SAFETY STAND-
19 ARD.—

20 (1) IN GENERAL.—Not later than 1 year after
21 the date of enactment of this Act, the Secretary of
22 Transportation shall—

23 (A) prescribe a motor vehicle safety stand-
24 ard under section 30111 of title 49, United
25 States Code, that requires all commercial motor

1 vehicles manufactured after the effective date of
2 such standard to be equipped with an automatic
3 emergency braking system; and

4 (B) as part of such standard, establish
5 performance requirements for automatic emer-
6 gency braking systems, including operation of
7 such systems.

8 (2) CONSIDERATIONS.—Prior to prescribing the
9 standard required under paragraph (1)(A), the Sec-
10 retary shall—

11 (A) conduct a review of automatic emer-
12 gency braking systems in use in commercial
13 motor vehicles and address any identified defi-
14 ciencies with such systems in the rulemaking
15 proceeding to prescribe the standard, if prac-
16 ticable;

17 (B) assess the feasibility of updating the
18 software of emergency braking systems in use
19 in commercial motor vehicles to address any de-
20 ficiencies and to enable such systems to meet
21 the new standard; and

22 (C) consult with representatives of com-
23 mercial motor vehicle drivers regarding the ex-
24 periences of drivers with automatic emergency
25 braking systems in use in commercial motor ve-

1 hicles, including malfunctions or unwarranted
2 activations of such systems.

3 (3) COMPLIANCE DATE.—The Secretary shall
4 ensure that the compliance date of the standard pre-
5 scribed pursuant to paragraph (1) shall be not later
6 than 2 years after the date of publication of the
7 final rule prescribing such standard.

8 (b) FEDERAL MOTOR CARRIER SAFETY REGULA-
9 TION.—Not later than 1 year after the date of enactment
10 of this Act, the Secretary shall issue a regulation under
11 section 31136 of title 49, United States Code, that re-
12 quires that an automatic emergency braking system in-
13 stalled in a commercial motor vehicle that is in operation
14 on or after the effective date of the standard prescribed
15 under subsection (a) be used at any time during which
16 such commercial motor vehicle is in operation.

17 (c) DEFINITIONS.—In this section:

18 (1) AUTOMATIC EMERGENCY BRAKING SYS-
19 TEM.—The term “automatic emergency braking sys-
20 tem” means a crash avoidance system installed and
21 operational in a vehicle that consists of—

22 (A) a forward collision warning function—
23 (i) to detect vehicles and objects
24 ahead of the vehicle; and

1 (ii) to alert the operator of the vehicle
2 of an impending 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) **COMMERCIAL MOTOR VEHICLE.**—The term
10 “commercial motor vehicle” has the meaning given
11 such term in section 31101 of title 49, United
12 States Code.

13 **SEC. 4405. UNDERRIDE PROTECTION.**

14 (a) **REAR UNDERRIDE GUARDS.**—

15 (1) **REAR GUARDS ON TRAILERS AND**
16 **SEMITRAILERS.**—

17 (A) **IN GENERAL.**—Not later than 1 year
18 after the date of enactment of this Act, the Sec-
19 retary of Transportation shall issue such regu-
20 lations as are necessary to revise motor vehicle
21 safety standards under sections 571.223 and
22 571.224 of title 49, Code of Federal Regula-
23 tions, to require trailers and semi-trailers man-
24 ufactured after the date on which such regula-
25 tion is issued to be equipped with rear impact

1 guards that are designed to prevent passenger
2 compartment intrusion from a trailer or
3 semitrailer when a passenger vehicle traveling
4 at 35 miles per hour makes—

5 (i) an impact in which the passenger
6 vehicle impacts the center of the rear of
7 the trailer or semitrailer;

8 (ii) an impact in which 50 percent the
9 width of the passenger vehicle overlaps the
10 rear of the trailer or semitrailer; and

11 (iii) an impact in which 30 percent of
12 the width of the passenger vehicle overlaps
13 the rear of the trailer or semitrailer.

14 (B) EFFECTIVE DATE.—The rule issued
15 under subparagraph (A) shall require full com-
16 pliance with the motor carrier safety standard
17 prescribed in such rule not later than 2 years
18 after the date on which a final rule is issued.

19 (2) ADDITIONAL RESEARCH.—The Secretary
20 shall conduct additional research on the design and
21 development of rear impact guards that can prevent
22 underride crashes and protect motor vehicle pas-
23 sengers against severe injury at crash speeds of up
24 to 65 miles per hour.

1 (3) REVIEW OF STANDARDS.—Not later than 5
2 years after any revisions to standards or require-
3 ments related to rear impact guards pursuant to
4 paragraph (1), the Secretary shall review the stand-
5 ards or requirements to evaluate the need for
6 changes in response to advancements in technology
7 and upgrade such standards accordingly.

8 (4) INSPECTIONS.—

9 (A) IN GENERAL.—Not later than 1 year
10 after the date of enactment of this Act, the Sec-
11 retary shall issue such regulations as are nec-
12 essary to amend the regulations on minimum
13 periodic inspection standards under appendix G
14 to subchapter B of chapter III of title 49, Code
15 of Federal Regulations, and driver vehicle in-
16 spection reports under section 396.11 of title
17 49, Code of Federal Regulations, to include
18 rear impact guards and rear end protection (as
19 required by section 393.86 of title 49, Code of
20 Federal Regulations).

21 (B) CONSIDERATIONS.—In updating the
22 regulations described in subparagraph (A), the
23 Secretary shall consider it to be a defect or a
24 deficiency if a rear impact guard is missing or
25 has a corroded or compromised element that af-

1 fects the structural integrity and protective fea-
2 ture of such guard.

3 (b) SIDE UNDERRIDE GUARDS.—

4 (1) IN GENERAL.—Not later than 1 year after
5 the date of enactment of this Act, the Secretary
6 shall—

7 (A) complete additional research on side
8 underride guards to better understand the over-
9 all effectiveness of such guards;

10 (B) assess the feasibility, benefits, and
11 costs associated with installing side underride
12 guards on newly manufactured trailers and
13 semitrailers with a gross vehicle weight rating
14 of 10,000 pounds or more; and

15 (C) if warranted, develop performance
16 standards for such guards.

17 (2) INDEPENDENT RESEARCH.—If the Sec-
18 retary enters into a contract with a third party to
19 perform the research required under paragraph
20 (1)(A), the Secretary shall ensure that such third
21 party does not have any financial or contractual ties
22 or relationship with a motor carrier that transports
23 passengers or property for compensation, the motor
24 carrier industry, or an entity producing or supplying
25 underride guards.

1 (3) PUBLICATION OF ASSESSMENT.—Not later
2 than 90 days after completing the assessment re-
3 quired under paragraph (1)(B), the Secretary shall
4 issue a notice in the Federal Register containing the
5 findings of the assessment and provide an oppor-
6 tunity for public comment.

7 (4) REPORT TO CONGRESS.—After the conclu-
8 sion of the public comment period under paragraph
9 (3), the Secretary shall submit to the Committee on
10 Transportation and Infrastructure of the House of
11 Representatives and the Committee on Commerce,
12 Science, and Transportation of the Senate a report
13 that provides—

14 (A) the results of the assessment under
15 this subsection;

16 (B) a summary of the public comments re-
17 ceived by the Secretary under paragraph (3);
18 and

19 (C) a determination as to whether the Sec-
20 retary intends to develop performance require-
21 ments for side underride guards, including any
22 analysis that led to such determination.

23 (c) ADVISORY COMMITTEE ON UNDERRIDE PROTEC-
24 TION.—

1 (1) ESTABLISHMENT.—Not later than 30 days
2 after the date of enactment of this Act, the Sec-
3 retary of Transportation shall establish an Advisory
4 Committee on Underride Protection (in this sub-
5 section referred to as the “Committee”) to provide
6 advice and recommendations to the Secretary on
7 safety regulations to reduce crashes and fatalities in-
8 volving truck underrides.

9 (2) REPRESENTATION.—

10 (A) IN GENERAL.—The Committee shall be
11 composed of not more than 20 members ap-
12 pointed by the Secretary who are not employees
13 of the Department of Transportation and who
14 are qualified to serve because of their expertise,
15 training, or experience.

16 (B) MEMBERSHIP.—Members shall include
17 2 representatives of each of the following:

- 18 (i) Truck and trailer manufacturers.
19 (ii) Motor carriers, including inde-
20 pendent owner-operators.
21 (iii) Law enforcement.
22 (iv) Motor vehicle engineers.
23 (v) Motor vehicle crash investigators.
24 (vi) Truck safety organizations.
25 (vii) The insurance industry.

1 (viii) Emergency medical service pro-
2 viders.

3 (ix) Families of underride crash vic-
4 tims.

5 (x) Labor organizations.

6 (3) COMPENSATION.—Members of the Com-
7 mittee shall serve without compensation.

8 (4) MEETINGS.—The Committee shall meet at
9 least annually.

10 (5) SUPPORT.—On request of the Committee,
11 the Secretary shall provide information, administra-
12 tive services, and supplies necessary for the Com-
13 mittee to carry out the duties described in para-
14 graph (1).

15 (6) REPORT.—The Committee shall submit to
16 the Committee on Transportation and Infrastructure
17 of the House of Representatives and the Committee
18 on Commerce, Science, and Transportation of the
19 Senate a biennial report that shall—

20 (A) describe the advice and recommenda-
21 tions made to the Secretary; and

22 (B) include an assessment of progress
23 made by the Secretary in advancing safety reg-
24 ulations.

1 (d) DATA COLLECTION.—Not later than 1 year after
2 the date of enactment of this Act, the Secretary shall im-
3 plement recommendations 1 and 2 described in the report
4 by the Government Accountability Office published on
5 March 14, 2019, titled “Truck Underride Guards: Im-
6 proved Data Collection, Inspections, and Research Need-
7 ed” (GAO–19–264).

8 **SEC. 4406. TRANSPORTATION OF HORSES.**

9 Section 80502 of title 49, United States Code, is
10 amended—

11 (1) in subsection (c) by striking “This section
12 does not” and inserting “Subsections (a) and (b)
13 shall not”;

14 (2) by redesignating subsection (d) as sub-
15 section (e);

16 (3) by inserting after subsection (c) the fol-
17 lowing:

18 “(d) TRANSPORTATION OF HORSES.—

19 “(1) PROHIBITION.—No person may transport,
20 or cause to be transported, a horse from a place in
21 a State, the District of Columbia, or a territory or
22 possession of the United States through or to a
23 place in another State, the District of Columbia, or
24 a territory or possession of the United States in a

1 motor vehicle containing 2 or more levels stacked on
2 top of each other.

3 “(2) MOTOR VEHICLE DEFINED.—In this sub-
4 section, the term ‘motor vehicle’—

5 “(A) means a vehicle driven or drawn by
6 mechanical power and manufactured primarily
7 for use on public highways; and

8 “(B) does not include a vehicle operated
9 exclusively on a rail or rails.”; and

10 (4) in subsection (e), as redesignated—

11 (A) by striking “A rail carrier” and insert-
12 ing the following:

13 “(1) IN GENERAL.—A rail carrier”;

14 (B) by striking “this section” and insert-
15 ing “subsection (a) or (b)”;

16 (C) by striking “On learning” and insert-
17 ing the following:

18 “(2) TRANSPORTATION OF HORSES IN MULTI-
19 LEVEL TRAILER.—

20 “(A) CIVIL PENALTY.—A person that
21 knowingly violates subsection (d) is liable to the
22 United States Government for a civil penalty of
23 at least \$100, but not more than \$500, for each
24 violation. A separate violation of subsection (d)
25 occurs for each horse that is transported, or

1 caused to be transported, in violation of sub-
2 section (d).

3 “(B) RELATIONSHIP TO OTHER LAWS.—
4 The penalty imposed under subparagraph (A)
5 shall be in addition to any penalty or remedy
6 available under any other law.

7 “(3) CIVIL ACTION.—On learning”.

8 **TITLE V—INNOVATION**

9 **SEC. 5001. AUTHORIZATION OF APPROPRIATIONS.**

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

13 (1) HIGHWAY RESEARCH AND DEVELOPMENT
14 PROGRAM.—To carry out section 503(b) of title 23,
15 United States Code, \$144,000,000 for each of fiscal
16 years 2022 through 2025.

17 (2) TECHNOLOGY AND INNOVATION DEPLOY-
18 MENT PROGRAM.—To carry out section 503(c) of
19 title 23, United States Code, \$152,000,000 for each
20 of fiscal years 2022 through 2025.

21 (3) TRAINING AND EDUCATION.—To carry out
22 section 504 of title 23, United States Code,
23 \$26,000,000 for each of fiscal years 2022 through
24 2025.

1 (4) INTELLIGENT TRANSPORTATION SYSTEMS
2 PROGRAM.—To carry out sections 512 through 518
3 of title 23, United States Code, \$100,000,000 for
4 each of fiscal years 2022 through 2025.

5 (5) UNIVERSITY TRANSPORTATION CENTERS
6 PROGRAM.—To carry out section 5505 of title 49,
7 United States Code, \$96,000,000 for each of fiscal
8 years 2022 through 2025.

9 (6) BUREAU OF TRANSPORTATION STATIS-
10 TICS.—To carry out chapter 63 of title 49, United
11 States Code, \$27,000,000 for each of fiscal years
12 2022 through 2025.

13 (b) ADDITIONAL PROGRAMS.—The following
14 amounts are authorized to be appropriated out of the
15 Highway Trust Fund (other than the Mass Transit Ac-
16 count):

17 (1) SAFE, EFFICIENT MOBILITY THROUGH AD-
18 VANCED TECHNOLOGIES.—To carry out section
19 503(c)(4) of title 23, United States Code,
20 \$70,000,000 for each of fiscal years 2022 through
21 2025 from funds made available to carry out section
22 503(c) of such title.

23 (2) MATERIALS TO REDUCE GREENHOUSE GAS
24 EMISSIONS PROGRAM.—To carry out section 503(d)
25 of title 23, United States Code, \$10,000,000 for

1 each of fiscal years 2022 through 2025 from funds
2 made available to carry out section 503(c) of such
3 title.

4 (3) NATIONAL HIGHLY AUTOMATED VEHICLE
5 AND MOBILITY INNOVATION CLEARINGHOUSE.—To
6 carry out section 5507 of title 49, United States
7 Code, \$2,000,000 for each of fiscal years 2022
8 through 2025 from funds made available to carry
9 out sections 512 through 518 of title 23, United
10 States Code.

11 (4) NATIONAL COOPERATIVE MULTIMODAL
12 FREIGHT TRANSPORTATION RESEARCH PROGRAM.—
13 To carry out section 70205 of title 49, United
14 States Code, \$4,000,000 for each of fiscal years
15 2022 through 2025 from funds made available to
16 carry out section 503(b) of title 23, United States
17 Code.

18 (5) STATE SURFACE TRANSPORTATION SYSTEM
19 FUNDING PILOTS.—To carry out section 6020 of the
20 FAST Act (23 U.S.C. 503 note), \$35,000,000 for
21 each of fiscal years 2022 through 2025 from funds
22 made available to carry out section 503(b) of title
23 23, United States Code.

24 (6) NATIONAL SURFACE TRANSPORTATION SYS-
25 TEM FUNDING PILOT.—To carry out section 5402 of

1 this title, \$10,000,000 for each of fiscal years 2022
2 through 2025 from funds made available to carry
3 out section 503(b) of title 23, United States Code.

4 (c) ADMINISTRATION.—The Federal Highway Ad-
5 ministration shall—

6 (1) administer the programs described in para-
7 graphs (1), (2), and (3) of subsection (a) and para-
8 graph (1) of subsection (b); and

9 (2) in consultation with relevant modal adminis-
10 trations, administer the programs described in sub-
11 sections (a)(4) and (b)(2).

12 (d) TREATMENT OF FUNDS.—Funds authorized to be
13 appropriated by subsections (a) and (b) shall—

14 (1) be available for obligation in the same man-
15 ner as if those funds were apportioned under chap-
16 ter 1 of title 23, United States Code, except that the
17 Federal share of the cost of a project or activity car-
18 ried out using those funds shall be 80 percent, un-
19 less otherwise expressly provided by this title (in-
20 cluding the amendments by this title) or otherwise
21 determined by the Secretary; and

22 (2) remain available until expended and not be
23 transferable, except as otherwise provided in this
24 title.

1 **Subtitle A—Research and**
2 **Development**

3 **SEC. 5101. HIGHWAY RESEARCH AND DEVELOPMENT PRO-**
4 **GRAM.**

5 (a) IN GENERAL.—Section 503 of title 23, United
6 States Code, is amended—

7 (1) in subsection (a)(2) by striking “section
8 508” and inserting “section 6503 of title 49”; and

9 (2) in subsection (b)—

10 (A) in paragraph (3)—

11 (i) in subparagraph (A)—

12 (I) in clause (ii) by striking “;
13 and” and inserting a semicolon;

14 (II) in clause (iii) by striking the
15 period and inserting “; and”; and

16 (III) by adding at the end the
17 following:

18 “(iv) to reduce greenhouse gas emis-
19 sions and limit the effects of climate
20 change.”; and

21 (ii) by striking subparagraphs (D)
22 and (E);

23 (B) in paragraph (4)(A)—

24 (i) in clause (ii) by striking “; and”
25 and inserting a semicolon;

1 (ii) in clause (iii) by striking the pe-
2 riod and inserting “; and”; and

3 (iii) by adding at the end the fol-
4 lowing:

5 “(iv) to reduce greenhouse gas emis-
6 sions and limit the effects of climate
7 change.”;

8 (C) in paragraph (5)(A)—

9 (i) in clause (iv) by striking “; and”
10 and inserting a semicolon;

11 (ii) in clause (v) by striking the period
12 and inserting “; and”; and

13 (iii) by adding at the end the fol-
14 lowing:

15 “(vi) reducing greenhouse gas emis-
16 sions and limiting the effects of climate
17 change.”; and

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

19 “(9) ANALYSIS TOOLS.—The Secretary may de-
20 velop interactive modeling tools and databases
21 that—

22 “(A) track the condition of highway assets,
23 including interchanges, and the reconstruction
24 history of such assets;

1 “(B) can be used to assess transportation
2 options;

3 “(C) allow for the monitoring and mod-
4 eling of network-level traffic flows on highways;
5 and

6 “(D) further Federal and State under-
7 standing of the importance of national and re-
8 gional connectivity and the need for long-dis-
9 tance and interregional passenger and freight
10 travel by highway and other surface transpor-
11 tation modes.

12 “(10) PERFORMANCE MANAGEMENT DATA SUP-
13 PORT PROGRAM.—

14 “(A) PERFORMANCE MANAGEMENT DATA
15 SUPPORT.—The Administrator of the Federal
16 Highway Administration shall develop, use, and
17 maintain data sets and data analysis tools to
18 assist metropolitan planning organizations,
19 States, and the Federal Highway Administra-
20 tion in carrying out performance management
21 analyses (including the performance manage-
22 ment requirements under section 150).

23 “(B) INCLUSIONS.—The data analysis ac-
24 tivities authorized under subparagraph (A) may
25 include—

1 “(i) collecting and distributing vehicle
2 probe data describing traffic on Federal-
3 aid highways;

4 “(ii) collecting household travel behav-
5 ior data to assess local and cross-jurisdic-
6 tional travel, including to accommodate ex-
7 ternal and through travel;

8 “(iii) enhancing existing data collec-
9 tion and analysis tools to accommodate
10 performance measures, targets, and related
11 data, so as to better understand trip origin
12 and destination, trip time, and mode;

13 “(iv) enhancing existing data analysis
14 tools to improve performance predictions
15 and travel models in reports described in
16 section 150(e);

17 “(v) developing tools—

18 “(I) to improve performance
19 analysis; and

20 “(II) to evaluate the effects of
21 project investments on performance;

22 “(vi) assisting in the development or
23 procurement of the transportation system
24 access data under section 1403(g) of the
25 INVEST in America Act; and

1 “(vii) developing tools and acquiring
2 data described under paragraph (9).

3 “(C) FUNDING.—The Administrator of the
4 Federal Highway Administration may use up to
5 \$15,000,000 for each of fiscal years 2022
6 through 2025 to carry out this paragraph.”.

7 (b) REPEAL.—Section 6028 of the FAST Act (23
8 U.S.C. 150 note), and the item relating to such section
9 in the table of contents in section 1(b) of such Act, are
10 repealed.

11 **SEC. 5102. MATERIALS TO REDUCE GREENHOUSE GAS**
12 **EMISSIONS PROGRAM.**

13 Section 503 of title 23, United States Code, as
14 amended by section 5101, is further amended by adding
15 at the end the following:

16 “(d) MATERIALS TO REDUCE GREENHOUSE GAS
17 EMISSIONS PROGRAM.—

18 “(1) IN GENERAL.—Not later than 6 months
19 after the date of enactment of this subsection, the
20 Secretary shall establish and implement a program
21 under which the Secretary shall award grants to eli-
22 gible entities to research and support the develop-
23 ment of materials that will reduce or sequester the
24 amount of greenhouse gas emissions generated dur-

1 ing the production of highway materials and the
2 construction of highways.

3 “(2) ACTIVITIES.—The Secretary shall ensure
4 that the program, at a minimum—

5 “(A) carries out research to determine the
6 materials proven to most effectively reduce or
7 sequester greenhouse gas emissions;

8 “(B) evaluates and improves the ability of
9 materials to most effectively reduce or sequester
10 greenhouse gas emissions; and

11 “(C) supports the development and deploy-
12 ment of materials that will reduce or sequester
13 greenhouse gas emissions.

14 “(3) COMPETITIVE SELECTION PROCESS.—

15 “(A) APPLICATIONS.—To be eligible to re-
16 ceive a grant under this subsection, an eligible
17 entity shall submit to the Secretary an applica-
18 tion in such form and containing such informa-
19 tion as the Secretary may require.

20 “(B) CONSIDERATION.—In making grants
21 under this subsection, the Secretary shall con-
22 sider the degree to which applicants presently
23 carry out research on materials that reduce or
24 sequester greenhouse gas emissions.

1 “(C) SELECTION CRITERIA.—The Sec-
2 retary may make grants under this subsection
3 to any eligible entity based on the demonstrated
4 ability of the applicant to fulfill the activities
5 described in paragraph (2).

6 “(D) TRANSPARENCY.—

7 “(i) IN GENERAL.—The Secretary
8 shall provide to each eligible entity submit-
9 ting an application under this subsection,
10 upon request, any materials, including cop-
11 ies of reviews (with any information that
12 would identify a reviewer redacted), used
13 in the evaluation process of the application
14 of such entity.

15 “(ii) REPORTS.—The Secretary shall
16 submit to the Committee on Transpor-
17 tation and Infrastructure of the House of
18 Representatives and the Committee on En-
19 vironment and Public Works of the Senate
20 a report describing the overall review proc-
21 ess for a grant under this subsection, in-
22 cluding—

23 “(I) specific criteria of evaluation
24 used in the review;

1 “(II) descriptions of the review
2 process; and

3 “(III) explanations of the grants
4 awarded.

5 “(4) GRANTS.—

6 “(A) RESTRICTIONS.—

7 “(i) IN GENERAL.—For each fiscal
8 year, a grant made available under this
9 subsection shall be not greater than
10 \$4,000,000 and not less than \$2,000,000
11 per recipient.

12 “(ii) LIMITATION.—An eligible entity
13 may only receive 1 grant in a fiscal year
14 under this subsection.

15 “(B) MATCHING REQUIREMENTS.—

16 “(i) IN GENERAL.—As a condition of
17 receiving a grant under this subsection, a
18 grant recipient shall match 50 percent of
19 the amounts made available under the
20 grant.

21 “(ii) SOURCES.—The matching
22 amounts referred to in clause (i) may in-
23 clude amounts made available to the recipi-
24 ent under—

25 “(I) section 504(b); or

1 “(II) section 505.

2 “(5) PROGRAM COORDINATION.—

3 “(A) IN GENERAL.—The Secretary shall—

4 “(i) coordinate the research, edu-
5 cation, and technology transfer activities
6 carried out by grant recipients under this
7 subsection;

8 “(ii) disseminate the results of that
9 research through the establishment and op-
10 eration of a publicly accessible online infor-
11 mation clearinghouse; and

12 “(iii) to the extent practicable, sup-
13 port the deployment and commercial adop-
14 tion of effective materials researched or de-
15 veloped under this subsection to relevant
16 stakeholders.

17 “(B) ANNUAL REVIEW AND EVALUA-
18 TION.—Not later than 2 years after the date of
19 enactment of this subsection, and not less fre-
20 quently than annually thereafter, the Secretary
21 shall, consistent with the activities in paragraph
22 (3)—

23 “(i) review and evaluate the programs
24 carried out under this subsection by grant
25 recipients, describing the effectiveness of

1 the program in identifying materials that
2 reduce or sequester greenhouse gas emis-
3 sions;

4 “(ii) submit to the Committee on
5 Transportation and Infrastructure of the
6 House of Representatives and the Com-
7 mittee on Environment and Public Works
8 of the Senate a report describing such re-
9 view and evaluation; and

10 “(iii) make the report in clause (ii)
11 available to the public on a website.

12 “(6) LIMITATION ON AVAILABILITY OF
13 AMOUNTS.—Amounts made available to carry out
14 this subsection shall remain available for obligation
15 by the Secretary for a period of 3 years after the
16 last day of the fiscal year for which the amounts are
17 authorized.

18 “(7) INFORMATION COLLECTION.—Any survey,
19 questionnaire, or interview that the Secretary deter-
20 mines to be necessary to carry out reporting require-
21 ments relating to any program assessment or evalua-
22 tion activity under this subsection, including cus-
23 tomer satisfaction assessments, shall not be subject
24 to chapter 35 of title 44.

1 “(8) DEFINITION OF ELIGIBLE ENTITY.—In
2 this subsection, the term ‘eligible entity’ means a
3 nonprofit institution of higher education, as such
4 term is defined in section 101 of the Higher Edu-
5 cation Act of 1965 (20 U.S.C. 1001).”.

6 **SEC. 5103. TRANSPORTATION RESEARCH AND DEVELOP-**
7 **MENT 5-YEAR STRATEGIC PLAN.**

8 Section 6503 of title 49, United States Code, is
9 amended—

10 (1) in subsection (a) by striking “The Sec-
11 retary” and inserting “For the period of fiscal years
12 2017 through 2021, and for each 5-year period
13 thereafter, the Secretary”;

14 (2) in subsection (c)(1)—

15 (A) in subparagraph (D) by inserting “and
16 the existing transportation system” after “in-
17 frastructure”;

18 (B) in subparagraph (E) by striking “;
19 and” and inserting a semicolon;

20 (C) by amending subparagraph (F) to read
21 as follows:

22 “(F) reducing greenhouse gas emissions;
23 and”; and

24 (D) by adding at the end the following:

1 “(G) developing and maintaining a diverse
2 workforce in transportation sectors;” and

3 (3) in subsection (d) by striking “not later than
4 December 31, 2016,” and inserting “not later than
5 December 31, 2021,”.

6 **SEC. 5104. UNIVERSITY TRANSPORTATION CENTERS PRO-**
7 **GRAM.**

8 Section 5505 of title 49, United States Code, is
9 amended—

10 (1) in subsection (b)(4)—

11 (A) in subparagraph (A) by striking “re-
12 search priorities identified in chapter 65.” and
13 inserting the following: “following research pri-
14 orities:

15 “(i) Improving the mobility of people
16 and goods.

17 “(ii) Reducing congestion.

18 “(iii) Promoting safety.

19 “(iv) Improving the durability and ex-
20 tending the life of transportation infra-
21 structure and the existing transportation
22 system.

23 “(v) Preserving the environment.

24 “(vi) Reducing greenhouse gas emis-
25 sions.”; and

1 (B) in subparagraph (B)—

2 (i) by striking “Technology and” and
3 inserting “Technology,”; and

4 (ii) by inserting “, the Associate Ad-
5 ministrator for Research, Demonstration,
6 and Innovation and Administrator of the
7 Federal Transit Administration,” after
8 “Federal Highway Administration”;

9 (2) in subsection (c)—

10 (A) in paragraph (1)—

11 (i) by striking “Not later than 1 year
12 after the date of enactment of this sec-
13 tion,” and inserting the following:

14 “(A) SELECTION OF GRANTS.—Not later
15 than 1 year after the date of enactment of the
16 INVEST in America Act,”; and

17 (ii) by adding at the end the fol-
18 lowing:

19 “(B) LIMITATIONS.—A grant under this
20 subsection may not include a cooperative agree-
21 ment described in section 6305 of title 31.”;

22 (B) in paragraph (2)—

23 (i) in subparagraph (A) by striking “5
24 consortia” and inserting “6 consortia”;

25 (ii) in subparagraph (B)—

1 (I) in clause (i) by striking “not
2 greater than \$4,000,000 and not less
3 than \$2,000,000” and inserting “not
4 greater than \$4,250,000 and not less
5 than \$2,250,000”; and

6 (II) in clause (ii) by striking
7 “section 6503(e)” and inserting “sub-
8 section (b)(4)(A)”;

9 (iii) in subparagraph (C) by striking
10 “100 percent” and inserting “50 percent”;
11 and

12 (iv) by adding at the end the fol-
13 lowing:

14 “(D) REQUIREMENT.—In awarding grants
15 under this section, the Secretary shall award 1
16 grant to a national consortia for each focus
17 area described in subsection (b)(4)(A).”;

18 (C) in paragraph (3)—

19 (i) in subparagraph (C) by striking
20 “not greater than \$3,000,000 and not less
21 than \$1,500,000” and inserting “not
22 greater than \$3,250,000 and not less than
23 \$1,750,000”;

1 (ii) in subparagraph (D)(i) by striking
2 “100 percent” and inserting “50 percent”;
3 and

4 (iii) by striking subparagraph (E);
5 and
6 (D) in paragraph (4)—

7 (i) in subparagraph (A) by striking
8 “greater than \$2,000,000 and not less
9 than \$1,000,000” and inserting “greater
10 than \$2,250,000 and not less than
11 \$1,250,000”; and

12 (ii) by striking subparagraph (C) and
13 inserting the following:

14 “(C) REQUIREMENTS.—In awarding
15 grants under this paragraph, the Secretary
16 shall—

17 “(i) consider consortia that include in-
18 stitutions that have demonstrated an abil-
19 ity in transportation-related research; and

20 “(ii) award not less than 2 grants
21 under this section to minority institutions,
22 as such term is defined in section 365 of
23 the Higher Education Act of 1965 (20
24 U.S.C. 1067k).

25 “(D) FOCUSED RESEARCH.—

1 “(i) IN GENERAL.—In awarding
2 grants under this section, the Secretary
3 shall select not less than 1 grant recipient
4 with each of the following focus areas:

5 “(I) Transit.

6 “(II) Connected and automated
7 vehicle technology.

8 “(III) Non-motorized transpor-
9 tation, including bicycle and pedes-
10 trian safety.

11 “(IV) Transportation planning,
12 including developing metropolitan
13 planning practices to meet the consid-
14 erations described in section 134(c)(4)
15 of title 23 and section 5303(c)(4).

16 “(V) The surface transportation
17 workforce, including—

18 “(aa) current and future
19 workforce needs and challenges;
20 and

21 “(bb) the impact of tech-
22 nology on the transportation sec-
23 tor.

24 “(VI) Climate change mitigation,
25 including—

1 “(aa) researching the types
2 of transportation projects that
3 are expected to provide the most
4 significant greenhouse gas emis-
5 sions reductions from the surface
6 transportation sector; and

7 “(bb) researching the types
8 of transportation projects that
9 are not expected to provide sig-
10 nificant greenhouse gas emissions
11 reductions from the surface
12 transportation sector.

13 “(VII) Rail.

14 “(ii) ADDITIONAL GRANTS.—In
15 awarding grants under this section and
16 after awarding grants pursuant to clause
17 (i), the Secretary may award any remain-
18 ing grants to any grant recipient based on
19 the criteria described in subsection
20 (b)(4)(A).

21 “(E) CONSIDERATIONS FOR SELECTED IN-
22 STITUTIONS.—

23 “(i) IN GENERAL.—Tier 1 transpor-
24 tation centers awarded a grant under this
25 paragraph with a focus area described in

1 subparagraph (D)(i)(IV) shall consider the
2 following areas for research:

3 “**(I)** strategies to address climate
4 change mitigation and impacts de-
5 scribed in section 134(i)(2)(I)(ii) of
6 title 23 and the incorporation of such
7 strategies into long range transpor-
8 tation plan; and

9 “**(II)** preparation of a vulner-
10 ability assessment described in section
11 134(i)(2)(I)(iii) of title 23.

12 “**(ii) ACTIVITIES.**—A tier 1 transpor-
13 tation center receiving a grant under this
14 section with a focus area described in sub-
15 paragraph (D)(i)(IV) may—

16 “**(I)** establish best practices;

17 “**(II)** develop modeling tools; and

18 “**(III)** carry out other activities
19 and develop technology that addresses
20 the planning considerations described
21 in clause (i).

22 “**(iii) LIMITATION.**—Research under
23 this paragraph shall focus on metropolitan
24 planning organizations that represent ur-

1 banized areas with populations of 200,000
2 or fewer.”;

3 (3) in subsection (d)(3) by striking “fiscal years
4 2016 through 2020” and inserting “fiscal years
5 2022 through 2025”;

6 (4) by redesignating subsection (f) as sub-
7 section (g); and

8 (5) by inserting after subsection (e) the fol-
9 lowing:

10 “(f) SURPLUS AMOUNTS.—

11 “(1) IN GENERAL.—Amounts made available to
12 the Secretary to carry out this section that remain
13 unobligated after awarding grants under subsection
14 (c) shall be made available under the unsolicited re-
15 search initiative under section 5506.

16 “(2) LIMITATION ON AMOUNTS.—Amounts
17 under paragraph (1) shall not exceed \$2,000,000 for
18 any given fiscal year.”.

19 **SEC. 5105. UNSOLICITED RESEARCH INITIATIVE.**

20 (a) IN GENERAL.—Chapter 55 of title 49, United
21 States Code, is amended by inserting after section 5505
22 the following new section:

23 **“§ 5506. Unsolicited research initiative**

24 “(a) IN GENERAL.—Not later than 180 days after
25 the date of enactment of this section, the Secretary shall

1 establish a program under which an eligible entity may
2 at any time submit unsolicited research proposals for
3 funding under this section.

4 “(b) CRITERIA.—A research proposal submitted
5 under subsection (a) shall meet the purposes of the Sec-
6 retary’s 5-year transportation research and development
7 strategic plan described in section 6503(c)(1).

8 “(c) PROJECT REVIEW.—Not later than 90 days
9 after an eligible entity submits a proposal under sub-
10 section (a), the Secretary shall—

11 “(1) review the research proposal submitted
12 under subsection (a);

13 “(2) evaluate such research proposal relative to
14 the criteria described in subsection (b);

15 “(3) provide to such eligible entity a written no-
16 tice that—

17 “(A) if the research proposal is not se-
18 lected for funding under this section—

19 “(i) notifies the eligible entity that the
20 research proposal has not been selected for
21 funding;

22 “(ii) provides an explanation as to
23 why the research proposal was not se-
24 lected, including if the research proposal
25 does not cover an area of need; and

1 “(iii) if applicable, recommends 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 representing workers in freight transportation.

10 “(d) ELEMENTS.—The national cooperative
11 multimodal freight transportation research program estab-
12 lished under this section shall include the following ele-
13 ments:

14 “(1) NATIONAL RESEARCH AGENDA.—The advi-
15 sory committee under subsection (c), in consultation
16 with interested parties, shall recommend a national
17 research agenda for the program established in this
18 section.

19 “(2) INVOLVEMENT.—Interested parties may—

20 “(A) submit research proposals to the advi-
21 sory committee;

22 “(B) participate in merit reviews of re-
23 search proposals and peer reviews of research
24 products; and

25 “(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 **SEC. 5109. INNOVATIVE MATERIAL INNOVATION HUBS.**

9 (a) ESTABLISHMENT.—

10 (1) IN GENERAL.—The Secretary of Transpor-
11 tation shall carry out a program to enhance the de-
12 velopment of innovative materials in the United
13 States by making awards to consortia for estab-
14 lishing and operating Hubs (to be known as “Inno-
15 vative Material Innovation Hubs”) to conduct and
16 support multidisciplinary, collaborative research, de-
17 velopment, demonstration, standardized design de-
18 velopment, and commercial application of innovative
19 materials.

20 (4) COORDINATION.—The Secretary shall en-
21 sure the coordination of, and avoid duplication of,
22 the activities of each Hub with the activities of—

23 (A) other research entities of the Depart-
24 ment of Transportation, including the Federal
25 Highway Administration; and

1 (B) research entities of other Federal
2 agencies, as appropriate.

3 (b) COMPETITIVE SELECTION PROCESS.—

4 (1) ELIGIBILITY.—To be eligible to receive an
5 award for the establishment and operation of a Hub
6 under subsection (a)(1), a consortium shall—

7 (A) be composed of not fewer than 2 quali-
8 fying entities;

9 (B) operate subject to a binding agree-
10 ment, entered into by each member of the con-
11 sortium, that documents—

12 (i) the proposed partnership agree-
13 ment, including the governance and man-
14 agement structure of the Hub;

15 (ii) measures the consortium will un-
16 dertake to enable cost-effective implemen-
17 tation of activities under the program de-
18 scribed in subsection (a)(1); and

19 (iii) a proposed budget, including fi-
20 nancial contributions from non-Federal
21 sources; and

22 (C) operate as a nonprofit organization.

23 (2) APPLICATION.—

24 (A) IN GENERAL.—A consortium seeking
25 to establish and operate a Hub under sub-

1 section (b)(1) shall submit to the Secretary an
2 application at such time, in such manner, and
3 containing such information as the Secretary
4 may require, including a detailed description
5 of—

6 (i) each element of the consortium
7 agreement required under paragraph
8 (1)(B); and

9 (ii) any existing facilities the consor-
10 tium intends to use for Hub activities.

11 (B) REQUIREMENT.—If the consortium
12 members will not be located at 1 centralized lo-
13 cation, the application under subparagraph (A)
14 shall include a communications plan that en-
15 sures close coordination and integration of Hub
16 activities.

17 (3) SELECTION.—

18 (A) IN GENERAL.—The Secretary shall se-
19 lect consortia for awards for the establishment
20 and operation of Hubs through a competitive
21 selection process.

22 (B) CONSIDERATIONS.—In selecting con-
23 sortia under subparagraph (A), the Secretary
24 shall consider—

- 1 (i) any existing facilities a consortium
2 has identified to be used for Hub activities;
- 3 (ii) maintaining geographic diversity
4 in locations of selected Hubs;
- 5 (iii) the demonstrated ability of the
6 recipient to conduct and support multi-
7 disciplinary, collaborative research, devel-
8 opment, demonstration, standardized de-
9 sign development, and commercial applica-
10 tion of innovative materials;
- 11 (iv) the demonstrated research, tech-
12 nology transfer, and education resources
13 available to the recipient to carry out this
14 section;
- 15 (v) the ability of the recipient to pro-
16 vide leadership in solving immediate and
17 long-range national and regional transpor-
18 tation problems related to innovative mate-
19 rials;
- 20 (vi) the demonstrated ability of the re-
21 cipient to disseminate results and spur the
22 implementation of transportation research
23 and education programs through national
24 or statewide continuing education pro-
25 grams;

1 (vii) the demonstrated commitment of
2 the recipient to the use of peer review prin-
3 ciples and other research best practices in
4 the selection, management, and dissemina-
5 tion of research projects;

6 (viii) the performance metrics to be
7 used in assessing the performance of the
8 recipient in meeting the stated research,
9 technology transfer, education, and out-
10 reach goals; and

11 (ix) the ability of the recipient to im-
12 plement the proposed program in a cost-ef-
13 ficient manner, including through cost
14 sharing and overall reduced overhead, fa-
15 cilities, and administrative costs.

16 (4) TRANSPARENCY.—

17 (A) IN GENERAL.—The Secretary shall
18 provide to each applicant, upon request, any
19 materials, including copies of reviews (with any
20 information that would identify a reviewer re-
21 dacted), used in the evaluation process of the
22 proposal of the applicant.

23 (B) REPORTS.—The Secretary shall sub-
24 mit to the Committee on Transportation and
25 Infrastructure of the House of Representatives

1 and the Committee on Environment and Public
2 Works of the Senate a report describing the
3 overall review process under paragraph (4) that
4 includes—

5 (i) specific criteria of evaluation used
6 in the review;

7 (ii) descriptions of the review process;
8 and

9 (iii) explanations of the selected
10 awards.

11 (c) AUTHORIZATION.—There is authorized to be ap-
12 propriated to carry out this section such sums as may be
13 necessary and such sums shall remain available for a pe-
14 riod of 3 years after the last day of the fiscal year in which
15 such sums were made available.

16 (d) HUB OPERATIONS.—

17 (1) IN GENERAL.—Each Hub shall conduct, or
18 provide for, multidisciplinary, collaborative research,
19 development, demonstration, and commercial appli-
20 cation of innovative materials.

21 (2) ACTIVITIES.—Each Hub shall—

22 (A) encourage collaboration and commu-
23 nication among the member qualifying entities
24 of the consortium, as described in subsection
25 (b)(1), and awardees;

1 (B) develop and publish proposed plans
2 and programs on a publicly accessible website;

3 (C) submit to the Department of Trans-
4 portation an annual report summarizing the ac-
5 tivities of the Hub, including information—

6 (i) detailing organizational expendi-
7 tures; and

8 (ii) describing each project under-
9 taken by the Hub, as it relates to con-
10 ducting and supporting multidisciplinary,
11 collaborative research, development, dem-
12 onstration, standardized design develop-
13 ment, and commercial application of inno-
14 vative materials; and

15 (D) monitor project implementation and
16 coordination.

17 (3) CONFLICTS OF INTEREST.—Each Hub shall
18 maintain conflict of interest procedures, consistent
19 with the conflict of interest procedures of the De-
20 partment of Transportation.

21 (4) PROHIBITION ON CONSTRUCTION AND REN-
22 OVATION.—

23 (A) IN GENERAL.—No funds provided
24 under this section may be used for construction

1 or renovation of new buildings, test beds, or ad-
2 ditional facilities for Hubs.

3 (B) NON-FEDERAL SHARE.—Construction
4 of new buildings or facilities shall not be consid-
5 ered as part of the non-Federal share of a Hub
6 cost-sharing agreement.

7 (e) DEFINITIONS.—In this section:

8 (1) HUB.—The term “Hub” means an Innova-
9 tive Material Innovation Hub established under this
10 section.

11 (2) QUALIFYING ENTITY.—The term “quali-
12 fying entity” means—

13 (A) an institution of higher education (as
14 such term is defined in section 101(a) of the
15 Higher Education Act of 1965 (20 U.S.C.
16 1001(a));

17 (B) an appropriate Federal or State entity,
18 including a federally funded research and devel-
19 opment center of the Department of Transpor-
20 tation;

21 (C) a university transportation center
22 under section 5505 of title 49, United States
23 Code; and

24 (D) a research and development entity in
25 existence on the date of enactment of this Act

1 focused on innovative materials that the Sec-
2 retary determines to be similar in scope and in-
3 tent to a Hub under this section.

4 (3) INNOVATIVE MATERIAL.—The term “inno-
5 vative material”, with respect to an infrastructure
6 project, includes materials or combinations and proc-
7 esses for use of materials that enhance the overall
8 service life, sustainability, and resiliency of the
9 project or provide ancillary benefits relative to widely
10 adopted state of practice technologies, as determined
11 by the Secretary.

12 **Subtitle B—Technology** 13 **Deployment**

14 **SEC. 5201. TECHNOLOGY AND INNOVATION DEPLOYMENT** 15 **PROGRAM.**

16 Section 503(c) of title 23, United States Code, is
17 amended—

18 (1) in paragraph (1)—

19 (A) in subparagraph (A) by inserting “,
20 while considering the impacts on jobs” after
21 “transportation community”;

22 (B) in subparagraph (D) by striking “;
23 and” and inserting a semicolon;

24 (C) in subparagraph (E) by striking the
25 period and inserting “; and”; and

1 (D) by adding at the end the following:

2 “(F) reducing greenhouse gas emissions
3 and limiting the effects of climate change.”;
4 and

5 (2) in paragraph (2)(A) by striking the period
6 and inserting “and findings from the materials to
7 reduce greenhouse gas emissions program under
8 subsection (d).”.

9 **SEC. 5202. ACCELERATED IMPLEMENTATION AND DEPLOY-**
10 **MENT OF PAVEMENT TECHNOLOGIES.**

11 Section 503(c)(3) of title 23, United States Code, is
12 amended—

13 (1) in subparagraph (B)—

14 (A) in clause (v) by striking “; and” and
15 inserting a semicolon;

16 (B) in clause (vi) by striking the period
17 and inserting “; and”; and

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

19 “(vii) the deployment of innovative
20 pavement designs, materials, and practices
21 that reduce or sequester the amount of
22 greenhouse gas emissions generated during
23 the production of highway materials and
24 the construction of highways, with consid-
25 eration for findings from the materials to

1 reduce greenhouse gas emissions program
2 under subsection (d).”;

3 (2) in subparagraph (C) by striking “fiscal
4 years 2016 through 2020” and inserting “fiscal
5 years 2022 through 2025”; and

6 (3) in subparagraph (D)(ii)—

7 (A) in subclause (III) by striking “; and”
8 and inserting a semicolon;

9 (B) in subclause (IV) by striking the pe-
10 riod and inserting a semicolon; and

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

12 “(V) pavement monitoring and
13 data collection practices;

14 “(VI) pavement durability and
15 resilience;

16 “(VII) stormwater management;

17 “(VIII) impacts on vehicle effi-
18 ciency;

19 “(IX) the energy efficiency of the
20 production of paving materials and
21 the ability of paving materials to en-
22 hance the environment and promote
23 sustainability;

24 “(X) integration of renewable en-
25 ergy in pavement designs; and

1 “(XI) greenhouse gas emissions
2 reduction, including findings from the
3 materials to reduce greenhouse gas
4 emissions program under subsection
5 (d).”.

6 **SEC. 5203. FEDERAL HIGHWAY ADMINISTRATION EVERY**
7 **DAY COUNTS INITIATIVE.**

8 (a) IN GENERAL.—Chapter 5 of title 23, United
9 States Code, is amended by adding at the end the fol-
10 lowing:

11 **“§ 520. Every Day Counts initiative**

12 “(a) IN GENERAL.—It is in the national interest for
13 the Department of Transportation, State departments of
14 transportation, and all other recipients of Federal surface
15 transportation funds—

16 “(1) to identify, accelerate, and deploy innova-
17 tion aimed at expediting project delivery;

18 “(2) enhancing the safety of the roadways of
19 the United States, and protecting the environment;

20 “(3) to ensure that the planning, design, engi-
21 neering, construction, and financing of transpor-
22 tation projects is done in an efficient and effective
23 manner;

24 “(4) to promote the rapid deployment of proven
25 solutions that provide greater accountability for pub-

1 lic investments and encourage greater private sector
2 involvement; and

3 “(5) to create a culture of innovation within the
4 highway community.

5 “(b) EVERY DAY COUNTS INITIATIVE.—To advance
6 the policy described in subsection (a), the Administrator
7 of the Federal Highway Administration shall continue the
8 Every Day Counts initiative to work with States, local
9 transportation agencies, all other recipients of Federal
10 surface transportation funds, and industry stakeholders,
11 including labor representatives, to identify and deploy
12 proven innovative practices and products that—

13 “(1) accelerate innovation deployment;

14 “(2) expedite the project delivery process;

15 “(3) improve environmental sustainability;

16 “(4) enhance roadway safety;

17 “(5) reduce congestion; and

18 “(6) reduce greenhouse gas emissions.

19 “(c) CONSIDERATIONS.—In carrying out the Every
20 Day Counts initiative, the Administrator shall consider
21 any innovative practices and products in accordance with
22 subsections (a) and (b), including—

23 “(1) research results from the university trans-
24 portation centers program under section 5505 of
25 title 49; and

1 “(2) results from the materials to reduce green-
2 house gas emissions program in section 503(d).

3 “(d) INNOVATION DEPLOYMENT.—

4 “(1) IN GENERAL.—At least every 2 years, the
5 Administrator shall work collaboratively with stake-
6 holders to identify a new collection of innovations,
7 best practices, and data to be deployed to highway
8 stakeholders through case studies, outreach, and
9 demonstration projects.

10 “(2) REQUIREMENTS.—In identifying a collec-
11 tion described in paragraph (1), the Secretary shall
12 take into account market readiness, impacts, bene-
13 fits, and ease of adoption of the innovation or prac-
14 tice.

15 “(e) PUBLICATION.—Each collection identified under
16 subsection (d) shall be published by the Administrator on
17 a publicly available website.

18 “(f) FUNDING.—The Secretary may use funds made
19 available to carry out section 503(c) to carry out this sec-
20 tion.”.

21 (b) CLERICAL AMENDMENT.—The analysis for chap-
22 ter 5 of title 23, United States Code, is amended by add-
23 ing at the end the following new item:

 “520. Every Day Counts initiative.”.

24 (c) REPEAL.—Section 1444 of the FAST Act (23
25 U.S.C. 101 note), and the item related to such section in

1 the table of contents in section 1(b) of such Act, are re-
2 pealed.

3 **Subtitle C—Emerging Technologies**

4 **SEC. 5301. SAFE, EFFICIENT MOBILITY THROUGH AD- 5 VANCED TECHNOLOGIES.**

6 Section 503(c)(4) of title 23, United States Code, is
7 amended—

8 (1) in subparagraph (A)—

9 (A) by striking “Not later than 6 months
10 after the date of enactment of this paragraph,
11 the” and inserting “The”;

12 (B) by striking “establish an advanced
13 transportation and congestion management
14 technologies deployment” and inserting “estab-
15 lish a safe, efficient mobility through advanced
16 technologies”;

17 (C) by inserting “mobility,” before “effi-
18 ciency,”; and

19 (D) by inserting “environmental impacts,”
20 after “system performance,”;

21 (2) in subparagraph (B)—

22 (A) by striking clause (i) and inserting the
23 following:

24 “(i) reduce costs, improve return on
25 investments, and improve person through-

1 put and mobility, including through the op-
2 timization of existing transportation capac-
3 ity;”;

4 (B) in clause (iv) by inserting “bicyclist
5 and” before “pedestrian”;

6 (C) in clause (vii) by striking “; or” and
7 inserting a semicolon;

8 (D) in clause (viii)—

9 (i) by striking “accelerate” and insert-
10 ing “prepare for”; and

11 (ii) by striking the period and insert-
12 ing “; or”; and

13 (E) by adding at the end the following:

14 “(ix) reduce greenhouse gas emissions
15 and limit the effects of climate change.”;

16 (3) in subparagraph (C)—

17 (A) in clause (ii)(II)(aa) by striking “con-
18 gestion” and inserting “congestion and delays,
19 greenhouse gas emissions”; and

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

21 “(iii) CONSIDERATIONS.—An applica-
22 tion submitted under this paragraph may
23 include a description of how the proposed
24 project would support the national goals
25 described in section 150(b), the achieve-

1 ment of metropolitan and statewide targets
2 established under section 150(d), or the
3 improvement of transportation system ac-
4 cess consistent with section 150(f), includ-
5 ing through—

6 “(I) the congestion and on-road
7 mobile-source emissions performance
8 measure established under section
9 150(c)(5); or

10 “(II) the greenhouse gas emis-
11 sions performance measure estab-
12 lished under section 150(c)(7).”;

13 (4) in subparagraph (D) by adding at the end
14 the following:

15 “(iv) **PRIORITIZATION.**—In awarding
16 a grant under this paragraph, the Sec-
17 retary shall prioritize projects that, in ac-
18 cordance with the criteria described in sub-
19 paragraph (B)—

20 “(I) improve person throughput
21 and mobility, including through the
22 optimization of existing transportation
23 capacity;

24 “(II) deliver environmental bene-
25 fits;

1 “(III) reduce the number and se-
2 verity of traffic accidents and increase
3 driver, passenger, and bicyclist and
4 pedestrian safety; or

5 “(IV) reduce greenhouse gas
6 emissions.

7 “(v) GRANT DISTRIBUTION.—The
8 Secretary shall award not fewer than 3
9 grants under this paragraph based on the
10 potential of the project to reduce the num-
11 ber and severity of traffic crashes and in-
12 crease, driver, passenger, and bicyclist and
13 pedestrian safety.”;

14 (5) in subparagraph (E)—

15 (A) in clause (vi)—

16 (i) by inserting “, vehicle-to-pedes-
17 trian,” after “vehicle-to-vehicle”; and

18 (ii) by inserting “systems to improve
19 vulnerable road user safety,” before “tech-
20 nologies associated with” ; and

21 (B) in clause (ix) by inserting “, including
22 activities under section 5316 of title 49” after
23 “disabled individuals”;

24 (6) by striking subparagraph (G) and inserting
25 the following:

1 “(G) REPORTING.—

2 “(i) APPLICABILITY OF LAW.—The
3 program under this paragraph shall be
4 subject to the accountability and oversight
5 requirements in section 106(m).

6 “(ii) REPORT.—Not later than 1 year
7 after the date that the first grant is
8 awarded under this paragraph, and each
9 year thereafter, the Secretary shall make
10 available to the public on a website a re-
11 port that describes the effectiveness of
12 grant recipients in meeting their projected
13 deployment plans, including data provided
14 under subparagraph (F) on how the pro-
15 gram has—

16 “(I) reduced traffic-related fatali-
17 ties and injuries;

18 “(II) reduced traffic congestion
19 and improved travel time reliability;

20 “(III) reduced transportation-re-
21 lated emissions;

22 “(IV) optimized multimodal sys-
23 tem performance;

24 “(V) improved access to trans-
25 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;

9 “(VIII) created or maintained
10 transportation jobs and supported
11 transportation workers; or

12 “(IX) provided other benefits to
13 transportation users and the general
14 public.

15 “(iii) CONSIDERATIONS.—If applica-
16 ble, the Secretary shall ensure that the ac-
17 tivities described in subclauses (I) and (IV)
18 of clause (ii) reflect—

19 “(I) any information described in
20 subparagraph (C)(iii) that is included
21 by an applicant; or

22 “(II) the project prioritization
23 guidelines under subparagraph
24 (D)(iv).”;

1 (7) in subparagraph (I) by striking “(i) IN
2 GENERAL” and all that follows through “the Sec-
3 retary may set aside” and inserting “Of the
4 amounts made available to carry out this paragraph,
5 the Secretary may set aside”;

6 (8) in subparagraph (J) by striking the period
7 at the end and inserting “, except that the Federal
8 share of the cost of a project for which a grant is
9 awarded under this paragraph shall not exceed 80
10 percent.”;

11 (9) in subparagraph (K) by striking “amount
12 described under subparagraph (I)” and inserting
13 “funds made available to carry out this paragraph”;

14 (10) by striking subparagraph (M) and insert-
15 ing the following:

16 “(M) GRANT FLEXIBILITY.—If, by August
17 1 of each fiscal year, the Secretary determines
18 that there are not enough grant applications
19 that meet the requirements described in sub-
20 paragraph (C) to carry out this paragraph for
21 a fiscal year, the Secretary shall transfer to the
22 technology and innovation deployment pro-
23 gram—

24 “(i) any of the funds made available
25 to carry out this paragraph in a fiscal year

1 that the Secretary has not yet awarded
2 under this paragraph; and

3 “(ii) an amount of obligation limita-
4 tion equal to the amount of funds that the
5 Secretary transfers under clause (i).”; and

6 (11) in subparagraph (N)—

7 (A) in clause (i) by inserting “an urban-
8 ized area with” before “a population of”; and

9 (B) in clause (iii) by striking “a any” and
10 inserting “any”.

11 **SEC. 5302. INTELLIGENT TRANSPORTATION SYSTEMS PRO-**
12 **GRAM.**

13 (a) **USE OF FUNDS FOR ITS ACTIVITIES.**—Section
14 513(c)(1) of title 23, United States Code, is amended by
15 inserting “greenhouse gas emissions reduction,” before
16 “and congestion management”.

17 (b) **GOALS AND PURPOSES.**—Section 514(a) of title
18 23, United States Code, is amended—

19 (1) in paragraph (6) by striking “national
20 freight policy goals” and inserting “national
21 multimodal freight policy goals and activities de-
22 scribed in subtitle IX of title 49”;

23 (2) by redesignating paragraphs (4), (5), and
24 (6) as paragraphs (5), (6), and (7), respectively; and

1 (3) by inserting after paragraph (3) the fol-
2 lowing:

3 “(4) reduction of greenhouse gas emissions and
4 mitigation of the effects of climate change;”.

5 (c) GENERAL AUTHORITIES AND REQUIREMENTS.—
6 Section 515(h) of title 23, United States Code, is amend-
7 ed—

8 (1) in paragraph (2)—

9 (A) by striking “20 members” and insert-
10 ing “25 members”;

11 (B) in subparagraph (A) by striking
12 “State highway department” and inserting
13 “State department of transportation”;

14 (C) in subparagraph (B) by striking “local
15 highway department” and inserting “local de-
16 partment of transportation”;

17 (D) by striking subparagraphs (E), (F),
18 (G), (H), (I), and (J) and inserting the fol-
19 lowing:

20 “(E) a private sector representative of the
21 intelligent transportation systems industry;

22 “(F) a representative from an advocacy
23 group concerned with safety, including bicycle
24 and pedestrian interests;

1 “(G) a representative from a labor organi-
2 zation; and”;

3 (E) by redesignating subparagraph (K) as
4 subparagraph (H); and

5 (F) by striking subparagraph (L);

6 (2) in paragraph (3)—

7 (A) in subparagraph (A) by striking “sec-
8 tion 508” and inserting “section 6503 of title
9 49”;

10 (B) in subparagraph (B)—

11 (i) in clause (ii)—

12 (I) by inserting “in both urban
13 and rural areas” after “by users”;
14 and

15 (II) by striking “; and” and in-
16 serting a semicolon;

17 (ii) in clause (iii) by striking the pe-
18 riod and inserting “; and”; and

19 (iii) by adding at the end the fol-
20 lowing:

21 “(iv) assess how Federal transpor-
22 tation resources, including programs under
23 this title, are being used to advance intel-
24 ligent transportation systems.”; and

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

1 “(C) Convene not less frequently than
2 twice each year, either in person or remotely.”;

3 (3) in paragraph (4) by striking “May 1” and
4 inserting “April 1”; and

5 (4) in paragraph (5) by inserting “, except that
6 section 14 of such Act shall not apply” before the
7 period at the end.

8 (d) RESEARCH AND DEVELOPMENT.—Section 516(b)
9 of title 23, United States Code, is amended—

10 (1) by redesignating paragraphs (5), (6), and
11 (7) as paragraphs (6), (7), and (8), respectively; and

12 (2) by inserting after paragraph (4) the fol-
13 lowing:

14 “(5) demonstrate reductions in greenhouse gas
15 emissions;”.

16 **SEC. 5303. NATIONAL HIGHLY AUTOMATED VEHICLE AND**
17 **MOBILITY INNOVATION CLEARINGHOUSE.**

18 (a) IN GENERAL.—Chapter 55 of title 49, United
19 States Code, is amended by adding at the end the fol-
20 lowing:

21 **“§ 5507. National highly automated vehicle and mo-**
22 **bility innovation clearinghouse**

23 “(a) IN GENERAL.—The Secretary shall make a
24 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, availability
16 and quality of jobs, and the environment.”.

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) motorcycleists;

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;

18 (I) users of shared micromobility (includ-
19 ing bikesharing and shared scooter systems);
20 and

21 (J) other road users that may interact
22 with automated vehicles, as determined by the
23 Secretary of Transportation.

1 (3) VULNERABLE ROAD USER.—The term “vul-
2 nerable road user” has the meaning given such term
3 in section 148(a) of title 23, United States Code.

4 **SEC. 5305. NONTRADITIONAL AND EMERGING TRANSPOR-**
5 **TATION TECHNOLOGY COUNCIL.**

6 (a) IN GENERAL.—Chapter 1 of title 49, United
7 States Code, is amended by adding at the end the fol-
8 lowing:

9 **“§ 118. Nontraditional and Emerging Transportation**
10 **Technology Council**

11 “(a) ESTABLISHMENT.—The Secretary of Transpor-
12 tation shall establish a Nontraditional and Emerging
13 Transportation Technology Council (hereinafter referred
14 to as the ‘Council’) in accordance with this section.

15 “(b) MEMBERSHIP.—

16 “(1) IN GENERAL.—The Council shall be com-
17 posed of the following officers of the Department of
18 Transportation:

19 “(A) The Secretary of Transportation.

20 “(B) The Deputy Secretary of Transpor-
21 tation.

22 “(C) The Under Secretary of Transpor-
23 tation for Policy.

24 “(D) The General Counsel of the Depart-
25 ment of Transportation.

1 “(E) The Chief Information Officer of the
2 Department of Transportation.

3 “(F) The Assistant Secretary for Research
4 and Technology.

5 “(G) The Assistant Secretary for Budget
6 and Programs.

7 “(H) The Administrator of the Federal
8 Aviation Administration.

9 “(I) The Administrator of the Federal
10 Highway Administration.

11 “(J) The Administrator of the Federal
12 Motor Carrier Safety Administration.

13 “(K) The Administrator of the Federal
14 Railroad Administration.

15 “(L) The Administrator of the Federal
16 Transit Administration.

17 “(M) The Administrator of the Federal
18 Maritime Administration.

19 “(N) The Administrator of the National
20 Highway Traffic Safety Administration.

21 “(O) The Administrator of the Pipeline
22 and Hazardous Materials Safety Administra-
23 tion.

1 “(2) ADDITIONAL MEMBERS.—The Secretary
2 may designate additional members of the Depart-
3 ment to serve as at-large members of the Council.

4 “(3) CHAIR AND VICE CHAIR.—The Secretary
5 may designate officials to serve as the Chair and
6 Vice Chair of the Council and of any working groups
7 of the Council.

8 “(c) DUTIES.—The Council shall—

9 “(1) identify and resolve any jurisdictional or
10 regulatory gaps or inconsistencies associated with
11 nontraditional and emerging transportation tech-
12 nologies, modes, or projects pending or brought be-
13 fore the Department to eliminate, so far as prac-
14 ticable, impediments to the prompt and safe deploy-
15 ment of new and innovative transportation tech-
16 nology, including with respect to safety regulation
17 and oversight, environmental review, and funding
18 issues;

19 “(2) coordinate the Department’s internal over-
20 sight of nontraditional and emerging transportation
21 technologies, modes, or projects and engagement
22 with external stakeholders;

23 “(3) within applicable statutory authority other
24 than this paragraph, develop and establish depart-
25 ment-wide processes, solutions, and best practices

1 for identifying, managing and resolving issues re-
2 garding emerging transportation technologies,
3 modes, or projects pending or brought before the
4 Department; and

5 “(4) carry out such additional duties as the
6 Secretary may prescribe, to the extent consistent
7 with this title, including subsections (f)(2) and (g)
8 of section 106.”.

9 (b) CLERICAL AMENDMENT.—The analysis for chap-
10 ter 1 of title 49, United States Code, is amended by add-
11 ing at the end the following:

“118. Nontraditional and Emerging Transportation Technology Council.”.

12 **SEC. 5306. HYPERLOOP TRANSPORTATION.**

13 (a) IN GENERAL.—Not later than 6 months after the
14 date of enactment of this Act, the Secretary of Transpor-
15 tation, acting through the Nontraditional and Emerging
16 Transportation Technology Council of the Department of
17 Transportation, shall issue guidance to provide a clear
18 regulatory framework for the safe deployment of hyperloop
19 transportation.

20 (b) ELEMENTS.—In developing the guidance under
21 subsection (a), the Council shall—

22 (1) consider safety, oversight, environmental,
23 project delivery, and other regulatory requirements
24 prescribed by various modal administrations in the
25 Department;

1 (2) clearly delineate between relevant authori-
2 ties with respect to hyperloop transportation in the
3 Department and provide project sponsors with a sin-
4 gle point of access to the Department to inquire
5 about projects, plans, and proposals;

6 (3) establish clear, coordinated procedures for
7 the regulation of hyperloop transportation projects;
8 and

9 (4) develop and establish department-wide proc-
10 esses, solutions, and best practices for identifying,
11 managing, and resolving matters regarding
12 hyperloop transportation subject to the Depart-
13 ment's jurisdiction.

14 **Subtitle D—Surface Transportation** 15 **Funding Pilot Programs**

16 **SEC. 5401. STATE SURFACE TRANSPORTATION SYSTEM** 17 **FUNDING PILOTS.**

18 Section 6020 of the FAST Act (23 U.S.C. 503 note)
19 is amended—

20 (1) by striking subsection (b) and inserting the
21 following:

22 “(b) **ELIGIBILITY.**—

23 “(1) **APPLICATION.**—To be eligible for a grant
24 under this section, a State or group of States shall
25 submit to the Secretary an application in such form

1 and containing such information as the Secretary
2 may require.

3 “(2) ELIGIBLE PROJECTS.—The Secretary may
4 provide grants to States or a group of States under
5 this section for the following projects:

6 “(A) STATE PILOT PROJECTS.—

7 “(i) IN GENERAL.—A pilot project to
8 demonstrate a user-based alternative rev-
9 enue mechanism in a State.

10 “(ii) LIMITATION.—If an applicant
11 has previously been awarded a grant under
12 this section, such applicant’s proposed pilot
13 project must be comprised of core activities
14 or iterations not substantially similar in
15 manner or scope to activities previously
16 carried out by the applicant with a pre-
17 vious grant for a pilot project to under this
18 section.

19 “(B) STATE IMPLEMENTATION
20 PROJECTS.—A project—

21 “(i) to implement a user-based alter-
22 native revenue mechanism that collects rev-
23 enue to be expended on projects for the
24 surface transportation system of the State;
25 or

1 “(ii) that demonstrates progress to-
2 wards implementation of a user-based al-
3 ternative revenue mechanism, with consid-
4 eration for previous grants awarded to the
5 applicant under this section.”;

6 (2) in subsection (c)—

7 (A) in paragraph (1) by striking “2 or
8 more future”; and

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

10 “(6) To test solutions to ensure the privacy and
11 security of data collected for the purpose of imple-
12 menting a user-based alternative revenue mecha-
13 nism.”;

14 (3) in subsection (d) by striking “to test the de-
15 sign, acceptance, and implementation of a user-
16 based alternative revenue mechanism” and inserting
17 “to test the design and acceptance of, or implement,
18 a user-based alternative revenue mechanism”;

19 (4) in subsection (g) by striking “50 percent”
20 and inserting “80 percent”;

21 (5) in subsection (i)—

22 (A) in the heading by striking “BIENNIAL”
23 and inserting “ANNUAL”;

24 (B) by striking “2 years after the date of
25 enactment of this Act” and inserting “1 year

1 after the date of enactment of the INVEST in
2 America Act”;

3 (C) by striking “every 2 years thereafter”
4 and inserting “every year thereafter”; and

5 (D) by inserting “and containing a deter-
6 mination of the characteristics of the most suc-
7 cessful mechanisms with the highest potential
8 for future widespread deployment” before the
9 period at the end; and

10 (6) by striking subsections (j) and (k) and in-
11 serting the following:

12 “(j) FUNDING.—Of amounts made available to carry
13 out this section—

14 “(1) for fiscal year 2022, \$17,500,000 shall be
15 used to carry out projects under subsection
16 (b)(2)(A) and \$17,500,000 shall be used to carry
17 out projects under subsection (b)(2)(B);

18 “(2) for fiscal year 2023, \$15,000,000 shall be
19 used to carry out projects under subsection
20 (b)(2)(A) and \$20,000,000 shall be used to carry
21 out projects under subsection (b)(2)(B);

22 “(3) for fiscal year 2024, \$12,500,000 shall be
23 used to carry out projects under subsection
24 (b)(2)(A) and \$22,500,000 shall be used to carry
25 out projects under subsection (b)(2)(B); and

1 “(4) for fiscal year 2025, \$10,000,000 shall be
2 used to carry out projects under subsection
3 (b)(2)(A) and \$25,000,000 shall be used to carry
4 out projects under subsection (b)(2)(B).

5 “(k) FUNDING FLEXIBILITY.—Funds made available
6 in a fiscal year for making grants for projects under sub-
7 section (b)(2) that are not obligated in such fiscal year
8 may be made available in the following fiscal year for
9 projects under such subsection or for the national surface
10 transportation system funding pilot under section 5402 of
11 the INVEST in America Act.”.

12 **SEC. 5402. NATIONAL SURFACE TRANSPORTATION SYSTEM**
13 **FUNDING PILOT.**

14 (a) ESTABLISHMENT.—

15 (1) IN GENERAL.—The Secretary of Transpor-
16 tation, in coordination with the Secretary of the
17 Treasury, shall establish a pilot program to dem-
18 onstrate a national motor vehicle per-mile user fee to
19 restore and maintain the long-term solvency of the
20 Highway Trust Fund and achieve and maintain a
21 state of good repair in the surface transportation
22 system.

23 (2) OBJECTIVES.—The objectives of the pilot
24 program are to—

1 (A) test the design, acceptance, implemen-
2 tation, and financial sustainability of a national
3 per-mile user fee;

4 (B) address the need for additional rev-
5 enue for surface transportation infrastructure
6 and a national per-mile user fee; and

7 (C) provide recommendations regarding
8 adoption and implementation of a national per-
9 mile user fee.

10 (b) PARAMETERS.—In carrying out the pilot program
11 established under subsection (a), the Secretary of Trans-
12 portation, in coordination with the Secretary of the Treas-
13 ury, shall—

14 (1) provide different methods that volunteer
15 participants can choose from to track motor vehicle
16 miles traveled;

17 (2) solicit volunteer participants from all 50
18 States and the District of Columbia;

19 (3) ensure an equitable geographic distribution
20 by population among volunteer participants;

21 (4) include commercial vehicles and passenger
22 motor vehicles in the pilot program; and

23 (5) use components of, and information from,
24 the States selected for the State surface transpor-

1 tation system funding pilot program under section
2 6020 of the FAST Act (23 U.S.C. 503 note).

3 (c) METHODS.—

4 (1) TOOLS.—In selecting the methods described
5 in subsection (b)(1), the Secretary of Transportation
6 shall coordinate with entities that voluntarily provide
7 to the Secretary for use in the program any of the
8 following vehicle-miles-traveled collection tools:

9 (A) Third-party on-board diagnostic
10 (OBD–II) devices.

11 (B) Smart phone applications.

12 (C) Telemetric data collected by auto-
13 makers.

14 (D) Motor vehicle data obtained by car in-
15 surance companies.

16 (E) Data from the States selected for the
17 State surface transportation system funding
18 pilot program under section 6020 of the FAST
19 Act (23 U.S.C. 503 note).

20 (F) Motor vehicle data obtained from fuel-
21 ing stations.

22 (G) Any other method that the Secretary
23 considers appropriate.

24 (2) COORDINATION.—

1 (A) SELECTION.—The Secretary shall de-
2 termine which methods under paragraph (1) are
3 selected for the pilot program.

4 (B) VOLUNTEER PARTICIPANTS.—In a
5 manner that the Secretary considers appro-
6 priate, the Secretary shall provide each selected
7 method to each volunteer participant.

8 (d) PER-MILE USER FEES.—For the purposes of the
9 pilot program established in subsection (a), the Secretary
10 of the Treasury shall establish on an annual basis—

11 (1) for passenger vehicles and light trucks, a
12 per-mile user fee that is equivalent to—

13 (A) the average annual taxes imposed by
14 sections 4041 and 4081 of the Internal Rev-
15 enue Code of 1986 with respect to gasoline or
16 any other fuel used in a motor vehicle (other
17 than aviation gasoline or diesel), divided by

18 (B) the total vehicle miles traveled by pas-
19 senger vehicles and light trucks; and

20 (2) for medium- and heavy-duty trucks, a per-
21 mile user fee that is equivalent to—

22 (A) the average annual taxes imposed by
23 sections 4041 and 4081 of such Code with re-
24 spect to diesel fuel, divided by

1 (B) the total vehicle miles traveled by
2 medium- and heavy-duty trucks.

3 Taxes shall only be taken into account under the
4 preceding sentence to the extent taken into account
5 in determining appropriations to the Highway Trust
6 Fund under section 9503(b) of such Code, and the
7 amount so determined shall be reduced to account
8 for transfers from such fund under paragraphs (3),
9 (4), and (5) of section 9503(c) of such Code.

10 (e) VOLUNTEER PARTICIPANTS.—The Secretary of
11 Transportation, in coordination with the Secretary of the
12 Treasury, shall—

13 (1) ensure, to the extent practicable, that an
14 appropriate number of volunteer participants partici-
15 pate in the pilot program; and

16 (2) issue policies to—

17 (A) protect the privacy of volunteer partici-
18 pants; and

19 (B) secure the data provided by volunteer
20 participants.

21 (f) ADVISORY BOARD.—

22 (1) IN GENERAL.—The Secretary shall establish
23 an advisory board to assist with—

24 (A) advancing and implementing the pilot
25 program under this section;

1 (B) carrying out the public awareness cam-
2 paign under subsection (g); and

3 (C) developing the report under subsection
4 (m).

5 (2) MEMBERS.—The advisory board shall, at a
6 minimum, include the following entities, to be ap-
7 pointed by the Secretary—

8 (A) State departments of transportation;

9 (B) any public or nonprofit entity that led
10 a surface transportation system funding alter-
11 natives pilot project under section 6020 of the
12 FAST Act (23 U.S.C. 503 note; Public Law
13 114-94) (as in effect on the day before the date
14 of enactment of this Act);

15 (C) representatives of the trucking indus-
16 try, including owner-operator independent driv-
17 ers;

18 (D) data security experts; and

19 (E) academic experts on surface transpor-
20 tation.

21 (g) PUBLIC AWARENESS CAMPAIGN.—

22 (1) IN GENERAL.—The Secretary of Transpor-
23 tation, with guidance from the advisory committee
24 under subsection (f), may carry out a public aware-
25 ness campaign to increase public awareness regard-

1 ing a national per-mile user fee, including distrib-
2 uting information related to the pilot program car-
3 ried out under this section, information from the
4 State surface transportation system funding pilot
5 program under section 6020 of the FAST Act (23
6 U.S.C. 503 note).

7 (2) CONSIDERATIONS.—In carrying out the
8 public awareness campaign under this subsection,
9 the Secretary shall consider issues unique to each
10 State.

11 (h) REVENUE COLLECTION.—The Secretary of the
12 Treasury, in coordination with the Secretary of Transpor-
13 tation, shall establish a mechanism to collect per-mile user
14 fees established under subsection (d) from volunteer par-
15 ticipants. Such mechanism—

16 (1) may be adjusted as needed to address tech-
17 nical challenges; and

18 (2) may allow third-party vendors to collect the
19 per-mile user fees and forward such fees to the
20 Treasury.

21 (i) AGREEMENT.—The Secretary of Transportation
22 may enter into an agreement with a volunteer participant
23 containing such terms and conditions as the Secretary
24 considers necessary for participation in the pilot program.

1 (j) LIMITATION.—Any revenue collected through the
2 mechanism established in subsection (h) shall not be con-
3 sidered a toll under section 301 of title 23, United States
4 Code.

5 (k) HIGHWAY TRUST FUND.—The Secretary of the
6 Treasury shall ensure that any revenue collected under
7 subsection (g) is deposited into the Highway Trust Fund.

8 (l) REFUND.—Not more than 45 days after the end
9 of each calendar quarter in which a volunteer participant
10 has participated in the pilot program, the Secretary of the
11 Treasury shall calculate and issue an equivalent refund
12 to volunteer participants for applicable Federal motor fuel
13 taxes under section 4041 and section 4081 of the Internal
14 Revenue Code of 1986, the applicable battery tax under
15 section 4111 of such Code, or both, if applicable.

16 (m) REPORT TO CONGRESS.—Not later than 1 year
17 after the date on which volunteer participants begin par-
18 ticipating in the pilot program, and each year thereafter
19 for the duration of the pilot program, the Secretary of
20 Transportation and the Secretary of the Treasury shall
21 submit to the Committee on Transportation and Infra-
22 structure of the House of Representatives and the Com-
23 mittee on Environment and Public Works of the Senate
24 a report that includes an analysis of—

1 (1) whether the objectives described in sub-
2 section (a)(2) were achieved;

3 (2) how volunteer protections in subsection
4 (e)(2) were complied with; and

5 (3) whether per-mile user fees can maintain the
6 long-term solvency of the Highway Trust Fund and
7 achieve and maintain a state of good repair in the
8 surface transportation system.

9 (n) SUNSET.—The pilot program established under
10 this section shall expire on the date that is 4 years after
11 the date on which volunteer participants begin partici-
12 pating in such program.

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

15 (1) COMMERCIAL VEHICLE.—The term “com-
16 mercial vehicle” has the meaning given the term
17 commercial motor vehicle in section 31101 of title
18 49, United States Code.

19 (2) HIGHWAY TRUST FUND.—The term “High-
20 way Trust Fund” means the Highway Trust Fund
21 established under section 9503 of the Internal Rev-
22 enue Code of 1986.

23 (3) LIGHT TRUCK.—The term “light truck” has
24 the meaning given the term in section 523.2 of title
25 49, Code of Federal Regulations.

1 (4) MEDIUM- AND HEAVY-DUTY TRUCK.—The
2 term “medium- and heavy-duty truck” has the
3 meaning given the term “commercial medium- and
4 heavy-duty on-highway vehicle” in section 32901(a)
5 of title 49, United States Code.

6 (5) PER-MILE USER FEE.—The term “per-mile
7 user fee” means a revenue mechanism that—

8 (A) is applied to road users operating
9 motor vehicles on the surface transportation
10 system; and

11 (B) is based on the number of vehicle miles
12 traveled by an individual road user.

13 (6) VOLUNTEER PARTICIPANT.—The term “vol-
14 unteer participant” means—

15 (A) an owner or lessee of an individual pri-
16 vate motor vehicle who volunteers to participate
17 in the pilot program;

18 (B) a commercial vehicle operator who vol-
19 unteers to participate in the pilot program; or

20 (C) an owner of a motor vehicle fleet who
21 volunteers to participate in the pilot program.

22 **Subtitle E—Miscellaneous**

23 **SEC. 5501. ERGONOMIC SEATING WORKING GROUP.**

24 (a) IN GENERAL.—

1 (1) ESTABLISHMENT.—Not later than 180 days
2 after the date of enactment of this Act, the Sec-
3 retary of Transportation shall convene a working
4 group to examine the seating standards for commer-
5 cial drivers.

6 (2) MEMBERS.—At a minimum, the working
7 group shall include—

8 (A) seat manufacturers;

9 (B) commercial vehicle manufacturers;

10 (C) transit vehicle manufacturers;

11 (D) labor representatives for the trucking
12 industry;

13 (E) representatives from organizations en-
14 gaged in collective bargaining on behalf of tran-
15 sit workers in not fewer than 3 States; and

16 (F) musculoskeletal health experts.

17 (b) OBJECTIVES.—The Secretary shall pursue the
18 following objectives through the working group:

19 (1) To identify health issues, including mus-
20 culoskeletal health issues, that afflict commercial
21 drivers due to sitting for long periods of time while
22 on duty.

23 (2) To identify research topics for further devel-
24 opment and best practices to improve seating.

1 (3) To determine ways to incorporate improved
2 seating into manufacturing standards for public
3 transit vehicles and commercial vehicles.

4 (c) REPORT.—

5 (1) SUBMISSION.—Not later than 18 months
6 after the date of enactment of this Act, the working
7 group shall submit to the Secretary, the Committee
8 on Transportation and Infrastructure of the House
9 of Representatives, and the Committee on Banking,
10 Housing, and Urban Affairs and the Committee on
11 Commerce, Science, and Transportation of the Sen-
12 ate a report on the findings of the working group
13 under this section and any recommendations for the
14 adoption of better ergonomic seating for commercial
15 drivers.

16 (2) PUBLICATION.—Upon receipt of the report
17 in paragraph (1), the Secretary shall publish the re-
18 port on a publicly accessible website of the Depart-
19 ment.

20 (d) APPLICABILITY OF FEDERAL ADVISORY COM-
21 MITTEE ACT.—The Advisory Committee shall be subject
22 to the Federal Advisory Committee Act (5 U.S.C. App.).

1 **SEC. 5502. REPEAL OF SECTION 6314 OF TITLE 49, UNITED**
2 **STATES CODE.**

3 (a) IN GENERAL.—Section 6314 of title 49, United
4 States Code, is repealed.

5 (b) CONFORMING AMENDMENTS.—

6 (1) TITLE ANALYSIS.—The analysis for chapter
7 63 of title 49, United States Code, is amended by
8 striking the item relating to section 6314.

9 (2) SECTION 6307.—Section 6307(b) of title 49,
10 United States Code, is amended—

11 (A) in paragraph (1)—

12 (i) in subparagraph (A) by striking
13 “or section 6314(b)”;

14 (ii) in subparagraph (B) by striking
15 “or section 6314(b)”; and

16 (iii) in subparagraph (C) by striking
17 “or section 6314(b)”; and

18 (B) in paragraph (2)(A) by striking “or
19 section 6314(b)”.

20 **TITLE VI—MULTIMODAL**
21 **TRANSPORTATION**

22 **SEC. 6001. NATIONAL MULTIMODAL FREIGHT POLICY.**

23 Section 70101(b) of title 49, United States Code, is
24 amended—

25 (1) in paragraph (2) by inserting “in rural and
26 urban areas” after “freight transportation”;

1 (2) in paragraph (7)—

2 (A) in subparagraph (B) by striking “;
3 and” and inserting a semicolon;

4 (B) by redesignating subparagraph (C) as
5 subparagraph (D); and

6 (C) by inserting after subparagraph (B)
7 the following:

8 “(C) travel within population centers;
9 and”;

10 (3) in paragraph (9) by striking “; and” and in-
11 serting the following: “including—

12 “(A) greenhouse gas emissions;

13 “(B) local air pollution;

14 “(C) minimizing, capturing, or treating
15 stormwater runoff or other adverse impacts to
16 water quality; and

17 “(D) wildlife habitat loss;”;

18 (4) by redesignating paragraph (10) as para-
19 graph (11); and

20 (5) by inserting after paragraph (9) the fol-
21 lowing:

22 “(10) to decrease any adverse impact of freight
23 transportation on communities located near freight
24 facilities or freight corridors; and”.

1 **SEC. 6002. NATIONAL FREIGHT STRATEGIC PLAN.**

2 Section 70102(c) of title 49, United States Code, is
3 amended by striking “shall” and all that follows through
4 the end and inserting the following: “shall—

5 “(1) update the plan and publish the updated
6 plan on the public website of the Department of
7 Transportation; and

8 “(2) include in the update described in para-
9 graph (1)—

10 “(A) each item described in subsection (b);

11 and

12 “(B) best practices to reduce the adverse
13 environmental impacts of freight-related—

14 “(i) greenhouse gas emissions;

15 “(ii) local air pollution;

16 “(iii) stormwater runoff or other ad-
17 verse impacts to water quality; and

18 “(iv) wildlife habitat loss.”.

19 **SEC. 6003. NATIONAL MULTIMODAL FREIGHT NETWORK.**

20 Section 70103 of title 49, United States Code, is
21 amended—

22 (1) in subsection (b)(2)(C) by striking “of the
23 United States that have” and inserting the fol-
24 lowing: “of the United States that—

25 “(i) have a total annual value of cargo
26 of at least \$1,000,000,000, as identified by

1 United States Customs and Border Protec-
2 tion and reported by the Bureau of the
3 Census; or

4 “(ii) have”;

5 (2) in subsection (c)—

6 (A) in paragraph (1) by striking “Not
7 later than 1 year after the date of enactment of
8 this section,” and inserting the following:

9 “(A) REPORT TO CONGRESS.—Not later
10 than 30 days after the date of enactment of the
11 INVEST in America Act, the Secretary shall
12 submit to the Committee on Transportation and
13 Infrastructure of the House of Representatives
14 and the Committee on Commerce, Science, and
15 Transportation of the Senate a report detailing
16 a plan to designate a final National Multimodal
17 Freight Network, including a detailed summary
18 of the resources within the Office of the Sec-
19 retary that will be dedicated to carrying out
20 such plan.

21 “(B) DESIGNATION OF NATIONAL
22 MULTIMODAL FREIGHT NETWORK.—Not later
23 than 60 days after the submission of the report
24 described in subparagraph (A),”;

25 (B) in paragraph (3)(C)—

1 (i) by inserting “and metropolitan
2 planning organizations” after “States”;
3 and

4 (ii) by striking “paragraph (4)” and
5 inserting “paragraphs (4) and (5)”;

6 (C) in paragraph (4)—

7 (i) in the header by inserting “AND
8 METROPOLITAN PLANNING ORGANIZATION”
9 after “STATE”;

10 (ii) by redesignating subparagraph
11 (D) as subparagraph (E); and

12 (iii) by striking subparagraph (C) and
13 inserting the following:

14 “(C) CRITICAL URBAN FREIGHT FACILI-
15 TIES AND CORRIDORS.—

16 “(i) AREA WITH A POPULATION OF
17 OVER 500,000.—In an urbanized area with
18 a population of 500,000 or more individ-
19 uals, the representative metropolitan plan-
20 ning organization, in consultation with the
21 State, may designate a freight facility or
22 corridor within the borders of the State as
23 a critical urban freight facility or corridor.

24 “(ii) AREA WITH A POPULATION OF
25 LESS THAN 500,000.—In an urbanized area

1 with a population of less than 500,000 in-
2 dividuals, the State, in consultation with
3 the representative metropolitan planning
4 organization, may designate a freight facil-
5 ity or corridor within the borders of the
6 State as a critical urban freight corridor.

7 “(iii) DESIGNATION.—A designation
8 may be made under subparagraph (i) or
9 (ii) if the facility or corridor is in an ur-
10 banized area, regardless of population, and
11 such facility or corridor—

12 “(I) provides access to the pri-
13 mary highway freight system, the
14 Interstate system, or an intermodal
15 freight facility;

16 “(II) is located within a corridor
17 of a route on the primary highway
18 freight system and provides an alter-
19 native option important to goods
20 movement;

21 “(III) serves a major freight gen-
22 erator, logistics center, or manufac-
23 turing and warehouse industrial land;

24 “(IV) connects to an inter-
25 national port of entry;

1 “(V) provides access to a signifi-
2 cant air, rail, water, or other freight
3 facility in the State; or

4 “(VI) is important to the move-
5 ment of freight within the region, as
6 determined by the metropolitan plan-
7 ning organization or the State.

8 “(D) LIMITATION.—A State may propose
9 additional designations to the National
10 Multimodal Freight Network in the State in an
11 amount that is—

12 “(i) for a highway project, not more
13 than 20 percent of the total mileage des-
14 ignated by the Under Secretary in the
15 State; and

16 “(ii) for a non-highway project, using
17 a limitation determined by the Under Sec-
18 retary.”; and

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

20 “(5) REQUIRED NETWORK COMPONENTS.—In
21 designating or redesignating the National
22 Multimodal Freight Network, the Under Secretary
23 shall ensure that the National Multimodal Freight
24 Network includes the components described in sub-
25 section (b)(2).”.

1 **SEC. 6004. STATE FREIGHT ADVISORY COMMITTEES.**

2 Section 70201(a) of title 49, United States Code, is
3 amended by striking “and local governments” and insert-
4 ing “local governments, metropolitan planning organiza-
5 tions, and the departments with responsibility for environ-
6 mental protection and air quality of the State”.

7 **SEC. 6005. STATE FREIGHT PLANS.**

8 Section 70202(b) of title 49, United States Code, is
9 amended—

10 (1) in paragraph (3)(A) by inserting “and
11 urban” after “rural”;

12 (2) in paragraph (9) by striking “; and” and in-
13 serting a semicolon;

14 (3) by redesignating paragraph (10) as para-
15 graph (12); and

16 (4) by inserting after paragraph (9) the fol-
17 lowing:

18 “(10) strategies and goals to decrease freight-
19 related—

20 “(A) greenhouse gas emissions;

21 “(B) local air pollution;

22 “(C) stormwater runoff or other adverse
23 impacts to water quality; and

24 “(D) wildlife habitat loss;

25 “(11) strategies and goals to decrease any ad-
26 verse impact of freight transportation on commu-

1 nities located near freight facilities or freight cor-
2 ridors; and”.

3 **SEC. 6006. STUDY OF FREIGHT TRANSPORTATION FEE.**

4 (a) **STUDY.**—Not later than 90 days after the date
5 of enactment of this Act, the Secretary of Transportation,
6 in consultation with the Secretary of the Treasury and the
7 Commissioner of the Internal Revenue Service, shall es-
8 tablish a joint task force to study the establishment and
9 administration of a fee on multimodal freight surface
10 transportation services.

11 (b) **CONTENTS.**—The study required under sub-
12 section (a) shall include the following:

13 (1) An estimation of the revenue that a fee of
14 up to 1 percent on freight transportation services
15 would raise.

16 (2) An identification of the entities that would
17 be subject to such a fee paid by the owners or sup-
18 pliers of cargo.

19 (3) An analysis of the administrative capacity
20 of Federal agencies and freight industry participants
21 to collect such a fee and ensure compliance with fee
22 requirements.

23 (4) Policy options to prevent avoidance of such
24 a fee, including diversion of freight services to for-
25 eign countries.

1 (c) REPORT.—Not later than 1 year after the date
2 of enactment of this Act, the Secretary of Transportation
3 shall submit to the Committee on Transportation and In-
4 frastructure and the Committee on Ways and Means of
5 the House of Representatives and the Committee on Envi-
6 ronment and Public Works and the Committee on Finance
7 of the Senate the study required under subsection (a).

8 **SEC. 6007. NATIONAL SURFACE TRANSPORTATION AND IN-**
9 **NOVATIVE FINANCE BUREAU.**

10 Section 116 of title 49, United States Code, is
11 amended—

12 (1) in subsection (b) by striking paragraph (1)
13 and inserting the following:

14 “(1) to provide assistance and communicate
15 best practices and financing and funding opportuni-
16 ties to eligible entities for the programs referred to
17 in subsection (d)(1), including by—

18 “(A) conducting proactive outreach to com-
19 munities located outside of metropolitan or
20 micropolitan statistical areas (as such areas are
21 defined by the Office of Management and
22 Budget) using data from the most recent decen-
23 nial Census; and

24 “(B) coordinating with the Office of Rural
25 Development of the Department of Agriculture,

1 the Office of Community Revitalization of the
2 Environmental Protection Agency, and any
3 other agencies that provide technical assistance
4 for rural communities, as determined by the
5 Executive Director;”;

6 (2) by redesignating subsection (j) as sub-
7 section (k); and

8 (3) by inserting after subsection (i) the fol-
9 lowing:

10 “(j) ANNUAL PROGRESS REPORT.—Not later than 1
11 year after the date of enactment of this subsection, and
12 annually thereafter, the Executive Director shall submit
13 to the Committee on Transportation and Infrastructure
14 of the House of Representatives and the Committee on
15 Environment and Public Works of the Senate a report de-
16 tailing—

17 “(1) the use of funds authorized under section
18 605(f) of title 23; and

19 “(2) the progress of the Bureau in carrying out
20 the purposes described in subsection (b).”.

21 **SEC. 6008. LOCAL HIRE.**

22 (a) ESTABLISHMENT.—The Secretary of Transpor-
23 tation shall immediately reinstate the local labor hiring
24 pilot program containing the contracting initiative estab-
25 lished by the Secretary and published in the Federal Reg-

1 ister on March 6, 2015 (80 Fed. Reg. 12257), under the
2 same terms, conditions, and requirements as so published.

3 (b) DURATION.—The Secretary shall continue the
4 local labor hiring pilot program reinstated under this sec-
5 tion through September 30, 2025.

6 **TITLE VII—TRANSPORTATION**
7 **INFRASTRUCTURE FINANCE**
8 **AND INNOVATION ACT**

9 **SEC. 7001. TRANSPORTATION INFRASTRUCTURE FINANCE**
10 **AND INNOVATION ACT.**

11 (a) CREDITWORTHINESS.—Section 602(a)(2) of title
12 23, United States Code, is amended—

13 (1) in subparagraph (A)(iv)—

14 (A) by striking “a rating” and inserting
15 “an investment grade rating”; and

16 (B) by striking “\$75,000,000” and insert-
17 ing “\$150,000,000”; and

18 (2) in subparagraph (B)—

19 (A) by striking “the senior debt” and in-
20 serting “senior debt”; and

21 (B) by striking “credit instrument is for
22 an amount less than \$75,000,000” and insert-
23 ing “total amount of other senior debt and the
24 Federal credit instrument is less than
25 \$150,000,000”.

1 (b) NON-FEDERAL SHARE.—Section 603(b) of title
2 23, United States Code, is amended by striking paragraph
3 (8) and inserting the following:

4 “(8) NON-FEDERAL SHARE.—Notwithstanding
5 paragraph (9) and section 117(j)(2), the proceeds of
6 a secured loan under the TIFIA program shall be
7 considered to be part of the non-Federal share of
8 project costs required under this title or chapter 53
9 of title 49, if the loan is repayable from non-Federal
10 funds.”.

11 (c) EXEMPTION OF FUNDS FROM TIFIA FEDERAL
12 SHARE REQUIREMENT.—Section 603(b)(9) of title 23,
13 United States Code, is amended by adding at the end the
14 following:

15 “(C) TERRITORIES.—Funds provided for a
16 territory under section 165(c) shall not be con-
17 sidered Federal assistance for purposes of sub-
18 paragraph (A).”.

19 (d) STREAMLINED APPLICATION PROCESS.—Section
20 603(f) of title 23, United States Code, is amended by add-
21 ing at the end the following:

22 “(3) ADDITIONAL TERMS FOR EXPEDITED DE-
23 CISIONS.—

24 “(A) IN GENERAL.—Not later than 120
25 days after the date of enactment of this para-

1 graph, the Secretary shall implement an expedited decision timeline for public agency borrowers seeking secured loans that meet—

2 “(i) the terms under paragraph (2);

3 and

4 “(ii) the additional criteria described
5 in subparagraph (B).

6 “(B) ADDITIONAL CRITERIA.—The additional
7 criteria referred to in subparagraph
8 (A)(ii) are the following:

9 “(i) The secured loan is made on
10 terms and conditions that substantially
11 conform to the conventional terms and
12 conditions established by the National Surface
13 Transportation Innovative Finance
14 Bureau.

15 “(ii) The secured loan is rated in the
16 A category or higher.

17 “(iii) The TIFIA program share of eligible
18 project costs is 33 percent or less.

19 “(iv) The applicant demonstrates a
20 reasonable expectation that the contracting
21 process for the project can commence by
22 not later than 90 days after the date on
23 which a Federal credit instrument is obli-
24 gatory.
25

1 gated for the project under the TIFIA pro-
2 gram.

3 “(v) The project has received a cat-
4 egorical exclusion, a finding of no signifi-
5 cant impact, or a record of decision under
6 the National Environmental Policy Act of
7 1969 (42 U.S.C. 4321 et seq.).

8 “(C) WRITTEN NOTICE.—The Secretary
9 shall provide to an applicant seeking a secured
10 loan under the expedited decision process under
11 this paragraph a written notice informing the
12 applicant whether the Secretary has approved
13 or disapproved the application by not later than
14 180 days after the date on which the Secretary
15 submits to the applicant a letter indicating that
16 the National Surface Transportation Innovative
17 Finance Bureau has commenced the credit-
18 worthiness review of the project.”.

19 (e) ASSISTANCE TO SMALL PROJECTS.—Section
20 605(f)(1) of title 23, United States Code, is amended by
21 striking “\$2,000,000” and inserting “\$3,000,000”.

22 (f) APPLICATION PROCESS REPORT.—Section
23 609(b)(2)(A) of title 23, United States Code, is amend-
24 ed—

25 (1) in clause (iv) by striking “and”;

1 (2) in clause (v) by striking the period at the
2 end and inserting “; and”; and

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

4 “(vi) whether the project is located in
5 a metropolitan statistical area,
6 micropolitan statistical area, or neither (as
7 such areas are defined by the Office of
8 Management and Budget).”.

9 (g) STATUS REPORTS.—Section 609 of title 23,
10 United States Code, is amended by adding at the end the
11 following:

12 “(c) STATUS REPORTS.—

13 “(1) IN GENERAL.—The Secretary shall publish
14 on the website for the TIFIA program—

15 “(A) on a monthly basis, a current status
16 report on all submitted letters of interest and
17 applications received for assistance under the
18 TIFIA program; and

19 “(B) on a quarterly basis, a current status
20 report on all approved applications for assist-
21 ance under the TIFIA program.

22 “(2) INCLUSIONS.—Each monthly and quar-
23 terly status report under paragraph (1) shall in-
24 clude, at a minimum, with respect to each project in-
25 cluded in the status report—

1 “(A) the name of the party submitting the
2 letter of interest or application;

3 “(B) the name of the project;

4 “(C) the date on which the letter of inter-
5 est or application was received;

6 “(D) the estimated project eligible costs;

7 “(E) the type of credit assistance sought;

8 and

9 “(F) the anticipated fiscal year and quar-
10 ter for closing of the credit assistance.”.

11 **DIVISION C—HAZARDOUS** 12 **MATERIALS TRANSPORTATION**

13 **SEC. 8001. SHORT TITLE.**

14 This division may be cited as the “Improving Haz-
15 arduous Materials Safety Act of 2020”.

16 **TITLE I—AUTHORIZATIONS**

17 **SEC. 8101. AUTHORIZATION OF APPROPRIATIONS.**

18 Section 5128 of title 49, United States Code, is
19 amended—

20 (1) in subsection (a) by striking paragraphs (1)
21 through (5) and inserting the following:

22 “(1) \$67,000,000 for fiscal year 2021;

23 “(2) \$68,000,000 for fiscal year 2022;

24 “(3) \$69,000,000 for fiscal year 2023;

25 “(4) \$71,000,000 for fiscal year 2024; and

1 “(5) \$72,000,000 for fiscal year 2025;”;

2 (2) in subsection (b)—

3 (A) by striking “fiscal years 2016 through
4 2020” and inserting “fiscal years 2021 through
5 2025”; and

6 (B) by striking “\$21,988,000” and insert-
7 ing “\$24,025,000”;

8 (3) in subsection (c) by striking “\$4,000,000
9 for each of fiscal years 2016 through 2020” and in-
10 sserting “\$5,000,000 for each of fiscal years 2021
11 through 2025”;

12 (4) in subsection (d) by striking “\$1,000,000
13 for each of fiscal years 2016 through 2020” and in-
14 sserting “\$4,000,000 for each of fiscal years 2021
15 through 2025”;

16 (5) by redesignating subsection (e) as sub-
17 section (f); and

18 (6) by inserting after subsection (d) the fol-
19 lowing:

20 “(e) ASSISTANCE WITH LOCAL EMERGENCY RE-
21 SPONDER TRAINING GRANTS.—From the Hazardous Ma-
22 terials Emergency Preparedness Fund established under
23 section 5116(h), the Secretary may expend \$1,800,000 for
24 each of fiscal years 2021 through 2025 to carry out the
25 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 120 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 and make such
13 training available electronically or in person.”.

14 **DIVISION D—RAIL**

15 **SEC. 9001. SHORT TITLE.**

16 This division may be cited as the “Transforming Rail
17 by Accelerating Investment Nationwide Act” or the
18 “TRAIN Act”.

19 **TITLE I—AUTHORIZATIONS**

20 **SEC. 9101. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) AUTHORIZATION OF GRANTS TO AMTRAK.—

22 (1) NORTHEAST CORRIDOR.—There are author-
23 ized to be appropriated to the Secretary for the use
24 of Amtrak for activities associated with the North-
25 east Corridor the following amounts:

1 (A) For fiscal year 2021, \$2,900,000,000.

2 (B) For fiscal year 2022, \$2,700,000,000.

3 (C) For fiscal year 2023, \$2,500,000,000.

4 (D) For fiscal year 2024, \$2,500,000,000.

5 (E) For fiscal year 2025, \$2,500,000,000.

6 (2) NATIONAL NETWORK.—There are author-
7 ized to be appropriated to the Secretary for the use
8 of Amtrak for activities associated with the National
9 Network the following amounts:

10 (A) For fiscal year 2021, \$3,600,000,000.

11 (B) For fiscal year 2022, \$3,400,000,000.

12 (C) For fiscal year 2023, \$3,200,000,000.

13 (D) For fiscal year 2024, \$3,000,000,000.

14 (E) For fiscal year 2025, \$3,000,000,000.

15 (b) PROJECT MANAGEMENT OVERSIGHT.—The Sec-
16 retary may withhold up to \$15,000,000 for each of fiscal
17 years 2021 through 2025 from the amounts made avail-
18 able under subsection (a) for Amtrak grant expenditure
19 oversight.

20 (c) AMTRAK COMMON BENEFIT COSTS FOR STATE-
21 SUPPORTED ROUTES.—For any fiscal year in which funds
22 are made available under subsection (a)(2) in excess of
23 the amounts authorized for fiscal year 2020 under section
24 11101(b) of the FAST Act (114–94), Amtrak shall use
25 up to \$400,000,000 of the excess funds to defray the share

1 of operating costs of Amtrak's national assets (as such
2 term is defined in section 24320(c)(5) of title 49, United
3 States Code) and corporate services (as such term is de-
4 fined pursuant to section 24317(b) of title 49, United
5 States Code) that is allocated to the State-supported serv-
6 ices.

7 (d) STATE-SUPPORTED ROUTE COMMITTEE.—Of the
8 funds made available under subsection (a)(2), the Sec-
9 retary may make available up to \$3,000,000 for each fis-
10 cal year for the State-Supported Route Committee estab-
11 lished under section 24712 of title 49, United States Code.

12 (e) NORTHEAST CORRIDOR COMMISSION.—Of the
13 funds made available under subsection (a)(1), the Sec-
14 retary may make available up to \$6,000,000 for each fis-
15 cal year for the Northeast Corridor Commission estab-
16 lished under section 24905 of title 49, United States Code.

17 (f) AUTHORIZATION OF APPROPRIATIONS FOR AM-
18 TRAK OFFICE OF INSPECTOR GENERAL.—There are au-
19 thorized to be appropriated to the Office of Inspector Gen-
20 eral of Amtrak the following amounts:

21 (1) For fiscal year 2021, \$26,500,000.

22 (2) For fiscal year 2022, \$27,000,000.

23 (3) For fiscal year 2023, \$27,500,000.

24 (4) For fiscal year 2024, \$28,000,000.

25 (5) For fiscal year 2025, \$28,500,000.

1 (g) PASSENGER RAIL IMPROVEMENT, MODERNIZA-
2 TION, AND ENHANCEMENT GRANTS.—There are author-
3 ized to be appropriated to the Secretary to carry out sec-
4 tion 22906 of title 49, United States Code, the following
5 amounts:

6 (1) For fiscal year 2021, \$3,800,000,000.

7 (2) For fiscal year 2022, \$3,800,000,000.

8 (3) For fiscal year 2023, \$3,800,000,000.

9 (4) For fiscal year 2024, \$3,800,000,000.

10 (5) For fiscal year 2025, \$3,800,000,000.

11 (h) CONSOLIDATED RAIL INFRASTRUCTURE AND
12 SAFETY IMPROVEMENTS.—

13 (1) IN GENERAL.—There are authorized to be
14 appropriated to the Secretary to carry out section
15 22907 of title 49, United States Code, the following
16 amounts:

17 (A) For fiscal year 2021, \$1,400,000,000.

18 (B) For fiscal year 2022, \$1,400,000,000.

19 (C) For fiscal year 2023, \$1,400,000,000.

20 (D) For fiscal year 2024, \$1,400,000,000.

21 (E) For fiscal year 2025, \$1,400,000,000.

22 (2) PROJECT MANAGEMENT OVERSIGHT.—The
23 Secretary may withhold up to 1 percent from the
24 amount appropriated under paragraph (1) for the
25 costs of project management oversight of grants car-

1 ried out under section 22907 of title 49, United
2 States Code.

3 (i) RAILROAD REHABILITATION AND IMPROVEMENT
4 FINANCING.—

5 (1) IN GENERAL.—There are authorized to be
6 appropriated to the Secretary for payment of credit
7 risk premiums in accordance with section 9104 of
8 this division and section 502 of the Railroad Revital-
9 ization and Regulatory Reform Act of 1976 (45
10 U.S.C. 822) \$30,000,000 for each of fiscal years
11 2021 through 2025, to remain available until ex-
12 pended.

13 (2) REFUND OF PREMIUM.—There are author-
14 ized to be appropriated to the Secretary
15 \$70,000,000 to repay the credit risk premium under
16 section 502 of the Railroad Revitalization and Regu-
17 latory Reform Act of 1976 (45 U.S.C. 822) in ac-
18 cordance with section 9104.

19 (j) RESTORATION AND ENHANCEMENT GRANTS.—

20 (1) IN GENERAL.—There are authorized to be
21 appropriated to the Secretary to carry out section
22 22908 of title 49, United States Code, \$20,000,000
23 for each of fiscal years 2021 through 2025.

24 (2) PROJECT MANAGEMENT OVERSIGHT.—The
25 Secretary may withhold up to 1 percent from the

1 amount appropriated under paragraph (1) for the
2 costs of project management oversight of grants car-
3 ried out under section 22908 of title 49, United
4 States Code.

5 (k) GRADE CROSSING SEPARATION GRANTS.—

6 (1) IN GENERAL.—There are authorized to be
7 appropriated to the Secretary to carry out section
8 20171 of title 49, United States Code, (as added by
9 section 9551 of this Act) the following amounts:

10 (1) For fiscal year 2021, \$450,000,000.

11 (2) For fiscal year 2022, \$475,000,000.

12 (3) For fiscal year 2023, \$500,000,000.

13 (4) For fiscal year 2024, \$525,000,000.

14 (5) For fiscal year 2025, \$550,000,000.

15 (2) PROJECT MANAGEMENT OVERSIGHT.—The
16 Secretary may withhold up to 1 percent from the
17 amount appropriated under paragraph (1) for the
18 costs of project management oversight of grants car-
19 ried out under section 20171 of title 49, United
20 States Code.

21 (l) RAIL SAFETY PUBLIC AWARENESS GRANTS.—Of
22 the amounts made available under subsection (k), the Sec-
23 retary shall make available \$5,000,000 for each of fiscal
24 years 2021 through 2025 to carry out section 20172 of

1 title 49, United States Code, (as added by section 9552
2 of this Act).

3 (m) AUTHORIZATION OF APPROPRIATIONS TO THE
4 FEDERAL RAILROAD ADMINISTRATION.—Section 20117
5 of title 49, United States Code, is amended to read as
6 follows:

7 **“§ 20117. Authorization of appropriations**

8 “(a) SAFETY AND OPERATIONS.—

9 “(1) IN GENERAL.—There are authorized to be
10 appropriated to the Secretary of Transportation for
11 the operations of the Federal Railroad Administra-
12 tion and to carry out railroad safety activities au-
13 thORIZED or delegated to the Administrator—

14 “(A) \$229,000,000 for fiscal year 2021.

15 “(B) \$231,000,000 for fiscal year 2022;

16 “(C) \$233,000,000 for fiscal year 2023;

17 “(D) \$235,000,000 for fiscal year 2024;

18 and

19 “(E) \$237,000,000 for fiscal year 2025.

20 “(2) AUTOMATED TRACK INSPECTION PROGRAM
21 AND DATA ANALYSIS.—From the funds made avail-
22 able under paragraph (1) for each of fiscal years
23 2021 through 2025, not more than \$17,000,000
24 may be expended for the Automated Track Inspec-
25 tion Program and data analysis related to track in-

1 spection. Such funds shall remain available until ex-
2 pended.

3 “(3) STATE PARTICIPATION GRANTS.—Amounts
4 made available under paragraph (1) for grants
5 under section 20105(e) shall remain available until
6 expended.

7 “(b) RAILROAD RESEARCH AND DEVELOPMENT.—

8 “(1) AUTHORIZATION OF APPROPRIATIONS.—
9 There are authorized to be appropriated to the Sec-
10 retary of Transportation for necessary expenses for
11 carrying out railroad research and development ac-
12 tivities the following amounts which shall remain
13 available until expended:

14 “(A) \$42,000,000 for fiscal year 2021.

15 “(B) \$44,000,000 for fiscal year 2022.

16 “(C) \$46,000,000 for fiscal year 2023.

17 “(D) \$48,000,000 for fiscal year 2024.

18 “(E) \$50,000,000 for fiscal year 2025.

19 “(2) STUDY ON LNG BY RAIL.—From the
20 amounts made available for fiscal years 2021
21 through 2025 under paragraph (1), the Secretary
22 shall expend not less than \$6,000,000 and not more
23 than \$8,000,000 to carry out the evaluation of
24 transporting liquefied natural gas by rail under sec-
25 tion 8202 of the TRAIN Act.

1 “(3) STUDY ON SAFETY CULTURE ASSESS-
2 MENTS.—From the amounts made available for fis-
3 cal year 2021 under paragraph (1), the Secretary
4 shall expend such sums as are necessary to carry out
5 the study on safety culture assessments under sec-
6 tion 9517 of the TRAIN Act.

7 “(4) SHORT LINE SAFETY.—From funds made
8 available under paragraph (1) for each of fiscal
9 years 2021 through 2025, the Secretary may expend
10 not more than \$4,000,000—

11 “(A) for grants to improve safety practices
12 and training for Class II and Class III freight
13 railroads; and

14 “(B) to develop safety management sys-
15 tems for Class II and Class III freight railroads
16 through safety culture assessments, training
17 and education, outreach activities, and technical
18 assistance.”.

19 (n) FATIGUE REDUCTION PILOT PROJECTS.—There
20 are authorized to be appropriated to the Secretary for
21 costs associated with carrying out section 21109(e) of title
22 49, United States Code, \$200,000 to remain available
23 until expended.

1 **SEC. 9102. PASSENGER RAIL IMPROVEMENT, MODERNIZA-**
2 **TION, AND EXPANSION GRANTS.**

3 (a) IN GENERAL.—Section 22906 of title 49, United
4 States Code, is amended to read as follows:

5 **“§ 22906. Passenger rail improvement, modernization,**
6 **and expansion grants**

7 “(a) ESTABLISHMENT.—The Secretary of Transpor-
8 tation shall establish a program to make grants for capital
9 projects that improve the state of good repair, operational
10 performance, or growth of intercity rail passenger trans-
11 portation.

12 “(b) PROJECT SELECTION CRITERIA.—

13 “(1) IN GENERAL.—Capital projects eligible for
14 a grant under this section include—

15 “(A) a project to replace, rehabilitate, or
16 repair a major infrastructure asset used for
17 providing passenger rail service to bring such
18 infrastructure asset into a state of good repair;

19 “(B) a project to improve passenger rail
20 performance, including congestion mitigation,
21 reliability improvements, achievement of on-
22 time performance standards established under
23 section 207 of the Rail Safety Improvement Act
24 of 2008 (49 U.S.C. 24101 note), reduced trip
25 times, increased train frequencies, higher oper-

1 ating speeds, electrification, and other improve-
2 ments, as determined by the Secretary; and

3 “(C) a project to repair, rehabilitate, re-
4 place, or build infrastructure to expand or es-
5 tablish intercity rail passenger transportation
6 and facilities, including high-speed rail.

7 “(2) REQUIREMENTS.—To be eligible for a
8 grant under this section, an applicant shall have, or
9 provide documentation of a credible plan to
10 achieve—

11 “(A) the legal, financial, and technical ca-
12 pacity to carry out the project;

13 “(B) satisfactory continuing control over
14 the use of the equipment or facilities that are
15 the subject of the project; and

16 “(C) an agreement in place for mainte-
17 nance of such equipment or facilities.

18 “(3) PRIORITY.—In selecting an applicant for a
19 grant under this section, the Secretary shall give
20 preference to capital projects that—

21 “(A) are supported by multiple States or
22 are included in a regional planning process; or

23 “(B) achieve environmental benefits such
24 as a reduction in greenhouse gas emissions or
25 an improvement in local air quality.

1 “(4) ADDITIONAL CONSIDERATIONS.—In select-
2 ing an applicant for a grant under this section, the
3 Secretary shall consider—

4 “(A) the cost-benefit analysis of the pro-
5 posed project, including anticipated public bene-
6 fits relative to the costs of the proposed project,
7 including—

8 “(i) effects on system and service per-
9 formance;

10 “(ii) effects on safety, competitive-
11 ness, reliability, trip or transit time, and
12 resilience;

13 “(iii) impacts on the overall transpor-
14 tation system, including efficiencies from
15 improved integration with other modes of
16 transportation or benefits associated with
17 achieving modal shifts; and

18 “(iv) the ability to meet existing or
19 anticipated passenger or service demand;

20 “(B) the applicant’s past performance in
21 developing and delivering similar projects;

22 “(C) if applicable, the consistency of the
23 project with planning guidance and documents
24 set forth by the Secretary or required by law;
25 and

1 “(D) if applicable, agreements between all
2 stakeholders necessary for the successful deliv-
3 ery of the project.

4 “(c) NORTHEAST CORRIDOR PROJECTS.—Of the
5 funds made available to carry out this section, not less
6 than 40 percent shall be made available for projects in-
7 cluded in the Northeast Corridor investment plan required
8 under section 24904.

9 “(d) NATIONAL PROJECTS.—Of the funds made
10 available to carry out this section, not less than 40 percent
11 shall be made available for—

12 “(1) projects on the National Network;

13 “(2) high-speed rail projects; and

14 “(3) the establishment of new passenger rail
15 corridors not located on the Northeast Corridor.

16 “(e) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

17 “(1) TOTAL PROJECT COST ESTIMATE.—The
18 Secretary shall estimate the total cost of a project
19 under this section based on the best available infor-
20 mation, including engineering studies, studies of eco-
21 nomic feasibility, environmental analyses, and infor-
22 mation on the expected use of equipment or facili-
23 ties.

1 “(2) FEDERAL SHARE.—The Federal share of
2 total costs for a project under this section shall not
3 exceed 90 percent.

4 “(3) TREATMENT OF REVENUE.—Applicants
5 may use ticket and other revenues generated from
6 operations and other sources to satisfy the non-Fed-
7 eral share requirements.

8 “(f) LETTERS OF INTENT.—

9 “(1) IN GENERAL.—The Secretary shall, to the
10 maximum extent practicable, issue a letter of intent
11 to a recipient of a grant under this section that—

12 “(A) announces an intention to obligate,
13 for a major capital project under this section,
14 an amount that is not more than the amount
15 stipulated as the financial participation of the
16 Secretary in the project; and

17 “(B) states that the contingent commit-
18 ment—

19 “(i) is not an obligation of the Fed-
20 eral Government; and

21 “(ii) is subject to the availability of
22 appropriations for grants under this sec-
23 tion and subject to Federal laws in force or
24 enacted after the date of the contingent
25 commitment.

1 “(2) CONGRESSIONAL NOTIFICATION.—

2 “(A) IN GENERAL.—Not later than 3 days
3 before issuing a letter of intent under para-
4 graph (1), the Secretary shall submit written
5 notification to—

6 “(i) the Committee on Transportation
7 and Infrastructure of the House of Rep-
8 resentatives;

9 “(ii) the Committee on Appropriations
10 of the House of Representatives;

11 “(iii) the Committee on Appropria-
12 tions of the Senate; and

13 “(iv) the Committee on Commerce,
14 Science, and Transportation of the Senate.

15 “(B) CONTENTS.—The notification sub-
16 mitted under subparagraph (A) shall include—

17 “(i) a copy of the letter of intent;

18 “(ii) the criteria used under sub-
19 section (b) for selecting the project for a
20 grant; and

21 “(iii) a description of how the project
22 meets such criteria.

23 “(g) APPROPRIATIONS REQUIRED.—An obligation or
24 administrative commitment may be made under this sec-

1 tion only when amounts are appropriated for such pur-
2 pose.

3 “(h) GRANT ADMINISTRATION.—The Secretary may
4 withhold up to 1 percent of the total amount made avail-
5 able to carry out this section for program oversight and
6 management, including providing technical assistance and
7 project planning guidance.

8 “(i) REGIONAL PLANNING GUIDANCE.—The Sec-
9 retary may withhold up to half a percent of the total
10 amount made available to carry out this section to facili-
11 tate and provide guidance for regional planning processes.

12 “(j) AVAILABILITY.—Amounts made available to
13 carry out this section shall remain available until ex-
14 pended.

15 “(k) GRANT CONDITIONS.—Except as specifically
16 provided in this section, the use of any amounts appro-
17 priated for grants under this section shall be subject to
18 the grant conditions under section 22905, except that the
19 domestic buying preferences of section 24305(f) shall
20 apply to grants provided to Amtrak in lieu of the require-
21 ments of section 22905(a).

22 “(l) DEFINITIONS.—In this section:

23 “(1) APPLICANT.—The term ‘applicant’
24 means—

25 “(A) a State;

1 “(B) a group of States;

2 “(C) an Interstate Compact;

3 “(D) a public agency or publicly chartered
4 authority established by 1 or more States;

5 “(E) a political subdivision of a State; or

6 “(F) Amtrak, acting on its own behalf or
7 under a cooperative agreement with 1 or more
8 States.

9 “(2) CAPITAL PROJECT.—The term ‘capital
10 project’ means—

11 “(A) acquisition, construction, replace-
12 ment, rehabilitation, or repair of major infra-
13 structure assets or equipment that benefit
14 intercity rail passenger transportation, includ-
15 ing tunnels, bridges, stations, track, electrifica-
16 tion, grade crossings, passenger rolling stock,
17 and other assets, as determined by the Sec-
18 retary;

19 “(B) projects that ensure service can be
20 maintained while existing assets are rehabili-
21 tated or replaced; and

22 “(C) project planning, development, de-
23 sign, and environmental analysis related to
24 projects under subsections (A) and (B).

1 “(3) INTERCITY RAIL PASSENGER TRANSPOR-
2 TATION.—The term ‘intercity rail passenger trans-
3 portation’ has the meaning given such term in sec-
4 tion 24102.

5 “(4) HIGH-SPEED RAIL.—The term ‘high-speed
6 rail’ has the meaning given such term in section
7 26106(b).

8 “(5) NORTHEAST CORRIDOR.—The term
9 ‘Northeast Corridor’ has the meaning given such
10 term in section 24102.

11 “(6) NATIONAL NETWORK.—The term ‘Na-
12 tional Network’ has the meaning given such term in
13 section 24102.

14 “(7) STATE.—The term ‘State’ means each of
15 the 50 States and the District of Columbia.”.

16 (b) CLERICAL AMENDMENT.—The item related to
17 section 22906 in the analysis for chapter 229 of title 49,
18 United States Code, is amended to read as follows:

 “22906. Passenger rail improvement, modernization, and expansion grants.”.

19 **SEC. 9103. CONSOLIDATED RAIL INFRASTRUCTURE AND**
20 **SAFETY IMPROVEMENT GRANTS.**

21 Section 22907 of title 49, United States Code, is
22 amended—

23 (1) in subsection (b) by adding at the end the
24 following:

1 “(12) A commuter authority (as such term is
2 defined in section 24102).

3 “(13) The District of Columbia.”;

4 (2) in subsection (c)—

5 (A) in paragraph (1) by inserting “, main-
6 tenance, and upgrades” after “Deployment”;

7 (B) in paragraph (3) by inserting “or safe-
8 ty” after “address congestion”;

9 (C) in paragraph (4) by striking “identi-
10 fied by the Secretary” and all that follows
11 through “rail transportation” and inserting “to
12 reduce congestion, improve service, or facilitate
13 ridership growth in intercity rail passenger
14 transportation and commuter rail passenger
15 transportation (as such term is defined in sec-
16 tion 24102)”;

17 (D) in paragraph (5) by inserting “or to
18 establish new quiet zones” before the period at
19 the end; and

20 (E) in paragraph (9) by inserting “or com-
21 muter rail passenger transportation (as such
22 term is defined in section 24102)” after “be-
23 tween intercity rail passenger transportation”;

24 (3) in subsection (e) by striking paragraph (1)
25 and inserting the following:

1 “(1) IN GENERAL.—In selecting a recipient of
2 a grant for an eligible project, the Secretary shall
3 give preference to—

4 “(A) projects that will maximize the net
5 benefits of the funds made available for use
6 under this section, considering the cost-benefit
7 analysis of the proposed project, including an-
8 ticipated public benefits relative to the costs of
9 the proposed project and factoring in the other
10 considerations described in paragraph (2); and

11 “(B) projects that benefit a station that—

12 “(i) serves Amtrak and commuter rail;

13 “(ii) is listed amongst the 25 stations
14 with highest ridership in the most recent
15 Amtrak Company Profile; and

16 “(iii) has support from both Amtrak
17 and the provider of commuter rail pas-
18 senger transportation servicing the sta-
19 tion.”;

20 (4) in subsection (g)(1) by striking “25 per-
21 cent” and inserting “15 percent”;

22 (5) in subsection (l) by striking “Secretary
23 shall” and inserting “Secretary may”;

1 (6) by redesignating subsections (i), (j), (k),
2 and (l) as subsections (k), (l), (m), and (n), respec-
3 tively; and

4 (7) by inserting after subsection (h) the fol-
5 lowing:

6 “(i) LARGE PROJECTS.—Of the amounts made avail-
7 able under this section, at least 50 percent shall be for
8 projects that have total project costs of greater than
9 \$100,000,000.

10 “(j) COMMUTER RAIL.—

11 “(1) ADMINISTRATION OF FUNDS.—The
12 amounts awarded under this section for commuter
13 rail passenger transportation projects shall be trans-
14 ferred by the Secretary, after selection, to the Fed-
15 eral Transit Administration for administration of
16 funds in accordance with chapter 53.

17 “(2) GRANT CONDITION.—

18 “(A) IN GENERAL.—As a condition of re-
19 ceiving a grant under this section that is used
20 to acquire, construct, or improve railroad right-
21 of-way or facilities, any employee covered by the
22 Railway Labor Act (45 U.S.C. 151 et seq.) and
23 the Railroad Retirement Act of 1974 (45
24 U.S.C. 231 et seq.) who is adversely affected by
25 actions taken in connection with the project fi-

1 nanced in whole or in part by such grant shall
2 be covered by employee protective arrangements
3 established under section 22905(e).

4 “(B) APPLICATION OF PROTECTIVE AR-
5 RANGEMENT.—The grant recipient and the suc-
6 cessors, assigns, and contractors of such recipi-
7 ent shall be bound by the protective arrange-
8 ments required under subparagraph (A). Such
9 recipient shall be responsible for the implemen-
10 tation of such arrangement and for the obliga-
11 tions under such arrangement, but may arrange
12 for another entity to take initial responsibility
13 for compliance with the conditions of such ar-
14 rangement.

15 “(3) APPLICATION OF LAW.—Subsections (g)
16 and (f)(1) of section 22905 shall not apply to grants
17 awarded under this section for commuter rail pas-
18 senger transportation projects.”.

19 **SEC. 9104. RAILROAD REHABILITATION AND IMPROVE-**
20 **MENT FINANCING.**

21 Section 502 of the Railroad Revitalization and Regu-
22 latory Reform Act of 1976 (45 U.S.C. 822) is amended—

23 (1) in subsection (b)—

24 (A) in paragraph (1)—

1 (i) in subparagraph (A) by inserting
2 “civil works such as cuts and fills, stations,
3 tunnels,” after “components of track,”;
4 and

5 (ii) in subparagraph (D) by inserting
6 “, permitting,” after “reimburse plan-
7 ning”; and

8 (B) by striking paragraph (3);

9 (2) in subsection (f)—

10 (A) in paragraph (3) by adding at the end
11 the following:

12 “(D) A projection of freight or passenger
13 demand for the project based on regionally de-
14 veloped economic forecasts, including projec-
15 tions of any modal diversion resulting from the
16 project.”; and

17 (B) in paragraph (4)—

18 (i) by striking “Credit risk premiums”
19 and inserting “(A) TIMING OF PAY-
20 MENT.—Credit risk premiums”; and

21 (ii) by adding at the end the fol-
22 lowing:

23 “(B) PAYMENT OF CREDIT RISK PRE-
24 MIUMS.—

1 “(i) IN GENERAL.—In granting assist-
2 ance under this section, the Secretary may
3 pay credit risk premiums required under
4 paragraph (3) for entities described in
5 paragraphs (1) through (3) of subsection
6 (a), in whole or in part, with respect to a
7 loan or loan guarantee.

8 “(ii) SET-ASIDE.—Of the amounts
9 made available for payments for a fiscal
10 year under clause (i), the Secretary shall
11 reserve \$25,000,000 for payments for pas-
12 senger rail projects, to remain available
13 until expended.

14 “(C) REFUND OF PREMIUM.—The Sec-
15 retary shall repay the credit risk premium of
16 each loan in cohort 3, as defined by the memo-
17 randum to the Office of Management and
18 Budget of the Department of Transportation
19 dated November 5, 2018, with interest accrued
20 thereon, not later than 60 days after the date
21 on which all obligations attached to each such
22 loan have been satisfied. For each such loan for
23 which obligations have been satisfied as of the
24 date of enactment of the TRAIN Act, the Sec-
25 retary shall repay the credit risk premium of

1 each such loan, with interest accrued thereon,
2 not later than 60 days after the date of the en-
3 actment of such Act.”; and

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

5 “(n) NON-FEDERAL SHARE.—The proceeds of a loan
6 provided under this section may be used as the non-Fed-
7 eral share of project costs under this title or chapter 53
8 of title 49 if such loan is repayable from non-Federal
9 funds.”.

10 **SEC. 9105. BUY AMERICA.**

11 Section 22905(a) of title 49, United States Code, is
12 amended—

13 (1) in paragraph (2)—

14 (A) in subparagraph (B) by adding “or” at
15 the end;

16 (B) by striking subparagraph (C); and

17 (C) by redesignating subparagraph (D) as
18 subparagraph (C);

19 (2) by striking paragraph (4) and inserting the
20 following:

21 “(4)(A) If the Secretary receives a request for
22 a waiver under paragraph (2), the Secretary shall
23 provide notice of and an opportunity for public com-
24 ment on the request at least 30 days before making
25 a finding based on the request.

1 “(B) A notice provided under subparagraph (A)
2 shall—

3 “(i) include the information available to
4 the Secretary concerning the request, including
5 whether the request is being made under sub-
6 paragraph (A), (B), or (C) of paragraph (2);
7 and

8 “(ii) be provided by electronic means, in-
9 cluding on the official public website of the De-
10 partment of Transportation.”;

11 (3) in paragraph (5)—

12 (A) by striking “2012” and inserting
13 “2020, and each year thereafter”; and

14 (B) by inserting “during the preceding fis-
15 cal year” before the period; and

16 (4) by adding at the end the following:

17 “(12) The requirements of this subsection apply
18 to all contracts for a project carried out within the
19 scope of the applicable finding, determination, or de-
20 cisions under the National Environmental Policy Act
21 of 1969 (42 U.S.C. 4321 et seq.), regardless of the
22 funding source for activities carried out pursuant to
23 such contracts, if at least 1 contract for the project
24 is funded with amounts made available to carry out
25 a provision specified in paragraph (1).”.

1 **SEC. 9106. RAIL NETWORK CLIMATE CHANGE VULNER-**
2 **ABILITY ASSESSMENT.**

3 (a) IN GENERAL.—The Secretary of Transportation
4 shall sponsor a study by the National Academies to con-
5 duct an assessment of the potential impacts of climate
6 change on the national rail network.

7 (b) ASSESSMENT.—At a minimum, the assessment
8 conducted pursuant to subsection (a) shall—

9 (1) cover the entire freight and intercity pas-
10 senger rail network of the United States;

11 (2) evaluate risk to the network over 5-, 30-,
12 and 50-year outlooks;

13 (3) examine and describe potential effects of cli-
14 mate change and extreme weather events on pas-
15 senger and freight rail infrastructure, trackage, and
16 facilities, including facilities owned by rail shippers;

17 (4) identify and categorize the assets described
18 in paragraph (3) by vulnerability level and geo-
19 graphic area; and

20 (5) recommend strategies or measures to miti-
21 gate any adverse impacts of climate change, includ-
22 ing emergency preparedness measures and resiliency
23 best practices for infrastructure planning.

24 (c) REPORT.—Not later than 18 months after the
25 date of enactment of this Act, the Secretary shall submit
26 to the Committee on Transportation and Infrastructure

1 of the House of Representatives and the Committee on
2 Commerce, Science, and Transportation of the Senate a
3 report containing the findings of the assessment conducted
4 pursuant to subsection (a).

5 (d) FURTHER COORDINATION.—The Secretary shall
6 make the report publicly available on the website of the
7 Department of Transportation and communicate the re-
8 sults of the assessment with stakeholders.

9 (e) REGULATORY AUTHORITY.—If the Secretary
10 finds in the report required under subsection (c) that reg-
11 ulatory measures are warranted and such measures are
12 otherwise under the existing authority of the Secretary,
13 the Secretary may issue such regulations as are necessary
14 to implement such measures.

15 (f) FUNDING.—From the amounts made available for
16 fiscal year 2021 under section 20117(a) of title 49, United
17 States Code, the Secretary shall expend not less than
18 \$1,000,000 to carry out the study required under subpara-
19 graph (a).

20 **TITLE II—AMTRAK REFORMS**

21 **SEC. 9201. AMTRAK FINDINGS, MISSION, AND GOALS.**

22 Section 24101 of title 49, United States Code, is
23 amended—

24 (1) in subsection (a)—

25 (A) in paragraph (1)—

1 (i) by striking “, to the extent its
2 budget allows,”; and

3 (ii) by striking “between crowded
4 urban areas and in other areas of” and in-
5 serting “throughout”;

6 (B) in paragraph (2) by striking the period
7 and inserting “, thereby providing additional
8 capacity for the traveling public and widespread
9 air quality benefits.”;

10 (C) in paragraph (4)—

11 (i) by striking “greater” and inserting
12 “high”; and

13 (ii) by striking “to Amtrak to achieve
14 a performance level sufficient to justify ex-
15 pending public money” and inserting “in
16 order to meet the intercity passenger rail
17 needs of the United States”;

18 (D) in paragraph (5)—

19 (i) by inserting “intercity and” after
20 “efficient”; and

21 (ii) by striking “the energy conserva-
22 tion and self-sufficiency” and inserting
23 “addressing climate change, energy con-
24 servation, and self-sufficiency”;

1 (E) in paragraph (6) by striking “through
2 its subsidiary, Amtrak Commuter,”; and

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

4 “(9) Long-distance intercity passenger rail is
5 an important part of the national transportation sys-
6 tem.

7 “(10) Investments in intercity and commuter
8 rail passenger transportation support jobs that pro-
9 vide a pathway to the middle class.”;

10 (2) in subsection (b) by striking “The” and all
11 that follows through “consistent” and inserting
12 “The mission of Amtrak is to provide a safe, effi-
13 cient, and high-quality national intercity passenger
14 rail system that is trip-time competitive with other
15 intercity travel options, consistent”;

16 (3) in subsection (c)—

17 (A) by striking paragraph (1) and insert-
18 ing the following:

19 “(1) use its best business judgment in acting to
20 maximize the benefits of public funding;”;

21 (B) in paragraph (2)—

22 (i) by striking “minimize Government
23 subsidies by encouraging” and inserting
24 “work with”; and

1 (ii) by striking the semicolon and in-
2 serting “and improvements to service;”;

3 (C) by striking paragraph (3) and insert-
4 ing the following:

5 “(3) manage the passenger rail network in the
6 interest of public transportation needs, including
7 current and future Amtrak passengers;”;

8 (D) in paragraph (7) by striking “encour-
9 age” and inserting “work with”;

10 (E) in paragraph (11) by striking “and”
11 the last place it appears; and

12 (F) by striking paragraph (12) and insert-
13 ing the following:

14 “(12) utilize and manage resources with a long-
15 term perspective, including sound investments that
16 take into account the overall lifecycle costs of an
17 asset;

18 “(13) ensure that service is accessible and ac-
19 commodating to passengers with disabilities; and

20 “(14) maximize the benefits Amtrak generates
21 for the United States by creating quality jobs and
22 supporting the domestic workforce.”; and

23 (4) by striking subsection (d).

1 **SEC. 9202. AMTRAK STATUS.**

2 Section 24301(a) of title 49, United States Code, is
3 amended—

4 (1) in paragraph (1) by striking “20102(2)”
5 and inserting “20102”; and

6 (2) in paragraph (2) by inserting “serving the
7 public interest in reliable passenger rail service”
8 after “for-profit corporation”.

9 **SEC. 9203. BOARD OF DIRECTORS.**

10 (a) **IN GENERAL.**—Section 24302 of title 49, United
11 States Code, is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1)—

14 (i) by striking subparagraph (C) and
15 inserting the following:

16 “(C) 8 individuals appointed by the Presi-
17 dent of the United States, by and with the ad-
18 vice and consent of the Senate, with a record of
19 support for national passenger rail service, gen-
20 eral business and financial experience, and
21 transportation qualifications or expertise. Of
22 the individuals appointed—

23 “(i) 1 shall be a Mayor or Governor of
24 a location served by a regularly scheduled
25 Amtrak service on the Northeast Corridor;

1 “(ii) 1 shall be a Mayor or Governor
2 of a location served by a regularly sched-
3 uled Amtrak service that is not on the
4 Northeast Corridor;

5 “(iii) 1 shall be a labor representative
6 of Amtrak employees; and

7 “(iv) 2 shall be individuals with a his-
8 tory of regular Amtrak ridership and an
9 understanding of the concerns of rail pas-
10 sengers.”;

11 (B) in paragraph (2) by inserting “users of
12 Amtrak, including the elderly and individuals
13 with disabilities, and” after “and balanced rep-
14 resentation of”;

15 (C) in paragraph (3) by adding at the end
16 the following: “A member of the Board ap-
17 pointed under clause (i) or (ii) of paragraph
18 (1)(C) shall serve for a term of 5 years or until
19 such member leaves the elected office such
20 member occupied at the time such member was
21 appointed, whichever is first.”; and

22 (D) by striking paragraph (5) and insert-
23 ing the following:

1 “(5) The Secretary and any Governor of a
2 State may be represented at a Board meeting by a
3 designee.”;

4 (2) in subsection (b)—

5 (A) by striking “PAY AND EXPENSES” and
6 inserting “DUTIES, PAY, AND EXPENSES”; and

7 (B) by inserting “Each director must con-
8 sider the well-being of current and future Am-
9 trak passengers, and the public interest in sus-
10 tainable national passenger rail service.” before

11 “Each director not employed by the United
12 States Government or Amtrak”; and

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

14 “(g) GOVERNOR DEFINED.—In this section, the term
15 ‘Governor’ means the Governor of a State or the Mayor
16 of the District of Columbia and includes the designee of
17 the Governor.”.

18 (b) APPOINTMENT APPLICABILITY.—Beginning on
19 the date that is 60 days after the date of enactment of
20 this Act, the appointment and membership requirements
21 under section 24302 of title 49, United States Code, shall
22 apply to each member of the Board under such section.
23 A member serving on such Board as of the date of enact-
24 ment of this Act may be reappointed on or after such date
25 if such member meets the requirements of such section.

1 **SEC. 9204. AMTRAK PREFERENCE ENFORCEMENT.**

2 (a) IN GENERAL.—Section 24308(c) of title 49,
3 United States Code, is amended by adding at the end the
4 following: “Notwithstanding section 24103(a) and section
5 24308(f), Amtrak shall have the right to bring an action
6 for equitable or other relief in the United States District
7 Court for the District of Columbia to enforce the pref-
8 erence rights granted under this subsection.”.

9 (b) CONFORMING AMENDMENT.—Section 24103 of
10 title 49, United States Code, is amended by inserting “and
11 section 24308(c)” before “, only the Attorney General”.

12 **SEC. 9205. USE OF FACILITIES AND PROVIDING SERVICES**
13 **TO AMTRAK.**

14 Section 24308(e) of title 49, United States Code, is
15 amended—

16 (1) by striking paragraph (1) and inserting the
17 following:

18 “(1)(A) When a rail carrier does not agree to
19 allow Amtrak to operate additional trains over any
20 rail line of the carrier on which Amtrak is operating
21 or seeks to operate, Amtrak may submit an applica-
22 tion to the Board for an order requiring the carrier
23 to allow for the operation of the requested trains.
24 Within 90 days of receipt of such application, the
25 Board shall determine whether the additional trains

1 would unreasonably impair freight transportation
2 and—

3 “(i) for a determination that such trains
4 do not unreasonably impair freight transpor-
5 tation, order the rail carrier to allow for the op-
6 eration of such trains on a schedule established
7 by the Board; or

8 “(ii) for a determination that such trains
9 do unreasonably impair freight transportation,
10 initiate a proceeding to determine any addi-
11 tional infrastructure investments required by,
12 or on behalf of, Amtrak.

13 “(B) If Amtrak seeks to resume operation of a
14 train that Amtrak operated during the 5-year period
15 preceding an application described in subparagraph
16 (A), the Board shall apply a presumption that the
17 resumed operation of such train will not unreason-
18 ably impair freight transportation unless the Board
19 finds that there are substantially changed cir-
20 cumstances.”;

21 (2) in paragraph (2)—

22 (A) by striking “The Board shall consider”
23 and inserting “The Board shall”;

24 (B) by striking subparagraph (A) and in-
25 serting the following:

1 “(A) in making the determination under para-
2 graph (1), take into account any infrastructure in-
3 vestments proposed in Amtrak’s application, with
4 the rail carrier having the burden of demonstrating
5 that the additional trains will unreasonably impair
6 the freight transportation; and”;

7 (C) in subparagraph (B) by inserting “con-
8 sider investments described in subparagraph
9 (A) and” after “times,”; and
10 (3) by adding at the end the following:

11 “(4) In a proceeding initiated by the Board
12 under paragraph (1)(B), the Board shall solicit the
13 views of the parties and require the parties to pro-
14 vide any necessary data or information. Not later
15 than 180 days after the date on which the Board
16 makes a determination under paragraph (1)(B), the
17 Board shall issue an order requiring the rail carrier
18 to allow for the operation of the requested trains
19 conditioned upon additional infrastructure or other
20 investments needed to mitigate the unreasonable in-
21 terference. In determining the necessary level of ad-
22 ditional infrastructure or other investments, the
23 Board shall use any criteria, assumptions, and proc-
24 esses it considers appropriate.

1 “(5) The provisions of this subsection shall be
2 in addition to any other statutory or contractual
3 remedies Amtrak may have to obtain the right to op-
4 erate the additional trains.”.

5 **SEC. 9206. PROHIBITION ON MANDATORY ARBITRATION.**

6 (a) IN GENERAL.—Section 28103 of title 49, United
7 States Code, is amended—

8 (1) by redesignating subsection (e) as sub-
9 section (f); and

10 (2) by inserting after subsection (d) the fol-
11 lowing:

12 “(e) PROHIBITION ON CHOICE-OF-FORUM CLAUSE.—

13 “(1) IN GENERAL.—Amtrak may not impose a
14 choice-of-forum clause that attempts to preclude a
15 passenger, or a person who purchases a ticket for
16 rail transportation on behalf of a passenger, from
17 bringing a claim against Amtrak in any court of
18 competent jurisdiction, including a court within the
19 jurisdiction of the residence of such passenger in the
20 United States (provided that Amtrak does business
21 within that jurisdiction).

22 “(2) COURT OF COMPETENT JURISDICTION.—

23 Under this subsection, a court of competent jurisdic-
24 tion may not include an arbitration forum.”.

1 (b) EFFECTIVE DATE.—This section, and the amend-
2 ments made by this section, shall apply to any claim that
3 arises on or after the date of enactment of this Act.

4 **SEC. 9207. AMTRAK ADA ASSESSMENT.**

5 (a) ASSESSMENT.—Amtrak shall conduct an assess-
6 ment and review of all Amtrak policies, procedures, proto-
7 cols, and guidelines for compliance with the requirements
8 of the Americans With Disabilities Act of 1990 (42 U.S.C.
9 12101 et seq.).

10 (b) REPORT.—Not later than 180 days after the date
11 of enactment of this Act, Amtrak shall submit to the Com-
12 mittee on Transportation and Infrastructure of the House
13 of Representatives and the Committee on Commerce,
14 Science, and Transportation of the Senate a report on the
15 results of the assessment conducted under subsection (a).

16 (c) CONTENTS.—The report required under sub-
17 section (b) shall include—

18 (1) a summary of the policies, procedures, pro-
19 tocols, and guidelines reviewed;

20 (2) any necessary changes to such policies, pro-
21 cedures, protocols, and guidelines to ensure compli-
22 ance with the Americans With Disabilities Act of
23 1990 (42 U.S.C. 12101 et seq.), including full com-
24 pliance under such Act for stations and facilities for
25 which Amtrak has responsibility under such Act and

1 consideration of the needs of individuals with disabil-
2 ities when procuring rolling stock; and

3 (3) an implementation plan and timeline for
4 making any such necessary changes.

5 (d) **ENGAGEMENT.**—Amtrak is encouraged to engage
6 with a range of advocates for individuals with disabilities
7 during the assessment conducted under subsection (a),
8 and develop an ongoing and standardized process for en-
9 gagement with advocates for individuals with disabilities.

10 (e) **PERIODIC EVALUATION.**—At least once every 2
11 years, Amtrak shall review and update, as necessary, Am-
12 trak policies, procedures, protocols, and guidelines to en-
13 sure compliance with the Americans With Disabilities Act
14 of 1990 (42 U.S.C. 12101 et seq.).

15 **SEC. 9208. PROHIBITION ON SMOKING ON AMTRAK TRAINS.**

16 (a) **IN GENERAL.**—Chapter 243 of title 49, United
17 States Code, is amended by adding at the end the fol-
18 lowing:

19 **“§ 24323. Prohibition on smoking on Amtrak trains**

20 “(a) **PROHIBITION.**—Beginning on the date of enact-
21 ment of the TRAIN Act, Amtrak shall prohibit smoking
22 on board Amtrak trains.

23 “(b) **ELECTRONIC CIGARETTES.**—

1 “(1) INCLUSION.—The use of an electronic cig-
2 arette shall be treated as smoking for purposes of
3 this section.

4 “(2) ELECTRONIC CIGARETTE DEFINED.—In
5 this section, the term ‘electronic cigarette’ means a
6 device that delivers nicotine or other substances to
7 a user of the device in the form of a vapor that is
8 inhaled to simulate the experience of smoking.”.

9 (b) CONFORMING AMENDMENT.—The analysis for
10 chapter 243 of title 49, United States Code, is amended
11 by adding at the end the following:

 “24323. Prohibition on smoking on Amtrak trains.”.

12 **SEC. 9209. STATE-SUPPORTED ROUTES OPERATED BY AM-**
13 **TRAK.**

14 (a) IN GENERAL.—Section 24712 of title 49, United
15 States Code, is amended—

16 (1) in subsection (a)—

17 (A) in paragraph (4) by striking the first
18 sentence and inserting “The Committee shall
19 define and periodically update the rules and
20 procedures governing the Committee’s pro-
21 ceedings.”; and

22 (B) in paragraph (6)—

23 (i) by striking subparagraph (B) and
24 inserting the following:

1 “(B) PROCEDURES.—The rules and proce-
2 dures implemented under paragraph (4) shall
3 include—

4 “(i) procedures for changing the cost
5 allocation methodology, notwithstanding
6 section 209(b) of the Passenger Rail In-
7 vestment and Improvement Act (49 U.S.C.
8 24101 note); and

9 “(ii) procedures or broad guidelines
10 for conducting financial planning, includ-
11 ing operating and capital forecasting, re-
12 porting, and data sharing and govern-
13 ance.”;

14 (ii) in subparagraph (C)—

15 (I) in clause (i) by striking
16 “and” at the end;

17 (II) in clause (ii) by striking the
18 period at the end and inserting “;
19 and”;

20 (III) by adding at the end the
21 following:

22 “(iii) promote increased efficiency in
23 Amtrak’s operating and capital activities.”;

24 and

1 (iii) by adding at the end the fol-
2 lowing:

3 “(D) ANNUAL REVIEW.—Not later than
4 June 30 of each year, the Committee shall pre-
5 pare an evaluation of the cost allocation meth-
6 odology and procedures under subparagraph
7 (B) and transmit such evaluation to the Com-
8 mittee on Transportation and Infrastructure of
9 the House of Representatives and the Com-
10 mittee on Commerce, Science, and Transpor-
11 tation of the Senate.”;

12 (2) in subsection (b)—

13 (A) by inserting “and to the Committee”
14 before “, as well as the planning”; and

15 (B) by inserting before the period at the
16 end the following: “and the Committee. Not
17 later than 180 days after the date of enactment
18 of the TRAIN Act, the Committee shall develop
19 a report that contains the general ledger data
20 and operating statistics from Amtrak’s account-
21 ing systems used to calculate payments to
22 States. Amtrak shall provide to the States and
23 the Committee the report for the prior month
24 not later than 30 days after the last day of
25 each month”;

1 (3) in subsection (e) by inserting “, including
2 incentives to increase revenue, reduce costs, finalize
3 contracts by the beginning of the fiscal year, and re-
4 quire States to promptly make payments for services
5 delivered” before the period;

6 (4) in subsection (f)—

7 (A) in paragraph (1)—

8 (i) by inserting “and annually review
9 and update, as necessary,” after “shall de-
10 velop”; and

11 (ii) by inserting before “The Com-
12 mittee may consult” the following: “The
13 statement shall include a list of capital
14 projects, including infrastructure, fleet,
15 station, and facility initiatives, needed to
16 support the growth of State-supported
17 routes.”;

18 (B) in paragraph (2) by striking “Not
19 later than 2 years” and all that follows through
20 “transmit the statement” and inserting “The
21 Committee shall transmit, not later than March
22 31 of each year, the most recent annual update
23 to the statement”; and

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

1 “(3) SENSE OF CONGRESS.—It is the sense of
2 Congress that the Committee shall be the forum
3 where Amtrak and States collaborate on the plan-
4 ning, improvement, and development of corridor
5 routes across the National Network. The Committee
6 shall identify obstacles to intercity passenger rail
7 growth and identify solutions to overcome such ob-
8 stacles.”;

9 (5) by redesignating subsections (g) and (h) as
10 subsections (j) and (k), respectively; and

11 (6) by inserting after subsection (f) the fol-
12 lowing:

13 “(g) NEW STATE-SUPPORTED ROUTES.—

14 “(1) CONSULTATION.—In developing a new
15 State-supported route, Amtrak shall consult with the
16 following:

17 “(A) The State or States and local munici-
18 palities where such new service would operate.

19 “(B) Commuter authorities and regional
20 transportation authorities (as such terms are
21 defined in section 24102) in the areas that
22 would be served by the planned route.

23 “(C) Host railroads.

24 “(D) Administrator of the Federal Rail-
25 road Administration.

1 “(E) Other stakeholders, as appropriate.

2 “(2) STATE COMMITMENTS.—Notwithstanding
3 any other provision of law, before beginning con-
4 struction necessary for, or beginning operation of, a
5 State-supported route that is initiated on or after
6 the date of enactment of the TRAIN Act, Amtrak
7 shall enter into a memorandum of understanding, or
8 otherwise secure an agreement, with the State in
9 which such route will operate for sharing—

10 “(A) ongoing operating costs and capital
11 costs in accordance with the cost allocation
12 methodology described under subsection (a); or

13 “(B) ongoing fully allocated operating
14 costs and capital costs in accordance with the
15 alternative cost allocation schedule described in
16 paragraph (3).

17 “(3) ALTERNATIVE COST ALLOCATION.—Under
18 the alternative cost allocation schedule described in
19 this paragraph, with respect to costs not covered by
20 revenues for the operation of the new State-sup-
21 ported route, Amtrak shall pay—

22 “(A) the share Amtrak otherwise would
23 have paid under the cost allocation methodology
24 under subsection (a); and

1 “(B) a percentage of the share that the
2 State otherwise would have paid under the cost
3 allocation methodology under subsection (a) ac-
4 cording to the following:

5 “(i) Amtrak shall pay up to 100 per-
6 cent of the capital costs necessary to ini-
7 tiate a new State-supported route, includ-
8 ing planning and development, design, and
9 environmental analysis, prior to beginning
10 operations on the new route.

11 “(ii) For the first 2 years of oper-
12 ation, Amtrak shall pay for 100 percent of
13 operating costs and capital costs.

14 “(iii) For the third year of operation,
15 Amtrak shall pay 90 percent of operating
16 costs and capital costs and the State shall
17 pay the remainder.

18 “(iv) For the fourth year of operation,
19 Amtrak shall pay 80 percent of operating
20 costs and capital costs and the State shall
21 pay the remainder

22 “(v) For the fifth year of operation,
23 Amtrak shall pay 50 percent of operating
24 costs and capital costs and the State shall
25 pay the remainder.

1 “(vi) For the sixth year of operation
2 and thereafter, operating costs and capital
3 costs shall be allocated in accordance with
4 the cost allocation methodology described
5 under subsection (a), as applicable.

6 “(4) APPLICATION OF TERMS.—In this sub-
7 section, the terms ‘capital cost’ and ‘operating cost’
8 shall apply in the same manner as such terms apply
9 under the cost allocation methodology developed
10 under subsection (a).

11 “(h) COST ALLOCATION METHODOLOGY AND IMPLE-
12 MENTATION REPORT.—

13 “(1) IN GENERAL.—Not later than 18 months
14 after the date of enactment of the TRAIN Act, the
15 Committee shall submit to the Committee on Trans-
16 portation and Infrastructure of the House of Rep-
17 resentatives and the Committee on Commerce,
18 Science, and Transportation of the Senate a report
19 assessing potential improvements to the cost alloca-
20 tion methodology required and approved under sec-
21 tion 209 of the Passenger Rail Investment and Im-
22 provement Act of 2008 (49 U.S.C. 24101 note).

23 “(2) REPORT CONTENTS.—The report required
24 under paragraph (1) shall—

1 “(A) identify improvements to the cost al-
2 location methodology that would promote—

3 “(i) transparency of route and train
4 costs and revenues;

5 “(ii) facilitation of service and net-
6 work growth;

7 “(iii) improved services for the trav-
8 eling public;

9 “(iv) maintenance or achievement of
10 labor collective bargaining agreements;

11 “(v) increased revenues; and

12 “(vi) reduced costs;

13 “(B) describe the various contracting ap-
14 proaches used in State-supported services be-
15 tween States and Amtrak, including the meth-
16 od, amount, and timeliness of payments for
17 each State-supported service;

18 “(C) evaluate the potential benefits and
19 feasibility, including identifying any necessary
20 statutory changes, of implementing a service
21 pricing model for State-supported routes in lieu
22 of a cost allocation methodology and how such
23 a service pricing model would advance the pri-
24 orities described in subparagraph (A); and

1 “(D) summarize share of costs from the
2 cost allocation methodology that are—

3 “(i) assigned;

4 “(ii) allocated regionally or locally;

5 and

6 “(iii) allocated nationally.

7 “(3) UPDATE TO THE METHODOLOGY.—Not
8 later than 2 years after the implementation of the
9 TRAIN Act, the Committee shall update the meth-
10 odology, if necessary, based on the findings of the
11 report required under paragraph (1).

12 “(i) IDENTIFICATION OF STATE-SUPPORTED ROUTE
13 CHANGES.—Amtrak shall provide an update in the general
14 and legislative annual report under section 24315(b) of
15 planned or proposed changes to State-supported routes,
16 including the introduction of new State-supported routes.
17 In identifying routes to be included in such request, Am-
18 trak shall—

19 “(1) identify the timeframe in which such
20 changes could take effect and whether Amtrak has
21 entered into a commitment with a State under sub-
22 section (g)(2); and

23 “(2) consult with the Committee and any addi-
24 tional States in which proposed routes may operate,

1 not less than 120 days before the annual grant re-
2 quest is transmitted to the Secretary.”.

3 (b) CONFORMING AMENDMENT.—Section
4 24315(b)(1) of title 49, United States Code, is amended—

5 (1) by redesignating subparagraph (B) as sub-
6 paragraph (C);

7 (2) in subparagraph (A) by striking “section
8 24902(b) of this title; and” and inserting “section
9 24902(a) of this title;”; and

10 (3) by inserting after subparagraph (A) the fol-
11 lowing:

12 “(B) shall identify the planned or proposed
13 State-supported routes, as required under sec-
14 tion 24712(i); and”.

15 **SEC. 9210. AMTRAK POLICE DEPARTMENT.**

16 (a) DEPARTMENT MISSION.—Not later than 180
17 days after the date of enactment of this Act, Amtrak shall
18 identify the mission of the Amtrak Police Department (in
19 this section referred to as the “Department”), including
20 the scope and priorities of the Department, in mitigating
21 risks to and ensuring the safety and security of Amtrak
22 passengers, employees, trains, stations, facilities, and
23 other infrastructure. In identifying such mission, Amtrak
24 shall consider—

1 (1) the unique needs of maintaining the safety
2 and security of Amtrak's network; and

3 (2) comparable passenger rail systems and the
4 mission of the police departments of such rail sys-
5 tems.

6 (b) **WORKFORCE PLANNING PROCESS.**—Not later
7 than 120 days after identifying the mission of the Depart-
8 ment under subsection (a), Amtrak shall develop a work-
9 force planning process that—

10 (1) ensures adequate employment levels and al-
11 location of sworn and civilian personnel, including
12 patrol officers, necessary for fulfilling the Depart-
13 ment's mission; and

14 (2) sets performance goals and metrics for the
15 Department and monitors and evaluates the Depart-
16 ment's progress toward such goals and metrics.

17 (c) **CONSIDERATIONS.**—In developing the workforce
18 planning process under subsection (b), Amtrak shall—

19 (1) identify critical positions, skills, and com-
20 petencies necessary for fulfilling the Department's
21 mission;

22 (2) analyze employment levels and ensure
23 that—

24 (A) an adequate number of civilian and
25 sworn personnel are allocated across the De-

1 department's 6 geographic divisions, including pa-
2 trol officers, detectives, canine units, special op-
3 erations unit, strategic operations, intelligence,
4 corporate security, the Office of Professional
5 Responsibilities, and the Office of Chief of Po-
6 lices; and

7 (B) patrol officers have an adequate pres-
8 ence on trains and route segments, and in sta-
9 tions, facilities, and other infrastructure;

10 (3) analyze workforce gaps and develop strate-
11 gies to address any such gaps;

12 (4) consider the risks identified by Amtrak's
13 triannual risk assessments;

14 (5) consider variables, including ridership levels,
15 miles of right-of-way, crime data, call frequencies,
16 interactions with vulnerable populations, and work-
17 load, that comparable passenger rail systems with
18 similar police departments consider in the develop-
19 ment of the workforce plans of such systems; and

20 (6) consider collaboration or coordination with
21 local, State, Tribal, and Federal agencies, and public
22 transportation agencies to support the safety and se-
23 curity of the Amtrak network.

24 (d) CONSULTATION.—In carrying out this section,
25 Amtrak shall consult with the Amtrak Police Department

1 Labor Committee, public safety experts, foreign or domes-
2 tic entities providing passenger rail service comparable to
3 Amtrak, and any other relevant entities, as determined by
4 Amtrak.

5 (e) REPORTS.—

6 (1) REPORT ON MISSION OF DEPARTMENT.—

7 Not later than 10 days after Amtrak identifies the
8 mission of the Department under subsection (a),
9 Amtrak shall transmit to the Committee on Trans-
10 portation and Infrastructure of the House of Rep-
11 resentatives and the Committee on Commerce,
12 Science, and Transportation of the Senate a report
13 containing a description of the mission of the De-
14 partment and the reasons for the content of such
15 mission.

16 (2) Report on workforce planning process- Not
17 later than 10 days after Amtrak completes the work-
18 force planning process under subsection (b), Amtrak
19 shall transmit to the Committee on Transportation
20 and Infrastructure of the House of Representatives
21 and the Committee on Commerce, Science, and
22 Transportation of the Senate a report containing the
23 workforce planning process, the underlying data
24 used to develop such process, and how such process
25 will achieve the Department's mission.

1 **SEC. 9211. AMTRAK FOOD AND BEVERAGE.**

2 (a) AMTRAK FOOD AND BEVERAGE.—Section 24321
3 of title 49, United States Code, is amended to read as
4 follows:

5 **“§ 24321. Amtrak food and beverage**

6 “(a) ENSURING ACCESS TO FOOD AND BEVERAGE
7 SERVICES.—On all long-distance routes, Amtrak shall en-
8 sure that all passengers who travel overnight on such
9 route shall have access to purchasing the food and bev-
10 erages that are provided to sleeping car passengers on
11 such route.

12 “(b) FOOD AND BEVERAGE WORKFORCE.—

13 “(1) WORKFORCE REQUIREMENT.—Amtrak
14 shall ensure that any individual onboard a train who
15 prepares food and beverages is an Amtrak employee.

16 “(2) SAVINGS CLAUSE.—No Amtrak employee
17 holding a position as of the date of enactment of the
18 TRAIN Act may be involuntarily separated because
19 of any action taken by Amtrak to implement this
20 section, including any employees who are furloughed
21 as a result of the COVID–19 pandemic.

22 “(c) SAVINGS CLAUSE.—Amtrak shall ensure that no
23 Amtrak employee holding a position as of the date of en-
24 actment of the Passenger Rail Reform and Investment Act
25 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 large-scale, structural changes to existing
22 onboard food and beverage services, except that Am-
23 trak shall reverse any changes to onboard food and
24 beverage service made in response to the COVID–19
25 pandemic as Amtrak 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—

12 “(1) supersede a prohibition or limitation on
13 contracting out work covered by a collective bar-
14 gaining agreement entered into between Amtrak and
15 an organization representing Amtrak employees; or

16 “(2) prohibit Amtrak and an organization rep-
17 resenting Amtrak employees from entering into a
18 collective bargaining agreement that allows for con-
19 tracting out the work of a furloughed employee that
20 would otherwise be prohibited under subsection
21 (d).”.

22 **SEC. 9213. AMTRAK STAFFING.**

23 Section 24312 of title 49, United States Code, is
24 amended by adding at the end the following:

25 “(c) CALL CENTER STAFFING.—

1 “(1) OUTSOURCING.—Amtrak may not renew
2 or enter into a contract to outsource call center cus-
3 tomer service work on behalf of Amtrak, including
4 through a business process outsourcing group.

5 “(2) TRAINING.—Amtrak shall make available
6 appropriate training programs to any Amtrak call
7 center employee carrying out customer service activi-
8 ties using telephone or internet platforms.

9 “(d) STATION AGENT STAFFING.—

10 “(1) IN GENERAL.—Beginning on the date that
11 is 1 year after the date of enactment of the TRAIN
12 Act, Amtrak shall ensure that at least 1 Amtrak
13 ticket agent is employed at each station building
14 where at least 1 Amtrak ticket agent was employed
15 on or after October 1, 2017.

16 “(2) LOCATIONS.—Notwithstanding section (1),
17 beginning on the date that is 1 year after the date
18 of enactment of the TRAIN Act, Amtrak shall en-
19 sure that at least 1 Amtrak ticket agent is employed
20 at each station building—

21 “(A) that Amtrak owns, or operates service
22 through, as part of a passenger service route;
23 and

24 “(B) for which the number of passengers
25 boarding or disembarking an Amtrak long-dis-

1 tance train in the previous fiscal year exceeds
2 the average of at least 40 passengers per day
3 over all days in which the station was serviced
4 by Amtrak, regardless of the number of Amtrak
5 vehicles servicing the station per day. For fiscal
6 year 2021, ridership from fiscal year 2019 shall
7 be used to determine qualifying stations.

8 “(3) EXCEPTION.—This subsection does not
9 apply to any station building in which a commuter
10 rail ticket agent has the authority to sell Amtrak
11 tickets.

12 “(4) AMTRAK TICKET AGENT.—For purposes of
13 this section, the term ‘Amtrak ticket agent’ means
14 an Amtrak employee with authority to sell Amtrak
15 tickets onsite and assist in the checking of Amtrak
16 passenger baggage.”.

17 **SEC. 9214. SPECIAL TRANSPORTATION.**

18 Section 24307(a) of title 49, United States Code, is
19 amended—

20 (1) in the matter preceding paragraph (1) by
21 striking “for the following:” and inserting “of at
22 least a 10 percent discount on full-price coach class
23 rail fares for, at a minimum—”;

24 (2) in paragraph (1) by striking the period at
25 the end and inserting a semicolon; and

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

3 “(2) individuals of 12 years of age or younger;

4 “(3) individuals with a disability, as such term
5 is defined in section 3 of the Americans with Dis-
6 abilities Act of 1990 (42 U.S.C. 12102);

7 “(4) members of the Armed Forces on active
8 duty (as those terms are defined in section 101 of
9 title 10) and their spouses and dependents with valid
10 identification;

11 “(5) veterans (as that term is defined in section
12 101 of title 38) with valid identification; and

13 “(6) individuals attending federally-accredited
14 postsecondary education institutions with valid stu-
15 dent identification cards.”.

16 **SEC. 9215. DISASTER AND EMERGENCY RELIEF PROGRAM.**

17 (a) IN GENERAL.—Chapter 243 of title 49, United
18 States Code, is amended by adding at the end the fol-
19 lowing:

20 **“§ 24323. Disaster and emergency relief program**

21 “(a) IN GENERAL.—The Secretary of Transportation
22 may make grants to Amtrak for—

23 “(1) capital projects to repair, reconstruct, or
24 replace equipment, infrastructure, stations, and
25 other facilities that the Secretary determines are in

1 danger of suffering serious damage, or have suffered
2 serious damage, as a result of an emergency event;

3 “(2) offset revenue lost as a result of such an
4 event; and

5 “(3) support continued operations following
6 emergency events.

7 “(b) COORDINATION OF EMERGENCY FUNDS.—
8 Funds made available to carry out this section shall be
9 in addition to any other funds available and shall not af-
10 fect the ability of Amtrak to use any other funds otherwise
11 authorized by law.

12 “(c) GRANT CONDITIONS.—Grants made under this
13 subsection (a) shall be subject to such terms and condi-
14 tions as the Secretary determines necessary.

15 “(d) DEFINITION OF EMERGENCY EVENT.—In this
16 section, the term ‘emergency event’ has the meaning given
17 such term in section 20103.”

18 (b) CLERICAL AMENDMENT.—The analysis for chap-
19 ter 243 of title 49, United States Code, is amended by
20 adding at the end the following:

“24323. Disaster and emergency relief program.”

21 **SEC. 9216. RECREATIONAL TRAIL ACCESS.**

22 Section 24315 of title 49, United States Code, is
23 amended by adding at the end the following:

24 “(i) RECREATIONAL TRAIL ACCESS.—At least 30
25 days before implementing a new policy, structure, or oper-

1 ation that impedes recreational trail access, Amtrak shall
2 work with potentially affected communities, making a
3 good-faith effort to address local concerns about such rec-
4 reational trail access. Not later than February 15 of each
5 year, Amtrak shall submit to the Committee on Transpor-
6 tation and Infrastructure of the House of Representatives
7 and the Committee on Environment and Public Works of
8 the Senate a report on any such engagement in the pre-
9 ceding calendar year, and any changes to policies, struc-
10 tures, or operations affecting recreational trail access that
11 were considered or made as a result. Such report shall
12 include Amtrak’s plans to mitigate the impact to such rec-
13 reational trail access.”.

14 **TITLE III—INTERCITY**
15 **PASSENGER RAIL POLICY**

16 **SEC. 9301. NORTHEAST CORRIDOR COMMISSION.**

17 Section 24905 of title 49, United States Code, is
18 amended—

19 (1) in subsection (a)(1)—

20 (A) in subparagraph (A) by striking
21 “members” and inserting “4 members”;

22 (B) in subparagraph (B) by striking
23 “members” and inserting “5 members”; and

24 (C) in subparagraph (D) by striking “and
25 commuter railroad carriers using the Northeast

1 Corridor selected by the Secretary” and insert-
2 ing “railroad carriers and commuter authorities
3 using the Northeast Corridor, as determined by
4 the Commission”;

5 (2) by striking paragraph (2) of subsection (a)
6 and inserting the following:

7 “(2) At least 2 of the members described in
8 paragraph (1)(B) shall be career appointees, as such
9 term is defined in section 3132(a) of title 5.”;

10 (3) in subsection (b)(3)(B)—

11 (A) in clause (i) by inserting “, including
12 ridership trends,” before “along the Northeast
13 Corridor”;

14 (B) in clause (ii) by striking “capital in-
15 vestment plan described in section 24904.” and
16 inserting “first year of the capital investment
17 plan described in section 24904; and”;

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

19 “(iii) progress in assessing and elimi-
20 nating the state-of-good-repair backlog.”;

21 (4) in subsection (c)—

22 (A) by striking “(1) DEVELOPMENT” and
23 all that follows through “standardized policy”
24 and inserting the following:

25 “(1) POLICY.—The Commission shall—

1 “(A) maintain and update, as appropriate,
2 the ‘Northeast Corridor Commuter and Inter-
3 city Rail Cost Allocation Policy’ approved on
4 September 17, 2015,”;

5 (B) in paragraph (1)—

6 (i) in subparagraph (B) by striking “a
7 proposed timetable for implementing” and
8 inserting “timetables for implementing and
9 maintaining”;

10 (ii) in subparagraph (C) by striking
11 “the policy and the timetable” and insert-
12 ing “updates to the policy and the time-
13 tables”; and

14 (iii) by striking subparagraph (D) and
15 inserting the following:

16 “(D) support the efforts of the members of
17 the Commission to implement the policy in ac-
18 cordance with such timetables; and”;

19 (C) in paragraph (2)—

20 (i) by striking the first sentence and
21 inserting “In accordance with the time-
22 table developed in paragraph (1), Amtrak
23 and commuter authorities on the North-
24 east Corridor shall implement the policy

1 developed under paragraph (1) in agree-
2 ments for usage of facilities or services.”;

3 (ii) by striking “fail to implement
4 such new agreements” and inserting “fail
5 to implement the policy”; and

6 (iii) by striking “paragraph (1)(A), as
7 applicable” and inserting “paragraph (1)”;
8 and

9 (D) in paragraph (4) by striking “public
10 authorities providing commuter rail passenger
11 transportation” and inserting “commuter au-
12 thorities”;

13 (5) by striking subsection (d);

14 (6) by redesignating subsection (e) as sub-
15 section (d); and

16 (7) in paragraph (1)(D) of subsection (d) (as
17 redesignated by paragraph (6)) by striking “com-
18 muter rail agencies” and inserting “commuter au-
19 thorities”.

20 **SEC. 9302. NORTHEAST CORRIDOR PLANNING.**

21 (a) IN GENERAL.—Section 24904 of title 49, United
22 States Code, is amended—

23 (1) by redesignating subsection (e) as sub-
24 section (f);

25 (2) by striking subsection (c);

1 (3) by redesignating subsections (a) and (b) as
2 subsections (b) and (c), respectively;

3 (4) by inserting before subsection (b), as so re-
4 designated, the following:

5 “(a) STRATEGIC DEVELOPMENT PLAN.—

6 “(1) REQUIREMENT.—Not later than December
7 31, 2021, the Northeast Corridor Commission estab-
8 lished under section 24905 (referred to in this sec-
9 tion as the ‘Commission’) shall submit to Congress
10 a strategic development plan that identifies key
11 state-of-good-repair, capacity expansion, and capital
12 improvement projects planned for the Northeast
13 Corridor, to upgrade aging infrastructure and im-
14 prove the reliability, capacity, connectivity, perform-
15 ance, and resiliency of passenger rail service on the
16 Northeast Corridor.

17 “(2) CONTENTS.—The strategic development
18 plan required under paragraph (1) shall—

19 “(A) provide a coordinated and consensus-
20 based plan covering a period of 15 years;

21 “(B) identify service objectives and capital
22 investments needs;

23 “(C) provide a delivery-constrained strat-
24 egy that identifies capital investment phasing,
25 an evaluation of workforce needs, and strategies

1 for managing resources and mitigating con-
2 struction impacts on operations;

3 “(D) include a financial strategy that iden-
4 tifies funding needs and potential sources and
5 includes an economic impact analysis; and

6 “(E) be updated at least every 5 years.”;

7 (5) in subsection (b) (as redesignated by para-
8 graph (3))—

9 (A) by striking “Not later than” and all
10 that follows through “shall” and inserting “Not
11 later than November 1 of each year, the Com-
12 mission shall”;

13 (B) in paragraph (1)(A) by striking “a
14 capital investment plan” and inserting “an an-
15 nual capital investment plan”;

16 (C) in paragraph (2)—

17 (i) in subparagraph (A) by striking
18 “and network optimization”;

19 (ii) in subparagraph (B) by striking
20 “and service”;

21 (iii) in subparagraph (C) by striking
22 “first fiscal year after the date on which”
23 and inserting “fiscal year during which”;

24 (iv) in subparagraph (D) by striking
25 “identify, prioritize,” and all that follows

1 through “and consider” and inserting
2 “document the projects and programs
3 being undertaken to achieve the service
4 outcomes identified in the Northeast Cor-
5 ridor strategic development plan, once
6 available, and the asset condition needs
7 identified in the Northeast Corridor asset
8 management plans and consider”; and

9 (v) in subparagraph (E)(i) by striking
10 “normalized capital replacement and”; and

11 (D) in paragraph (3)(B) by striking “ex-
12 pected allocated shares of costs” and inserting
13 “status of cost sharing agreements”;

14 (6) in subsection (c) (as redesignated by para-
15 graph (3)) by striking “may be spent only on” and
16 all that follows through the end and inserting “may
17 be spent only on capital projects and programs con-
18 tained in the Commission’s capital investment plan
19 from the previous year.”; and

20 (7) by striking subsections (d) and (e) and in-
21 serting the following:

22 “(d) REVIEW AND COORDINATION.—The Commis-
23 sion shall gather information from Amtrak, the States in
24 which the Northeast Corridor is located, and commuter
25 rail authorities to support development of the capital in-

1 vestment plan. The Commission may specify a format and
2 other criteria for the information submitted. Submissions
3 to the plan from Amtrak, States in which the Northeast
4 Corridor are located, and commuter rail authorities shall
5 be provided to the Commission in a manner that allows
6 for a reasonable period of review by, and coordination
7 with, affected agencies.

8 “(e) NORTHEAST CORRIDOR ASSET MANAGE-
9 MENT.—

10 “(1) CONTENTS.—With regard to existing in-
11 frastructure, Amtrak and other infrastructure own-
12 ers that provide or support intercity rail passenger
13 transportation on the Northeast Corridor shall de-
14 velop an asset management system, and use and up-
15 date such system as necessary, to develop submis-
16 sions to the Northeast Corridor capital investment
17 plan described in subsection (b). Such system
18 shall—

19 “(A) be consistent with the Federal Tran-
20 sit Administration process, as authorized under
21 section 5326, when implemented; and

22 “(B) include, at a minimum—

23 “(i) an inventory of all capital assets
24 owned by the developer of the plan;

25 “(ii) an assessment of asset condition;

1 “(iii) a description of the resources
2 and processes necessary to bring or main-
3 tain those assets in a state of good repair;
4 and

5 “(iv) a description of changes in asset
6 condition since the previous version of the
7 plan.”.

8 (b) CONFORMING AMENDMENTS.—

9 (1) ACCOUNTS.—Section 24317(d)(1) of title
10 49, United States Code, is amended—

11 (A) in subparagraph (B) by striking
12 “24904(a)(2)(E)” and inserting
13 “24904(b)(2)(E)”; and

14 (B) in subparagraph (F) by striking
15 “24904(b)” and inserting “24904(c)”.

16 (2) FEDERAL-STATE PARTNERSHIP FOR STATE
17 OF GOOD REPAIR.—Section 24911(e)(2) of title 49,
18 United States Code, is amended by striking
19 “24904(a)” and inserting “24904(b)”.

20 **SEC. 9303. PROTECTIVE ARRANGEMENTS.**

21 Section 22905 of title 49, United States Code, is
22 amended—

23 (1) in subsection (c)(2)(B) by striking “that are
24 equivalent to the protective arrangements established
25 under section 504 of the Railroad Revitalization and

1 Regulatory Reform Act of 1976 (45 U.S.C. 836)”
2 and inserting “established by the Secretary under
3 subsection (e)(1)”;

4 (2) by redesignating subsections (e) and (f) as
5 subsections (f) and (g), respectively; and

6 (3) by inserting after subsection (d) the fol-
7 lowing:

8 “(e) EQUIVALENT EMPLOYEE PROTECTIONS.—

9 “(1) ESTABLISHMENT.—Not later than 90 days
10 after the date of enactment of this subsection, the
11 Administrator of the Federal Railroad Administra-
12 tion shall establish protective arrangements equiva-
13 lent to those established under section 504 of the
14 Railroad Revitalization and Regulatory Reform Act
15 of 1976 (45 U.S.C. 836), and require such protec-
16 tive arrangements to apply to employees described
17 under subsection (c)(2)(B) and as required under
18 subsection (j) of section 22907.

19 “(2) PUBLICATION.—The Administrator shall
20 make available on a publicly available website the
21 protective arrangements established under para-
22 graph (1).”.

23 **SEC. 9304. HIGH-SPEED RAIL FUNDS.**

24 (a) IN GENERAL.—Notwithstanding any other provi-
25 sion of law and not later than 90 days after the date of

1 enactment of this Act, the Secretary of Transportation
2 shall reinstate any cooperative agreement terminated after
3 January 1, 2019 that was originally entered into under
4 the heading “Capital Assistance for High Speed Rail Cor-
5 ridors and Intercity Passenger Rail Service” in the De-
6 partment of Transportation Appropriations Act, 2010
7 (Public Law 111–117).

8 (b) INCLUSION.—The reinstatement under subsection
9 (a) shall include the obligation to such agreement of all
10 of the funds obligated to such agreement as of the date
11 of termination of such agreement.

12 **TITLE IV—COMMUTER RAIL** 13 **POLICY**

14 **SEC. 9401. SURFACE TRANSPORTATION BOARD MEDIATION** 15 **OF TRACKAGE USE REQUESTS.**

16 Section 28502 of title 49, United States Code, is
17 amended to read as follows:

18 **“§ 28502. Surface Transportation Board mediation of** 19 **trackage use requests**

20 “A rail carrier shall provide good faith consideration
21 to a reasonable request from a provider of commuter rail
22 passenger transportation for access to trackage and provi-
23 sion of related services. If, after a reasonable period of
24 negotiation, a public transportation authority cannot
25 reach agreement with a rail carrier to use trackage of, and

1 have related services provided by, the rail carrier for pur-
2 poses of commuter rail passenger transportation, the pub-
3 lic transportation authority or the rail carrier may apply
4 to the Board for nonbinding mediation. In any case in
5 which dispatching for the relevant trackage is controlled
6 by a rail carrier other than the trackage owner, both shall
7 be subject to the requirements of this section and included
8 in the Board's mediation process. The Board shall conduct
9 the nonbinding mediation in accordance with the medi-
10 ation process of section 1109.4 of title 49, Code of Federal
11 Regulations, as in effect on the date of enactment of the
12 TRAIN Act.”.

13 **SEC. 9402. SURFACE TRANSPORTATION BOARD MEDIATION**
14 **OF RIGHTS-OF-WAY USE REQUESTS.**

15 Section 28503 of title 49, United States Code, is
16 amended to read as follows:

17 **“§ 28503. Surface Transportation Board mediation of**
18 **rights-of-way use requests**

19 “A rail carrier shall provide good faith consideration
20 to a reasonable request from a provider of commuter rail
21 passenger transportation for access to rail right-of-way for
22 the construction and operation of a segregated fixed guide-
23 way facility. If, after a reasonable period of negotiation,
24 a public transportation authority cannot reach agreement
25 with a rail carrier to acquire an interest in a railroad

1 right-of-way for the construction and operation of a seg-
2 regated fixed guideway facility to provide commuter rail
3 passenger transportation, the public transportation au-
4 thority or the rail carrier may apply to the Board for non-
5 binding mediation. In any case in which dispatching for
6 the relevant trackage is controlled by a rail carrier other
7 than the right-of-way owner, both shall be subject to the
8 requirements of this section and included in the Board's
9 mediation process. The Board shall conduct the non-
10 binding mediation in accordance with the mediation proc-
11 ess of section 1109.4 of title 49, Code of Federal Regula-
12 tions, as in effect on the date of enactment of the TRAIN
13 Act.”.

14 **SEC. 9403. CHICAGO UNION STATION IMPROVEMENT**
15 **PLANS.**

16 (a) ONE-YEAR CAPITAL IMPROVEMENT PLAN.—

17 (1) IN GENERAL.—Not later than 90 days after
18 the conclusion of the Surface Transportation Board
19 proceeding in the petition by Amtrak for a pro-
20 ceeding pursuant to section 24903(c)(2) of title 49,
21 United States Code (Docket No. FD 36332), Am-
22 trak and Metra shall enter into an agreement for a
23 one-year capital improvement plan for Chicago
24 Union Station.

1 (2) EXTENSION.—The deadline under para-
2 graph (1) may be extended with the consent of both
3 Amtrak and Metra.

4 (3) SUBMISSION OF PLAN.—Amtrak and Metra
5 shall transmit the one-year capital improvement plan
6 to the Committee on Transportation and Infrastruc-
7 ture of the House of Representatives and Committee
8 on Commerce, Science, and Transportation of the
9 Senate.

10 (b) FIVE-YEAR CAPITAL IMPROVEMENT PLAN.—

11 (1) IN GENERAL.—Not later than 180 days
12 after the date on which Amtrak and Metra enter
13 into the agreement under subsection (a), Amtrak
14 shall enter into an agreement with Metra for a five-
15 year capital improvement plan for Chicago Union
16 Station.

17 (2) EXTENSION.—The deadline required under
18 paragraph (1) may be extended with the consent of
19 both Amtrak and Metra.

20 (3) SUBMISSION OF PLAN.—Amtrak and Metra
21 shall transmit the five-year capital improvement plan
22 to the Committee on Transportation and Infrastruc-
23 ture of the House of Representatives and Committee
24 on Commerce, Science, and Transportation of the
25 Senate.

1 (c) CONTENTS.—The capital improvement plans re-
2 quired under subsections (a) and (b) shall identify the
3 projects that Amtrak and Metra agree to implement at
4 Chicago Union Station within the timeframe of each such
5 plan, including projects that improve—

6 (1) areas considered outside the glass such as
7 tracks, platforms switches, and other rail infrastruc-
8 ture;

9 (2) facilities for Amtrak and Metra crew; and

10 (3) the operations of Chicago Union Station,
11 such as the dispatching of commuter and intercity
12 passenger trains out of Chicago Union Station.

13 (d) ANNUAL PROGRESS REPORT.—Not later than 1
14 year after the date on which Amtrak and Metra enter into
15 an agreement required under subsection (b), and annually
16 thereafter for 5 years, Amtrak and Metra shall jointly sub-
17 mit to the Committee on Transportation and Infrastruc-
18 ture of the House of Representatives and the Committee
19 on Commerce, Science, and Transportation of the Senate
20 a report describing the progress Amtrak and Metra have
21 made in implementing the plan required under subsection
22 (b).

23 (e) DEFINITIONS.—In this section:

24 (1) CHICAGO UNION STATION.—The term “Chi-
25 cago Union Station” means the passenger train sta-

1 tion located at 225 South Canal Street, Chicago, Il-
2 linois 60606, and its associated facilities.

3 (2) METRA.—The term “Metra” means the
4 Northeast Illinois Regional Commuter Railroad Cor-
5 poration.

6 **TITLE V—RAIL SAFETY**
7 **Subtitle A—Passenger and Freight**
8 **Safety**

9 **SEC. 9501. NATIONAL ACADEMIES STUDY ON SAFETY IM-**
10 **PACT OF TRAINS LONGER THAN 7,500 FEET.**

11 (a) STUDY.—The Secretary of Transportation shall
12 seek to enter into an agreement with the National Acad-
13 emies to conduct a study and issue to the Committee on
14 Transportation and Infrastructure of the House of Rep-
15 resentatives and the Committee on Commerce, Science,
16 and Transportation of the Senate a report on the safety
17 impacts of freight trains longer than 7,500 feet.

18 (b) CONTENTS.—The study conducted pursuant to
19 subsection (a) shall include—

20 (1) an examination of any potential risks of the
21 operation of such trains and recommendations on
22 mitigation of such risks;

23 (2) among other safety factors with respect to
24 such trains, an evaluation of—

1 (A) any increased risk of loss of commu-
2 nications between the end of train device and
3 the locomotive cab, including communications
4 over differing terrains and conditions;

5 (B) any increased risk of loss of commu-
6 nications between crewmembers, including com-
7 munications over differing terrains and condi-
8 tions;

9 (C) any increased risk of derailments, in-
10 cluding risks associated with in-train compres-
11 sive forces and slack action or other safety risks
12 in the operations of such trains in differing ter-
13 rains and conditions;

14 (D) safety risks associated with the deploy-
15 ment of multiple distributed power units in the
16 consists of such trains; and

17 (E) impacts of the length of trains on
18 braking and locomotive performance and track
19 wear and tear; and

20 (3) an evaluation of whether additional engineer
21 and conductor training is required for safely oper-
22 ating such trains.

23 (c) REPORT.—Not later than 24 months after the
24 date of enactment of this Act, the Secretary shall submit
25 to the Committee on Transportation and Infrastructure

1 of the House of Representatives and the Committee on
2 Commerce, Science, and Transportation of the Senate a
3 report on the results of the study.

4 (d) FUNDING.—From the amounts made available
5 for fiscal year 2021 to carry out section 20117(a) of title
6 49, United States Code, the Secretary shall expend not
7 less than \$1,000,000 and not more than \$2,000,000 to
8 carry out the study required under subsection (a).

9 **SEC. 9502. GAO STUDY ON CHANGES IN FREIGHT RAILROAD**
10 **OPERATING AND SCHEDULING PRACTICES.**

11 (a) STUDY.—The Comptroller General of the United
12 States shall study the impact on freight rail shippers, Am-
13 trak, commuter railroads, railroad employees, and other
14 affected parties of changes in freight railroad operating
15 and scheduling practices as a result of the implementation
16 of the precision scheduled railroading model.

17 (b) CONTENTS.—At minimum, the study shall exam-
18 ine—

19 (1) the impacts of the operation of longer
20 trains;

21 (2) safety impacts of reduction in workforce, in-
22 cluding occupational injury rates, impacts to inspec-
23 tion frequencies and repair quality, and changes in
24 workforce demands;

1 (3) the elimination or downsizing of yards, re-
2 pair facilities, and other operational facilities;

3 (4) increases in demurrage or accessorial
4 charges or other costs to shippers;

5 (5) capital expenditures for rail infrastructure;
6 and

7 (6) the effect of changes to dispatching prac-
8 tices and locations of dispatching centers on—

9 (A) the on-time performance of passenger
10 trains, and

11 (B) the quality and reliability of service to
12 freight shippers.

13 (c) **REPORT.**—Not later than 1 year after the date
14 of enactment of this Act, the Comptroller General shall
15 submit to the Committee on Transportation and Infra-
16 structure of the House of Representatives and the Com-
17 mittee on Commerce, Science, and Transportation of the
18 Senate a report summarizing the study and the results
19 of such study, including recommendations for addressing
20 any negative impacts of precision scheduled railroading on
21 freight shippers or passenger railroads.

22 **SEC. 9503. FRA SAFETY REPORTING.**

23 (a) **IN GENERAL.**—Section 20901 of title 49, United
24 States Code, is amended by inserting “(including the train
25 length, the number of crew members on board the train,

1 and the duties of such crew members)” after “reported
2 accident or incident”.

3 (b) REGULATIONS.—Not later than 180 days after
4 the date of enactment of this Act, the Secretary of Trans-
5 portation shall issue such regulations as are necessary to
6 carry out the amendment made by subsection (a).

7 **SEC. 9504. WAIVER NOTICE REQUIREMENTS.**

8 Section 20103(d) of title 49, United States Code, is
9 amended to read as follows:

10 “(d) NONEMERGENCY WAIVERS.—

11 “(1) IN GENERAL.—The Secretary may waive
12 compliance with any part of a regulation prescribed
13 or order issued under this chapter if the waiver is
14 in the public interest and consistent with railroad
15 safety.

16 “(2) NOTICE REQUIRED.—The Secretary
17 shall—

18 “(A) provide timely public notice of any re-
19 quest for a waiver under this subsection;

20 “(B) make the application for such waiver
21 and any related underlying data available to in-
22 terested parties;

23 “(C) provide the public with notice and a
24 reasonable opportunity to comment on a pro-

1 posed waiver under this subsection before mak-
2 ing a final decision; and

3 “(D) make public the reasons for granting
4 a waiver under this subsection.

5 “(3) INFORMATION PROTECTION.—Nothing in
6 this subsection shall be construed to require the re-
7 lease of information protected by law from public
8 disclosure.”.

9 **SEC. 9505. NOTICE OF FRA COMPREHENSIVE SAFETY AS-**
10 **SESSMENTS.**

11 (a) INITIAL NOTICE.—Not later than 10 business
12 days after the Federal Railroad Administration initiates
13 a comprehensive safety assessment of an entity providing
14 regularly scheduled intercity or commuter rail passenger
15 transportation, the Federal Railroad Administration shall
16 notify in electronic format the Committee on Transpor-
17 tation and Infrastructure of the House of Representatives
18 and the Committee on Commerce, Science, and Transpor-
19 tation of the Senate, and each member of Congress rep-
20 resenting a State in which the service that is the subject
21 of the assessment being conducted is located, of the initi-
22 ation of such assessment.

23 (b) FINDINGS.—Not later than 90 days after comple-
24 tion of a comprehensive safety assessment described in
25 subsection (a), the Federal Railroad Administration shall

1 transmit in electronic format to the Committee on Trans-
2 portation and Infrastructure of the House of Representa-
3 tives and the Committee on Commerce, Science, and
4 Transportation of the Senate, and to each member of Con-
5 gress representing a State in which the service that is the
6 subject of the assessment being conducted is located, the
7 findings of such assessment, including identified defects
8 and any recommendations.

9 (c) DEFINITION OF COMPREHENSIVE SAFETY AS-
10 SESSMENT.—In this section, the term “comprehensive
11 safety assessment” means a focused review of the safety-
12 related processes and procedures, compliance with safety
13 regulations and requirements, and overall safety culture
14 of an entity providing regularly scheduled intercity or com-
15 muter rail passenger transportation.

16 **SEC. 9506. FRA ACCIDENT AND INCIDENT INVESTIGATIONS.**

17 Section 20902 of title 49, United States Code, is
18 amended—

19 (1) in subsection (b) by striking “subpena” and
20 inserting “subpoena”; and

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

22 “(d) GATHERING INFORMATION AND TECHNICAL
23 EXPERTISE.—

24 “(1) IN GENERAL.—The Secretary shall create
25 a standard process for investigators to use during

1 accident and incident investigations conducted under
2 this section for determining when it is appropriate
3 to, and how to—

4 “(A) gather information about an accident
5 or incident under investigation from railroad
6 carriers, contractors or employees of railroad
7 carriers or representatives of employees of rail-
8 road carriers, and others, as determined rel-
9 evant by the Secretary; and

10 “(B) consult with railroad carriers, con-
11 tractors or employees of railroad carriers or
12 representatives of employees of railroad car-
13 riers, and others, as determined relevant by the
14 Secretary, for technical expertise on the facts of
15 the accident or incident under investigation.

16 “(2) CONFIDENTIALITY.—In developing the
17 process under paragraph (1), the Secretary shall fac-
18 tor in ways to maintain the confidentiality of any en-
19 tity identified under paragraph (1) if—

20 “(A) such entity requests confidentiality;

21 “(B) such entity was not involved in the
22 accident or incident; and

23 “(C) maintaining such entity’s confiden-
24 tiality does not adversely affect an investigation
25 of the Federal Railroad Administration.

1 “(3) APPLICATION OF LAW.—This subsection
2 shall not apply to any investigation carried out by
3 the National Transportation Safety Board.”.

4 **SEC. 9507. RAIL SAFETY IMPROVEMENTS.**

5 (a) FEDERAL RAILROAD ADMINISTRATION REQUIRE-
6 MENTS.—Not later than 18 months after the date of en-
7 actment of this Act, the Secretary of Transportation shall
8 carry out the following:

9 (1) Complete a study on how signage can be
10 used to improve safety in the rail industry that in-
11 cludes—

12 (A) a review of how signs used for other
13 modes of transportation may be effectively used
14 in the rail industry;

15 (B) a review of how signs used in the rail-
16 road industry differ; and

17 (C) an analysis of whether a uniform sys-
18 tem for speed signs across the United States
19 rail system would benefit the railroad industry
20 and improve safety.

21 (2) Reevaluate seat securement mechanisms
22 and the susceptibility of such mechanisms to inad-
23 vertent rotation, and identify a means to prevent the
24 failure of such mechanisms to maintain seat secure-
25 ment.

1 (3) Conduct research to evaluate the causes of
2 passenger injuries in passenger railcar derailments
3 and overturns and evaluate potential methods for
4 mitigating such injuries.

5 (4) Based on the research conducted under
6 paragraph (3), develop occupant protection stand-
7 ards for passenger railcars that will mitigate pas-
8 senger injuries likely to occur during derailments
9 and overturns.

10 (5) Develop policies for the safe use of child
11 seats to prevent uncontrolled or unexpected move-
12 ments in intercity passenger trains from disrupting
13 the secure position of such seats.

14 (b) REQUIREMENTS FOR AMTRAK.—Not later than
15 18 months after the date of enactment of this Act, Amtrak
16 shall—

17 (1) ensure operating crewmembers demonstrate
18 proficiency, under daylight and nighttime conditions,
19 on the physical characteristics of a territory by using
20 all resources available, including in-cab instruments,
21 observation rides, throttle time, signage, signals, and
22 landmarks;

23 (2) ensure the proficiency required under para-
24 graph (1) is demonstrated on written examinations;

1 (3) revise classroom and road training pro-
2 grams to ensure that operating crews fully under-
3 stand all locomotive operating characteristics,
4 alarms, and the appropriate response to abnormal
5 conditions;

6 (4) when possible, require that all engineers un-
7 dergo simulator training—

8 (A) before operating new or unfamiliar
9 equipment (at a minimum, experience and re-
10 spond properly to all alarms); and

11 (B) to experience normal and abnormal
12 conditions on new territory before operating in
13 revenue service on such new territory;

14 (5) ensure that simulator training specified in
15 paragraph (4) supplements the hours engineers
16 spend training on new equipment before becoming
17 certified on such equipment and performing runs on
18 new territory before becoming qualified on such ter-
19 ritory;

20 (6) implement a formal, systematic approach to
21 developing training and qualification programs to
22 identify the most effective strategies for preparing
23 crewmembers to safely operate new equipment on
24 new territories;

1 (7) work in consultation with host railroad car-
2 riers and States that own infrastructure over which
3 Amtrak operates to complete a comprehensive as-
4 sessment of the territories to ensure that necessary
5 wayside signs and plaques are identified, highly no-
6 ticeable, and strategically located to provide oper-
7 ating crews the information needed to safely operate
8 trains;

9 (8) update the safety review process to ensure
10 that all operating documents are up to date and ac-
11 curate before initiating new or revised revenue oper-
12 ations;

13 (9) incorporate all prerevenue service planning,
14 construction, and route verification work into the
15 scope of a corporate-wide system safety plan, includ-
16 ing through rules and policies, risk assessment anal-
17 yses, safety assurances, and safety promotions; and

18 (10) conduct risk assessments on all new or up-
19 graded services that occur on Amtrak-owned terri-
20 tory, host railroads, or in States that own infra-
21 structure over which Amtrak operates.

22 (c) REPORT.—Not later than 18 months after the
23 date of enactment of this Act, the Secretary and Amtrak
24 shall submit to the Committee on Transportation and In-
25 frastructure of the House of Representatives and the Com-

1 mittee on Commerce, Science, and Transportation of the
2 Senate a report on their progress on meeting the require-
3 ments under subsections (a) and (b), respectively, includ-
4 ing a description of all completed elements of the require-
5 ments.

6 **SEC. 9508. ANNUAL REVIEW OF SPEED LIMIT ACTION**
7 **PLANS.**

8 Section 11406 of the FAST Act (Public Law 114–
9 94) is amended—

10 (1) in subsection (c) by inserting “or subsection
11 (d)(2)” after “subsection (b)”;

12 (2) by redesignating subsections (d) through (f)
13 as subsections (e) through (g), respectively;

14 (3) by inserting after subsection (c) the fol-
15 lowing:

16 “(d) PERIODIC REVIEWS AND UPDATES.—Each rail-
17 road carrier that files an action plan under subsection (b)
18 shall—

19 “(1) not later than 1 year after the date of en-
20 actment of the TRAIN Act, and annually thereafter,
21 review such plan to ensure the effectiveness of ac-
22 tions taken to enable warning and enforcement of
23 the maximum authorized speed for passenger trains
24 at each location identified under subsection (b)(1);
25 and

1 “(2) not later than 90 days prior to imple-
2 menting any operational or territorial operating
3 change, including initiating a new service or route,
4 submit to the Secretary a revised action plan that
5 addresses such operational or territorial operating
6 change.”; and

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

8 “(h) PROHIBITION.—No new intercity rail passenger
9 transportation or commuter rail passenger service may
10 begin operation unless the railroad carrier providing such
11 service is in compliance with this section.”.

12 **SEC. 9509. FREIGHT TRAIN CREW SIZE SAFETY STANDARDS.**

13 (a) IN GENERAL.—Subchapter II of chapter 201 of
14 title 49, United States Code, is amended by adding at the
15 end the following:

16 **“§ 20169. Freight train crew size safety standards**

17 “(a) MINIMUM CREW SIZE.—No freight train may be
18 operated unless such train has a crew of at least 1 appro-
19 priately qualified and certified conductor and 1 appro-
20 priately qualified and certified engineer.

21 “(b) EXCEPTIONS.—Except as provided in subsection
22 (d), the prohibition in subsection (a) shall not apply in
23 any of the following circumstances:

24 “(1) Train operations within a rail yard or ter-
25 minal area or on auxiliary or industry tracks.

1 “(2) A train operated—

2 “(A) by a railroad carrier that has fewer
3 than 400,000 total employee work hours annu-
4 ally and less than \$20,000,000 annual revenue;

5 “(B) at a speed of not more than 25 miles
6 per hour; and

7 “(C) on a track with an average track
8 grade of less than 2 percent for any segment of
9 track that is at least 2 continuous miles.

10 “(3) Locomotives performing assistance to a
11 train that has incurred mechanical failure or lacks
12 the power to traverse difficult terrain, including
13 traveling to or from the location where assistance is
14 provided.

15 “(4) Locomotives that—

16 “(A) are not attached to any equipment or
17 attached only to a caboose; and

18 “(B) do not travel farther than 30 miles
19 from a rail yard.

20 “(5) Train operations staffed with fewer than a
21 2-person crew at least 1 year prior to the date of en-
22 actment of this section, if the Secretary determines
23 that the operation achieves an equivalent level of
24 safety.

1 “(c) TRAINS INELIGIBLE FOR EXCEPTION.—The ex-
2 ceptions under subsection (b) may not be applied to—

3 “(1) a train transporting 1 or more loaded cars
4 carrying material toxic by inhalation, as defined in
5 section 171.8 of title 49, Code of Federal Regula-
6 tions;

7 “(2) a train carrying 20 or more loaded tank
8 cars of a Class 2 material or a Class 3 flammable
9 liquid in a continuous block or a single train car-
10 rying 35 or more loaded tank cars of a Class 2 ma-
11 terial or a Class 3 flammable liquid throughout the
12 train consist; and

13 “(3) a train with a total length of 7,500 feet or
14 greater.

15 “(d) WAIVER.—A railroad carrier may seek a waiver
16 of the requirements of this section pursuant to section
17 20103(d).”.

18 (b) CLERICAL AMENDMENT.—The analysis for sub-
19 chapter II of chapter 201 of title 49, United States Code,
20 is amended by adding at the end the following:

“20169. Freight train crew size safety standards.”.

21 **SEC. 9510. SAFE CROSS BORDER OPERATIONS.**

22 (a) IN GENERAL.—Section 416 title IV of division
23 A of the Rail Safety Improvement Act of 2008 (49 U.S.C.
24 20107 note) is amended—

1 (1) by striking “Mechanical and brake” and in-
2 serting “(a) IN GENERAL.—Mechanical and brake”;
3 and

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

5 “(b) WAIVER.—The Secretary may not grant any
6 waiver or waiver modification that provides for the ability
7 to perform mechanical or brake inspections of rail cars
8 in Mexico in lieu of complying with the certification re-
9 quirements of this section.”.

10 (b) SAFETY STANDARDS FOR CERTAIN RAIL
11 CREWS.—

12 (1) IN GENERAL.—Title IV of division A of the
13 Rail Safety Improvement Act of 2008 (Public Law
14 110–432) is amended by adding at the end the fol-
15 lowing:

16 **“SEC. 421. SAFETY STANDARDS FOR CERTAIN RAIL CREWS.**

17 “(a) IN GENERAL.—The Secretary of Transportation
18 may not permit covered rail employees to enter the United
19 States to perform train or dispatching service unless the
20 Secretary certifies that—

21 “(1) Mexico has adopted and is enforcing safety
22 standards for covered rail employees that are equiva-
23 lent to, or greater than, those applicable to railroad
24 employees whose primary reporting point is in the
25 United States, including qualification and certifi-

1 cation requirements under parts 240 and 242 of title
2 49, Code of Federal Regulations;

3 “(2) covered rail employees are subject to the
4 alcohol and drug testing requirements in part 219 of
5 title 49, Code of Federal Regulations, including the
6 requirements of subparts F, G, and H of such part,
7 to the same extent as such requirements apply to
8 railroad employees whose primary reporting point is
9 in the United States and who are subject to such
10 part;

11 “(3) covered rail employees are subject to hours
12 of service requirements under section 21103 of title
13 49, United States Code, at all times any such em-
14 ployee is on duty, regardless of location;

15 “(4) covered rail employees are subject to the
16 motor vehicle driving record evaluation requirements
17 in section 240.115 of title 49, Code of Federal Reg-
18 ulations, to the same extent as such requirements
19 apply to railroad employees whose primary reporting
20 point is in the United States and are subject to such
21 section, and that such evaluation includes driving
22 records from the same country as the employee’s
23 primary reporting point; and

24 “(5) the Federal Railroad Administration is
25 permitted to perform onsite inspections of rail facili-

1 ties in Mexico to ensure compliance with paragraphs
2 (1) and (2).

3 “(b) NOTICE REQUIRED.—

4 “(1) IN GENERAL.—Not later than 5 days after
5 the date on which the Secretary certifies each of the
6 requirements under paragraphs (1) through (5) of
7 subsection (a), the Secretary shall publish in the
8 Federal Register—

9 “(A) notice of each such certification; and

10 “(B) documentation supporting each such
11 certification.

12 “(2) PUBLIC COMMENT.—To ensure compliance
13 with the requirements of this section and any other
14 applicable safety requirements, the Secretary shall—

15 “(A) allow for public comment on the no-
16 tice required under paragraph (1); and

17 “(B) hold a public hearing on such notice.

18 “(3) CONGRESSIONAL NOTICE.—On the date on
19 which each publication required under paragraph (1)
20 is published in the Federal Register, the Secretary
21 shall notify the Committee on Transportation and
22 Infrastructure of the House of Representatives and
23 the Committee on Commerce, Science, and Trans-
24 portation of the Senate of such publication.

25 “(c) DRUG AND ALCOHOL TESTING.—

1 “(1) NONAPPLICATION OF EXEMPTION.—For
2 purposes of compliance with subsection (a)(2), the
3 exemption contained in part 219.3(d)(2) of title 49,
4 Code of Federal Regulations, shall not apply.

5 “(2) AUDIT BY OFFICE OF DRUG AND ALCOHOL
6 COMPLIANCE.—To ensure compliance with the drug
7 and alcohol testing programs described in subsection
8 (a)(2), the Office of Drug and Alcohol Compliance
9 in the Department of Transportation shall conduct
10 an annual audit of such programs and recommend
11 enforcement actions as needed.

12 “(d) DEFINITION OF COVERED RAIL EMPLOYEE.—
13 In this section, the term ‘covered rail employee’ means a
14 railroad employee whose primary reporting point is in
15 Mexico.”.

16 (2) CLERICAL AMENDMENT.—The table of con-
17 tents in section 1(b) of the Rail Safety Improvement
18 Act of 2008 (Public Law 110–432), is amended by
19 inserting after the item relating to section 420 the
20 following:

“Sec. 421. Safety standards for certain rail crews.”.

21 **SEC. 9511. YARDMASTERS HOURS OF SERVICE.**

22 (a) LIMITATIONS ON DUTY HOURS OF YARDMASTER
23 EMPLOYEES.—Section 21103 of title 49, United States
24 Code, is amended—

1 (1) in the section heading by inserting “**AND**
2 **YARDMASTER EMPLOYEES**” after “**TRAIN EM-**
3 **PLOYEES**”;

4 (2) by inserting “or yardmaster employee” after
5 “train employee” each place it appears; and

6 (3) in subsection (e) by inserting “or
7 yardmaster employee’s” after “During a train em-
8 ployee’s”.

9 (b) **DEFINITIONS.**—Section 21101 of title 49, United
10 States Code, is amended—

11 (1) in paragraph (3) by inserting “a yardmaster
12 employee,” after “dispatching service employee,”;
13 and

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

15 “(6) ‘yardmaster employee’ means an indi-
16 vidual responsible for supervising and coordi-
17 nating the control of trains and engines oper-
18 ating within a rail yard.”.

19 (c) **CONFORMING AMENDMENT.**—The analysis for
20 chapter 211 of title 49, United States Code, is amended
21 by striking the item relating to section 21103 and insert-
22 ing the following:

“21103. Limitations on duty hours of train employees and yardmaster employ-
ees.”.

1 **SEC. 9512. LEAKING BRAKES.**

2 (a) IN GENERAL.—The Administrator of the Federal
3 Railroad Administration shall take such actions as are
4 necessary to ensure that no DB–60 air brake control valve
5 manufactured before January 1, 2006, is equipped on a
6 rail car operating on—

7 (1) a unit train north of the 37th parallel on
8 or after August 1, 2022; or

9 (2) a non-unit train north of the 37th parallel
10 on or after August 1, 2024.

11 (b) REPORTS.—Not later than 1 year after the date
12 of enactment of this Act, and every year thereafter until
13 brake valves described in subsection (a) are no longer op-
14 erating on rail cars as required under subsection (a), the
15 Administrator shall transmit to the Committee on Trans-
16 portation and Infrastructure of the House of Representa-
17 tives and the Committee on Commerce, Science, and
18 Transportation of the Senate a report that identifies—

19 (1) the estimated number of such brake valves
20 on rail cars operating on—

21 (A) unit trains north of the 37th parallel;
22 and

23 (B) non-unit trains north of the 37th par-
24 allel;

25 (2) any issues affecting the industry’s progress
26 toward ensuring that such brake valves are phased

1 out in accordance with the requirements of sub-
2 section (a); and

3 (3) efforts the Administrator has taken since
4 the previous report to ensure such brake valves are
5 phased out in accordance with the requirements of
6 subsection (a).

7 (c) **ADDITIONAL VALVES.**—If the Administrator de-
8 termines that air brake control valves not covered under
9 subsection (a) demonstrate leakage in low temperatures
10 similar to the leakage exhibited by the air brake control
11 valve identified in subsection (a), the Administrator shall
12 ensure that the air brake control valves determined to be
13 demonstrating leakage under this subsection are phased
14 out in accordance with the requirements of subsection (a).

15 **SEC. 9513. ANNUAL REPORT ON PTC SYSTEM FAILURES.**

16 Section 20157 of title 49, United States Code, is
17 amended by adding at the end the following:

18 “(m) **ANNUAL REPORT OF SYSTEM FAILURES.**—Not
19 later than April 16 of each calendar year following the
20 date of an implementation deadline under subsection
21 (a)(1), each railroad shall submit to the Secretary a report
22 containing the number of positive train control system fail-
23 ures, separated by each major hardware category, that oc-
24 curred during the previous calendar year.”.

1 **SEC. 9514. FATIGUE REDUCTION PILOT PROJECTS.**

2 (a) SENSE OF CONGRESS.—It is the sense of Con-
3 gress that—

4 (1) maintaining the highest level of safety
5 across the nation’s railroad network is of critical im-
6 portance;

7 (2) ensuring the safety of rail transportation re-
8 quires the full attention of all workers engaged in
9 safety-critical functions;

10 (3) fatigue degrades an individual’s ability to
11 stay awake, alert, and attentive to the demands of
12 safe job performance;

13 (4) the cognitive impairments to railroad work-
14 ers that result from fatigue can cause dangerous sit-
15 uations that put workers and communities at risk;

16 (5) the Rail Safety Improvement Act of 2008
17 mandated that the Federal Railroad Administration
18 conduct two pilot projects to analyze specific prac-
19 tices that may be used to reduce fatigue in employ-
20 ees and as of the date of enactment of this Act, nei-
21 ther pilot project has commenced; and

22 (6) the Federal Railroad Administration should
23 coordinate with the industry and the workforce to
24 commence and complete the fatigue pilot projects
25 mandated in 2008.

1 (b) PILOT PROJECTS.—Section 21109(e) of title 49,
2 United States Code, is amended—

3 (1) by striking “Not later than 2 years after
4 the date of enactment of the Rail Safety Improve-
5 ment Act of 2008” and inserting “Not later than 1
6 year after the date of enactment of the TRAIN
7 Act”; and

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

9 “(3) COORDINATION.—The pilot projects re-
10 quired under subparagraph (1) shall be developed
11 and evaluated in coordination with the labor organi-
12 zation representing the class or craft of employees
13 impacted by the pilot projects.”.

14 (c) REIMBURSEMENT.—The Secretary of Transpor-
15 tation may reimburse railroads participating in the pilot
16 projects under 21109(e) of title 49, United States Code,
17 a share of the costs associated with the pilot projects, as
18 determined by the Secretary.

19 (d) REPORT.—

20 (1) IN GENERAL.—If the pilot projects required
21 under section 21109(e) of title 49, United States
22 Code, have not commenced on the date that is 1
23 year after the date of enactment of this Act, the
24 Secretary shall, not later than 1 year and 30 days
25 after the date of enactment of this Act, transmit to

1 the Committee on Transportation and Infrastructure
2 of the House of Representatives and the Committee
3 on Commerce, Science, and Transportation of the
4 Senate a report describing—

5 (A) the status of the pilot projects;

6 (B) actions the Federal Railroad Adminis-
7 tration has taken to commence the pilot
8 projects, including efforts to recruit participant
9 railroads;

10 (C) any challenges impacting the com-
11 mencement of the pilot projects; and

12 (D) any other details associated with the
13 development of the pilot projects that affect the
14 progress toward meeting the mandate of such
15 section.

16 **SEC. 9515. ASSAULT PREVENTION AND RESPONSE PLANS.**

17 (a) AMENDMENT.—Subchapter II of chapter 201 of
18 title 49, United States Code, as amended by this division,
19 is further amended by adding at the end the following:

20 **“§ 20170. Assault prevention and response plans**

21 “(a) IN GENERAL.—Not later than 180 days after
22 the date of enactment of the TRAIN Act, any entity that
23 provides regularly scheduled intercity or commuter rail
24 passenger transportation shall submit to the Secretary of
25 Transportation for review and approval an assault preven-

1 tion and response plan (in this section referred to as the
2 ‘Plan’) to address transportation assaults.

3 “(b) CONTENTS OF PLAN.—The Plan required under
4 subsection (a) shall include—

5 “(1) procedures that—

6 “(A) facilitate the reporting of a transpor-
7 tation assault, including the notification of on-
8 site personnel, rail law enforcement, and local
9 law enforcement;

10 “(B) personnel should follow up on the re-
11 porting of a transportation assault, including
12 actions to protect affected individuals from con-
13 tinued assault;

14 “(C) may be taken to remove the pas-
15 senger or personnel who has committed a trans-
16 portation assault from the train or related area
17 or facility as soon as practicable when appro-
18 priate;

19 “(D) include protections and safe reporting
20 practices for passengers who may have been as-
21 saulted by personnel; and

22 “(E) may limit or prohibit, to the extent
23 practicable, future travel with the entity de-
24 scribed in subsection (a) by any passenger or

1 personnel who commits a transportation assault
2 against personnel or passengers;

3 “(2) a policy that ensures an employee who is
4 a victim or witness of a transportation assault may
5 participate in the prosecution of a criminal offense
6 of such assault without any adverse effect on the vic-
7 tim’s or witnesses’ employment status; and

8 “(3) a process and timeline for conducting an
9 annual review and update of the Plan.

10 “(c) NOTICE TO PASSENGERS.—An entity described
11 under subsection (a) shall display onboard trains and in
12 boarding areas, as appropriate, a notice stating the enti-
13 ty’s abilities to restrict future travel under subsection
14 (b)(1)(E).

15 “(d) PERSONNEL TRAINING.—An entity described
16 under subsection (a) shall provide initial and annual train-
17 ing for all personnel on the contents of the Plan, including
18 training regarding—

19 “(1) the procedures described in subsection (b);

20 “(2) methods for responding to hostile situa-
21 tions, including de-escalation training; and

22 “(3) rights and responsibilities of personnel
23 with respect to a transportation assault on them-
24 selves, other personnel, or passengers.

1 “(e) PERSONNEL PARTICIPATION.—The Plan re-
2 quired under subsection (a) shall be developed and imple-
3 mented with the direct participation of personnel, and, as
4 applicable, labor organizations representing personnel.

5 “(f) REPORTING.—

6 “(1) INCIDENT NOTIFICATION.—

7 “(A) IN GENERAL.—Not later than 10
8 days after a transportation assault incident, the
9 applicable entity described in subsection (a)
10 shall notify personnel employed at the location
11 in which the incident occurred. In the case of
12 an incident on a vehicle, such entity shall notify
13 personnel regularly scheduled to carry out em-
14 ployment activities on the service route on
15 which the incident occurred.

16 “(B) CONTENT OF INCIDENT REPORT.—

17 The notification required under paragraph (1)
18 shall—

19 “(i) include a summary of the inci-
20 dent; and

21 “(ii) be written in a manner that pro-
22 tects the confidentiality of individuals in-
23 volved in the incident.

24 “(2) ANNUAL REPORT.—For each calendar
25 year, each entity with respect to which a transpor-

1 tation assault incident has been reported during
2 such year shall submit to the Secretary report that
3 describes—

4 “(A) the number of assault incidents re-
5 ported to the entity, including—

6 “(i) the number of incidents com-
7 mitted against passengers; and

8 “(ii) the number of incidents com-
9 mitted against personnel; and

10 “(B) the number of assault incidents re-
11 ported to rail or local law enforcement by per-
12 sonnel of the entity.

13 “(3) PUBLICATION.—The Secretary shall make
14 available to the public on the primary website of the
15 Federal Railroad Administration the data collected
16 under paragraph (2).

17 “(4) DATA PROTECTION.—Data made available
18 under this subsection shall be made available in a
19 manner that protects the confidentiality of individ-
20 uals involved in transportation assault incidents.

21 “(g) DEFINITION OF TRANSPORTATION ASSAULT.—
22 In this section, the term ‘transportation assault’ means
23 the occurrence, or reasonably suspected occurrence, of an
24 act that—

25 “(1) constitutes assault;

1 “(2) is committed by a passenger or member of
2 personnel of an entity that provides regularly sched-
3 uled intercity or commuter rail passenger transpor-
4 tation against another passenger or member of per-
5 sonnel of such entity; and

6 “(3) takes place—

7 “(A) within a vehicle of such entity; or

8 “(B) in an area in which passengers are
9 entering or exiting a vehicle described in sub-
10 paragraph (A); or

11 “(C) a station or facility where such entity
12 operates, regardless of ownership of the station
13 or facility.”.

14 (b) CONFORMING AMENDMENT.—The analysis for
15 subchapter II of chapter 201 of title 49, United States
16 Code, as amended by this division, is further amended by
17 adding at the end the following:

 “20170. Assault prevention and response plan.”.

18 **SEC. 9516. CRITICAL INCIDENT STRESS PLANS.**

19 The Secretary of Transportation shall issue such reg-
20 ulations as are necessary to amend part 272 of title 49,
21 Code of Federal Regulations, to ensure that—

22 (1) the coverage of a critical incident stress
23 plan under section 272.7 of such part includes em-
24 ployees of commuter railroads and intercity pas-
25 senger railroads, as such terms are defined in sec-

1 tion 272.9 of such part, who directly interact with
2 passengers; and

3 (2) assault and the witnessing of an assault
4 against an employee or train passenger is included
5 in the definition of critical incident under section
6 272.9 of such part.

7 **SEC. 9517. STUDY ON SAFETY CULTURE ASSESSMENTS.**

8 (a) IN GENERAL.—The Administrator of the Federal
9 Railroad Administration shall conduct a study on the fea-
10 sibility of expanding railroad safety culture assessments
11 and training to include assessments and training for work-
12 ers employed by tourist railroads, passenger railroads, and
13 commuter railroads.

14 (b) CONTENTS OF STUDY.—The study required
15 under subsection (a) shall include—

16 (1) an analysis on the need for the expansion;

17 (2) the resources required to carry out the addi-
18 tional assessments and training; and

19 (3) other potential safety challenges the initia-
20 tive could address.

21 (c) REPORT.—The Federal Railroad Administration
22 shall submit to the Committee on Transportation and In-
23 frastructure of the House of Representatives and the Com-
24 mittee on Commerce, Science, and Transportation of the

1 Senate a report on the results of the study conducted
2 under subsection (a).

3 **Subtitle B—Grade Crossing Safety**

4 **SEC. 9551. GRADE CROSSING SEPARATION GRANT.**

5 (a) IN GENERAL.—Subchapter II of chapter 201 of
6 title 49, United States Code, as amended by this division,
7 is further amended by adding at the end the following:

8 **“§ 20171. Grade crossing separation grants**

9 “(a) GENERAL AUTHORITY.—The Secretary of
10 Transportation shall make grants under this section to eli-
11 gible entities to assist in financing the cost of highway-
12 rail grade separation projects.

13 “(b) APPLICATION REQUIREMENTS.—To be eligible
14 for a grant under this section, an eligible entity shall sub-
15 mit to the Secretary an application in such form, in such
16 manner, and containing such information as the Secretary
17 may require, including—

18 “(1) an agreement between the entity that owns
19 or controls the right-of-way and the applicant ad-
20 dressing access to right-of-way throughout the
21 project; and

22 “(2) a cost-sharing agreement with the funding
23 amounts that the entity that owns or controls the
24 right-of-way shall contribute to the project, which

1 shall be not less than 10 percent of the total project
2 cost.

3 “(c) ELIGIBLE PROJECTS.—The following projects
4 are eligible to receive a grant under this section:

5 “(1) Installation, repair, or improvement of
6 grade crossing separations.

7 “(2) Grade crossing elimination incidental to el-
8 igible grade crossing separation projects.

9 “(3) Project planning, development, and envi-
10 ronmental work related to a project described in
11 paragraph (1) or (2).

12 “(d) PROJECT SELECTION CRITERIA.—

13 “(1) LARGE PROJECTS.—Of amounts made
14 available to carry out this section, not more than 50
15 percent shall be available for projects with total
16 costs of \$100,000,000 or greater.

17 “(2) CONSIDERATIONS.—In awarding grants
18 under this section, the Secretary—

19 “(A) shall give priority to projects that
20 maximize the safety benefits of Federal fund-
21 ing; and

22 “(B) may evaluate applications on the
23 safety profile of the existing crossing, 10-year
24 history of accidents at such crossing, inclusion
25 of the proposed project on a grade crossing

1 safety action plan, average automobile traffic,
2 freight and passenger train traffic, average
3 daily number of crossing closures, and prox-
4 imity of community resources, including
5 schools, hospitals, fire stations, police stations,
6 and emergency medical service facilities.

7 “(e) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

8 “(1) TOTAL PROJECT COSTS.—The Secretary
9 shall estimate the total costs of a project under this
10 section based on the best available information, in-
11 cluding any available engineering studies, studies of
12 economic feasibility, environmental analysis, and in-
13 formation on the expected use of equipment or facili-
14 ties.

15 “(2) FEDERAL SHARE.—The Federal share for
16 a project carried out under this section shall not ex-
17 ceed 85 percent.

18 “(f) GRANT CONDITIONS.—An eligible entity may not
19 receive a grant for a project under this section unless such
20 project is in compliance with section 22905, except that
21 22905(b) shall only apply to a person that conducts rail
22 operations.

23 “(g) TWO YEAR LETTERS OF INTENT.—

24 “(1) IN GENERAL.—The Secretary shall, to the
25 maximum extent practicable, issue a letter of intent

1 to a recipient of a grant under subsection (d)(1)
2 that—

3 “(A) announces an intention to obligate for
4 no more than 2 years, for a major capital
5 project under subsection (d)(1), an amount that
6 is not more than the amount stipulated as the
7 financial participation of the Secretary for the
8 project; and

9 “(B) states that the contingent commit-
10 ment—

11 “(i) is not an obligation of the Fed-
12 eral Government; and

13 “(ii) is subject to the availability of
14 appropriations for grants under this sec-
15 tion and subject to Federal laws in force or
16 enacted after the date of the contingent
17 commitment.

18 “(2) CONGRESSIONAL NOTIFICATION.—

19 “(A) IN GENERAL.—Not later than 3 days
20 before issuing a letter of intent under para-
21 graph (1), the Secretary shall submit written
22 notification to—

23 “(i) the Committee on Transportation
24 and Infrastructure of the House of Rep-
25 resentatives;

1 “(ii) the Committee on Appropriations
2 of the House of Representatives;

3 “(iii) the Committee on Appropria-
4 tions of the Senate; and

5 “(iv) the Committee on Commerce,
6 Science, and Transportation of the Senate.

7 “(B) CONTENTS.—The notification sub-
8 mitted under subparagraph (A) shall include—

9 “(i) a copy of the letter of intent;

10 “(ii) the criteria used under sub-
11 section (b) for selecting the project for a
12 grant; and

13 “(iii) a description of how the project
14 meets such criteria.

15 “(h) APPROPRIATIONS REQUIRED.—An obligation or
16 administrative commitment may be made under subsection
17 (g) only after amounts are appropriated for such purpose.

18 “(i) DEFINITIONS.—In this section:

19 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
20 tity’ means—

21 “(A) a State;

22 “(B) a public agency or publicly chartered
23 authority;

24 “(C) a metropolitan planning organization;

25 “(D) a political subdivision of a State; and

1 “(E) a Tribal government.

2 “(2) METROPOLITAN PLANNING ORGANIZA-
3 TION.—The term ‘metropolitan planning organiza-
4 tion’ has the meaning given such term in section
5 134(b) of title 23.

6 “(3) STATE.—The term ‘State’ means a State
7 of the United States or the District of Columbia.”.

8 (b) CLERICAL AMENDMENT.—The analysis for sub-
9 chapter II of chapter 201 of title 49, United States Code,
10 as amended by this division, is further amended by adding
11 at the end the following:

“20171. Grade crossing separation grants.”.

12 **SEC. 9552. RAIL SAFETY PUBLIC AWARENESS GRANT.**

13 (a) IN GENERAL.—Subchapter II of chapter 201 of
14 title 49, United States Code, as amended by this division,
15 is further amended by adding at the end the following:

16 **“§ 20172. Rail safety public awareness grants**

17 “(a) GRANT.—The Administrator of the Federal
18 Railroad Administration shall make grants to eligible enti-
19 ties to carry out public information and education pro-
20 grams to help prevent and reduce rail-related pedestrian,
21 motor vehicle, and other accidents, incidents, injuries, and
22 fatalities, and to improve awareness along railroad rights-
23 of-way and at railway-highway grade crossings.

24 “(b) APPLICATION.—To be eligible to receive a grant
25 under this section, an eligible entity shall submit to the

1 Administrator an application in such form, in such man-
2 ner, and containing such information as the Secretary may
3 require.

4 “(c) CONTENTS.—Programs eligible for a grant
5 under this section—

6 “(1) shall include, as appropriate—

7 “(A) development, placement, and dissemi-
8 nation of public service announcements in ap-
9 propriate media;

10 “(B) school presentations, driver safety
11 education, materials, and public awareness cam-
12 paigns; and

13 “(C) disseminating information to the pub-
14 lic on how to identify and report to the appro-
15 priate authorities unsafe or malfunctioning
16 highway-rail grade crossings; and

17 “(2) may include targeted and sustained out-
18 reach in communities at greatest risk to develop
19 measures to reduce such risk.

20 “(d) COORDINATION.—Eligible entities shall coordi-
21 nate program activities with local communities, law en-
22 forcement and emergency responders, and rail carriers, as
23 appropriate, and ensure consistency with State highway-
24 rail grade crossing action plans required under section
25 11401(b) of the FAST Act (49 U.S.C. 22501 note) and

1 the report titled ‘National Strategy to Prevent Tres-
2 passing on Railroad Property’ issued by the Federal Rail-
3 road Administration in October 2018.

4 “(e) PRIORITIZATION.—In awarding grants under
5 this section, the Administrator shall give priority to appli-
6 cations for programs that—

7 “(1) are nationally recognized;

8 “(2) are targeted at schools in close proximity
9 to railroad rights-of-way;

10 “(3) partner with nearby railroad carriers; or

11 “(4) focus on communities with a recorded his-
12 tory of repeated pedestrian and motor vehicle acci-
13 dents, incidents, injuries, and fatalities at highway-
14 rail grade crossings and along railroad rights-of-way.

15 “(f) DEFINITIONS.—In this section:

16 “(1) ELIGIBLE ENTITY.—the term ‘eligible enti-
17 ty’ means—

18 “(A) a nonprofit organization;

19 “(B) a State;

20 “(C) a political subdivision of a State; and

21 “(D) a public law enforcement agency or
22 emergency response organization.

23 “(2) STATE.—The term ‘State’ means a State
24 of the United States, the District of Columbia, and
25 Puerto Rico.”.

1 (b) CLERICAL AMENDMENT.—The analysis for sub-
2 chapter II of chapter 201 of title 49, United States Code,
3 as amended by this division, is further amended by adding
4 at the end the following:

“20172. Rail safety public awareness grants.”.

5 **SEC. 9553. ESTABLISHMENT OF 10-MINUTE TIME LIMIT FOR**
6 **BLOCKING PUBLIC GRADE CROSSINGS.**

7 (a) IN GENERAL.—Subchapter II of chapter 201 of
8 title 49, United States Code, as amended by this division,
9 is further amended by adding at the end the following:

10 **“§ 20173. Time limit for blocking a rail crossing**

11 “(a) TIME LIMIT.—A train, locomotive, railroad car,
12 or other rail equipment is prohibited from blocking a
13 crossing for more than 10 minutes, unless the train, loco-
14 motive, or other equipment is directly delayed by—

15 “(1) a casualty or serious injury;

16 “(2) an accident;

17 “(3) a track obstruction;

18 “(4) an act of God; or

19 “(5) a derailment or a major equipment failure
20 that prevents the train from advancing.

21 “(b) CIVIL PENALTY.—The Secretary of Transpor-
22 tation may issue civil penalties for violations of subsection
23 (a) in accordance with section 21301.

24 “(c) DELEGATION.—The Secretary may delegate en-
25 forcement actions under subsection (b) to States either

1 through a State inspector certified by the Federal Rail-
2 road Administration, or other law enforcement officials as
3 designated by the States and approved by the Administra-
4 tion. The Secretary shall issue guidance or regulations not
5 later than 1 year after the date of enactment on the cri-
6 teria and process for States to gain approval under this
7 section.

8 “(d) APPLICATION TO AMTRAK AND COMMUTER
9 RAILROADS.—This section shall not apply to Amtrak or
10 commuter authorities, including Amtrak and commuter
11 authorities’ operations run or dispatched by a Class I rail-
12 road.

13 “(e) DEFINITIONS.—In this section:

14 “(1) CROSSING.—The term ‘crossing’ means a
15 location within a State in which a public highway,
16 road, or street, including associated sidewalks and
17 pathways, crosses 1 or more railroad tracks either at
18 grade or grade-separated.

19 “(2) BLOCKED CROSSING.—The term ‘blocked
20 crossing’ means a circumstance in which a train, lo-
21 comotive, railroad car, or other rail equipment is
22 stopped in a manner that obstructs public travel at
23 a crossing.”.

24 (b) CLERICAL AMENDMENT.—The analysis for sub-
25 chapter II of chapter 201 of title 49, United States Code,

1 is further amended by adding at the end the following new
2 item:

“20173. Time limit for blocking a rail crossing.”.

3 **SEC. 9554. NATIONAL STRATEGY TO ADDRESS BLOCKED**
4 **CROSSINGS.**

5 (a) IN GENERAL.—Not later than 18 months after
6 the date of enactment of this Act, the Secretary of Trans-
7 portation shall submit to the Committee on Transpor-
8 tation and Infrastructure of the House of Representatives
9 and the Committee on Commerce, Science, and Transpor-
10 tation of the Senate, and make publicly available on the
11 website of the Department of Transportation, a report
12 containing a national strategy to address blocked cross-
13 ings.

14 (b) PUBLIC LAW 116–94.—The strategy required
15 under subsection (a) shall incorporate the recommenda-
16 tions and briefing described in the report accompanying
17 the Department of Transportation Appropriations Act,
18 2020 (Public Law 116–94) with respect to the amounts
19 provided under the heading “Federal Railroad Adminis-
20 tration—Safety and Operations”.

21 (c) REPORT CONTENTS.—The strategy required
22 under subsection (a) shall include an analysis of the fol-
23 lowing topics, including any specific legislative or regu-
24 latory recommendations:

1 (1) How best to engage the public, representa-
2 tives of labor organizations representing railroad em-
3 ployees, law enforcement officers, highway traffic of-
4 ficials, or other employees of a public agency acting
5 in an official capacity to identify and address
6 blocked crossings.

7 (2) How technology and positive train control
8 system data can be used to identify and address in-
9 stances of blocked crossings.

10 (3) How to identify and address instances of
11 blocked crossings at crossings with passive or no
12 warning devices.

13 (4) How best to use the data collected under a
14 webpage established by the Secretary for the public
15 and law enforcement to report instances of blocked
16 crossings, including whether such data should be
17 verified by each rail carrier or incorporated into the
18 national crossing inventory established under section
19 20160 of title 49, United States Code.

20 (d) UPDATING STRATEGY.—The Secretary shall
21 evaluate the strategy developed under this section not less
22 than every 5 years, and update it as needed.

23 (e) DEFINITIONS.—In this section:

24 (1) BLOCKED CROSSING.—The term “blocked
25 crossing” means a circumstance in which a train, lo-

1 comotive, railroad car, or other rail equipment is
2 stopped in a manner that obstructs public travel at
3 a crossing.

4 (2) POSITIVE TRAIN CONTROL SYSTEM.—The
5 term “positive train control system” has the mean-
6 ing given the term in section 20157(i) of title 49,
7 United States Code.

8 **SEC. 9555. RAILROAD POINT OF CONTACT FOR BLOCKED**
9 **CROSSING MATTERS.**

10 Section 20152 of title 49, United States Code, is
11 amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1)—

14 (i) in subparagraph (C) by striking
15 “or” at the end;

16 (ii) by redesignating subparagraph
17 (D) as subparagraph (E); and

18 (iii) by inserting the following after
19 subparagraph (C):

20 “(D) blocked crossings; or”;

21 (B) in paragraph (4)—

22 (i) by striking “paragraph (1)(C) or
23 (D)” and inserting “subparagraph (C),
24 (D), or (E) of paragraph (1)”;

25 (ii) by striking “and” at the end;

1 (C) in paragraph (5) by striking the period
2 at the end and inserting “; and” ; and

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

4 “(6) promptly inform the Secretary if the num-
5 ber required to be established under subsection (a)
6 has changed and report the new number to the Sec-
7 retary.”; and

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

9 “(c) PUBLICATION OF TELEPHONE NUMBERS.—The
10 Secretary shall make any telephone number established
11 under subsection (a) publicly available on the website of
12 the Department of Transportation.”.

Amend the title so as to read: “A bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.”.

