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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R.

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

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

1 (b) TABLE OF CONTENTS.—The table of contents for
2 this Act is as follows:

Sec. 1. Short title; table of contents.

DIVISION A—FEDERAL SURFACE TRANSPORTATION PROGRAMS
FOR FISCAL YEAR 2021

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

DIVISION B—SURFACE TRANSPORTATION

Sec. 1001. Applicability of division.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Program Conditions

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

Subtitle B—Programmatic Infrastructure Investment

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

Subtitle C—Project-Level Investments

- Sec. 1301. Projects of national and regional significance.
- Sec. 1302. Community transportation investment grant program.
- Sec. 1303. Grants for charging and fueling infrastructure to modernize and re-connect America for the 21st century.
- Sec. 1304. Community climate innovation grants.
- Sec. 1305. Metro performance program.
- Sec. 1306. Gridlock reduction grant program.
- Sec. 1307. Rebuild rural grant program.
- Sec. 1308. Parking for commercial motor vehicles.
- Sec. 1309. Active transportation connectivity grant program.

Subtitle D—Planning, Performance Management, and Asset Management

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

Subtitle E—Federal Lands, Tribes, and Territories

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

Subtitle F—Additional Provisions

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

TITLE II—PUBLIC TRANSPORTATION

Subtitle A—Federal Transit Administration

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

Subtitle B—Improving Frequency and Ridership

- Sec. 2201. Multi-jurisdictional bus frequency and ridership competitive grants.
- Sec. 2202. Incentivizing frequency in the urban formula.
- Sec. 2203. Mobility innovation.
- Sec. 2204. Formula grants for rural areas.
- Sec. 2205. One-stop paratransit program.

Subtitle C—Buy America and Other Procurement Reforms

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

Subtitle D—Bus Grant Reforms

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

Subtitle E—Supporting All Riders

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

Subtitle F—Supporting Frontline Workers and Passenger Safety

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

Subtitle G—Transit-Supportive Communities

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

Subtitle H—Innovation

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

Subtitle I—Other Program Reauthorizations

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

Subtitle J—Streamlining

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

TITLE III—HIGHWAY TRAFFIC SAFETY

- Sec. 3001. Authorization of appropriations.
- Sec. 3002. Highway safety programs.
- Sec. 3003. Traffic safety enforcement grants.
- Sec. 3004. Highway safety research and development.
- Sec. 3005. Grant program to prohibit racial profiling.
- Sec. 3006. High-visibility enforcement program.
- Sec. 3007. National priority safety programs.
- Sec. 3008. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.
- Sec. 3009. National priority safety program grant eligibility.

TITLE IV—MOTOR CARRIER SAFETY

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

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

Subtitle B—Motor Carrier Safety Oversight

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

Subtitle C—Commercial Motor Vehicle Driver Safety

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

Subtitle D—Commercial Motor Vehicle and School Bus Safety

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

TITLE V—INNOVATION

- Sec. 5001. Authorization of appropriations.

Subtitle A—Research and Development

- Sec. 5101. Highway research and development program.
- Sec. 5102. Materials to reduce greenhouse gas emissions program.
- Sec. 5103. Transportation research and development 5-year strategic plan.
- Sec. 5104. University transportation centers program.
- Sec. 5105. Unsolicited research initiative.

- Sec. 5106. National cooperative multimodal freight transportation research program.
- Sec. 5107. Wildlife-vehicle collision reduction and habitat connectivity improvement.
- Sec. 5108. Research activities.

Subtitle B—Technology Deployment

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

Subtitle C—Emerging Technologies

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

Subtitle D—Surface Transportation Funding Pilot Programs

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

Subtitle E—Miscellaneous

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

TITLE VI—MULTIMODAL TRANSPORTATION

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

TITLE VII—TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT

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

DIVISION C—HAZARDOUS MATERIALS TRANSPORTATION

- Sec. 8001. Short title.

TITLE I—AUTHORIZATIONS

- Sec. 8101. Authorization of appropriations.

TITLE II—HAZARDOUS MATERIALS SAFETY AND IMPROVEMENT

- Sec. 8201. Repeal of certain requirements related to lithium cells and batteries.
- Sec. 8202. Transportation of liquefied natural gas by rail tank car.
- Sec. 8203. Hazardous materials training requirements and grants.
- Sec. 8204. Study on hazardous materials transported by commercial motor vehicles on highway-rail grade crossings.

DIVISION D—RAIL

- Sec. 9001. Short title.

TITLE I—AUTHORIZATIONS

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

TITLE II—AMTRAK REFORMS

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

TITLE III—INTERCITY PASSENGER RAIL POLICY

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

TITLE IV—COMMUTER RAIL POLICY

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

TITLE V—RAIL SAFETY

Subtitle A—Passenger and Freight Safety

- Sec. 9501. National Academies study on safety impact of trains longer than 7,500 feet.
- Sec. 9502. GAO study on changes in freight railroad operating and scheduling practices.
- Sec. 9503. FRA safety reporting.
- Sec. 9504. Waiver notice requirements.
- Sec. 9505. Notice of FRA comprehensive safety assessments.
- Sec. 9506. FRA accident and incident investigations.
- Sec. 9507. Rail safety improvements.
- Sec. 9508. Annual review of speed limit action plans.
- Sec. 9509. Freight train crew size safety standards.
- Sec. 9510. Safe cross border operations.
- Sec. 9511. Yardmasters hours of service.
- Sec. 9512. Leaking brakes.
- Sec. 9513. Annual report on PTC system failures.
- Sec. 9514. Fatigue reduction pilot projects.
- Sec. 9515. Assault prevention and response plans.
- Sec. 9516. Critical incident stress plans.
- Sec. 9517. Study on safety culture assessments.

Subtitle B—Grade Crossing Safety

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

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

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

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

9 (1) **IN GENERAL.—**Except as otherwise pro-
10 vided in this division, the requirements, authorities,
11 conditions, eligibilities, limitations, and other provi-
12 sions authorized under the covered laws, which

1 would otherwise expire on or cease to apply after
2 September 30, 2020, are incorporated by reference
3 and shall continue in effect through September 30,
4 2021.

5 (2) AUTHORIZATION OF APPROPRIATIONS.—

6 (A) HIGHWAY TRUST FUND.—

7 (i) HIGHWAY ACCOUNT.—

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

20 (II) ADMINISTRATIVE EX-
21 PENSES.—Notwithstanding any other
22 provision of this division, there is au-
23 thorized to be appropriated from the
24 Highway Account for fiscal year
25 2021—

1 (aa) \$502,897,049 for ad-
2 ministrative expenses of the Fed-
3 eral Highway Administration, as
4 described in section 104(a) of
5 title 23, United States Code; and

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

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

22 (B) GENERAL FUND.—

23 (i) IN GENERAL.—Except as provided
24 in clause (ii), there is authorized to be ap-
25 propriated for fiscal year 2021, for each

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

10 (ii) ADMINISTRATIVE EXPENSES.—
11 Notwithstanding any other provision of
12 this division, there is authorized to be ap-
13 propriated from the general fund of the
14 Treasury for fiscal year 2021
15 \$140,016,543 for administrative expenses
16 of the Federal Transit Administration.

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

1 (4) OBLIGATION LIMITATION.—A program for
2 which amounts are authorized to be appropriated
3 under paragraph (2)(A) shall be subject to a limita-
4 tion on obligations for fiscal year 2021 in the same
5 amount and in the same manner as the limitation
6 applicable with respect to the program for fiscal year
7 2020 under the Department of Transportation Ap-
8 propriations Act, 2020 (Public Law 116–94), as in
9 effect on December 20, 2019.

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

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

14 (2) Division A, division B, subtitle A of title I
15 and title II of division C, and division E of MAP–
16 21 (Public Law 112–141).

17 (3) Titles I, II, and III of the SAFETEA–LU
18 Technical Corrections Act of 2008 (Public Law 110–
19 244).

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

22 (5) Titles I, II, III, IV, and V of the Transpor-
23 tation Equity Act for the 21st Century (Public Law
24 105–178).

1 (6) Titles II, III, and IV of the National High-
2 way System Designation Act of 1995 (Public Law
3 104–59).

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

8 (8) Title 23, United States Code.

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

12 **SEC. 102. FEDERAL HIGHWAY ADMINISTRATION.**

13 (a) ADDITIONAL AMOUNTS.—

14 (1) AUTHORIZATION OF APPROPRIATIONS.—

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

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

25 (2) OBLIGATION CEILING.—

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

5 (B) DISTRIBUTION OF OBLIGATION AU-
6 THORITY.—

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

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

1 (C) REDISTRIBUTION OF UNUSED OBLIGA-
2 TION AUTHORITY.—

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

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

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

22 (ii) ADMINISTRATION.—The Secretary
23 shall administer a redistribution under
24 clause (i) of obligation authority provided

1 under subparagraph (B) in a similar man-
2 ner as the standard August redistribution.

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

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

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

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

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

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

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

18 (4) STATE FUNDS.—

19 (A) DISTRIBUTION.—

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

1 (ii) SUBALLOCATION.—

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

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

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

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

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

1 (bb) areas of the State other
2 than urban areas with a popu-
3 lation greater than 5,000; and

4 (cc) other areas of the State.

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

10 (C) USE OF FUNDS.—Amounts made avail-
11 able under paragraph (3)(A) may be obligated
12 for—

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

17 (ii) administrative expenses, including
18 salaries and benefits, of—

19 (I) the State department of
20 transportation;

21 (II) a local transportation agen-
22 cy; or

23 (III) a metropolitan planning or-
24 ganization.

25 (5) TRIBAL FUNDS.—

1 (A) TREATMENT.—

2 (i) IN GENERAL.—Except as otherwise
3 provided in this paragraph, amounts made
4 available under paragraph (3)(B) shall be
5 administered as if made available under
6 section 202 of title 23, United States
7 Code.

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

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

17 (i) activities eligible under section
18 202(a)(1) of title 23, United States Code;
19 and

20 (ii) transportation-related administra-
21 tive expenses, including salaries and bene-
22 fits, of the Tribe.

23 (6) FUNDS FOR PUERTO RICO AND THE TERRI-
24 TORIES.—

25 (A) TREATMENT.—

1 (i) IN GENERAL.—Except as otherwise
2 provided in this paragraph, amounts made
3 available under paragraphs (3)(C) and
4 (3)(D) shall be administered as if allocated
5 under sections 165(b) and 165(c), respec-
6 tively, of title 23, United States Code.

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

12 (B) USE OF FUNDS.—

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

16 (I) activities eligible under chap-
17 ter 1 of title 23, United States Code;
18 and

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

22 (ii) TERRITORIES.—Amounts made
23 available to a territory under paragraph
24 (3)(D) may be obligated for—

1 (I) activities eligible under sec-
2 tion 165(c)(6) of title 23, United
3 States Code, subject to section
4 165(c)(7) of such title; and

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

8 (7) FEDERAL LAND MANAGEMENT AGENCY
9 FUNDS.—

10 (A) DISTRIBUTION.—Amounts made avail-
11 able under paragraph (3)(E) shall be distrib-
12 uted among the Federal land management
13 agencies as follows:

14 (i) \$99,494,147 for the National Park
15 Service.

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

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

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

24 (B) TREATMENT.—Amounts made avail-
25 able under paragraph (3)(E) shall be adminis-

1 tered as if made available under section 203 of
2 title 23, United States Code.

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

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

8 (1) SUBALLOCATED AMOUNTS.—

9 (A) USE OF FUNDS.—Amounts authorized
10 to be appropriated for fiscal year 2021 with re-
11 spect to a program under section 101(a)(2)(A)
12 that are suballocated pursuant to section
13 133(d)(1)(A) of title 23, United States Code,
14 may be obligated for—

15 (i) eligible projects as described in
16 section 133(b) of title 23, United States
17 Code; or

18 (ii) administrative expenses, including
19 salaries and benefits, of—

20 (I) a local transportation agency;

21 or

22 (II) a metropolitan planning or-
23 ganization.

24 (B) OBLIGATION AUTHORITY.—

1 (i) IN GENERAL.—A State that is re-
2 quired to obligate in an urbanized area
3 with an urbanized area population of over
4 200,000 individuals under section 133(d)
5 of title 23, United States Code, funds ap-
6 portioned to the State under section
7 104(b)(2) of such title shall make available
8 during the period of fiscal years 2016
9 through 2021 an amount of obligation au-
10 thority distributed to the State for Fed-
11 eral-aid highways and highway safety con-
12 struction programs for use in the area that
13 is equal to the amount obtained by multi-
14 plying—

15 (I) the aggregate amount of
16 funds that the State is required to ob-
17 ligate in the area under section
18 133(d) of title 23, United States
19 Code, during the period; and

20 (II) the ratio that—

21 (aa) the aggregate amount
22 of obligation authority distrib-
23 uted to the State for Federal-aid
24 highways and highway safety

1 construction programs during the
2 period; bears to

3 (bb) the total of the sums
4 apportioned to the State for Fed-
5 eral-aid highways and highway
6 safety construction programs (ex-
7 cluding sums not subject to an
8 obligation limitation) during the
9 period.

10 (ii) **JOINT RESPONSIBILITY.**—Each
11 State, each affected metropolitan planning
12 organization, and the Secretary shall joint-
13 ly ensure compliance with clause (i).

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

20 (A) in accordance with sections 129(c) and
21 147 of title 23, United States Code;

22 (B) for administrative expenses, including
23 salaries and benefits, of a ferry boat operator or
24 ferry terminal facility operator eligible for Fed-

1 eral participation under section 129(e) of title
2 23, United States Code; and

3 (C) for operating costs associated with a
4 ferry boat or ferry terminal facility eligible for
5 Federal participation under section 129(e) of
6 title 23, United States Code.

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

13 (A) **MULTIMODAL PROJECTS.**—Notwith-
14 standing subsection (d)(2)(A) of such section,
15 the limitation for projects described in such
16 subsection shall be \$600,000,000 for fiscal
17 years 2016 through 2021.

18 (B) **ADDITIONAL CONSIDERATIONS.**—Not-
19 withstanding subsection (h)(2) of such section,
20 the Secretary shall not consider the utilization
21 of non-Federal contributions.

22 (C) **EVALUATION AND RATING.**—To evalu-
23 ate applications for funding under such section,
24 the Secretary shall—

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

3 (ii) evaluate, through a methodology
4 that is discernible and transparent to the
5 public, how each application addresses the
6 merit criteria established by the Secretary;

7 (iii) assign a quality rating for each
8 merit criteria for each application based on
9 the evaluation under clause (ii);

10 (iv) ensure that applications receive
11 final consideration by the Secretary to re-
12 ceive an award under such section only on
13 the basis of such quality ratings and that
14 the Secretary gives final consideration only
15 to applications that meet the minimally ac-
16 ceptable level for each of the merit criteria;
17 and

18 (v) award grants only to projects
19 rated highly under the evaluation and rat-
20 ing process.

21 (D) PUBLICATION AND METHODOLOGY.—

22 In any published notice of funding opportunity
23 for a grant under such section, the Secretary
24 shall include detailed information on the rating

1 methodology and merit criteria to be used to
2 evaluate applications.

3 (E) REPEAT APPLICATIONS.—

4 (i) BRIEFING.—The Secretary shall
5 provide to each applicant that applied for,
6 but did not receive, funding under such
7 section in fiscal year 2019 or 2020, at the
8 request of the applicant, the opportunity to
9 receive a briefing to—

10 (I) explain any reasons the appli-
11 cation was not selected for funding;
12 and

13 (II) advise the applicant on how
14 to improve the application for resub-
15 mission in fiscal year 2021 under the
16 application criteria described in this
17 paragraph.

18 (ii) SUPPLEMENTARY APPLICATION.—

19 (I) IN GENERAL.—An applicant
20 for funding under such section may
21 elect to resubmit an application from
22 a previous solicitation with a supple-
23 mentary appendix that describes how
24 the proposed project meets the re-
25 quirements of section 117 of title 23,

1 United States Code, and this para-
2 graph.

3 (II) REQUIREMENTS.—The Sec-
4 retary shall ensure that applications
5 submitted under subclause (I), includ-
6 ing the supplementary appendix, are
7 evaluated based on such requirements.

8 (F) CONGRESSIONAL NOTIFICATION.—A
9 notification submitted pursuant to subsection
10 (m) of such section shall include—

11 (i) a summary of each application
12 submitted and, at the request of either
13 Committee, a copy of any application sub-
14 mitted;

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

17 (iii) a description of the specific cri-
18 teria used for each evaluation, including
19 the quality rating assigned for each eligible
20 application submitted;

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

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

25 (c) FEDERAL SHARE.—

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

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

13 (3) EXCEPTIONS.—Paragraph (1) shall not
14 apply to amounts obligated under section 115 or 117
15 of title 23, United States Code, or chapter 6 of such
16 title.

17 (d) ADMINISTRATIVE EXPENSES.—

18 (1) SELF-CERTIFICATION AND AUDIT.—

19 (A) IN GENERAL.—Prior to the obligation
20 of funds for administrative expenses pursuant
21 to paragraph (4)(C)(ii), (5)(B)(ii), (6)(B)(i)(II),
22 or (6)(B)(ii)(II) of subsection (a) or paragraphs
23 (1)(A)(ii) and (2)(B) of subsection (b), a State,
24 a Tribe, Puerto Rico, or a territory, as applica-
25 ble, shall certify to the Secretary that such ad-

1 ministrative expenses meet the requirements of
2 such paragraphs, as applicable.

3 (B) AUDIT.—The Secretary may conduct
4 an audit to review obligations of funds and liq-
5 uidation of such obligations for eligible adminis-
6 trative expenses described under subparagraph
7 (A).

8 (2) PLANNING.—Notwithstanding any other
9 provision of law, administrative expenses described
10 in paragraph (1)(A) shall not be required to be in-
11 cluded in a metropolitan transportation plan, a long-
12 range statewide transportation plan, a transpor-
13 tation improvement program, or a statewide trans-
14 portation improvement program under sections 134
15 or 135 of title 23, United States Code, or chapter
16 53 of title 49, United States Code, as applicable.

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

19 (1) STANDARD AUGUST REDISTRIBUTION.—The
20 term “standard August redistribution” means the
21 redistribution of obligation authority and amounts
22 that the Secretary is directed to administer under—

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

1 (B) any Act making appropriations for the
2 Department of Transportation for fiscal year
3 2021.

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

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

8 (A) American Samoa.

9 (B) The Commonwealth of the Northern
10 Mariana Islands.

11 (C) Guam.

12 (D) The United States Virgin Islands.

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

17 **SEC. 103. FEDERAL TRANSIT ADMINISTRATION.**

18 (a) ADDITIONAL AMOUNTS.—

19 (1) AUTHORIZATION OF APPROPRIATIONS FROM
20 MASS TRANSIT ACCOUNT.—

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

1 (B) APPORTIONMENT.—Amounts author-
2 ized under subparagraph (A) shall be appor-
3 tioned in accordance with section 5310, section
4 5311 (other than subsections (b)(3), (c)(1)(A),
5 and (c)(2) of such section), section 5336 (other
6 than subsection (h)(4) of such section), section
7 5337, and section 5340 of title 49, United
8 States Code, except that funds apportioned
9 under section 5337 of such title shall be added
10 to funds apportioned under section 5307 of
11 such title for administration under section 5307
12 of such title.

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

20 (2) AUTHORIZATION OF APPROPRIATIONS FROM
21 GENERAL FUND.—In addition to amounts authorized
22 under section 101(a)(1)(B), there is authorized to be
23 appropriated from the general fund of the Treas-
24 ury—

1 (A) \$958,000,000 to carry out section
2 5309 of title 49, United States Code; and

3 (B) such sums as may be necessary to be
4 made available as described in subsection (c)
5 and that such sums shall be designated by the
6 Congress as being for an emergency require-
7 ment pursuant to section 251(b)(2)(A)(i) of the
8 Balanced Budget and Emergency Deficit Con-
9 trol Act of 1985.

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

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

15 (1) USE OF FUNDS.—Notwithstanding
16 5307(a)(1) of title 49, United States Code, amounts
17 made available under subsection (a)(1)(A) may be
18 obligated for—

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

21 (i) reimbursement for operating costs
22 to maintain service and offset lost revenue,
23 including the purchase of personal protec-
24 tive equipment; and

1 (ii) paying the administrative leave of
2 operations personnel due to reductions in
3 service; and

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

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

9 (A) not require that operating expenses de-
10 scribed in paragraph (1)(A) be included in a
11 metropolitan transportation plan, long-range
12 statewide transportation plan, a transportation
13 improvement program, or a statewide transpor-
14 tation improvement program;

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

17 (C) to the maximum extent possible, be di-
18 rected to payroll and public transit service, un-
19 less the recipient certifies to the Secretary that
20 such recipient has not furloughed any employ-
21 ees.

22 (3) OVERSIGHT.—

23 (A) Of the amounts made available to
24 carry out this section, the percentages available
25 for oversight in section 5338(f)(1) of title 49,

1 United States Code, shall apply to the alloca-
2 tions of funds in subsection (a)(1)(C).

3 (B) USE OF FUNDS.—Amounts made
4 available under subsection (a)(1)(A) shall be
5 available for administrative expenses and pro-
6 gram management oversight as authorized
7 under sections 5334 and 5338(f)(2) of title 49,
8 United States Code.

9 (4) ADMINISTRATION OF GRANTS.—Amounts
10 made available under subsection (a)(1)(A) shall be
11 administered, at the option of the recipient, as
12 grants provided under the CARES Act (Public Law
13 116–136) are administered.

14 (c) CIG COVID–19 EMERGENCY RELIEF PRO-
15 GRAM.—

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

23 (A) 5309(d) of title 49, United States
24 Code, that has been approved for advancement
25 into the engineering phase;

1 (B) 5309(e) of title 49, United States
2 Code, that has entered into the project develop-
3 ment phase or approved for advancement into
4 the engineering phase; and

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

9 (2) PROJECT ELIGIBILITY.—From amounts
10 made available under subsection (a)(2)(B), the Sec-
11 retary shall use such sums as may be necessary for
12 projects under section 5309 of title 49, United
13 States Code, that—

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

16 (B) have remaining scheduled Federal
17 funds to be appropriated under a full funding
18 grant agreement under such section.

19 (3) DEFERRED LOCAL SHARE.—The Secretary
20 shall allow a project sponsor to defer payment of the
21 local share for any project described in paragraphs
22 (1) and (2).

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

- 1 (A) the full funding grant agreement;
2 (B) the approval into project engineering;
3 or
4 (C) the project rating for a project not yet
5 approved into project engineering.

6 (d) FEDERAL SHARE.—

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

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

20 (e) CONDITION FOR APPORTIONMENT.—No funds
21 authorized in this division or any other Act may be used
22 to adjust Mass Transit Account apportionments or with-
23 hold funds from Mass Transit Account apportionments
24 pursuant to section 9503(e)(4) of the Internal Revenue
25 Code of 1986 in fiscal year 2021.

1 **SEC. 104. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINIS-**
2 **TRATION.**

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

4 (1) IN GENERAL.—

5 (A) AUTHORIZATION OF APPROPRIA-
6 TIONS.—In addition to amounts authorized
7 under section 101, there is authorized to be ap-
8 propriated from the Highway Account for fiscal
9 year 2021, for activities under this subsection,
10 \$244,514,000.

11 (B) CONTRACT AUTHORITY.—Amounts au-
12 thorized under subparagraph (A) shall be avail-
13 able for obligation in the same manner as if
14 such funds were apportioned under chapter 1 of
15 title 23, United States Code.

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

19 (A) \$105,000,000 for carrying out section
20 402 of title 23, United States Code.

21 (B) \$15,312,000 for carrying out section
22 403 of title 23, United States Code.

23 (C) \$19,202,000 for carrying out section
24 404 of title 23, United States Code.

25 (D) \$105,000,000 for carrying out section
26 405 of title 23, United States Code.

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

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

9 (2) PERIOD OF AVAILABILITY.—Notwith-
10 standing section 118(b) of title 23, United States
11 Code, funds apportioned or allocated to a State in
12 fiscal years 2017 and 2018 under sections 402 and
13 405 of title 23, United States Code, and section
14 1906 of SAFETEA-LU (23 U.S.C. 402 note), shall
15 remain available for obligation in that State for a
16 period of 4 years after the last day of the fiscal year
17 for which the funds are authorized.

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

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

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

1 **SEC. 105. FEDERAL MOTOR CARRIER SAFETY ADMINISTRA-**
2 **TION.**

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

4 (1) AUTHORIZATION OF APPROPRIATIONS.—In
5 addition to amounts authorized under section 101,
6 there is authorized to be appropriated from the
7 Highway Account for fiscal year 2021, for activities
8 under this subsection, \$209,900,000.

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

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

14 (i) \$80,512,000 for carrying out sec-
15 tion 31102 (except subsection (l)) of title
16 49, United States Code);

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

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

22 (B) \$91,500,000 for carrying out section
23 31110 of title 49, United States Code.

24 (3) TREATMENT OF FUNDS.—Except as pro-
25 vided in subsection (b), amounts made available
26 under this section shall be made available for obliga-

1 tion and administered as if made available under
2 chapter 311 of title 49, United States Code.

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

4 (1) FINANCIAL ASSISTANCE AGREEMENTS FED-
5 ERAL SHARE.—Notwithstanding chapter 311 of title
6 49, United States Code, or any regulations adopted
7 pursuant to such chapter, for the duration of fiscal
8 year 2021 with respect to all financial assistance
9 made available under subsection (a) and section 101,
10 the Secretary of Transportation may—

11 (A) reimburse recipients under section
12 31104(b)(2) of title 49, United States Code, in
13 an amount that is 100 percent of the costs de-
14 scribed in such section; and

15 (B) waive the maintenance of effort re-
16 quirement under 31102(f) of title 49, United
17 States Code, for all States without requiring
18 States to request a waiver.

19 (2) FINANCIAL ASSISTANCE AGREEMENTS PE-
20 RIOD OF AVAILABILITY.—Notwithstanding section
21 31104(f) of title 49, United States Code, the Sec-
22 retary shall extend the periods of availability de-
23 scribed in such section by 1 year.

24 (3) ADMINISTRATIVE EXPENSES.—The Admin-
25 istrator of the Federal Motor Carrier Safety Admin-

1 istration shall ensure that funds made available
2 under subsection (a)(2)(B) are used, to the max-
3 imum extent practicable, to support—

4 (A) the acceleration of planned investments
5 to modernize the Administration’s information
6 technology and information management sys-
7 tems;

8 (B) the completion of outstanding statu-
9 tory mandates required by MAP-21 (112-141)
10 and the FAST Act (114-94); and

11 (C) a Large Truck Crash Causal Factors
12 Study of the Administration.

13 **SEC. 106. DEFINITIONS.**

14 In this division, the following definitions apply:

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

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

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

1 **DIVISION B—SURFACE**
2 **TRANSPORTATION**

3 **SEC. 1001. APPLICABILITY OF DIVISION.**

4 (a) **APPLICABILITY.**—This division, including the
5 amendments made by this division, applies beginning on
6 October 1, 2021.

7 (b) **REFERENCE TO DATE OF ENACTMENT.**—In this
8 division and the amendments made by this division, any
9 reference to—

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

11 (2) the date of enactment of a provision of this
12 division;

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

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

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

1 **TITLE I—FEDERAL-AID**
2 **HIGHWAYS**
3 **Subtitle A—Authorizations and**
4 **Program Conditions**

5 **SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) **IN GENERAL.**—The following amounts are au-
7 thORIZED to be appropriated out of the Highway Trust
8 Fund (other than the Mass Transit Account):

9 (1) **FEDERAL-AID HIGHWAY PROGRAM.**—For
10 the national highway performance program under
11 section 119 of title 23, United States Code, the pre-
12 disaster mitigation program under section 124 of
13 such title, the railway crossings program under sec-
14 tion 130 of such title, the surface transportation
15 program under section 133 of such title, the high-
16 way safety improvement program under section 148
17 of such title, the congestion mitigation and air qual-
18 ity improvement program under section 149 of such
19 title, the national highway freight program under
20 section 167 of such title, the carbon pollution reduc-
21 tion program under section 171 of such title, and
22 metropolitan planning under section 134 of such
23 title—

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

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

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

2 and

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

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

10 (3) CONSTRUCTION OF FERRY BOATS AND
11 FERRY TERMINAL FACILITIES.—For construction of
12 ferry boats and ferry terminal facilities under sec-
13 tion 147 of title 23, United States Code,
14 \$120,000,000 for each of fiscal years 2022 through
15 2025.

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

18 (A) TRIBAL TRANSPORTATION PRO-
19 GRAM.—For the tribal transportation program
20 under section 202 of title 23, United States
21 Code, \$800,000,000 for each of fiscal years
22 2022 through 2025.

23 (B) FEDERAL LANDS TRANSPORTATION
24 PROGRAM.—

1 (i) IN GENERAL.—For the Federal
2 lands transportation program under sec-
3 tion 203 of title 23, United States Code,
4 \$550,000,000 for each of fiscal years 2022
5 through 2025.

6 (ii) ALLOCATION.—Of the amount
7 made available for a fiscal year under
8 clause (i)—

9 (I) the amount for the National
10 Park Service is \$400,000,000 for each
11 of fiscal years 2022 through 2025.

12 (II) the amount for the United
13 States Fish and Wildlife Service is
14 \$50,000,000 for each of fiscal years
15 2022 through 2025; and

16 (III) the amount for the United
17 States Forest Service is \$50,000,000
18 for each of fiscal years 2022 through
19 2025.

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

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

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

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

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

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

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

17 and

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

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

23 (8) ELECTRIC VEHICLE CHARGING AND HYDRO-
24 GEN FUELING INFRASTRUCTURE GRANTS.—To carry
25 out section 151(f) of title 23, United States Code,

1 \$350,000,000 for each of fiscal years 2022 through
2 2025.

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

7 (b) ADDITIONAL PROGRAMS.—

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

11 (A) GRIDLOCK REDUCTION GRANT PRO-
12 GRAM.—To carry out section 1306 of this Act,
13 \$250,000,000 for fiscal year 2022.

14 (B) REBUILD RURAL GRANT PROGRAM.—
15 To carry out section 1307 of this Act,
16 \$250,000,000 for fiscal year 2022.

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

20 (D) ACTIVE TRANSPORTATION
21 CONNECTIVITY GRANT PROGRAM.—To carry out
22 section 1309 of this Act, \$250,000,000 for fis-
23 cal year 2024.

24 (E) METRO PERFORMANCE PROGRAM.—To
25 carry out section 1305 of this Act,

1 \$250,000,000 for each of fiscal years 2023
2 through 2025.

3 (2) TREATMENT OF FUNDS.—Amounts made
4 available under subparagraphs (B) through (D) shall
5 be administered as if apportioned under chapter 1 of
6 title 23, United States Code.

7 (c) DISADVANTAGED BUSINESS ENTERPRISES.—

8 (1) FINDINGS.—Congress finds that—

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

17 (B) the continuing barriers described in
18 subparagraph (A) merit the continuation of the
19 disadvantaged business enterprise program;

20 (C) Congress has received and reviewed
21 testimony and documentation of race and gen-
22 der discrimination from numerous sources, in-
23 cluding congressional hearings and roundtables,
24 scientific reports, reports issued by public and
25 private agencies, news stories, reports of dis-

1 crimination by organizations and individuals,
2 and discrimination lawsuits, which show that
3 race- and gender-neutral efforts alone are insuf-
4 ficient to address the problem;

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

14 (E) the testimony and documentation de-
15 scribed in subparagraph (C) provide a strong
16 basis that there is a compelling need for the
17 continuation of the disadvantaged business en-
18 terprise program to address race and gender
19 discrimination in surface transportation-related
20 business.

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

23 (A) SMALL BUSINESS CONCERN.—

24 (i) IN GENERAL.—The term “small
25 business concern” means a small business

1 concern (as the term is used in section 3
2 of the Small Business Act (15 U.S.C.
3 632)).

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

13 (B) SOCIALLY AND ECONOMICALLY DIS-
14 ADVANTAGED INDIVIDUALS.—The term “so-
15 cially and economically disadvantaged individ-
16 uals” has the meaning given the term in section
17 8(d) of the Small Business Act (15 U.S.C.
18 637(d)) and relevant subcontracting regulations
19 issued pursuant to that Act, except that women
20 shall be presumed to be socially and economi-
21 cally disadvantaged individuals for purposes of
22 this subsection.

23 (3) AMOUNTS FOR SMALL BUSINESS CON-
24 CERNS.—Except to the extent that the Secretary of
25 Transportation determines otherwise, not less than

1 10 percent of the amounts made available for any
2 program under titles I, II, V, and VII of this divi-
3 sion and section 403 of title 23, United States Code,
4 shall be expended through small business concerns
5 owned and controlled by socially and economically
6 disadvantaged individuals.

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

9 (A) survey and compile a list of the small
10 business concerns referred to in paragraph (3)
11 in the State, including the location of the small
12 business concerns in the State; and

13 (B) notify the Secretary, in writing, of the
14 percentage of the small business concerns that
15 are controlled by—

16 (i) women;

17 (ii) socially and economically dis-
18 advantaged individuals (other than
19 women); and

20 (iii) individuals who are women and
21 are otherwise socially and economically dis-
22 advantaged individuals.

23 (5) UNIFORM CERTIFICATION.—

24 (A) IN GENERAL.—The Secretary of
25 Transportation shall establish minimum uni-

1 form criteria for use by State governments in
2 certifying whether a concern qualifies as a small
3 business concern for the purpose of this sub-
4 section.

5 (B) INCLUSIONS.—The minimum uniform
6 criteria established under subparagraph (A)
7 shall include, with respect to a potential small
8 business concern—

- 9 (i) on-site visits;
10 (ii) personal interviews with personnel;
11 (iii) issuance or inspection of licenses;
12 (iv) analyses of stock ownership;
13 (v) listings of equipment;
14 (vi) analyses of bonding capacity;
15 (vii) listings of work completed;
16 (viii) examination of the resumes of
17 principal owners;
18 (ix) analyses of financial capacity; and
19 (x) analyses of the type of work pre-
20 ferred.

21 (6) REPORTING.—The Secretary of Transpor-
22 tation shall establish minimum requirements for use
23 by State governments in reporting to the Sec-
24 retary—

1 (A) information concerning disadvantaged
2 business enterprise awards, commitments, and
3 achievements; and

4 (B) such other information as the Sec-
5 retary determines to be appropriate for the
6 proper monitoring of the disadvantaged busi-
7 ness enterprise program.

8 (7) COMPLIANCE WITH COURT ORDERS.—Noth-
9 ing in this subsection limits the eligibility of an indi-
10 vidual or entity to receive funds made available
11 under titles I, II, V, and VII of this division and sec-
12 tion 403 of title 23, United States Code, if the enti-
13 ty or person is prevented, in whole or in part, from
14 complying with paragraph (3) because a Federal
15 court issues a final order in which the court finds
16 that a requirement or the implementation of para-
17 graph (3) is unconstitutional.

18 (8) SENSE OF CONGRESS ON PROMPT PAYMENT
19 OF DBE SUBCONTRACTORS.—It is the sense of Con-
20 gress that—

21 (A) the Secretary of Transportation should
22 take additional steps to ensure that recipients
23 comply with section 26.29 of title 49, Code of
24 Federal Regulations (the disadvantaged busi-
25 ness enterprises prompt payment rule), or any

1 corresponding regulation, in awarding federally
2 funded transportation contracts under laws and
3 regulations administered by the Secretary; and

4 (B) such additional steps should include
5 increasing the Department of Transportation's
6 ability to track and keep records of complaints
7 and to make that information publicly available.

8 **SEC. 1102. OBLIGATION LIMITATION.**

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

- 13 (1) \$62,059,350,954 for fiscal year 2022;
14 (2) \$63,021,354,776 for fiscal year 2023;
15 (3) \$64,246,443,712 for fiscal year 2024; and
16 (4) \$65,080,125,186 for fiscal year 2025.

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

- 19 (1) section 125 of title 23, United States Code;
20 (2) section 147 of the Surface Transportation
21 Assistance Act of 1978 (23 U.S.C. 144 note; 92
22 Stat. 2714);
23 (3) section 9 of the Federal-Aid Highway Act
24 of 1981 (95 Stat. 1701);

1 (4) subsections (b) and (j) of section 131 of the
2 Surface Transportation Assistance Act of 1982 (96
3 Stat. 2119);

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

7 (6) sections 1103 through 1108 of the Inter-
8 modal Surface Transportation Efficiency Act of
9 1991 (Public Law 102-240);

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

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

16 (9) Federal-aid highway programs for which ob-
17 ligation authority was made available under the
18 Transportation Equity Act for the 21st Century
19 (112 Stat. 107) or subsequent Acts for multiple
20 years or to remain available until expended, but only
21 to the extent that the obligation authority has not
22 lapsed or been used;

23 (10) section 105 of title 23, United States Code
24 (as in effect for fiscal years 2005 through 2012, but

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

3 (11) section 1603 of SAFETEA-LU (23
4 U.S.C. 118 note; 119 Stat. 1248), to the extent that
5 funds obligated in accordance with that section were
6 not subject to a limitation on obligations at the time
7 at which the funds were initially made available for
8 obligation;

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

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

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

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

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

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

6 (i) amounts authorized for administrative
7 expenses and programs by section 104(a) of
8 title 23, United States Code;

9 (ii) amounts authorized for the Bureau of
10 Transportation Statistics;

11 (iii) amounts authorized for the tribal
12 transportation program by section under section
13 202 of title 23, United States Code; and

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

17 (B) for each of fiscal years 2023 through 2025,
18 in addition to the amounts described in subpara-
19 graph (A), shall not distribute obligation authority
20 provided by subsection (a) for the fiscal year for
21 amounts authorized for the metro performance pro-
22 gram under section 1305 of this Act;

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

1 (A) made available from the Highway
2 Trust Fund (other than the Mass Transit Ac-
3 count) for Federal-aid highway and highway
4 safety construction programs for previous fiscal
5 years the funds for which are allocated by the
6 Secretary (or apportioned by the Secretary
7 under section 202 or 204 of title 23, United
8 States Code); and

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

11 (3) shall determine the proportion that—

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

16 (B) the total of—

17 (i) the sums authorized to be appro-
18 priated for the Federal-aid highway and
19 highway safety construction programs,
20 other than sums authorized to be appro-
21 priated for—

22 (I) provisions of law described in
23 paragraphs (1) through (13) of sub-
24 section (b);

1 (II) section 203 of title 23,
2 United States Code, equal to the
3 amount referred to in subsection
4 (b)(14) for the fiscal year; and

5 (III) section 133(d)(1)(B) of title
6 23, United States Code, equal to the
7 amount referred to in subsection
8 (b)(15) for the fiscal year; less

9 (ii) the aggregate of the amounts not
10 distributed under paragraphs (1) and (2)
11 of this subsection;

12 (4) shall distribute the obligation authority pro-
13 vided by subsection (a), less the aggregate amounts
14 not distributed under paragraphs (1) and (2), for
15 each of the programs (other than programs to which
16 paragraph (1) applies) that are allocated by the Sec-
17 retary under this Act and title 23, United States
18 Code, or apportioned by the Secretary under sections
19 202 or 204 of such title, by multiplying—

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

22 (B) the amounts authorized to be appro-
23 priated for each such program for the fiscal
24 year; and

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

14 (A) amounts authorized to be appropriated
15 for the programs that are apportioned under
16 title 23, United States Code, to each State for
17 the fiscal year; bears to

18 (B) the total of the amounts authorized to
19 be appropriated for the programs that are ap-
20 portioned under title 23, United States Code, to
21 all States for the fiscal year.

22 (d) REDISTRIBUTION OF UNUSED OBLIGATION AU-
23 THORITY.—Notwithstanding subsection (c), the Secretary
24 of Transportation shall, after August 1 of each of fiscal
25 years 2022 through 2025—

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

5 (2) redistribute sufficient amounts to those
6 States able to obligate amounts in addition to those
7 previously distributed during that fiscal year, giving
8 priority to those States having large unobligated bal-
9 ances of funds apportioned under section 104 of title
10 23, United States Code.

11 (e) SPECIAL LIMITATION.—

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

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

18 (B) the metro performance program under
19 section 1305 of this Act.

20 (2) EXCEPTION.—Obligation authority made
21 available under paragraph (1) shall—

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

24 (B) be in addition to the amount of any
25 limitation imposed on obligations for Federal-

1 aid highway and highway safety construction
2 programs for future fiscal years.

3 (f) LOP-OFF.—

4 (1) IN GENERAL.—Not later than 30 days after
5 the date of distribution of obligation authority under
6 subsection (c) for each of fiscal years 2022 through
7 2025, the Secretary of Transportation shall dis-
8 tribute to the States any funds that—

9 (A) are authorized to be appropriated for
10 the fiscal year for Federal-aid highway pro-
11 grams; and

12 (B) the Secretary determines will not be
13 allocated to the States (or will not be appor-
14 tioned to the States under section 204 of title
15 23, United States Code), and will not be avail-
16 able for obligation, for the fiscal year because
17 of the imposition of any obligation limitation for
18 the fiscal year.

19 (2) RATIO.—Funds shall be distributed under
20 paragraph (1) in the same proportion as the dis-
21 tribution of obligation authority under subsection
22 (c)(5).

23 (3) AVAILABILITY.—Funds distributed to each
24 State under paragraph (1) shall be available for any

1 purpose described in section 133(b) of title 23,
2 United States Code.

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

4 Section 101 of title 23, United States Code, is
5 amended—

6 (1) in subsection (a)—

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

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

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

24 (C) by inserting after paragraph (4), as so
25 redesignated, the following:

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

8 (D) paragraph (6)(A), as so redesignated,
9 by inserting “assessing resilience,” after “sur-
10 veying,”;

11 (E) by inserting after paragraph (6), as so
12 redesignated, the following:

13 “(7) CONTEXT SENSITIVE DESIGN PRIN-
14 CIPLE.—The term ‘context sensitive design principle’
15 means a principle for the design of a public road
16 that—

17 “(A) provides for the safe and adequate
18 accommodation, in all phases of project plan-
19 ning, design, and development, of users of the
20 transportation facility, including pedestrians,
21 bicyclists, public transportation users, children,
22 older individuals, individuals with disabilities,
23 motorists, and freight vehicles; and

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

4 (F) by inserting after paragraph (8), as so
5 redesignated, the following:

6 “(9) EVACUATION ROUTE.—The term ‘evacu-
7 ation route’ means a transportation route or system
8 that—

9 “(A) is used to transport—

10 “(i) the public away from an emer-
11 gency event; or

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

14 “(B) is identified, consistent with sections
15 134(i)(2)(I)(iii) and 135(f)(10)(C)(iii), by the
16 eligible entity with jurisdiction over the area in
17 which the route is located for the purposes de-
18 scribed in subparagraph (A).”;

19 (G) by inserting after paragraph (14), as
20 so redesignated, the following:

21 “(15) GREENHOUSE GAS.—The term ‘green-
22 house gas’ has the meaning given the term in section
23 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 21
24 7545(o)(1)(G)).”;

1 (H) by inserting after paragraph (21), as
2 so redesignated, the following:

3 “(22) NATURAL INFRASTRUCTURE.—

4 “(A) IN GENERAL.—The term ‘natural in-
5 frastructure’ means infrastructure that uses, re-
6 stores, or emulates natural ecological processes
7 that—

8 “(i) is created through the action of
9 natural physical, geological, biological, and
10 chemical processes over time;

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

14 “(iii) involves the use of plants, soils,
15 and other natural features, including
16 through the creation, restoration, or pres-
17 ervation of vegetated areas using materials
18 appropriate to the region to manage
19 stormwater and runoff, to attenuate flood-
20 ing and storm surges, and for other related
21 purposes.

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

1 (I) by inserting after paragraph (26), as so
2 redesignated, the following:

3 “(27) PROTECTIVE FEATURE.—

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

11 “(B) INCLUSIONS.—The term ‘protective
12 feature’ includes—

13 “(i) raising roadway grades;

14 “(ii) relocating roadways to higher
15 ground above projected flood elevation lev-
16 els or away from slide prone areas;

17 “(iii) stabilizing slide areas;

18 “(iv) stabilizing slopes;

19 “(v) lengthening or raising bridges to
20 increase waterway openings;

21 “(vi) increasing the size or number of
22 drainage structures;

23 “(vii) replacing culverts with bridges
24 or upsizing culverts;

1 “(viii) installing seismic retrofits on
2 bridges;

3 “(iv) adding scour protection at
4 bridges;

5 “(x) scour, stream stability, coastal,
6 and other hydraulic countermeasures; and

7 “(xi) the use of natural infrastruc-
8 ture.”;

9 (J) by inserting after paragraph (29), as
10 so redesignated, the following:

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

22 “(31) 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.”; and

14 (K) by inserting after paragraph (38), as
15 so redesignated, the following:

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

21 “(A) the impacts of the level of travel
22 stress for active travel; and

23 “(B) costs for low-income travelers.”; and

24 (2) in subsection (b)—

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

3 (B) in paragraph (3)—

4 (i) in subparagraph (A) by striking
5 “Century” and inserting “century”;

6 (ii) in subparagraph (G) by striking “;
7 and” and inserting a semicolon;

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

10 (iv) by adding at the end the fol-
11 lowing:

12 “(I) safety is the highest priority of the
13 Department of Transportation, and the Sec-
14 retary and States should take all actions nec-
15 essary to meet the transportation needs of the
16 21st century for all road users;

17 “(J) climate change presents a significant
18 risk to safety, the economy, and national secu-
19 rity, and reducing the contributions of the
20 transportation system to the Nation’s total car-
21 bon pollution is critical; and

22 “(K) the Secretary and States should take
23 appropriate measures and ensure investments
24 to increase the resilience of the Nation’s trans-
25 portation system.”; and

1 (C) in paragraph (4)(A) by inserting
2 “while ensuring that environmental protections
3 are maintained” after “review process”.

4 **SEC. 1104. APPORTIONMENT.**

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

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

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

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

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

12 and

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

14 (2) by striking subsections (b) and (c) and in-
15 serting the following:

16 “(b) DIVISION AMONG PROGRAMS OF STATE’S
17 SHARE OF APPORTIONMENT.—The Secretary shall dis-
18 tribute the amount apportioned to a State for a fiscal year
19 under subsection (c) among the covered programs as fol-
20 lows:

21 “(1) NATIONAL HIGHWAY PERFORMANCE PRO-
22 GRAM.—For the national highway performance pro-
23 gram, 55.09 percent of the amount remaining after
24 distributing amounts under paragraphs (4), (6), and
25 (7).

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

5 “(3) HIGHWAY SAFETY IMPROVEMENT PRO-
6 GRAM.—For the highway safety improvement pro-
7 gram, 6.19 percent of the amount remaining after
8 distributing amounts under paragraphs (4), (6), and
9 (7).

10 “(4) CONGESTION MITIGATION AND AIR QUAL-
11 ITY IMPROVEMENT PROGRAM.—

12 “(A) IN GENERAL.—For the congestion
13 mitigation and air quality improvement pro-
14 gram, an amount determined for the State
15 under subparagraphs (B) and (C).

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

19 “(i) \$2,913,925,833 for fiscal year
20 2022;

21 “(ii) \$2,964,919,535 for fiscal year
22 2023;

23 “(iii) \$3,024,217,926 for fiscal year
24 2024; and

1 “(iv) \$3,078,653,849 for fiscal year
2 2025.

3 “(C) STATE SHARE.—For each fiscal year,
4 the Secretary shall distribute among the States
5 the amount for the congestion mitigation and
6 air quality improvement program under sub-
7 paragraph (B) so that each State receives an
8 amount equal to the proportion that—

9 “(i) the amount apportioned to the
10 State for the congestion mitigation and air
11 quality improvement program for fiscal
12 year 2020; bears to

13 “(ii) the total amount of funds appor-
14 tioned to all States for such program for
15 fiscal year 2020.

16 “(5) NATIONAL HIGHWAY FREIGHT PRO-
17 GRAM.—For the national highway freight program,
18 3.38 percent of the amount remaining after distrib-
19 uting amounts under paragraphs (4), (6), and (7).

20 “(6) METROPOLITAN PLANNING.—

21 “(A) IN GENERAL.—For metropolitan
22 planning, an amount determined for the State
23 under subparagraphs (B) and (C).

1 “(B) TOTAL AMOUNT.—The total amount
2 for metropolitan planning for all States shall
3 be—

4 “(i) \$507,500,000 for fiscal year
5 2022;

6 “(ii) \$516,381,250 for fiscal year
7 2023;

8 “(iii) \$526,708,875 for fiscal year
9 2024; and

10 “(iv) \$536,189,635 for fiscal year
11 2025.

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

17 “(i) the amount apportioned to the
18 State for metropolitan planning for fiscal
19 year 2020; bears to

20 “(ii) the total amount of funds appor-
21 tioned to all States for metropolitan plan-
22 ning for fiscal year 2020.

23 “(7) RAILWAY CROSSINGS.—

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

4 “(B) TOTAL AMOUNT.—The total amount
5 for the railway crossings program for all States
6 shall be \$245,000,000 for each of fiscal years
7 2022 through 2025.

8 “(C) STATE SHARE.—

9 “(i) IN GENERAL.—For each fiscal
10 year, the Secretary shall distribute among
11 the States the amount for the railway
12 crossings program under subparagraph (B)
13 as follows:

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

20 “(II) 50 percent of the amount
21 for a fiscal year shall be apportioned
22 to States in the ratio that total public
23 railway-highway crossings in each
24 State bears to the total of such cross-
25 ings in all States.

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

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

12 “(9) CARBON POLLUTION REDUCTION PRO-
13 GRAM.—For the carbon pollution reduction program,
14 3.95 percent of the amount remaining after distrib-
15 uting amounts under paragraphs (4), (6), and (7).

16 “(c) CALCULATION OF AMOUNTS.—

17 “(1) STATE SHARE.—For each of fiscal years
18 2022 through 2025, the amount for each State shall
19 be determined as follows:

20 “(A) INITIAL AMOUNTS.—The initial
21 amounts for each State shall be determined by
22 multiplying—

23 “(i) the combined amount authorized
24 for appropriation for the fiscal year for the
25 covered programs; by

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

3 “(I) the amount of appor-
4 tionments that the State received for fis-
5 cal year 2020; bears to

6 “(II) the amount of those appor-
7 tionments received by all States for
8 fiscal year 2020.

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

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

24 (3) in subsection (d)(1)(A)—

1 (A) in clause (i) by striking “paragraphs
2 (5)(D) and (6) of subsection (b)” and inserting
3 “subsection (b)(6)”; and

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

7 (4) by striking subsections (h) and (i) and in-
8 serting the following:

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

11 “(1) the national highway performance program
12 under section 119;

13 “(2) the surface transportation program under
14 section 133;

15 “(3) the highway safety improvement program
16 under section 148;

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

19 “(5) the national highway freight program
20 under section 167;

21 “(6) metropolitan planning under section 134;

22 “(7) the railway crossings program under sec-
23 tion 130(e);

24 “(8) the predisaster mitigation program under
25 section 124; and

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

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

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

7 (2) in subparagraph (C)(i) by striking
8 “(5)(D)”.

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

13 (d) STATEWIDE AND NONMETROPOLITAN TRANSPOR-
14 TATION PLANNING.—Section 135(i) of title 23, United
15 States Code, is amended by striking “paragraphs (5)(D)
16 and (6) of section 104(b)” and inserting “section
17 104(b)(6)”.

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

22 **SEC. 1105. ADDITIONAL DEPOSITS INTO HIGHWAY TRUST**
23 **FUND.**

24 Section 105 of title 23, United States Code, is
25 amended—

1 (1) in subsection (c)—

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

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

5 “(4) SPECIAL RULE.—

6 “(A) ADJUSTMENT.—In making an adjust-
7 ment under paragraph (1) for an allocation,
8 reservation, or set-aside from an amount au-
9 thorized from the Highway Account or Mass
10 Transit Account described in subparagraph (B),
11 the Secretary shall—

12 “(i) determine the ratio that—

13 “(I) the amount authorized to be
14 appropriated for the allocation, res-
15 ervation, or set-aside from the account
16 for the fiscal year; bears to

17 “(II) the total amount authorized
18 to be appropriated for such fiscal year
19 for all programs under such account;

20 “(ii) multiply the ratio determined
21 under clause (i) by the amount of the ad-
22 justment determined under subsection
23 (b)(1)(B); and

24 “(iii) adjust the amount that the Sec-
25 retary would have allocated for the alloca-

1 tion, reservation, or set-aside for such fis-
2 cal year but for this section by the amount
3 calculated under clause (ii).

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

7 “(i) from the amount made available
8 for a fiscal year for the Federal lands
9 transportation program under section 203,
10 the amounts allocated for a fiscal year for
11 the National Park Service, the United
12 States Fish and Wildlife Service, and the
13 United States Forest Service;

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

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

20 (2) in subsection (e)—

21 (A) by striking “There is authorized” and
22 inserting “For fiscal year 2022 and each fiscal
23 year thereafter, there is authorized”; and

24 (B) by striking “for any of fiscal years
25 2017 through 2020”; and

1 (3) in subsection (f)(1) by striking “section
2 1102 or 3018 of the FAST Act” and inserting “any
3 other provision of law”.

4 **SEC. 1106. TRANSPARENCY.**

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

8 “(g) HIGHWAY TRUST FUND TRANSPARENCY AND
9 ACCOUNTABILITY REPORTS.—

10 “(1) REQUIREMENT.—

11 “(A) IN GENERAL.—The Secretary shall
12 compile data in accordance with this subsection
13 on the use of Federal-aid highway funds made
14 available under this title.

15 “(B) USER FRIENDLY DATA.—The data
16 compiled under subparagraph (A) shall be in a
17 user friendly format that can be searched,
18 downloaded, disaggregated, and filtered by data
19 category.

20 “(2) PROJECT DATA.—

21 “(A) IN GENERAL.—Not later than 120
22 days after the end of each fiscal year, the Sec-
23 retary shall make available on the website of
24 the Department of Transportation a report that
25 describes—

1 “(i) the location of each active project
2 within each State during such fiscal year,
3 including in which congressional district or
4 districts such project is located;

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

6 “(iii) the amount of Federal funding
7 obligated for such project;

8 “(iv) the program or programs from
9 which Federal funds have been obligated
10 for such project;

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

13 “(I) less than 5,000 individuals;

14 “(II) 5,000 or more individuals
15 but less than 50,000 individuals;

16 “(III) 50,000 or more individuals
17 but less than 200,000 individuals; or

18 “(IV) 200,000 or more individ-
19 uals;

20 “(vi) the type of improvement being
21 made by such project, including catego-
22 rizing such project as—

23 “(I) a road reconstruction
24 project;

1 “(II) a new road construction
2 project;

3 “(III) a new bridge construction
4 project;

5 “(IV) a bridge rehabilitation
6 project; or

7 “(V) a bridge replacement
8 project;

9 “(vii) the functional classification of
10 the roadway on which such project is lo-
11 cated; and

12 “(viii) available information on the es-
13 timated cost of such project as of the start
14 of project construction, or the revised cost
15 estimate based on a description of revisions
16 to the scope of work or other factors af-
17 fecting project cost other than cost over-
18 runs.

19 “(B) INTERACTIVE MAP.—In addition to
20 the data made available under subparagraph
21 (A), the Secretary shall make available on the
22 website of the Department of Transportation an
23 interactive map that displays, for each active
24 project, the information described in clauses (i)
25 through (v) of subparagraph (A).

1 “(3) STATE DATA.—

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

7 “(i) the amount of funding available
8 for obligation by the State at the start of
9 the fiscal year;

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

12 “(ii) the amount of funding remaining
13 available for obligation by the State at the
14 end of such fiscal year; and

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

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

19 “(i) the amount of funding by each
20 apportioned and allocated program for
21 which the State received funding under
22 this title;

23 “(ii) the amount of funding trans-
24 ferred between programs by the State dur-

1 ing the fiscal year using the authority pro-
2 vided under section 126; and

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

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

7 “(A) ACTIVE PROJECT.—

8 “(i) IN GENERAL.—The term ‘active
9 project’ means a Federal-aid highway
10 project using funds made available under
11 this title on which those funds were obli-
12 gated or expended during the fiscal year
13 for which the estimated total cost as of the
14 start of construction is greater than
15 \$5,000,000.

16 “(ii) EXCLUSION.—The term ‘active
17 project’ does not include any project for
18 which funds are transferred to agencies
19 other than the Federal Highway Adminis-
20 tration.

21 “(B) INTERACTIVE MAP.—The term ‘inter-
22 active map’ means a map displayed on the pub-
23 lic website of the Department of Transportation
24 that allows a user to select and view informa-

1 tion for each active project, State, and Congres-
2 sional district.

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

5 (b) PROJECT APPROVAL AND OVERSIGHT.—Section
6 106 of title 23, United States Code, is amended—

7 (1) in subsection (g)—

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

10 “(B) ASSISTANCE TO STATES.—The Sec-
11 retary shall—

12 “(i) develop criteria for States to use
13 to make the determination required under
14 subparagraph (A); and

15 “(ii) provide training, guidance, and
16 other assistance to States and subrecipi-
17 ents as needed to ensure that projects ad-
18 ministered by subrecipients comply with
19 the requirements of this title.

20 “(C) PERIODIC REVIEW.—The Secretary
21 shall review, not less frequently than every 2
22 years, the monitoring of subrecipients by the
23 States.”; and

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

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

15 (2) in subsection (h)(3)—

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

18 (B) in subparagraph (D) by striking “shall
19 assess” and inserting “in the case of a project
20 proposed to be advanced as a public-private
21 partnership, shall include a detailed value for
22 money analysis or comparable analysis to deter-
23 mine”; and

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

25 “(k) MEGAPROJECTS.—

1 “(1) COMPREHENSIVE RISK MANAGEMENT
2 PLAN.—To be authorized for the construction of a
3 megaproject, the recipient of Federal financial as-
4 sistance under this title for such megaproject shall
5 submit to the Secretary a comprehensive risk man-
6 agement plan that contains—

7 “(A) a description of the process by which
8 the recipient will identify, quantify, and monitor
9 the risks, including natural hazards, that might
10 result in cost overruns, project delays, reduced
11 construction quality, or reductions in benefits
12 with respect to the megaproject;

13 “(B) examples of mechanisms the recipient
14 will use to track risks identified pursuant to
15 subparagraph (A);

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

17 “(D) such assurances as the Secretary de-
18 termines appropriate that the recipient shall,
19 with respect to the megaproject—

20 “(i) regularly submit to the Secretary
21 updated cost estimates; and

22 “(ii) maintain and regularly reassess
23 financial reserves for addressing known
24 and unknown risks.

25 “(2) PEER REVIEW GROUP.—

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

12 “(B) MEMBERSHIP.—

13 “(i) IN GENERAL.—Not later than
14 180 days after the date of enactment of
15 this subsection, the Secretary shall estab-
16 lish guidelines describing how a recipient
17 described in subparagraph (A) shall—

18 “(I) recruit and select members
19 for a peer review group established
20 under such subparagraph; and

21 “(II) make publicly available the
22 criteria for such selection and identify
23 the members so selected.

24 “(ii) CONFLICT OF INTEREST.—No
25 member of a peer review group for a

1 megaproject may have a direct or indirect
2 financial interest in such megaproject.

3 “(C) TASKS.—A peer review group estab-
4 lished under subparagraph (A) by a recipient of
5 Federal financial assistance for a megaproject
6 shall—

7 “(i) meet annually until completion of
8 the megaproject;

9 “(ii) not later than 90 days after the
10 date of the establishment of the peer re-
11 view group and not later than 90 days
12 after the date of any significant change, as
13 determined by the Secretary, to the scope,
14 schedule, or budget of the megaproject, re-
15 view the scope, schedule, and budget of the
16 megaproject, including planning, engineer-
17 ing, financing, and any other elements de-
18 termined appropriate by the Secretary; and

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

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

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

6 “(1) SPECIAL EXPERIMENTAL PROJECTS.—

7 “(1) PUBLIC AVAILABILITY.—The Secretary
8 shall publish on the website of the Department of
9 Transportation a copy of all letters of interest, pro-
10 posals, workplans, and reports related to the special
11 experimental project authority pursuant to section
12 502(b).

13 “(2) NOTIFICATION AND OPPORTUNITY FOR
14 COMMENT.—Not later than 30 days before making
15 a determination to proceed with an experiment
16 under a letter of interest described in paragraph (1),
17 the Secretary shall provide notification and an op-
18 portunity for public comment on the letter of inter-
19 est and the Secretary’s proposed response.

20 “(3) REPORT TO CONGRESS.—Not later than 2
21 years after the date of enactment of the INVEST in
22 America Act, the Secretary shall submit to the Com-
23 mittee on Transportation and Infrastructure of the
24 House of Representatives and the Committee on En-

1 vironment and Public Works of the Senate a report
2 that includes—

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

6 “(B) legislative recommendations based on
7 the findings of such experiments.

8 “(m) COMPETITIVE GRANT PROGRAM OVERSIGHT
9 AND ACCOUNTABILITY.—

10 “(1) IN GENERAL.—To ensure the account-
11 ability and oversight of the discretionary grant selec-
12 tion process administered by the Secretary, a cov-
13 ered program shall be subject to the requirements of
14 this section, in addition to the requirements applica-
15 ble to each covered program.

16 “(2) APPLICATION PROCESS.—The Secretary
17 shall—

18 “(A) develop a template for applicants to
19 use to summarize—

20 “(i) project needs and benefits; and

21 “(ii) any factors, requirements, or
22 considerations established for the applica-
23 ble covered program;

24 “(B) create a data driven process to evalu-
25 ate, as set forth in the covered program, each

1 eligible project for which an application is re-
2 ceived; and

3 “(C) make a determination, based on the
4 evaluation made pursuant to subparagraph (B),
5 on any ratings, rankings, scores, or similar
6 metrics for applications made to the covered
7 program.

8 “(3) NOTIFICATION OF CONGRESS.—Not less
9 than 30 days before making a grant for a covered
10 program, the Secretary shall notify, in writing, the
11 Committee on Transportation and Infrastructure of
12 the House of Representatives and the Committee on
13 the Environment and Public Works of the Senate
14 of—

15 “(A) the amount for each award proposed
16 to be selected;

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

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

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

22 “(4) NOTIFICATION OF APPLICANTS.—Not later
23 than 30 days after making a grant for a project
24 under a covered program, the Secretary shall send
25 to all applicants under such covered program, and

1 publish on the website of the Department of Trans-
2 portation—

3 “(A) a summary of each application made
4 to the covered program for the given round of
5 funding; and

6 “(B) the evaluation and justification for
7 the project selection, including all ratings,
8 rankings, scores, or similar metrics for applica-
9 tions made to the covered program for the given
10 round of funding during each phase of the
11 grant selection process.

12 “(5) BRIEFING.—The Secretary shall provide,
13 at the request of a grant applicant of a covered pro-
14 gram, the opportunity to receive a briefing to explain
15 any reasons the grant applicant was not awarded a
16 grant.

17 “(6) TEMPLATE.—The Secretary shall, to the
18 extent practicable, develop a template as described
19 in paragraph (2)(A) for any discretionary program
20 administered by the Secretary that is not a covered
21 program.

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

1 “(A) Community climate innovation grants
2 under section 172.

3 “(B) Electric vehicle charging and hydro-
4 gen fueling infrastructure grants under section
5 151(f).

6 “(C) Federal lands and tribal major
7 projects grants under section 208.

8 “(D) Safe, efficient mobility through ad-
9 vanced technologies grants under section
10 503(c)(4).”.

11 (c) DIVISION OFFICE CONSISTENCY.—Not later than
12 1 year after the date of enactment of this Act, the Comp-
13 troller General of the United States shall submit to Con-
14 gress a report that—

15 (1) analyzes the consistency of determinations
16 among division offices of the Federal Highway Ad-
17 ministration; and

18 (2) makes recommendations to improve the con-
19 sistency of such determinations.

20 **SEC. 1107. COMPLETE AND CONTEXT SENSITIVE STREET**
21 **DESIGN.**

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

24 (1) in subsection (a)—

1 (A) in paragraph (1) by striking “planned
2 future traffic of the highway in a manner that
3 is conducive to” and inserting “future oper-
4 ational performance of the facility in a manner
5 that enhances”; and

6 (B) in paragraph (2) by inserting “, taking
7 into consideration context sensitive design prin-
8 ciples” after “each locality”;
9 (2) in subsection (b)—

10 (A) by striking “The geometric” and in-
11 serting “DESIGN CRITERIA FOR THE INTER-
12 STATE SYSTEM.—The geometric”; and

13 (B) by striking “the types and volumes of
14 traffic anticipated for such project for the twen-
15 ty-year period commencing on the date of ap-
16 proval by the Secretary, under section 106 of
17 this title, of the plans, specifications, and esti-
18 mates for actual construction of such project”
19 and inserting “the existing and future oper-
20 ational performance of the facility”;
21 (3) in subsection (c)(1)—

22 (A) in subparagraph (C) by striking “;
23 and” and inserting a semicolon;

24 (B) in subparagraph (D) by striking the
25 period and inserting “; and”; and

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

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

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

5 “(o) COMPLIANCE WITH STATE LAWS FOR NON-
6 NHS PROJECTS.—

7 “(1) IN GENERAL.—Projects (other than high-
8 way projects on the National Highway System)
9 shall—

10 “(A) be designed, constructed, operated,
11 and maintained in accordance with State laws,
12 regulations, directives, safety standards, design
13 standards, and construction standards; and

14 “(B) take into consideration context sen-
15 sitive design principles.

16 “(2) DESIGN FLEXIBILITY.—

17 “(A) IN GENERAL.—A local jurisdiction
18 may deviate from the roadway design publica-
19 tion used by the State in which the local juris-
20 diction is located for the design of a project on
21 a roadway (other than a highway on the Na-
22 tional Highway System) if—

23 “(i) the deviation is approved by the
24 Secretary; and

1 “(ii) the design complies with all other
2 applicable Federal laws.

3 “(B) STATE-OWNED ROADS.—In the case
4 of a roadway under the ownership of the State,
5 the local jurisdiction may only deviate from the
6 roadway design publication used by the State
7 with the concurrence of the State.

8 “(C) PROGRAMMATIC BASIS.—The Sec-
9 retary may approve a deviation under this para-
10 graph on a project, multiple project, or pro-
11 grammatic basis.”; and

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

13 “(s) CONTEXT SENSITIVE DESIGN.—

14 “(1) CONTEXT SENSITIVE DESIGN STAND-
15 ARDS.—The Secretary shall collaborate with Amer-
16 ican Association of State Highway Transportation
17 Officials to ensure that any roadway design publica-
18 tions approved by the Secretary under this section
19 provides adequate flexibility for a project sponsor to
20 select the appropriate design of a roadway, con-
21 sistent with context sensitive design principles.

22 “(2) POLICIES OR PROCEDURES.—

23 “(A) IN GENERAL.—Not later than 1 year
24 after the Secretary publishes the final guidance
25 described in paragraph (3), each State shall

1 adopt policies or procedures to evaluate the con-
2 text of a proposed roadway and select the ap-
3 propriate design, consistent with context sen-
4 sitive design principles.

5 “(B) LOCAL GOVERNMENTS.—The Sec-
6 retary and States shall encourage local govern-
7 ments to adopt policies or procedures described
8 under subparagraph (A).

9 “(C) CONSIDERATIONS.—The policies or
10 procedures developed under this paragraph
11 shall take into consideration the guidance devel-
12 oped by the Secretary under paragraph (3).

13 “(3) GUIDANCE.—

14 “(A) IN GENERAL.—

15 “(i) NOTICE.—Not later than 1 year
16 after the date of enactment of this sub-
17 section, the Secretary shall publish guid-
18 ance on the official website of the Depart-
19 ment of Transportation on context sen-
20 sitive design.

21 “(ii) PUBLIC REVIEW AND COM-
22 MENT.—The guidance described in this
23 paragraph shall be finalized following an
24 opportunity for public review and com-
25 ment.

1 “(iii) UPDATE.—The Secretary shall
2 periodically update the guidance described
3 in this paragraph, including the model
4 policies or procedures described under sub-
5 paragraph (B)(v).

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

8 “(i) provide best practices for States,
9 metropolitan planning organizations, re-
10 gional transportation planning organiza-
11 tions, local governments or other project
12 sponsors to carry out context sensitive de-
13 sign principles;

14 “(ii) identify opportunities to modify
15 planning, scoping, design, and development
16 procedures to more effectively combine
17 modes of transportation into integrated fa-
18 cilities that meet the needs of each of such
19 modes of transportation in an appropriate
20 balance;

21 “(iii) identify metrics to assess the
22 context of the facility, including sur-
23 rounding land use or roadside characteris-
24 tics;

1 “(iv) assess the expected operational
2 and safety performance of alternative ap-
3 proaches to facility design; and

4 “(v) taking into consideration the
5 findings of this guidance, establish model
6 policies or procedures for a State or other
7 project sponsor to evaluate the context of
8 a proposed facility and select the appro-
9 priate facility design for the context.

10 “(C) TOPICS OF EMPHASIS.—In publishing
11 the guidance described in this paragraph, the
12 Secretary shall emphasize—

13 “(i) procedures for identifying the
14 needs of users of all ages and abilities of
15 a particular roadway;

16 “(ii) procedures for identifying the
17 types and designs of facilities needed to
18 serve each class of users;

19 “(iii) safety and other benefits pro-
20 vided by carrying out context sensitive de-
21 sign principles;

22 “(iv) common barriers to carrying out
23 context sensitive design principles;

1 “(v) procedures for overcoming the
2 most common barriers to carrying out con-
3 text sensitive design principles;

4 “(vi) procedures for identifying the
5 costs associated with carrying out context
6 sensitive design principles;

7 “(vii) procedures for maximizing local
8 cooperation in the introduction of context
9 sensitive design principles and carrying out
10 those principles; and

11 “(viii) procedures for assessing and
12 modifying the facilities and operational
13 characteristics of existing roadways to im-
14 prove consistency with context sensitive de-
15 sign principles.

16 “(4) FUNDING.—Amounts made available
17 under sections 104(b)(6) and 505 of this title may
18 be used for States, local governments, metropolitan
19 planning organizations, or regional transportation
20 planning organizations to adopt policies or proce-
21 dures to evaluate the context of a proposed roadway
22 and select the appropriate design, consistent with
23 context sensitive design principles.”.

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

1 **SEC. 1108. INNOVATIVE PROJECT DELIVERY FEDERAL**
2 **SHARE.**

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

5 (1) by striking clause (i) and inserting the fol-
6 lowing:

7 “(i) prefabricated bridge elements and
8 systems, innovative materials, and other
9 technologies to reduce bridge construction
10 time, extend service life, and reduce preser-
11 vation costs, as compared to conventionally
12 designed and constructed bridges;”;

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

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

15 and

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

17 “(vi) innovative pavement materials
18 that demonstrate reductions in greenhouse
19 gas emissions through sequestration or in-
20 novative manufacturing processes; or”.

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

1 **SEC. 1109. TRANSFERABILITY OF FEDERAL-AID HIGHWAY**
2 **FUNDS.**

3 Section 126(b) of title 23, United States Code, is
4 amended—

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

7 (2) in paragraph (1) by striking “and
8 133(d)(1)(A)” and inserting “, 130, 133(d)(1)(A),
9 and 133(h)”;

10 (3) by striking paragraph (2) and inserting the
11 following:

12 “(2) ENVIRONMENTAL PROGRAMS.—With re-
13 spect to an apportionment under either paragraph
14 (4) or paragraph (9) of section 104(b), and notwith-
15 standing subsection (a), a State may only transfer
16 not more than 50 percent from the amount of the
17 apportionment of either such paragraph to the ap-
18 portionment under the other such paragraph in a
19 fiscal year.”.

20 **SEC. 1110. TOLLING.**

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

24 (1) in subsection (a)—

25 (A) by striking paragraph (1) and insert-
26 ing the following:

1 “(1) IN GENERAL.—

2 “(A) AUTHORIZATION FOR FEDERAL PAR-
3 TICIPATION.—Subject to the provisions of this
4 section, Federal participation shall be permitted
5 on the same basis and in the same manner as
6 construction of toll-free highways is permitted
7 under this chapter in the—

8 “(i) initial construction of a toll high-
9 way, bridge, or tunnel or approach to the
10 highway, bridge, or tunnel;

11 “(ii) initial construction of 1 or more
12 lanes or other improvements that increase
13 capacity of a highway, bridge, or tunnel
14 (other than a highway on the Interstate
15 System) and conversion of that highway,
16 bridge, or tunnel to a tolled facility, if the
17 number of toll-free lanes, excluding auxil-
18 iary lanes, after the construction is not less
19 than the number of toll-free lanes, exclud-
20 ing auxiliary lanes, before the construction;

21 “(iii) initial construction of 1 or more
22 lanes or other improvements that increase
23 the capacity of a highway, bridge, or tun-
24 nel on the Interstate System and conver-
25 sion of that highway, bridge, or tunnel to

1 a tolled facility, if the number of toll-free
2 non-HOV lanes, excluding auxiliary lanes,
3 after such construction is not less than the
4 number of toll-free non-HOV lanes, exclud-
5 ing auxiliary lanes, before such construc-
6 tion;

7 “(iv) reconstruction, resurfacing, res-
8 toration, rehabilitation, or replacement of a
9 toll highway, bridge, or tunnel or approach
10 to the highway, bridge, or tunnel;

11 “(v) reconstruction or replacement of
12 a toll-free bridge or tunnel and conversion
13 of the bridge or tunnel to a toll facility;

14 “(vi) reconstruction of a toll-free Fed-
15 eral-aid highway (other than a highway on
16 the Interstate System) and conversion of
17 the highway to a toll facility;

18 “(vii) reconstruction, restoration, or
19 rehabilitation of a highway on the Inter-
20 state System if the number of toll-free
21 non-HOV lanes, excluding auxiliary lanes,
22 after reconstruction, restoration, or reha-
23 bilitation is not less than the number of
24 toll-free non-HOV lanes, excluding auxil-

1 iary lanes, before reconstruction, restora-
2 tion, or rehabilitation;

3 “(viii) conversion of a high occupancy
4 vehicle lane on a highway, bridge, or tun-
5 nel to a toll facility, subject to the require-
6 ments of section 166; and

7 “(iv) preliminary studies to determine
8 the feasibility of a toll facility for which
9 Federal participation is authorized under
10 this paragraph.

11 “(B) AGREEMENT TO TOLL.—

12 “(i) IN GENERAL.—Before the Sec-
13 retary may authorize tolling as described
14 in this paragraph, the public authority
15 with jurisdiction over a highway, bridge, or
16 tunnel shall enter into an agreement with
17 the Secretary to ensure compliance with
18 the requirements of this subsection.

19 “(ii) APPLICABILITY.—

20 “(I) IN GENERAL.—The provi-
21 sions of this paragraph shall apply
22 to—

23 “(aa) Federal participation
24 under subparagraph (A);

1 “(bb) any prior Federal par-
2 ticipation in the facility proposed
3 to be tolled; and

4 “(cc) conversion, with or
5 without Federal participation, of
6 a non-tolled lane on the National
7 Highway System to a toll facility
8 under subparagraph (E).

9 “(II) HOV FACILITY.—Except as
10 otherwise provided in this subsection
11 or section 166, the provisions of this
12 paragraph shall not apply to a high
13 occupancy vehicle facility.

14 “(iii) MAJOR FEDERAL ACTION.—Ap-
15 proval by the Secretary of an agreement to
16 toll under this paragraph shall be consid-
17 ered a major Federal action under the Na-
18 tional Environmental Policy Act of 1969
19 (42 U.S.C. 4321 et seq.).

20 “(C) AGREEMENT CONDITIONS.—Prior to
21 entering into an agreement to toll under this
22 subsection, the public authority shall certify to
23 the Secretary that—

24 “(i) the public authority has estab-
25 lished procedures to ensure the toll meets

1 the purposes and requirements of this sub-
2 section;

3 “(ii) the facility shall provide for ac-
4 cess at no cost to public transportation ve-
5 hicles and over-the-road buses serving the
6 public; and

7 “(iii) the facility shall provide for the
8 regional interoperability of electronic toll
9 collection, including through technologies
10 or business practices.

11 “(D) CONSIDERATION OF IMPACTS.—

12 “(i) IN GENERAL.—Prior to entering
13 into an agreement to toll under this sec-
14 tion, the Secretary shall ensure the public
15 authority has adequately considered, in-
16 cluding by providing an opportunity for
17 public comment, the following factors with-
18 in the corridor:

19 “(I) Congestion impacts on both
20 the toll facility and in the corridor or
21 cordon (including adjacent toll-free fa-
22 cilities).

23 “(II) In the case of a non-attain-
24 ment or maintenance area, air quality
25 impacts.

1 “(III) Planned investments to
2 improve public transportation or other
3 non-tolled alternatives in the corridor.

4 “(IV) Environmental justice and
5 equity impacts.

6 “(V) Impacts on freight move-
7 ment.

8 “(VI) Economic impacts on busi-
9 nesses.

10 “(ii) CONSIDERATION IN ENVIRON-
11 MENTAL REVIEW.—Nothing in this sub-
12 paragraph shall limit a public authority
13 from meeting the requirements of this sub-
14 paragraph through the environmental re-
15 view process, as applicable.

16 “(E) CONGESTION PRICING.—

17 “(i) IN GENERAL.—The Secretary
18 may authorize conversion of a non-tolled
19 lane on the National Highway System to a
20 toll facility to utilize variable pricing to
21 manage the demand to use the facility by
22 varying the toll amount that is charged.

23 “(ii) REQUIREMENT.—Prior to enter-
24 ing into an agreement to convert a non-
25 tolled lane on the National Highway Sys-

1 tem to a toll facility, the Secretary shall
2 ensure (in addition to the requirements
3 under subparagraphs (B), (C), and (D))
4 that such toll facility and the planned in-
5 vestments to improve public transportation
6 or other non-tolled alternatives in the cor-
7 ridor are reasonably expected to improve
8 the operation of the cordon or corridor, as
9 described in clauses (iii) and (iv).

10 “(iii) PERFORMANCE MONITORING.—
11 A public authority that enters into an
12 agreement to convert a non-tolled lane to
13 a toll facility under this subparagraph
14 shall—

15 “(I) establish, monitor, and sup-
16 port a performance monitoring, eval-
17 uation, and reporting program—

18 “(aa) for the toll facility
19 that provides for continuous
20 monitoring, assessment, and re-
21 porting on the impacts that the
22 pricing structure may have on
23 the operation of the facility; and

24 “(bb) for the corridor or cor-
25 don that provides for continuous

1 monitoring, assessment, and re-
2 porting on the impacts of conges-
3 tion pricing on the operation of
4 the corridor or cordon;

5 “(II) submit to the Secretary an-
6 nual reports of the impacts described
7 in subclause (I); and

8 “(III) if the facility or the cor-
9 ridor or cordon becomes degraded, as
10 described in clause (iv), submit to the
11 Secretary an annual update that de-
12 scribes the actions proposed to bring
13 the toll facility into compliance and
14 the progress made on such actions.

15 “(iv) DETERMINATION.—

16 “(I) DEGRADED OPERATION.—
17 For purposes of clause (iii)(III), the
18 operation of a toll facility shall be
19 considered to be degraded if vehicles
20 operating on the facility are failing to
21 maintain a minimum average oper-
22 ating speed 90 percent of the time
23 over a consecutive 180-day period
24 during morning or evening weekday
25 peak hour periods (or both).

1 “(II) DEGRADED CORRIDOR OR
2 CORDON.—For the purposes of clause
3 (iii)(III), a corridor or cordon shall be
4 considered to be degraded if conges-
5 tion pricing or investments to improve
6 public transportation or other non-
7 toll alternatives have not resulted
8 in—

9 “(aa) an increase in person
10 or freight throughput in the cor-
11 ridor or cordon; and

12 “(bb) a reduction in person
13 hours of delay in the corridor or
14 cordon, as determined by the
15 Secretary.

16 “(III) DEFINITION OF MINIMUM
17 AVERAGE OPERATING SPEED.—In this
18 subparagraph, the term ‘minimum av-
19 erage operating speed’ means—

20 “(aa) 45 miles per hour, in
21 the case of a toll facility with a
22 speed limit of 50 miles per hour
23 or greater; and

24 “(bb) not more than 10
25 miles per hour below the speed

1 limit, in the case of a toll facility
2 with a speed limit of less than 50
3 miles per hour.

4 “(v) MAINTENANCE OF OPERATING
5 PERFORMANCE.—

6 “(I) IN GENERAL.—Not later
7 than 180 days after the date on which
8 a facility or a corridor or cordon be-
9 comes degraded under clause (iv), the
10 public authority with jurisdiction over
11 the facility shall submit to the Sec-
12 retary for approval a plan that details
13 the actions the public authority will
14 take to make significant progress to-
15 ward bringing the facility or corridor
16 or cordon into compliance with this
17 subparagraph.

18 “(II) NOTICE OF APPROVAL OR
19 DISAPPROVAL.—Not later than 60
20 days after the date of receipt of a
21 plan under subclause (I), the Sec-
22 retary shall provide to the public au-
23 thority a written notice indicating
24 whether the Secretary has approved
25 or disapproved the plan based on a

1 determination of whether the imple-
2 mentation of the plan will make sig-
3 nificant progress toward bringing the
4 facility or corridor or cordon into
5 compliance with this subparagraph.

6 “(III) UPDATE.—Until the date
7 on which the Secretary determines
8 that the public authority has brought
9 facility or corridor or cordon into
10 compliance with this subparagraph,
11 the public authority shall submit an-
12 nual updates that describe—

13 “(aa) the actions taken to
14 bring the facility into compliance;

15 “(bb) the actions taken to
16 bring the corridor or cordon into
17 compliance; and

18 “(cc) the progress made by
19 those actions.

20 “(IV) COMPLIANCE.—If a public
21 authority fails to bring a facility into
22 compliance under this subparagraph,
23 the Secretary may subject the public
24 authority to appropriate program
25 sanctions under section 1.36 of title

1 23, Code of Federal Regulations (or
2 successor regulations), until the per-
3 formance is no longer degraded.

4 “(vi) CONSULTATION OF MPO.—If a
5 toll facility authorized under this subpara-
6 graph is located on the National Highway
7 System and in a metropolitan planning
8 area established in accordance with section
9 134, the public authority shall consult with
10 the metropolitan planning organization for
11 the area.

12 “(vii) INCLUSION.—For the purposes
13 of this paragraph, the corridor or cordon
14 shall include toll-free facilities that are ad-
15 jacent to the toll facility.”;

16 (B) in paragraph (3)—

17 (i) in subparagraph (A)—

18 (I) in clause (iv) by striking
19 “and” at the end; and

20 (II) by striking clause (v) and in-
21 serting the following:

22 “(v) any project eligible under this
23 title or chapter 53 of title 49 that improves
24 the operation of the corridor or cordon by

1 increasing person or freight throughput
2 and reducing person hours of delay;

3 “(vi) toll discounts or rebates for
4 users of the toll facility that have no rea-
5 sonable alternative transportation method
6 to the toll facility; and

7 “(vii) if the public authority certifies
8 annually that the tolled facility is being
9 adequately maintained and the cordon or
10 corridor is not degraded under paragraph
11 (1)(E), any revenues remaining after fund-
12 ing the activities described in clauses (i)
13 through (vi) shall be considered surplus
14 revenue and may be used for any other
15 purpose for which Federal funds may be
16 obligated by a State under this title or
17 chapter 53 of title 49.”;

18 (ii) by striking subparagraph (B) and
19 inserting the following:

20 “(B) TRANSPARENCY.—

21 “(i) ANNUAL AUDIT.—

22 “(I) IN GENERAL.—A public au-
23 thority with jurisdiction over a toll fa-
24 cility shall conduct or have an inde-
25 pendent auditor conduct an annual

1 audit of toll facility records to verify
2 adequate maintenance and compliance
3 with subparagraph (A), and report the
4 results of the audits to the Secretary.

5 “(II) RECORDS.—On reasonable
6 notice, the public authority shall make
7 all records of the public authority per-
8 taining to the toll facility available for
9 audit by the Secretary.

10 “(ii) SURPLUS REVENUES.—A State
11 that obligates amounts under clauses (v),
12 (vi), or (vii) of subparagraph (A) shall an-
13 nually report to the Secretary a list of ac-
14 tivities funded with such amounts and the
15 amount of funding provided for each such
16 activity.”;

17 (C) in paragraph (8) by striking “as of the
18 date of enactment of the MAP–21, before com-
19 mencing any activity authorized” and inserting
20 “, before commencing any activity authorized”;
21 and

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

24 “(10) INTEROPERABILITY OF ELECTRONIC
25 TOLL COLLECTION.—All toll facilities on Federal-aid

1 highways shall provide for the regional interoper-
2 ability of electronic toll collection, including through
3 technologies or business practices.

4 “(11) NONCOMPLIANCE.—If the Secretary con-
5 cludes that a public authority has not complied with
6 the requirements of this subsection, the Secretary
7 may require the public authority to discontinue col-
8 lecting tolls until the public authority and the Sec-
9 retary enter into an agreement for the public author-
10 ity to achieve compliance with such requirements.

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

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

16 “(B) HIGH OCCUPANCY VEHICLE; HOV.—
17 The term ‘high occupancy vehicle’ or ‘HOV’
18 means a vehicle with not fewer than 2 occu-
19 pants.

20 “(C) INITIAL CONSTRUCTION.—

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

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

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

9 “(E) PUBLIC AUTHORITY.—The term
10 ‘public authority’ means a State, interstate
11 compact of States, or public entity designated
12 by a State.

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

16 “(G) TOLL FACILITY.—The term ‘toll fa-
17 cility’ means a toll highway, bridge, or tunnel or
18 approach to the highway, bridge, or tunnel con-
19 structed or authorized to be tolled under this
20 subsection.”.

21 (b) REPEAL OF INTERSTATE SYSTEM RECONSTRUC-
22 TION AND REHABILITATION PILOT PROGRAM.—Section
23 1216 of the Transportation Equity Act for the 21st Cen-
24 tury (23 U.S.C. 129 note), and the item related to such

1 section in the table of contents in section 1(b) of such Act,
2 are repealed.

3 (c) VALUE PRICING PILOT PROGRAM.—Section
4 1012(b) of the Intermodal Surface Transportation Effi-
5 ciency Act of 1991 (23 U.S.C. 149 note) is amended by
6 adding at the end the following:

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

10 (d) SAVINGS CLAUSE.—

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

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

19 (A) operating;

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

21 (C) in the construction phase.

22 **SEC. 1111. HOV FACILITIES.**

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

25 (1) in subsection (b)—

1 (A) in paragraph (4)(C)(iii) by striking
2 “transportation buses” and inserting “transportation
3 vehicles”; and

4 (B) in paragraph (5) by striking subpara-
5 graph (B) and redesignating subparagraph (C)
6 as subparagraph (B);

7 (2) in subsection (e)—

8 (A) by striking “Not later than 180 days
9 after the date of enactment of this section, the
10 Administrator” and inserting “The Adminis-
11 trator”;

12 (B) in paragraph (1) by striking “and” at
13 the end;

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

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

17 “(3) not later than 180 days after the date of
18 enactment of the INVEST in America Act, update
19 the requirements established under paragraph (1).”;
20 and

21 (3) in subsection (f)—

22 (A) in paragraph (1)—

23 (i) by striking subparagraphs (C),
24 (D), and (F); and

1 (ii) by redesignating subparagraphs
2 (E), (G), (H), and (I) as subparagraphs
3 (C), (D), (E), and (F), respectively; and
4 (B) in paragraph (6)(B)(i) by striking
5 “public entity” and inserting “public transpor-
6 tation service that is a recipient or subrecipient
7 of funds under chapter 53 of title 49”.

8 **SEC. 1112. BUY AMERICA.**

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

11 (1) in subsection (a)—

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

14 (B) by striking “Secretary of Transpor-
15 tation” and inserting “Secretary”; and

16 (C) by striking “the Surface Transpor-
17 tation Assistance Act of 1982 (96 Stat. 2097)
18 or”;

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

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

23 (4) in subsection (d)—

1 (A) by striking “The Secretary of Trans-
2 portation” and inserting “REQUIREMENTS—
3 The Secretary”; and

4 (B) by striking “the Surface Transpor-
5 tation Assistance Act of 1982 (96 Stat. 2097)
6 or”; and

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

8 “(h) WAIVER PROCEDURE.—

9 “(1) IN GENERAL.—Not later than 120 days
10 after the submission of a request for a waiver, the
11 Secretary shall make a determination under para-
12 graph (1) or (2) of subsection (b) as to whether sub-
13 section (a) shall apply.

14 “(2) PUBLIC NOTIFICATION AND COMMENT.—

15 “(A) IN GENERAL.—Not later than 30
16 days before making a determination regarding a
17 waiver described in paragraph (1), the Sec-
18 retary shall provide notification and an oppor-
19 tunity for public comment on the request for
20 such waiver.

21 “(B) NOTIFICATION REQUIREMENTS.—The
22 notification required under subparagraph (A)
23 shall—

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

4 “(ii) be provided to the public by elec-
5 tronic means, including on the public
6 website of the Department of Transpor-
7 tation.

8 “(3) DETERMINATION.—Before a determination
9 described in paragraph (1) takes effect, the Sec-
10 retary shall publish a detailed justification for such
11 determination that addresses all public comments re-
12 ceived under paragraph (2)—

13 “(A) on the public website of the Depart-
14 ment of Transportation; and

15 “(B) if the Secretary issues a waiver with
16 respect to such determination, in the Federal
17 Register.

18 “(i) REVIEW OF NATIONWIDE WAIVERS.—

19 “(1) IN GENERAL.—Not later than 1 year after
20 the date of enactment of this subsection, and at
21 least every 5 years thereafter, the Secretary shall re-
22 view any standing nationwide waiver issued by the
23 Secretary under this section to ensure such waiver
24 remains justified.

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

3 “(A) IN GENERAL.—Not later than 30
4 days before the completion of a review under
5 paragraph (1), the Secretary shall provide noti-
6 fication and an opportunity for public comment
7 on such review.

8 “(B) MEANS OF NOTIFICATION.—Notifica-
9 tion provided under this subparagraph shall be
10 provided by electronic means, including on the
11 public website of the Department of Transpor-
12 tation.

13 “(3) DETAILED JUSTIFICATION IN FEDERAL
14 REGISTER.—After the completion of a review under
15 paragraph (1), the Secretary shall publish in the
16 Federal Register a detailed justification for the de-
17 termination made under paragraph (1) that address-
18 es all public comments received under paragraph
19 (2).

20 “(j) REPORT.—Not later than 120 days after the last
21 day of each fiscal year, the Secretary shall submit to the
22 Committee on Transportation and Infrastructure of the
23 House of Representatives, the Committee on Appropria-
24 tions of the House of Representatives, the Committee on
25 Environment and Public Works of the Senate, and the

1 Committee on Appropriations of the Senate a report on
2 the waivers provided under subsection (h) during the pre-
3 vious fiscal year and the justifications for such waivers.”.

4 (b) CONFORMING AMENDMENTS.—

5 (1) CONSOLIDATED APPROPRIATIONS ACT,
6 2010.—Section 123 of title I of division A of the
7 Consolidated Appropriations Act, 2010 (23 U.S.C.
8 313 note; Public Law 111–117) is repealed.

9 (2) CONSOLIDATED APPROPRIATIONS ACT,
10 2019.—Section 122 of title I of division H of the
11 Consolidated Appropriations Act, 2019 (23 U.S.C.
12 313 note; Public Law 116–94) is repealed.

13 (3) SAFETEA–LU TECHNICAL CORRECTIONS
14 ACT OF 2008.—Section 117 of the SAFETEA–LU
15 Technical Corrections Act of 2008 (23 U.S.C. 313
16 note) is repealed.

17 **Subtitle B—Programmatic**
18 **Infrastructure Investment**

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

20 Section 119 of title 23, United States Code, is
21 amended—

22 (1) by striking subsection (b) and inserting the
23 following:

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

1 “(1) to provide support for the condition and
2 performance of Federal-aid highways and bridges on
3 the National Highway System, consistent with the
4 asset management plans of States;

5 “(2) to support progress toward the achieve-
6 ment of performance targets of States established
7 under section 150;

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

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

13 (2) in subsection (d)—

14 (A) in paragraph (1)(A) by striking “or
15 freight movement on the National Highway
16 System” and inserting “freight movement, envi-
17 ronmental sustainability, transportation system
18 access, or combating climate change”;

19 (B) in paragraph (1)(B) by striking “and”
20 at the end;

21 (C) in paragraph (2)—

22 (i) in subparagraph (G)—

23 (I) in clause (i) by inserting
24 “and” at the end;

1 (II) in clause (ii) by striking “;
2 and” and inserting a period; and

3 (III) by striking clause (iii);

4 (ii) in subparagraph (I) by inserting
5 “, including the installation of safety bar-
6 riers and nets on bridges on the National
7 Highway System” after “National High-
8 way System”; and

9 (iii) by adding at the end the fol-
10 lowing:

11 “(Q) Projects on or off the National High-
12 way System to reduce greenhouse gas emissions
13 that are eligible under section 171, including
14 the installation of electric vehicle charging in-
15 frastructure.

16 “(R) Projects on or off the National High-
17 way System to enhance resilience of a transpor-
18 tation facility, including protective features.

19 “(S) Projects and strategies to reduce ve-
20 hicle-caused wildlife mortality related to, or to
21 restore and maintain connectivity among terres-
22 trial or aquatic habitats affected by, a transpor-
23 tation facility otherwise eligible for assistance
24 under this section.

1 “(T) Projects on or off the National High-
2 way System to improve an evacuation route eli-
3 gible under section 124(b)(1)(C); and”;

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

5 “(3) a project that is otherwise eligible under
6 this subsection to construct new capacity for single
7 occupancy passenger vehicles only if the State—

8 “(A) has demonstrated progress in achiev-
9 ing a state of good repair on the National
10 Highway System; and

11 “(B) demonstrates that the project—

12 “(i) supports the achievement of per-
13 formance targets of the State established
14 under section 150; and

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

17 “(I) an operational improvement
18 to the facility or corridor;

19 “(II) the construction of a transit
20 project eligible for assistance under
21 chapter 53 of title 49; or

22 “(III) the construction of a non-
23 single occupancy passenger vehicle
24 project that improves freight move-
25 ment.”; and

1 (3) in subsection (e)—

2 (A) in the heading by inserting “ASSET
3 AND” after “STATE”;

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

8 (C) in paragraph (8) by striking “Not later
9 than 18 months after the date of enactment of
10 the MAP–21, the Secretary” and inserting
11 “The Secretary”.

12 **SEC. 1202. INCREASING THE RESILIENCE OF TRANSPOR-**
13 **TATION ASSETS.**

14 (a) PREDISASTER MITIGATION PROGRAM.—

15 (1) IN GENERAL.—Chapter 1 of title 23, United
16 States Code, is amended by inserting after section
17 123 the following:

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

19 “(a) ESTABLISHMENT.—The Secretary shall estab-
20 lish and implement a predisaster mitigation program to
21 enhance the resilience of the transportation system of the
22 United States, mitigate the impacts of covered events, and
23 ensure the efficient use of Federal resources.

24 “(b) ELIGIBLE ACTIVITIES.—

1 “(1) IN GENERAL.—Subject to paragraph (2),
2 funds apportioned to the State under section
3 104(b)(8) may be obligated for construction activi-
4 ties, including construction of natural infrastructure
5 or protective features, to—

6 “(A) increase the resilience of a surface
7 transportation infrastructure asset to withstand
8 a covered event;

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

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

14 “(i) improve the capacity or operation
15 of such evacuation route through—

16 “(I) communications and intel-
17 ligent transportation system equip-
18 ment and infrastructure;

19 “(II) counterflow measures; and

20 “(III) shoulders; and

21 “(ii) relocate such evacuation route or
22 provide a reasonable alternative to such
23 evacuation route to address the risk of a
24 covered event.

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

5 “(A) The project is designed to ensure re-
6 silience over the anticipated service life of the
7 surface transportation infrastructure asset.

8 “(B) The project is identified in the metro-
9 politan or statewide transportation improve-
10 ment program as a project to address resilience
11 vulnerabilities, consistent with section
12 134(j)(3)(E) or 135(g)(5)(B)(iii).

13 “(C) For a project in a flood plain, the
14 project sponsor considers hydrologic and hy-
15 draulic data and methods that integrate current
16 and projected changes in flooding based on cli-
17 mate science and future land use changes over
18 the anticipated service life of the surface trans-
19 portation infrastructure asset.

20 “(3) PRIORITIZATION OF PROJECTS.—A State
21 shall develop a process to prioritize projects under
22 this section based on the degree to which the pro-
23 posed project would—

24 “(A) be cost effective;

1 “(B) reduce the risk of disruption to a sur-
2 face transportation infrastructure asset consid-
3 ered critical to support population centers,
4 freight movement, economic activity, evacu-
5 ation, recovery, or national security functions;
6 and

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

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

12 “(d) DEFINITIONS.—In this section:

13 “(1) COVERED EVENT.—The term ‘covered
14 event’ means a climate change effect (including sea
15 level rise), an extreme event, seismic activity, or any
16 other natural disaster (including a wildfire).

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

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

 “124. Predisaster mitigation program.”.

25 (b) METROPOLITAN TRANSPORTATION PLANNING.—

1 (1) AMENDMENTS TO TITLE 23.—

2 (A) CLIMATE CHANGE AND RESILIENCE.—

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

6 “(I) CLIMATE CHANGE AND RESILIENCE.—

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

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

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

23 “(II) identify investments and
24 strategies to manage transportation
25 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);

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, and the
19 State’s evaluation of reasonable alter-
20 natives to repeatedly damaged facili-
21 ties;

22 “(III) identifies evacuation
23 routes, assesses the ability of any
24 such routes to provide safe passage
25 for evacuation and emergency re-

1 sponse during an emergency event,
2 and identifies any improvements or
3 redundant facilities necessary to ade-
4 quately facilitate safe passage;

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

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

17 “(iv) CONSULTATION.—The assess-
18 ment described in this subparagraph shall
19 be developed in consultation with, as ap-
20 propriate, State, local, and Tribal officials
21 responsible for land use, housing, resil-
22 ience, hazard mitigation, and emergency
23 management.”.

1 (B) RESILIENCE PROJECTS.—Section
2 134(j)(3) of title 23, 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 (2) AMENDMENTS TO TITLE 49.—

13 (A) CLIMATE CHANGE AND RESILIENCE.—
14 Section 5303(i)(2) of title 49, 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 of title 23);

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 of title
7 23, and the State’s evaluation of rea-
8 sonable alternatives to repeatedly
9 damaged facilities;

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

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

24 “(V) is consistent with and com-
25plementary of the State and local

1 mitigation plans required under sec-
2 tion 322 of the Robert T. Stafford
3 Disaster Relief and Emergency Assist-
4 ance Act (42 U.S.C. 5165).

5 “(iv) CONSULTATION.—The assess-
6 ment described in this subparagraph shall
7 be developed in consultation, as appro-
8 priate, with State, local, and Tribal offi-
9 cials responsible for land use, housing, re-
10 siliency, hazard mitigation, and emergency
11 management.”.

12 (B) RESILIENCE PROJECTS.—Section
13 5303(j)(3) of title 49, United States Code, is
14 amended by adding at the end the following:

15 “(E) RESILIENCE PROJECTS.—The TIP
16 shall—

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

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

23 (c) STATEWIDE AND NONMETROPOLITAN PLAN-
24 NING.—

25 (1) AMENDMENTS TO TITLE 23.—

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

4 “(10) CLIMATE CHANGE AND RESILIENCE.—

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

13 “(B) CLIMATE CHANGE MITIGATION AND
14 IMPACTS.—A long-range transportation plan
15 shall—

16 “(i) identify investments and strate-
17 gies to reduce transportation-related
18 sources of greenhouse gas emissions per
19 capita;

20 “(ii) identify investments and strate-
21 gies to manage transportation demand and
22 increase the rates of public transportation
23 ridership, walking, bicycling, and carpooling;
24 and

1 “(iii) recommend zoning and other
2 land use policies that would support infill,
3 transit-oriented development, and mixed
4 use development.

5 “(C) VULNERABILITY ASSESSMENT.—A
6 long-range transportation plan shall incorporate
7 a vulnerability assessment that—

8 “(i) includes a risk-based assessment
9 of vulnerabilities of critical transportation
10 assets and systems to covered events (as
11 such term is defined in section 124);

12 “(ii) considers, as applicable, the risk
13 management analysis in the State’s asset
14 management plan developed pursuant to
15 section 119, and the State’s evaluation of
16 reasonable alternatives to repeatedly dam-
17 aged facilities;

18 “(iii) identifies evacuation routes, as-
19 sesses the ability of any such routes to pro-
20 vide safe passage for evacuation and emer-
21 gency response during an emergency event,
22 and identifies any improvements or redun-
23 dant facilities necessary to adequately fa-
24 cilitate safe passage;

1 “(iv) describes the metropolitan plan-
2 ning organization’s adaptation and resil-
3 ience improvement strategies that will in-
4 form the transportation investment deci-
5 sions of the metropolitan planning organi-
6 zation; and

7 “(v) is consistent with and com-
8 plementary of the State and local mitiga-
9 tion plans required under section 322 of
10 the Robert T. Stafford Disaster Relief and
11 Emergency Assistance Act (42 U.S.C.
12 5165).

13 “(D) CONSULTATION.—The assessment
14 described in this subparagraph shall be devel-
15 oped in consultation with, as appropriate, State,
16 local, and Tribal officials responsible for land
17 use, housing, resilience, hazard mitigation, and
18 emergency management.”.

19 (B) RESILIENCE PROJECTS.—Section
20 135(g)(5)(B) of title 23, United States Code, is
21 amended by adding at the end the following:

22 “(iii) RESILIENCE PROJECTS.—The
23 STIP shall—

24 “(I) identify projects that ad-
25 dress the vulnerabilities identified by

1 the assessment in subsection
2 (i)(10)(B); and

3 “(II) describe how each project
4 identified under subclause (I) would
5 improve the resilience of the transpor-
6 tation system.”.

7 (2) AMENDMENTS TO TITLE 49.—

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

11 “(10) CLIMATE CHANGE AND RESILIENCE.—

12 “(A) IN GENERAL.—The transportation
13 planning process shall assess strategies to re-
14 duce the climate change impacts of the surface
15 transportation system and conduct a vulner-
16 ability assessment to identify opportunities to
17 enhance the resilience of the surface transpor-
18 tation system and ensure the efficient use of
19 Federal resources.

20 “(B) CLIMATE CHANGE MITIGATION AND
21 IMPACTS.—A long-range transportation plan
22 shall—

23 “(i) identify investments and strate-
24 gies to reduce transportation-related

1 sources of greenhouse gas emissions per
2 capita;

3 “(ii) identify investments and strate-
4 gies to manage transportation demand and
5 increase the rates of public transportation
6 ridership, walking, bicycling, and carpools;
7 and

8 “(iii) recommend zoning and other
9 land use policies that would support infill,
10 transit-oriented development, and mixed
11 use development.

12 “(C) VULNERABILITY ASSESSMENT.—A
13 long-range transportation plan shall incorporate
14 a vulnerability assessment that—

15 “(i) includes a risk-based assessment
16 of vulnerabilities of critical transportation
17 assets and systems to covered events (as
18 such term is defined in section 124 of title
19 23);

20 “(ii) considers, as applicable, the risk
21 management analysis in the State’s asset
22 management plan developed pursuant to
23 section 119 of title 23, and the State’s
24 evaluation of reasonable alternatives to re-
25 peatedly damaged facilities;

1 “(iii) identifies evacuation routes, as-
2 sesses the ability of any such routes to pro-
3 vide safe passage for evacuation and emer-
4 gency response during an emergency event,
5 and identifies any improvements or redun-
6 dant facilities necessary to adequately fa-
7 cilitate safe passage;

8 “(iv) describes the metropolitan plan-
9 ning organization’s adaptation and resil-
10 ience improvement strategies that will in-
11 form the transportation investment deci-
12 sions of the metropolitan planning organi-
13 zation; and

14 “(v) is consistent with and com-
15 plementary of the State and local mitiga-
16 tion plans required under section 322 of
17 the Robert T. Stafford Disaster Relief and
18 Emergency Assistance Act (42 U.S.C.
19 5165).

20 “(D) CONSULTATION.—The assessment
21 described in this subparagraph shall be devel-
22 oped in consultation with, as appropriate, State,
23 local, and Tribal officials responsible for land
24 use, housing, resilience, hazard mitigation, and
25 emergency management.”.

1 (B) RESILIENCE PROJECTS.—Section
2 5304(g)(5)(B) of title 49, United States Code,
3 is amended by adding at the end the following:

4 “(iii) RESILIENCE PROJECTS.—The
5 STIP shall—

6 “(I) identify projects that ad-
7 dress the vulnerabilities identified by
8 the assessment in subsection
9 (i)(10)(B); and

10 “(II) describe how each project
11 identified under subclause (I) would
12 improve the resilience of the transpor-
13 tation system.”.

14 **SEC. 1203. EMERGENCY RELIEF.**

15 (a) IN GENERAL.—Section 125 of title 23, United
16 States Code, is amended—

17 (1) in subsection (a)(1) by inserting “wildfire,”
18 after “severe storm,”;

19 (2) by striking subsection (b);

20 (3) in subsection (c)(2)(A) by striking “in any
21 1 fiscal year commencing after September 30,
22 1980,” and inserting “in any fiscal year”;

23 (4) in subsection (d)—

24 (A) in paragraph (3)(C) by striking “sub-
25 section (e)(1)” and inserting “subsection (g)”;

1 (B) by redesignating paragraphs (3), (4),
2 and (5) as paragraphs (4), (5), and (6), respec-
3 tively; and

4 (C) by striking paragraphs (1) and (2) and
5 inserting the following:

6 “(1) IN GENERAL.—The Secretary may expend
7 funds from the emergency fund authorized by this
8 section only for the repair or reconstruction of high-
9 ways on Federal-aid highways in accordance with
10 this chapter.

11 “(2) RESTRICTIONS.—

12 “(A) IN GENERAL.—No funds shall be ex-
13 pended from the emergency fund authorized by
14 this section unless—

15 “(i) an emergency has been declared
16 by the Governor of the State with concur-
17 rence by the Secretary, unless the Presi-
18 dent has declared the emergency to be a
19 major disaster for the purposes of the Rob-
20 ert T. Stafford Disaster Relief and Emer-
21 gency Assistance Act (42 U.S.C. 5121 et
22 seq.) for which concurrence of the Sec-
23 retary is not required; and

24 “(ii) the Secretary has received an ap-
25 plication from the State transportation de-

1 partment that includes a comprehensive
2 list of all eligible project sites and repair
3 costs by not later than 6 years after the
4 natural disaster or catastrophic failure.

5 “(B) COST LIMITATION.—The total cost of
6 a project funded under this section may not ex-
7 ceed the cost of repair or reconstruction of a
8 comparable facility unless the Secretary deter-
9 mines that the project incorporates economi-
10 cally justified betterments, including protective
11 features to increase the resilience of the facility.

12 “(3) SPECIAL RULE FOR BRIDGE PROJECTS.—
13 In no case shall funds be used under this section for
14 the repair or reconstruction of a bridge—

15 “(A) that has been permanently closed to
16 all vehicular traffic by the State or responsible
17 local official because of imminent danger of col-
18 lapse due to a structural deficiency or physical
19 deterioration; or

20 “(B) if a construction phase of a replace-
21 ment structure is included in the approved
22 statewide transportation improvement program
23 at the time of an event described in subsection
24 (a).”;

25 (5) in subsection (e)—

1 (A) by striking paragraph (1);

2 (B) in paragraph (2) by striking “sub-
3 section (d)(1)” and inserting “subsection
4 (c)(1)”; and

5 (C) by redesignating paragraphs (2) and
6 (3), as amended, as paragraphs (1) and (2), re-
7 spectively;

8 (6) by redesignating subsections (c) through
9 (g), as amended, as subsections (b) through (f), re-
10 spectively; and

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

12 “(g) DEFINITIONS.—In this section:

13 “(1) COMPARABLE FACILITY.—The term ‘com-
14 parable facility’ means a facility that meets the cur-
15 rent geometric and construction standards required
16 for the types and volume of traffic that the facility
17 will carry over its design life.

18 “(2) CONSTRUCTION PHASE.—The term ‘con-
19 struction phase’ means the phase of physical con-
20 struction of a highway or bridge facility that is sepa-
21 rate from any other identified phases, such as plan-
22 ning, design, or right-of-way phases, in the State
23 transportation improvement program.

24 “(3) OPEN TO PUBLIC TRAVEL.—The term
25 ‘open to public travel’ means with respect to a road,

1 that, except during scheduled periods, extreme
2 weather conditions, or emergencies, the road—

3 “(A) is maintained;

4 “(B) is open to the general public; and

5 “(C) can accommodate travel by a stand-
6 ard passenger vehicle, without restrictive gates
7 or prohibitive signs or regulations, other than
8 for general traffic control or restrictions based
9 on size, weight, or class of registration.

10 “(4) STANDARD PASSENGER VEHICLE.—The
11 term ‘standard passenger vehicle’ means a vehicle
12 with 6 inches of clearance from the lowest point of
13 the frame, body, suspension, or differential to the
14 ground.”.

15 (b) CONFORMING AMENDMENTS.—

16 (1) FEDERAL LANDS AND TRIBAL TRANSPOR-
17 TATION PROGRAMS.—Section 201(c)(8)(A) of title
18 23, United States Code, is amended by striking
19 “section 125(e)” and inserting “section 125(g)”.

20 (2) TRIBAL TRANSPORTATION PROGRAM.—Sec-
21 tion 202(b)(6)(A) of title 23, United States Code, is
22 amended by striking “section 125(e)” and inserting
23 “section 125(d)”.

1 **SEC. 1204. RAILWAY CROSSINGS.**

2 (a) IN GENERAL.—Section 130 of title 23, United
3 States Code, is amended—

4 (1) in the section heading by striking “**Rail-**
5 **way-highway crossings**” and inserting “**Rail-**
6 **way crossings**”;

7 (2) in subsection (a)—

8 (A) by striking “Subject to section 120
9 and subsection (b) of this section, the entire”
10 and inserting “IN GENERAL.—The”;

11 (B) by striking “then the entire” and in-
12 sserting “the”; and

13 (C) by striking “, subject to section 120
14 and subsection (b) of this section,”;

15 (3) by amending subsection (b) to read as fol-
16 lows:

17 “(b) CLASSIFICATION.—

18 “(1) IN GENERAL.—The construction of
19 projects for the elimination of hazards at railway
20 crossings represents a benefit to the railroad. The
21 Secretary shall classify the various types of projects
22 involved in the elimination of hazards of railway-
23 highway crossings, and shall set for each such classi-
24 fication a percentage of the total project cost that
25 represent the benefit to the railroad or railroads for
26 the purpose of determining the railroad’s share of

1 the total project cost. The Secretary shall determine
2 the appropriate classification of each project.

3 “(2) NONCASH CONTRIBUTIONS.—

4 “(A) IN GENERAL.—Not more than 5 per-
5 cent of the cost share described in paragraph
6 (1) may be attributable to noncash contribu-
7 tions of materials and labor furnished by the
8 railroad in connection with the construction of
9 such project.

10 “(B) REQUIREMENT.—The requirements
11 under section 200.306 and 200.403(g) of title
12 2, Code of Federal Regulations (or successor
13 regulations), shall apply to any noncash con-
14 tributions under this subsection.

15 “(3) TOTAL PROJECT COST.—For the purposes
16 of this subsection, the determination of the rail-
17 road’s share of the total project cost shall include
18 environment, design, right-of-way, utility accommo-
19 dation, and construction phases of the project.”;

20 (4) in subsection (c)—

21 (A) by striking “Any railroad involved”
22 and inserting “BENEFIT.—Any railroad in-
23 volved”;

1 (B) by striking “the net benefit” and in-
2 serting “the cost associated with the benefit”;
3 and

4 (C) by striking “Such payment may con-
5 sist in whole or in part of materials and labor
6 furnished by the railroad in connection with the
7 construction of such project.”;

8 (5) by striking subsection (e) and inserting the
9 following:

10 “(e) RAILWAY CROSSINGS.—

11 “(1) ELIGIBLE ACTIVITIES.—Funds appor-
12 tioned to a State under section 104(b)(7) may be ob-
13 ligated for the following:

14 “(A) The elimination of hazards at rail-
15 way-highway crossings, including technology or
16 protective upgrades.

17 “(B) Construction (including installation
18 and replacement) of protective devices at rail-
19 way-highway crossings.

20 “(C) Infrastructure and noninfrastructure
21 projects and strategies to prevent or reduce sui-
22 cide or trespasser fatalities and injuries along
23 railroad rights-of-way and at or near railway-
24 highway crossings.

1 “(D) Projects to mitigate any degradation
2 in the level of access from a highway-grade
3 crossing closure.

4 “(E) Bicycle and pedestrian railway grade
5 crossing improvements, including underpasses
6 and overpasses.

7 “(F) Projects eligible under section
8 22907(c)(5) of title 49, provided that amounts
9 obligated under this subparagraph—

10 “(i) shall be administered by the Sec-
11 retary in accordance with such section as
12 if such amounts were made available to
13 carry out such section; and

14 “(ii) may be used to pay up to 90 per-
15 cent of the non-Federal share of the cost
16 of a project carried out under such section.

17 “(2) SPECIAL RULE.—If a State demonstrates
18 to the satisfaction of the Secretary that the State
19 has met all its needs for installation of protective de-
20 vices at railway-highway crossings, the State may
21 use funds made available by this section for other
22 highway safety improvement program purposes.”;

23 (6) by striking subsection (f) and inserting the
24 following:

1 “(f) FEDERAL SHARE.—Notwithstanding section
2 120, the Federal share payable on account of any project
3 financed with funds made available to carry out subsection
4 (e) shall be up to 90 percent of the cost thereof.”;

5 (7) by striking subsection (g) and inserting the
6 following:

7 “(g) REPORT.—

8 “(1) STATE REPORT.—

9 “(A) IN GENERAL.—Not later than 2 years
10 after the date of enactment of the INVEST in
11 America Act, and at least biennially thereafter,
12 each State shall submit to the Secretary a re-
13 port on the progress being made to implement
14 the railway crossings program authorized by
15 this section and the effectiveness of such im-
16 provements.

17 “(B) CONTENTS.—Each State report
18 under subparagraph (A) shall contain an as-
19 sessment of the costs of the various treatments
20 employed and subsequent accident experience at
21 improved locations.

22 “(2) DEPARTMENTAL REPORT.—

23 “(A) IN GENERAL.—Not later than 180
24 days after the deadline for the submission of a
25 report under paragraph (1)(A), the Secretary

1 shall publish on the website of the Department
2 of Transportation a report on the progress
3 being made by the State in implementing
4 projects to improve railway-highway crossings.

5 “(B) CONTENTS.—The report under sub-
6 paragraph (A) shall include—

7 “(i) the number of projects under-
8 taken;

9 “(ii) distribution of such projects by
10 cost range, road system, nature of treat-
11 ment, and subsequent accident experience
12 at improved locations;

13 “(iii) an analysis and evaluation of
14 each State program;

15 “(iv) the identification of any State
16 found not to be in compliance with the
17 schedule of improvements required by sub-
18 section (d); and

19 “(v) recommendations for future im-
20 plementation of the railway crossings pro-
21 gram.”;

22 (8) in subsection (j)—

23 (A) in the heading by inserting “AND PE-
24 DESTRIAN” after “BICYCLE”; and

1 (B) by inserting “and pedestrian” after
2 “bicycle”; and
3 (9) in subsection (l)—

4 (A) in paragraph (1) by striking “Not
5 later than” and all that follows through “each
6 State” and inserting “Not later than 6 months
7 after a new railway crossing becomes oper-
8 ational, each State”; and

9 (B) in paragraph (2) by striking “On a
10 periodic” and all that follows through “every
11 year thereafter” and inserting “On or before
12 September 30 of each year”.

13 (b) CLERICAL AMENDMENT.—The analysis for chap-
14 ter 1 of title 23, United States Code, is amended by
15 amending the item relating to section 130 to read as fol-
16 lows:

“130. Railway crossings.”.

17 (c) GAO STUDY.—Not later than 2 years after the
18 date of enactment of this Act, the Comptroller General
19 of the United States shall submit to Congress a report
20 that includes an analysis of the effectiveness of the railway
21 crossing program under section 130 of title 23, United
22 States Code.

23 (d) SENSE OF CONGRESS RELATING TO TRESPASSER
24 DEATHS ALONG RAILROAD RIGHTS-OF-WAY.—It is the
25 sense of Congress that the Department of Transportation

1 should, where feasible, coordinate departmental efforts to
2 prevent or reduce trespasser deaths along railroad rights-
3 of-way and at or near railway-highway crossings.

4 **SEC. 1205. SURFACE TRANSPORTATION PROGRAM.**

5 (a) IN GENERAL.—Section 133 of title 23, United
6 States Code, is amended—

7 (1) in the heading by striking “**block grant**”;

8 (2) in subsection (a) by striking “block grant”;

9 (3) in subsection (b)—

10 (A) by striking “block grant”;

11 (B) in paragraph (4) by striking “railway-
12 highway grade crossings” and inserting
13 “projects eligible under section 130 and instal-
14 lation of safety barriers and nets on bridges”;

15 (C) in paragraph (6)—

16 (i) by striking “Recreational” and in-
17 serting “Transportation alternatives
18 projects eligible under subsection (h), rec-
19 reational”; and

20 (ii) by striking “1404 of SAFETEA-
21 LU (23 U.S.C. 402 note)” and inserting
22 “211”; and

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

24 “(16) Protective features (including natural in-
25 frastructure) to enhance the resiliency of a transpor-

1 tation facility otherwise eligible for assistance under
2 this section.

3 “(17) Projects to reduce greenhouse gas emis-
4 sions eligible under section 171, including the instal-
5 lation of electric vehicle charging infrastructure.

6 “(18) Projects and strategies to reduce vehicle-
7 caused wildlife mortality related to, or to restore and
8 maintain connectivity among terrestrial or aquatic
9 habitats affected by, a transportation facility other-
10 wise eligible for assistance under this section.”;

11 (4) in subsection (c)—

12 (A) by striking “block grant” and inserting
13 “program”;

14 (B) by striking paragraph (3) and insert-
15 ing the following:

16 “(3) for a project described in—

17 “(A) subsection (h); or

18 “(B) section 101(a)(29), as in effect on
19 the day before the date of enactment of the
20 FAST Act;”;

21 (C) by redesignating paragraph (4) as
22 paragraph (5); and

23 (D) by inserting after paragraph (3) the
24 following:

1 “(4) for a project described in section 5308 of
2 title 49; and”;

3 (5) in subsection (d)—

4 (A) in paragraph (1)—

5 (i) by inserting “each fiscal year”
6 after “apportioned to a State”;

7 (ii) by striking “the reservation of”
8 and inserting “setting aside”; and

9 (iii) in subparagraph (A)—

10 (I) by striking “the percentage
11 specified in paragraph (6) for a fiscal
12 year” and inserting “55 percent”;

13 (II) in clause (i) by striking “of
14 over” and inserting “greater than”;
15 and

16 (III) by striking clauses (ii) and
17 (iii) and inserting the following:

18 “(ii) in urbanized areas of the State
19 with an urbanized area population greater
20 than 49,999 and less than 200,001;

21 “(iii) in urban areas of the State with
22 a population greater than 4,999 and less
23 than 50,000; and

24 “(iv) in other areas of the State with
25 a population less than 5,000; and”;

1 (B) by striking paragraph (3) and insert-
2 ing the following:

3 “(3) LOCAL COORDINATION AND CONSULTA-
4 TION.—

5 “(A) COORDINATION WITH METROPOLITAN
6 PLANNING ORGANIZATIONS.—For purposes of
7 paragraph (1)(A)(ii), a State shall—

8 “(i) establish a process to coordinate
9 with all metropolitan planning organiza-
10 tions in the State that represent an urban-
11 ized area described in such paragraph; and

12 “(ii) describe how funds described
13 under paragraph (1)(A)(ii) will be allo-
14 cated equitably among such urbanized
15 areas during the period of fiscal years
16 2022 through 2025.

17 “(B) JOINT RESPONSIBILITY.—Each State
18 and the Secretary shall jointly ensure compli-
19 ance with subparagraph (A).

20 “(C) CONSULTATION WITH REGIONAL
21 TRANSPORTATION PLANNING ORGANIZA-
22 TIONS.—For purposes of clauses (iii) and (iv)
23 of paragraph (1)(A), before obligating funding
24 attributed to an area with a population less
25 than 50,000, a State shall consult with the re-

1 regional transportation planning organizations
2 that represent the area, if any.”;

3 (C) in the heading for paragraph (4) by
4 striking “OVER 200,000” and inserting “GREAT-
5 ER THAN 200,000”;

6 (D) by striking paragraph (6) and insert-
7 ing the following:

8 “(6) TECHNICAL ASSISTANCE.—

9 “(A) IN GENERAL.—The State and all
10 metropolitan planning organizations in the
11 State that represent an urbanized area with a
12 population of greater than 200,000 shall jointly
13 establish a program to improve the ability of
14 applicants to deliver projects under this sub-
15 section in an efficient and expeditious manner
16 and reduce the period of time between the selec-
17 tion of the project and the obligation of funds
18 for the project by providing—

19 “(i) technical assistance and training
20 to applicants for projects under this sub-
21 section; and

22 “(ii) funding for 1 or more full-time
23 State employee positions to administer this
24 subsection.

1 “(B) ELIGIBLE FUNDS.—To carry out this
2 paragraph—

3 “(i) a State shall set aside an amount
4 equal to 1 percent of the funds available
5 under paragraph (1)(A)(i); and

6 “(ii) at the request of an eligible met-
7 ropolitan planning organization, the State
8 and metropolitan planning organization
9 may jointly agree to use additional funds
10 available under paragraph (1)(A)(i).

11 “(C) USE OF FUNDS.—Amounts used
12 under this paragraph may be expended—

13 “(i) directly by the State; or

14 “(ii) through contracts with State
15 agencies, private entities, or nonprofit or-
16 ganizations.”;

17 (6) in subsection (e)(1)—

18 (A) by striking “over 200,000” and insert-
19 ing “greater than 200,000”; and

20 (B) by striking “2016 through 2020” and
21 inserting “2022 through 2025”;

22 (7) by striking subsection (f) and inserting the
23 following:

24 “(f) BRIDGES NOT ON FEDERAL-AID HIGHWAYS.—

1 “(1) DEFINITION OF OFF-SYSTEM BRIDGE.—In
2 this subsection, the term ‘off-system bridge’ means
3 a bridge located on a public road, other than a
4 bridge on a Federal-aid highway.

5 “(2) SPECIAL RULE.—

6 “(A) SET ASIDE.—Of the amounts appor-
7 tioned to a State for each fiscal year under this
8 section other than the amounts described in
9 subparagraph (C), the State shall obligate for
10 activities described in subsection (b)(2) (as in
11 effect on the day before the date of enactment
12 of the FAST Act) for off-system bridges an
13 amount that is not less than 20 percent of the
14 amounts available to such State in fiscal year
15 2020.

16 “(B) REDUCTION OF EXPENDITURES.—
17 The Secretary, after consultation with State
18 and local officials, may reduce the requirement
19 for expenditures for off-system bridges under
20 subparagraph (A) with respect to the State if
21 the Secretary determines that the State has in-
22 adequate needs to justify the expenditure.

23 “(C) LIMITATIONS.—The following
24 amounts shall not be used for the purposes of
25 meeting the requirements of subparagraph (A):

1 “(i) Amounts described in section
2 133(d)(1)(A).

3 “(ii) Amounts set aside under section
4 133(h).

5 “(iii) Amounts described in section
6 505(a).

7 “(3) CREDIT FOR BRIDGES NOT ON FEDERAL-
8 AID HIGHWAYS.—Notwithstanding any other provi-
9 sion of law, with respect to any project not on a
10 Federal-aid highway for the replacement of a bridge
11 or rehabilitation of a bridge that is wholly funded
12 from State and local sources, is eligible for Federal
13 funds under this section, is certified by the State to
14 have been carried out in accordance with all stand-
15 ards applicable to such projects under this section,
16 and is determined by the Secretary upon completion
17 to be no longer a deficient bridge—

18 “(A) any amount expended after the date
19 of enactment of this subsection from State and
20 local sources for the project in excess of 20 per-
21 cent of the cost of construction of the project
22 may be credited to the non-Federal share of the
23 cost of other bridge projects in the State that
24 are eligible for Federal funds under this sec-
25 tion; and

1 “(B) that crediting shall be conducted in
2 accordance with procedures established by the
3 Secretary.”; and

4 (8) in subsection (g)(1)—

5 (A) by striking “subsection (d)(1)(A)(ii)
6 for each of fiscal years 2016 through 2020”
7 and inserting “subsection (d)(1)(A)(iv) for each
8 fiscal year”;

9 (B) by inserting “rural” after “functionally
10 classified as”; and

11 (C) by inserting “or on critical rural
12 freight corridors designated under section
13 167(e)” after “minor collectors”.

14 (b) CLERICAL AMENDMENT.—The analysis for chap-
15 ter 1 of title 23, United States Code, is amended by strik-
16 ing the item relating to section 133 and inserting the fol-
17 lowing:

 “133. Surface transportation program.”.

18 (c) CONFORMING AMENDMENTS.—

19 (1) ADVANCE ACQUISITION OF REAL PROP-
20 ERTY.—Section 108(c) of title 23, United States
21 Code, is amended—

22 (A) in paragraph (2)(A) by striking “block
23 grant”; and

24 (B) in paragraph (3) by striking “block
25 grant”.

1 (2) NONDISCRIMINATION.—Section 140(b) of
2 title 23, United States Code, is amended by striking
3 “block grant”.

4 (3) PUBLIC TRANSPORTATION.—Section
5 142(e)(2) of title 23, United States Code, is amend-
6 ed by striking “block grant”.

7 (4) HIGHWAY USE TAX EVASION PROJECTS.—
8 Section 143(b)(8) of title 23, United States Code, is
9 amended in the heading by striking “BLOCK
10 GRANT”.

11 (5) CONGESTION MITIGATION AND AIR QUALITY
12 IMPROVEMENT PROGRAM.—Section 149(d) of title
13 23, United States Code, is amended—

14 (A) in paragraph (1)(B) by striking “block
15 grant”; and

16 (B) in paragraph (2)(A) by striking “block
17 grant”.

18 (6) TERRITORIAL AND PUERTO RICO HIGHWAY
19 PROGRAM.—Section 165 of title 23, United States
20 Code, is amended—

21 (A) in subsection (b)(2)(A)(ii) by striking
22 “block grant”; and

23 (B) in subsection (c)(6)(A)(i) by striking
24 “block grant”.

1 (7) MAGNETIC LEVITATION TRANSPORTATION
2 TECHNOLOGY DEPLOYMENT PROGRAM.—Section
3 322(h)(3) of title 23, United States Code, is amend-
4 ed by striking “block grant”.

5 (8) TRAINING AND EDUCATION.—Section
6 504(a)(4) of title 23, United States Code, is amend-
7 ed by striking “block grant”.

8 **SEC. 1206. TRANSPORTATION ALTERNATIVES PROGRAM.**

9 Section 133(h) of title 23, United States Code, is
10 amended to read as follows:

11 “(h) TRANSPORTATION ALTERNATIVES PROGRAM
12 SET-ASIDE.—

13 “(1) SET ASIDE.—For each fiscal year, of the
14 total funds apportioned to all States under section
15 104(b)(2) for a fiscal year, the Secretary shall set
16 aside an amount such that—

17 “(A) the Secretary sets aside a total
18 amount under this subsection for a fiscal year
19 equal to 10 percent of such total funds; and

20 “(B) the State’s share of the amount set
21 aside under subparagraph (A) is determined by
22 multiplying the amount set aside under sub-
23 paragraph (A) by the ratio that—

24 “(i) the amount apportioned to the
25 State for the transportation enhancement

1 program for fiscal year 2009 under section
2 133(d)(2), as in effect on the day before
3 the date of enactment of MAP-21; bears
4 to

5 “(ii) the total amount of funds appor-
6 tioned to all States for the transportation
7 enhancements program for fiscal year
8 2009.

9 “(2) ALLOCATION WITHIN A STATE.—

10 “(A) IN GENERAL.—Except as provided in
11 subparagraph (B), funds set aside for a State
12 under paragraph (1) shall be obligated within
13 that State in the manner described in sub-
14 section (d), except that, for purposes of this
15 paragraph (after funds are made available
16 under paragraph (5))—

17 “(i) for each fiscal year, the percent-
18 age referred to in paragraph (1)(A) of sub-
19 section (d) shall be deemed to be 66 per-
20 cent; and

21 “(ii) paragraph (3) of subsection (d)
22 shall not apply.

23 “(B) LOCAL CONTROL.—

24 “(i) IN GENERAL.—A State may make
25 available up to 100 percent of the funds

1 set aside under paragraph (1) to the enti-
2 ties described in subclause (I) if the State
3 submits to the Secretary, and the Sec-
4 retary approves, a plan that describes—

5 “(I) how such funds shall be
6 made available to metropolitan plan-
7 ning organizations, regional transpor-
8 tation planning organizations, coun-
9 ties, or other regional transportation
10 authorities;

11 “(II) how the entities described
12 in subclause (I) shall select projects
13 for funding and how such entities
14 shall report selected projects to the
15 State;

16 “(III) the legal, financial, and
17 technical capacity of such entities; and

18 “(IV) the procedures in place to
19 ensure such entities comply with the
20 requirements of this title.

21 “(ii) REQUIREMENT.—A State that
22 makes funding available under a plan ap-
23 proved under this subparagraph shall make
24 available an equivalent amount of obliga-

1 tion authority to the entities described in
2 clause (i)(I).

3 “(3) ELIGIBLE PROJECTS.—Funds set aside
4 under this subsection may be obligated for any of
5 the following projects or activities:

6 “(A) Construction, planning, and design of
7 on-road and off-road trail facilities for pedes-
8 trians, bicyclists, and other nonmotorized forms
9 of transportation, including sidewalks, bicycle
10 infrastructure, pedestrian and bicycle signals,
11 traffic calming techniques, lighting and other
12 safety-related infrastructure, and transportation
13 projects to achieve compliance with the Ameri-
14 cans with Disabilities Act of 1990 (42 U.S.C.
15 12101 et seq.).

16 “(B) Construction, planning, and design of
17 infrastructure-related projects and systems that
18 will provide safe routes for nondrivers, includ-
19 ing children, older adults, and individuals with
20 disabilities to access daily needs.

21 “(C) Conversion and use of abandoned
22 railroad corridors for trails for pedestrians,
23 bicyclists, or other nonmotorized transportation
24 users.

1 “(D) Construction of turnouts, overlooks,
2 and viewing areas.

3 “(E) Community improvement activities,
4 including—

5 “(i) inventory, control, or removal of
6 outdoor advertising;

7 “(ii) historic preservation and reha-
8 bilitation of historic transportation facili-
9 ties;

10 “(iii) vegetation management prac-
11 tices in transportation rights-of-way to im-
12 prove roadway safety, prevent against
13 invasive species, and provide erosion con-
14 trol; and

15 “(iv) archaeological activities relating
16 to impacts from implementation of a trans-
17 portation project eligible under this title.

18 “(F) Any environmental mitigation activ-
19 ity, including pollution prevention and pollution
20 abatement activities and mitigation to address
21 stormwater management, control, and water
22 pollution prevention or abatement related to
23 highway construction or due to highway runoff,
24 including activities described in sections 328(a)
25 and 329.

1 “(G) Projects and strategies to reduce ve-
2 hicle-caused wildlife mortality related to, or to
3 restore and maintain connectivity among terres-
4 trial or aquatic habitats affected by, a transpor-
5 tation facility otherwise eligible for assistance
6 under this subsection.

7 “(H) The recreational trails program
8 under section 206.

9 “(I) The safe routes to school program
10 under section 211.

11 “(J) Activities in furtherance of a vulner-
12 able road user assessment described in section
13 148.

14 “(K) Any other projects or activities de-
15 scribed in section 101(a)(29) or section 213, as
16 such sections were in effect on the day before
17 the date of enactment of the FAST Act (Public
18 Law 114–94).

19 “(4) ACCESS TO FUNDS.—

20 “(A) IN GENERAL.—A State or metropoli-
21 tan planning organization required to obligate
22 funds in accordance with paragraph (2) shall
23 develop a competitive process to allow eligible
24 entities to submit projects for funding that
25 achieve the objectives of this subsection. A met-

1 ropolitan planning organization for an area de-
2 scribed in subsection (d)(1)(A)(i) shall select
3 projects under such process in consultation with
4 the relevant State.

5 “(B) ELIGIBLE ENTITY DEFINED.—In this
6 paragraph, the term ‘eligible entity’ means—

7 “(i) a local government;

8 “(ii) a regional transportation author-
9 ity;

10 “(iii) a transit agency;

11 “(iv) a natural resource or public land
12 agency;

13 “(v) a school district, local education
14 agency, or school;

15 “(vi) a tribal government;

16 “(vii) a metropolitan planning organi-
17 zation that serves an urbanized area with
18 a population of 200,000 or fewer;

19 “(viii) a nonprofit organization car-
20 rying out activities related to transpor-
21 tation;

22 “(ix) any other local or regional gov-
23 ernmental entity with responsibility for or
24 oversight of transportation or recreational
25 trails (other than a metropolitan planning

1 organization that serves an urbanized area
2 with a population of over 200,000 or a
3 State agency) that the State determines to
4 be eligible, consistent with the goals of this
5 subsection; and

6 “(x) a State, at the request of any en-
7 tity listed in clauses (i) through (x).

8 “(5) CONTINUATION OF CERTAIN REC-
9 REATIONAL TRAILS PROJECTS.—

10 “(A) IN GENERAL.—For each fiscal year, a
11 State shall—

12 “(i) obligate an amount of funds set
13 aside under this subsection equal to 175
14 percent of the amount of the funds appor-
15 tioned to the State for fiscal year 2009
16 under section 104(h)(2), as in effect on the
17 day before the date of enactment of MAP-
18 21, for projects relating to recreational
19 trails under section 206;

20 “(ii) return 1 percent of the funds de-
21 scribed in clause (i) to the Secretary for
22 the administration of such program; and

23 “(iii) comply with the provisions of
24 the administration of the recreational trails
25 program under section 206, including the

1 use of apportioned funds described in sub-
2 section (d)(3)(A) of such section.

3 “(B) STATE FLEXIBILITY.—A State may
4 opt out of the recreational trails program under
5 this paragraph if the Governor of the State no-
6 tifies the Secretary not later than 30 days prior
7 to the date on which an apportionment is made
8 under section 104 for any fiscal year.

9 “(6) IMPROVING ACCESSIBILITY AND EFFI-
10 CIENCY.—

11 “(A) IN GENERAL.—A State may use an
12 amount equal to not more than 5 percent of the
13 funds set aside for the State under this sub-
14 section, after allocating funds in accordance
15 with paragraph (2)(A), to improve the ability of
16 applicants to access funding for projects under
17 this subsection in an efficient and expeditious
18 manner by providing—

19 “(i) to applicants for projects under
20 this subsection application assistance, tech-
21 nical assistance, and assistance in reducing
22 the period of time between the selection of
23 the project and the obligation of funds for
24 the project; and

1 “(ii) funding for 1 or more full-time
2 State employee positions to administer this
3 subsection.

4 “(B) USE OF FUNDS.—Amounts used
5 under subparagraph (A) may be expended—

6 “(i) directly by the State; or

7 “(ii) through contracts with State
8 agencies, private entities, or nonprofit enti-
9 ties.

10 “(7) FEDERAL SHARE.—

11 “(A) FLEXIBLE MATCH.—

12 “(i) IN GENERAL.—Notwithstanding
13 section 120—

14 “(I) the non-Federal share for a
15 project under this subsection may be
16 calculated on a project, multiple-
17 project, or program basis; and

18 “(II) the Federal share of the
19 cost of an individual project in this
20 subsection may be up to 100 percent.

21 “(ii) AGGREGATE NON-FEDERAL
22 SHARE.—The average annual non-Federal
23 share of the total cost of all projects for
24 which funds are obligated under this sub-
25 section in a State for a fiscal year shall be

1 not less than the non-Federal share au-
2 thorized for the State under section
3 120(b).

4 “(iii) REQUIREMENT.—This subpara-
5 graph shall only apply to a State if such
6 State has adequate financial controls, as
7 certified by the Secretary, to account for
8 the average annual non-Federal share
9 under this subparagraph.

10 “(B) SAFETY PROJECTS.—Notwith-
11 standing section 120, funds made available to
12 carry out section 148 may be credited toward
13 the non-Federal share of the costs of a project
14 under this subsection if the project—

15 “(i) is a project described in section
16 148(e)(1); and

17 “(ii) is consistent with the State stra-
18 tegic highway safety plan (as defined in
19 section 148(a)).

20 “(8) FLEXIBILITY.—

21 “(A) STATE AUTHORITY.—

22 “(i) IN GENERAL.—A State may use
23 not more than 50 percent of the funds set
24 aside under this subsection that are avail-
25 able for obligation in any area of the State

1 (suballocated consistent with the require-
2 ments of subsection (d)(1)(B)) for any
3 purpose eligible under subsection (b).

4 “(ii) RESTRICTION.—Funds may be
5 used as described in clause (i) only if the
6 State demonstrates to the Secretary that
7 the State—

8 “(I) held a competition in compli-
9 ance with the requirements of this
10 subsection in such form as the Sec-
11 retary determines appropriate;

12 “(II) offered technical assistance
13 to all eligible entities and provided
14 such assistance upon request by an el-
15 igible entity; and

16 “(III) demonstrates that there
17 were not sufficient suitable applica-
18 tions from eligible entities to use the
19 funds described in clause (i).

20 “(B) MPO AUTHORITY.—

21 “(i) IN GENERAL.—A metropolitan
22 planning organization that represents an
23 urbanized area with a population of great-
24 er than 200,000 may use not more than
25 50 percent of the funds set aside under

1 this subsection for an urbanized area de-
2 scribed in subsection (d)(1)(A)(i) for any
3 purpose eligible under subsection (b).

4 “(ii) RESTRICTION.—Funds may be
5 used as described in clause (i) only if the
6 Secretary certifies that the metropolitan
7 planning organization—

8 “(I) held a competition in compli-
9 ance with the requirements of this
10 subsection in such form as the Sec-
11 retary determines appropriate; and

12 “(II) demonstrates that there
13 were not sufficient suitable applica-
14 tions from eligible entities to use the
15 funds described in clause (i).

16 “(9) ANNUAL REPORTS.—

17 “(A) IN GENERAL.—Each State or metro-
18 politan planning organization responsible for
19 carrying out the requirements of this subsection
20 shall submit to the Secretary an annual report
21 that describes—

22 “(i) the number of project applica-
23 tions received for each fiscal year, includ-
24 ing—

1 “(I) the aggregate cost of the
2 projects for which applications are re-
3 ceived; and

4 “(II) the types of projects to be
5 carried out, expressed as percentages
6 of the total apportionment of the
7 State under this subsection; and

8 “(ii) the list of each project selected
9 for funding for each fiscal year, including
10 specifying the fiscal year for which the
11 project was selected, the fiscal year in
12 which the project is anticipated to be fund-
13 ed, the recipient, the location, the type,
14 and a brief description.

15 “(B) PUBLIC AVAILABILITY.—The Sec-
16 retary shall make available to the public, in a
17 user-friendly format on the website of the De-
18 partment of Transportation, a copy of each an-
19 nual report submitted under subparagraph
20 (A).”.

21 **SEC. 1207. BRIDGE INVESTMENT.**

22 (a) IN GENERAL.—Section 144 of title 23, United
23 States Code, is amended—

24 (1) in the section heading by striking “**Na-**
25 **tional bridge and tunnel inventory and**

1 **inspection standards**” and inserting
2 **“Bridges and tunnels”**;

3 (2) in subsection (a)(1)(B) by striking “defi-
4 cient”;

5 (3) in subsection (b)(5) by striking “struc-
6 turally deficient bridge” and inserting “bridge classi-
7 fied as in poor condition”;

8 (4) in subsection (d)—

9 (A) in paragraph (2) by striking “Not
10 later than 2 years after the date of enactment
11 of the MAP-21, each” and inserting “Each”;
12 and

13 (B) by striking paragraph (4);

14 (5) in subsection (j)—

15 (A) in paragraph (2) by inserting “, 124,”
16 after “section 119”;

17 (B) in paragraph (3)(A) by inserting “,
18 124,” after “section 119”; and

19 (C) in paragraph (5) by striking “financial
20 characteristics” and all that follows through the
21 end and inserting “Federal share.”; and

22 (6) by adding at the end the following:

23 “(1) HIGHWAY BRIDGE REPLACEMENT AND REHA-
24 BILITATION.—

1 “(1) GOALS.—The goals of this subsection shall
2 be to—

3 “(A) support the achievement of a state of
4 good repair for the Nation’s bridges;

5 “(B) improve the safety, efficiency, and re-
6 liability of the movement of people and freight
7 over bridges; and

8 “(C) improve the condition of bridges in
9 the United States by reducing—

10 “(i) the number of bridges—

11 “(I) in poor condition; or

12 “(II) in fair condition and at risk
13 of falling into poor condition;

14 “(ii) the total person miles traveled
15 over bridges—

16 “(I) in poor condition; or

17 “(II) in fair condition and at risk
18 of falling into poor condition;

19 “(iii) the number of bridges that—

20 “(I) do not meet current geo-
21 metric design standards; or

22 “(II) cannot meet the load and
23 traffic requirements typical of the re-
24 gional transportation network; and

1 “(iv) the total person miles traveled
2 over bridges that—

3 “(I) do not meet current geo-
4 metric design standards; or

5 “(II) cannot meet the load and
6 traffic requirements typical of the re-
7 gional transportation network.

8 “(2) BRIDGES ON PUBLIC ROADS.—

9 “(A) MINIMUM BRIDGE INVESTMENT.—
10 Excluding the amounts described in subpara-
11 graph (C), of the total funds apportioned to a
12 State under paragraphs (1) and (2) of section
13 104(b) for fiscal years 2022 to 2025, a State
14 shall obligate not less than 20 percent for
15 projects described in subparagraph (E).

16 “(B) PROGRAM FLEXIBILITY.—A State re-
17 quired to obligate funds under subparagraph
18 (A) may use any combination of funds appor-
19 tioned to a State under paragraphs (1) and (2)
20 of section 104(b).

21 “(C) LIMITATION.—Amounts described
22 below may not be used for the purposes of cal-
23 culating or meeting the minimum bridge invest-
24 ment requirement under subparagraph (A)—

1 “(i) amounts described in section
2 133(d)(1)(A);

3 “(ii) amounts set aside under section
4 133(h); and

5 “(iii) amounts described in section
6 505(a).

7 “(D) RULE OF CONSTRUCTION.—Nothing
8 in this section shall be construed to prohibit the
9 expenditure of funds described in subparagraph
10 (C) for bridge projects eligible under such sec-
11 tion.

12 “(E) ELIGIBLE PROJECTS.—Funds re-
13 quired to be obligated in accordance with para-
14 graph (2)(A) may be obligated for projects or
15 activities that—

16 “(i) are otherwise eligible under either
17 section 119 or section 133, as applicable;

18 “(ii) support the achievement of per-
19 formance targets of the State established
20 under section 150 or provide support for
21 the condition and performance of bridges
22 on public roads within the State; and

23 “(iii) replace, reconstruct, rehabilitate,
24 preserve, or protect a bridge included on

1 the national bridge inventory authorized by
2 subsection (b), including through—
3 “(I) seismic retrofits;
4 “(II) systematic preventive main-
5 tenance;
6 “(III) installation of scour coun-
7 termeasures;
8 “(IV) the use of innovative mate-
9 rials that extend the service life of the
10 bridge and reduce preservation costs,
11 as compared to conventionally de-
12 signed and constructed bridges;
13 “(V) the use of nontraditional
14 production techniques, including fac-
15 tory prefabrication;
16 “(VI) painting for purposes of
17 bridge protection;
18 “(VII) application of calcium
19 magnesium acetate, sodium acetate/
20 formate, or other environmentally ac-
21 ceptable, minimally corrosive anti-
22 icing and deicing compositions;
23 “(VIII) corrosion control;
24 “(IX) construction of protective
25 features (including natural infrastruc-

1 ture) alone or in combination with
2 other activities eligible under this
3 paragraph to enhance resilience of a
4 bridge;

5 “(X) bridge security counter-
6 measures;

7 “(XI) impact protection meas-
8 ures for bridges;

9 “(XII) inspection and evaluation
10 of bridges; and

11 “(XIII) training for bridge in-
12 spectors consistent with subsection (i).

13 “(F) BUNDLES OF PROJECTS.—A State
14 may use a bundle of projects as described in
15 subsection (j) to satisfy the requirements of
16 subparagraph (A), if each project in the bundle
17 is otherwise eligible under subparagraph (E).

18 “(G) FLEXIBILITY.—The Secretary may,
19 at the request of a State, reduce the required
20 obligation under subparagraph (A) if—

21 “(i) the reduction is consistent with a
22 State’s asset management plan for the Na-
23 tional Highway System;

24 “(ii) the reduction will not limit a
25 State’s ability to meet its performance tar-

1 gets under section 150 or to improve the
2 condition and performance of bridges on
3 public roads within the State; and

4 “(iii) the State demonstrates that it
5 has inadequate needs to justify the expend-
6 iture.

7 “(H) BRIDGE INVESTMENT REPORT.—The
8 Secretary shall annually publish on the website
9 of the Department of Transportation a bridge
10 investment report that includes—

11 “(i) the total Federal funding obli-
12 gated for bridge projects in the most re-
13 cent fiscal year, on a State-by-State basis
14 and broken out by Federal program;

15 “(ii) the total Federal funding obli-
16 gated, on a State-by-State basis and bro-
17 ken out by Federal program, for bridge
18 projects carried out pursuant to the min-
19 imum bridge investment requirements
20 under subparagraph (A);

21 “(iii) the progress made by each State
22 toward meeting the minimum bridge in-
23 vestment requirement under subparagraph
24 (A) for such State, both cumulatively and
25 for the most recent fiscal year;

1 “(iv) a summary of—

2 “(I) each request made under
3 subparagraph (G) by a State for a re-
4 duction in the minimum bridge invest-
5 ment requirement under subpara-
6 graph (A); and

7 “(II) for each request described
8 in subclause (I) that is granted by the
9 Secretary—

10 “(aa) the percentage and
11 dollar amount of the reduction;
12 and

13 “(bb) an explanation of how
14 the State met each of the criteria
15 described in subparagraph (G);
16 and

17 “(v) a summary of—

18 “(I) each request made by a
19 State for a reduction in the obligation
20 requirements under section 133(f);
21 and

22 “(II) for each request that is
23 granted by the Secretary—

1 “(aa) the percentage and
2 dollar amount of the reduction;
3 and

4 “(bb) an explanation of how
5 the Secretary made the deter-
6 mination under section
7 133(f)(2)(B).

8 “(I) OFF-SYSTEM BRIDGES.—A State may
9 apply amounts obligated under this subsection
10 or section 133(f)(2)(A) to the obligation re-
11 quirements of both this subsection and section
12 133(f).

13 “(J) NHS PENALTY.—A State may apply
14 amounts obligated under this subsection or sec-
15 tion 119(f)(2) to the obligation requirements of
16 both this subsection and section 119(f)(2).

17 “(K) COMPLIANCE.—If a State fails to
18 satisfy the requirements of subparagraph (A)
19 by the end of fiscal year 2025, the Secretary
20 may subject the State to appropriate program
21 sanctions under section 1.36 of title 23, Code of
22 Federal Regulations (or successor regula-
23 tions).”.

24 (b) CLERICAL AMENDMENT.—The analysis for chap-
25 ter 1 of title 23, United States Code, is amended by strik-

1 ing the item relating to section 144 and inserting the fol-
2 lowing:

“144. Bridges and tunnels.”.

3 **SEC. 1208. CONSTRUCTION OF FERRY BOATS AND FERRY**
4 **TERMINAL FACILITIES.**

5 Section 147 of title 23, United States Code, is
6 amended—

7 (1) by striking subsection (h); and

8 (2) by redesignating subsections (i) and (j) as
9 subsections (h) and (i), respectively.

10 **SEC. 1209. HIGHWAY SAFETY IMPROVEMENT PROGRAM.**

11 (a) IN GENERAL.—Section 148 of title 23, United
12 States Code, is amended—

13 (1) in subsection (a)—

14 (A) in paragraph (4)(B)—

15 (i) by striking “only includes a
16 project” and inserting “includes a
17 project”;

18 (ii) in clause (xiii) by inserting “, in-
19 cluding the development of a vulnerable
20 road user safety assessment or a vision
21 zero plan under section 1601 of the IN-
22 VEST in America Act” after “safety plan-
23 ning”;

24 (iii) by amending clause (xviii) to read
25 as follows:

1 “(xviii) Safe routes to school infra-
2 structure-related projects eligible under
3 section 211.”;

4 (iv) in clause (xxvi) by inserting “or
5 leading pedestrian intervals” after “hybrid
6 beacons”; and

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

9 “(xxviii) A pedestrian security feature
10 designed to slow or stop a motor vehicle.

11 “(xxix) Installation of infrastructure
12 improvements, including sidewalks, cross-
13 walks, signage, and bus stop shelters or
14 protected waiting areas.”;

15 (B) in paragraph (11)—

16 (i) in subparagraph (E) by inserting
17 “Tribal,” after “State,”;

18 (ii) by redesignating subparagraphs
19 (G), (H), and (I) as subparagraphs (H),
20 (I), and (J), respectively; and

21 (iii) by inserting after subparagraph
22 (F) the following:

23 “(G) includes a vulnerable road user safety
24 assessment described under paragraph (16);”;

1 (C) by redesignating paragraphs (10),
2 (11), and (12) as paragraphs (12), (13), and
3 (14), respectively;

4 (D) by inserting after paragraph (9) the
5 following:

6 “(10) SAFE SYSTEM APPROACH.—The term
7 ‘safe system approach’ means a roadway design that
8 emphasizes minimizing the risk of injury or fatality
9 to road users and that—

10 “(A) takes into consideration the possi-
11 bility and likelihood of human error;

12 “(B) accommodates human injury toler-
13 ance by taking into consideration likely accident
14 types, resulting impact forces, and the human
15 body’s ability to withstand such forces; and

16 “(C) takes into consideration vulnerable
17 road users.

18 “(11) SPECIFIED SAFETY PROJECT.—

19 “(A) IN GENERAL.—The term ‘specified
20 safety project’ means a project carried out for
21 the purpose of safety under any other section of
22 this title that is consistent with the State stra-
23 tegic highway safety plan.

24 “(B) INCLUSION.—The term ‘specified
25 safety project’ includes a project that—

1 “(i) promotes public awareness and
2 informs the public regarding highway safe-
3 ty matters (including safety for motorcy-
4 clists, bicyclists, pedestrians, individuals
5 with disabilities, and other road users);

6 “(ii) facilitates enforcement of traffic
7 safety laws;

8 “(iii) provides infrastructure and in-
9 frastructure-related equipment to support
10 emergency services;

11 “(iv) conducts safety-related research
12 to evaluate experimental safety counter-
13 measures or equipment; or

14 “(v) supports safe routes to school
15 noninfrastructure-related activities de-
16 scribed under section 211(e)(2).”; and

17 (E) by adding at the end the following:

18 “(15) VULNERABLE ROAD USER.—The term
19 ‘vulnerable road user’ means a nonmotorist—

20 “(A) with a fatality analysis reporting sys-
21 tem person attribute code that is included in
22 the definition of the term ‘number of non-mo-
23 torized fatalities’ in section 490.205 of title 23,
24 Code of Federal Regulations (or successor regu-
25 lation); or

1 “(B) described in the term ‘number of
2 non-motorized serious injuries’ in such section.

3 “(16) VULNERABLE ROAD USER SAFETY AS-
4 SESSMENT.—The term ‘vulnerable road user safety
5 assessment’ means an assessment of the safety per-
6 formance of the State with respect to vulnerable
7 road users and the plan of the State to improve the
8 safety of vulnerable road users described in sub-
9 section (l).”;

10 (2) in subsection (c)—

11 (A) in paragraph (1) by striking “(a)(11)”
12 and inserting “(a)(13)”; and

13 (B) in paragraph (2)—

14 (i) in subparagraph (A)(vi) by insert-
15 ing “, consistent with the vulnerable road
16 user safety assessment” after “non-
17 motorized crashes”;

18 (ii) in subparagraph (B)(i)—

19 (I) by inserting “, consistent with
20 a safe system approach,” after “iden-
21 tify”;

22 (II) by inserting “excessive de-
23 sign speeds and speed limits,” after
24 “crossing needs,”; and

1 (III) by striking “motorists (in-
2 cluding motorecyclists), bicyclists, pe-
3 destrians, and other highway users”
4 and inserting “road users”; and

5 (iii) in subparagraph (D)(iii) by strik-
6 ing “motorists (including motorecyclists),
7 bicyclists, pedestrians, persons with disabil-
8 ities, and other highway users” and insert-
9 ing “road users”;

10 (3) in subsection (d)—

11 (A) in paragraph (1)—

12 (i) in subparagraph (A) by striking
13 “Not later than 1 year after the date of
14 enactment of the MAP-21, the” and in-
15 serting “The”; and

16 (ii) in subparagraph (B)—

17 (I) in clause (iv) by inserting
18 “and serious injury” after “fatality”;

19 (II) in clause (vii) by striking “;
20 and” and inserting a semicolon;

21 (III) by redesignating clause
22 (viii) as clause (ix); and

23 (IV) by inserting after clause
24 (vii) the following:

1 “(viii) the findings of a vulnerable
2 road user safety assessment of the State;
3 and”;

4 (B) in paragraph (2)(B)(i) by striking
5 “subsection (a)(11)” and inserting “subsection
6 (a)(13)”;
7 (4) in subsection (e)—

8 (A) in paragraph (1)(C) by striking “,
9 without regard to whether the project is in-
10 cluded in an applicable State strategic highway
11 safety plan”;

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

13 “(3) FLEXIBLE FUNDING FOR SPECIFIED SAFE-
14 TY PROJECTS.—

15 “(A) IN GENERAL.—To advance the imple-
16 mentation of a State strategic highway safety
17 plan, a State may use not more than 10 percent
18 of the amounts apportioned to the State under
19 section 104(b)(3) for a fiscal year to carry out
20 specified safety projects.

21 “(B) RULE OF STATUTORY CONSTRUC-
22 TION.—Nothing in this paragraph shall be con-
23 strued to require a State to revise any State
24 process, plan, or program in effect on the date
25 of enactment of this paragraph.

1 “(C) EFFECT OF PARAGRAPH.—

2 “(i) REQUIREMENTS.—A project
3 funded under this paragraph shall be sub-
4 ject to all requirements under this section
5 that apply to a highway safety improve-
6 ment project.

7 “(ii) OTHER APPORTIONED PRO-
8 GRAMS.—Subparagraph (A) shall not apply
9 to amounts that may be obligated for non-
10 infrastructure projects apportioned under
11 any other paragraph of section 104(b).”;

12 (5) in subsection (g)—

13 (A) by amending paragraph (1) to read as
14 follows:

15 “(1) HIGH-RISK RURAL ROAD SAFETY.—

16 “(A) IN GENERAL.—If a State determines
17 that the fatality rate on rural roads in such
18 State for the most recent 2-year period for
19 which data are available exceeds the median fa-
20 tality rate for rural roads among all States,
21 that State shall be required to—

22 “(i) obligate over the 2 fiscal years
23 following the fiscal year in which such de-
24 termination is made for projects on high-
25 risk rural roads an amount not less than

1 7.5 percent of the amounts apportioned to
2 the State under section 104(b)(3) for fiscal
3 year 2020; and

4 “(ii) include, in the subsequent update
5 to the State strategic highway safety plan,
6 strategies to reduce the fatality rate.

7 “(B) SOURCE OF FUNDS.—Any amounts
8 obligated under subparagraph (A) shall be from
9 amounts apportioned under section 104(b)(2)
10 (from the portion of such funds that are avail-
11 able for obligation in any area of the State).

12 “(C) CONSULTATION.—In carrying out a
13 project with an amount obligated under sub-
14 paragraph (A), a State shall consult with, as
15 applicable, local governments, metropolitan
16 planning organizations, and regional transpor-
17 tation planning organizations.”;

18 (B) in paragraph (2)—

19 (i) in the heading by striking “DRIV-
20 ERS” and inserting “ROAD USERS”; and

21 (ii) by striking “address the increases
22 in” and inserting “reduce”; and

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

24 “(3) VULNERABLE ROAD USER SAFETY.—

1 “(A) IN GENERAL.—Beginning 2 years
2 after the date of enactment of the INVEST in
3 America Act, if a State determines that the
4 number of vulnerable road user fatalities and
5 serious injuries per capita in such State over
6 the most recent 2-year period for which data
7 are available exceeds the median number of
8 such fatalities and serious injuries among all
9 States, that State shall be required to obligate
10 over the 2 fiscal years following the fiscal year
11 in which such determination is made an amount
12 that is not less than 50 percent of the amount
13 set aside in such State under section 133(h)(1)
14 for fiscal year 2020 for projects identified in
15 the program of projects described in subsection
16 (l)(2)(C).

17 “(B) SOURCE OF FUNDS.—Any amounts
18 obligated under subparagraph (A) shall be from
19 amounts apportioned under section 104(b)(2)
20 (from the portion of such funds that are avail-
21 able for obligation in any area of the State).”;
22 (6) in subsection (h)(1)(A) by inserting “, in-
23 cluding any efforts to reduce vehicle speed” after
24 “under this section”; and
25 (7) by adding at the end the following:

1 “(1) VULNERABLE ROAD USER SAFETY ASSESS-
2 MENT.—

3 “(1) IN GENERAL.—Not later than 2 years
4 after date of enactment of the INVEST in America
5 Act, each State shall create a vulnerable road user
6 safety assessment.

7 “(2) CONTENTS.—A vulnerable road user safety
8 assessment required under paragraph (1) shall in-
9 clude—

10 “(A) a description of the location within
11 the State of each vulnerable road user fatality
12 and serious injury and the design speed of the
13 roadway at any such location;

14 “(B) a description of any corridors identi-
15 fied by a State that pose a high risk of a vul-
16 nerable road user fatality or serious injury and
17 the design speeds of such corridors; and

18 “(C) a program of projects or strategies to
19 reduce safety risks to vulnerable road users in
20 corridors identified under subparagraph (B).

21 “(3) ANALYSIS.—In creating a vulnerable road
22 user safety assessment under this subsection, a
23 State shall assess the last 5 years of available data.

1 “(4) REQUIREMENTS.—In creating a vulnerable
2 road user safety assessment under this subsection, a
3 State shall—

4 “(A) take into consideration a safe system
5 approach; and

6 “(B) consult with local governments, met-
7 ropolitan planning organizations, and regional
8 transportation planning organizations that rep-
9 resent a high-risk area identified under para-
10 graph (2)(B).

11 “(5) UPDATE.—A State shall update a vulner-
12 able road user safety assessment on the same sched-
13 ule as the State updates the State strategic highway
14 safety plan.

15 “(6) TRANSPORTATION SYSTEM ACCESS.—The
16 program of projects developed under paragraph
17 (2)(C) may not degrade transportation system ac-
18 cess for vulnerable road users.”.

19 (b) TECHNICAL AMENDMENT.—Section 148 of title
20 23, United States Code, is amended—

21 (1) in the heading for subsection (a)(8) by
22 striking “ROAD USERS” and inserting “ROAD
23 USER”; and

24 (2) in subsection (i)(2)(D) by striking “safety
25 safety” and inserting “safety”.

1 (c) HIGH-RISK RURAL ROADS.—

2 (1) STUDY.—Not later than 2 years after the
3 date of enactment of this Act, the Secretary of
4 Transportation shall update the study described in
5 paragraph (1) of section 1112(b) of MAP–21 (23
6 U.S.C. 148 note).

7 (2) PUBLICATION OF REPORT.—Not later than
8 2 years after the date of enactment of this Act, the
9 Secretary shall publish on the website of the Depart-
10 ment of Transportation an updated report of the re-
11 port described in paragraph (2) of section 1112(b)
12 of MAP–21 (23 U.S.C. 148 note).

13 (3) BEST PRACTICES MANUAL.—Not later than
14 180 days after the date of submission of the report
15 described in paragraph (2), the Secretary shall up-
16 date the best practices manual described in section
17 1112(b)(3) of MAP–21 (23 U.S.C. 148 note).

18 **SEC. 1210. CONGESTION MITIGATION AND AIR QUALITY IM-**
19 **PROVEMENT PROGRAM.**

20 Section 149 of title 23, United States Code, is
21 amended—

22 (1) in subsection (b)—

23 (A) in paragraph (1)(A)(ii) by striking
24 “subsection (h)” and inserting “subsection (i)”;

1 (B) in paragraph (7) by inserting “shared
2 micromobility (including bikesharing and shared
3 scooter systems),” after “carsharing,”;

4 (C) in paragraph (8)(B) by striking “; or”
5 and inserting a semicolon;

6 (D) in paragraph (9) by striking the period
7 and inserting “; or”; and

8 (E) by adding at the end the following:

9 “(10) if the project or program mitigates sea-
10 sonal or temporary traffic congestion from long-haul
11 travel or tourism.”;

12 (2) in subsection (c)—

13 (A) in paragraph (2)—

14 (i) in the heading by inserting “, HY-
15 DROGEN VEHICLE,” after “ELECTRIC VE-
16 HICLE”;

17 (ii) by inserting “hydrogen or” after
18 “charging stations or”; and

19 (iii) by inserting “, hydrogen-pow-
20 ered,” after “battery powered”; and

21 (B) in paragraph (3) by inserting “, and is
22 consistent with section 166” after “travel
23 times”; and

24 (3) by striking subsection (m) and inserting the
25 following:

1 “(m) OPERATING ASSISTANCE.—

2 “(1) PROJECTS.—A State may obligate funds
3 apportioned under section 104(b)(4) in an area of
4 such State that is otherwise eligible for obligations
5 of such funds for operating costs under chapter 53
6 of title 49 or on a system for which CMAQ funding
7 was made available, obligated, or expended in fiscal
8 year 2012, or, notwithstanding subsection (b), on a
9 State-supported Amtrak route with a cost-sharing
10 agreement under section 209 of the Passenger Rail
11 Investment and Improvement Act of 2008.

12 “(2) TIME LIMITATION.—Funds obligated
13 under paragraph (1) shall have—

14 “(A) a time limitation of not less than 3
15 years; and

16 “(B) in the case of projects that dem-
17 onstrate continued net air quality benefits, as
18 determined annually by the Secretary in con-
19 sultation with the Administrator of the Envi-
20 ronmental Protection Agency, no imposed time
21 limitation.”.

22 **SEC. 1211. ELECTRIC VEHICLE CHARGING STATIONS.**

23 (a) ELECTRIC VEHICLE CHARGING STATIONS.—
24 Chapter 1 of title 23, United States Code, is amended by
25 inserting after section 154 the following new section:

1 **“§ 155. Electric vehicle charging stations**

2 “(a) IN GENERAL.—Any electric vehicle charging in-
3 frastructure funded under this title shall be subject to the
4 requirements of this section.

5 “(b) INTEROPERABILITY.—

6 “(1) IN GENERAL.—Electric vehicle charging
7 stations shall provide, at a minimum, the following
8 charging connector types:

9 “(A) CCS.

10 “(B) CHAdeMO.

11 “(2) SAVINGS CLAUSE.—Nothing in this sub-
12 section shall prevent the use of charging types other
13 than the connectors described in paragraph (1) if, at
14 a minimum, such connectors meet applicable indus-
15 try standards and are compatible with a majority of
16 electric vehicles in operation.

17 “(c) OPEN ACCESS TO PAYMENT.—Electric vehicle
18 charging stations shall provide payment methods available
19 to all members of the public to ensure secure, convenient,
20 and equal access and shall not be limited by membership
21 to a particular payment provider.

22 “(d) TREATMENT OF PROJECTS.—Notwithstanding
23 any other provision of law, any project to install electric
24 vehicle charging infrastructure shall be treated as if the
25 project is located on a Federal-aid highway.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 1 of title 23, United States Code, is amended by insert-
3 ing after the item relating to section 154 the following
4 new item:

“155. Electric vehicle charging stations.”.

5 (c) ELECTRIC VEHICLE CHARGING SIGNAGE.—The
6 Secretary of Transportation shall update the Manual on
7 Uniform Traffic Control Devices to—

8 (1) ensure uniformity in providing road users
9 direction to electric charging stations that are open
10 to the public; and

11 (2) allow the use of Specific Service signs for
12 electric vehicle charging station providers.

13 **SEC. 1212. NATIONAL HIGHWAY FREIGHT PROGRAM.**

14 Section 167 of title 23, United States Code, is
15 amended—

16 (1) in subsection (b)—

17 (A) in paragraph (6) by striking “; and”
18 and inserting a semicolon; and

19 (B) by striking paragraph (7) and insert-
20 ing the following:

21 “(7) to reduce the environmental impacts of
22 freight movement on the National Highway Freight
23 Network, including—

24 “(A) greenhouse gas emissions;

25 “(B) local air pollution;

1 “(C) minimizing, capturing, or treating
2 stormwater runoff and addressing other adverse
3 impacts to water quality; and

4 “(D) wildlife habitat loss; and

5 “(8) to decrease any adverse impact of freight
6 transportation on communities located near freight
7 facilities or freight corridors.”;

8 (2) in subsection (e) by adding at the end the
9 following:

10 “(3) ADDITIONAL MILEAGE.—Notwithstanding
11 paragraph (2), a State that has designated at least
12 90 percent of its maximum mileage described in
13 paragraph (2) may designate up to an additional
14 150 miles of critical rural freight corridors.”;

15 (3) in subsection (f) by adding at the end the
16 following:

17 “(5) ADDITIONAL MILEAGE.—Notwithstanding
18 paragraph (4), a State that has designated at least
19 90 percent of its maximum mileage described in
20 paragraph (4) may designate up to an additional 75
21 miles of critical urban freight corridors under para-
22 graphs (1) and (2).”;

23 (4) in subsection (h) by striking “Not later
24 than” and all that follows through “shall prepare”
25 and inserting “As part of the report required under

1 section 503(b)(8), the Administrator shall biennially
2 prepare”;

3 (5) in subsection (i)—

4 (A) by striking paragraphs (2) and (3);

5 (B) by amending paragraph (4) to read as
6 follows:

7 “(4) FREIGHT PLANNING.—Notwithstanding
8 any other provision of law, a State may not obligate
9 funds apportioned to the State under section
10 104(b)(5) unless the State has developed, updated,
11 or amended, as applicable, a freight plan in accord-
12 ance with section 70202 of title 49.”;

13 (C) in paragraph (5)—

14 (i) by striking subparagraph (B) and
15 inserting the following:

16 “(B) LIMITATION.—The Federal share of
17 a project described in subparagraph (C)(xxiii)
18 shall fund only elements of such project that
19 provide public benefits.”; and

20 (ii) in subparagraph (C)—

21 (I) in clause (iii) by inserting
22 “and freight management and oper-
23 ations systems” after “freight trans-
24 portation systems”; and

1 (II) by amending clause (xxiii) to
2 read as follows:

3 “(xxiii) Freight intermodal or freight
4 rail projects, including—

5 “(I) projects within the bound-
6 aries of public or private freight rail
7 or water facilities (including ports);

8 “(II) projects that provide sur-
9 face transportation infrastructure nec-
10 essary to facilitate direct intermodal
11 interchange, transfer, and access into
12 or out of the facility; and

13 “(III) any other surface trans-
14 portation project to improve the flow
15 of freight into or out of a facility de-
16 scribed in subclause (I) or (II).”;

17 (D) in paragraph (6) by striking “para-
18 graph (5)” and inserting “paragraph (3)”; and

19 (E) by redesignating paragraphs (4), (5),
20 (6), and (7) as paragraphs (2), (3), (4), and
21 (5), respectively; and

22 (6) in subsection (k)(1)(A)(ii) by striking
23 “ports-of entry” and inserting “ports-of-entry”.

1 **SEC. 1213. CARBON POLLUTION REDUCTION.**

2 (a) IN GENERAL.—Chapter 1 of title 23, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 **“§ 171. Carbon pollution reduction**

6 “(a) ESTABLISHMENT.—The Secretary shall estab-
7 lish a carbon pollution reduction program to support the
8 reduction of greenhouse gas emissions from the surface
9 transportation system.

10 “(b) ELIGIBLE PROJECTS.—A project is eligible for
11 funding under this section if such project—

12 “(1) is expected to yield a significant reduction
13 in greenhouse gas emissions from the surface trans-
14 portation system;

15 “(2) will help a State meet the greenhouse gas
16 emissions performance targets established under sec-
17 tion 150(c)(7); and

18 “(3) is eligible for assistance under this title or
19 under chapter 53 of title 49; or

20 “(4) is a capital project, as such term is defined
21 in section 22906 of title 49, to improve intercity rail
22 passenger transportation, provided that the project
23 will yield a significant reduction in single occupant
24 vehicle trips and improve mobility on public roads.

25 “(c) GUIDANCE.—The Secretary shall issue guidance
26 on methods of determining the reduction of single occu-

1 pant vehicle trips and improvement of mobility on public
2 roads as those factors relate to intercity rail passenger
3 transportation projects under subsection (b)(4).

4 “(d) OPERATING EXPENSES.—With respect to funds
5 provided for an eligible project under this section, a State
6 may use not more than 10 percent of such funds for oper-
7 ating expenses relating to such project if such project is
8 for public transportation, passenger rail, or transportation
9 systems management and operations.

10 “(e) SINGLE-OCCUPANCY VEHICLE HIGHWAY FA-
11 CILITIES.—None of the funds provided under this section
12 may be used for a project that will result in the construc-
13 tion of new capacity available to single occupant vehicles
14 unless the project consists of a high occupancy vehicle fa-
15 cility and is consistent with section 166.

16 “(f) EVALUATION.—

17 “(1) IN GENERAL.—The Secretary shall annu-
18 ally evaluate the progress of each State in carrying
19 out the program under this section by comparing the
20 percent change in carbon dioxide emissions per cap-
21 ita on public roads in the State calculated as—

22 “(A) the annual carbon dioxide emissions
23 per capita on public roads in the State for the
24 most recent year for which there is data; di-
25 vided by

1 “(B) the average annual carbon dioxide
2 emissions per capita on public roads in the
3 State in calendar years 2015 through 2019.

4 “(2) MEASURES.—In conducting the evaluation
5 under paragraph (1), the Secretary shall—

6 “(A) prior to the effective date of the
7 greenhouse gas performance measures under
8 section 150(c)(7), use such data as are avail-
9 able, which may include data on motor fuels
10 usage published by the Federal Highway Ad-
11 ministration and information on emissions fac-
12 tors or coefficients published by the Energy In-
13 formation Administration of the Department of
14 Energy; and

15 “(B) following the effective date of the
16 greenhouse gas performance measures under
17 section 150(c)(7), use such measures.

18 “(g) PROGRESS REPORT.—The Secretary shall annu-
19 ally issue a carbon pollution reduction progress report, to
20 be made publicly available on the website of the Depart-
21 ment of Transportation, that includes—

22 “(1) the results of the evaluation under sub-
23 section (f) for each State; and

24 “(2) a ranking of all the States by the criteria
25 under subsection (f), with the States that, for the

1 year covered by such report, have the largest per-
2 centage reduction in annual carbon dioxide emissions
3 per capita on public roads being ranked the highest.

4 “(h) HIGH-PERFORMING STATES.—

5 “(1) DESIGNATION.—For purposes of this sec-
6 tion, each State that is 1 of the 15 highest ranked
7 States, as determined under subsection (g)(2), and
8 that achieves a reduction in carbon dioxide emissions
9 per capita on public roads, as determined by the
10 evaluation in subsection (f), shall be designated as a
11 high-performing State for the following fiscal year.

12 “(2) USE OF FUNDS.—For each State that is
13 designated as a high-performing State under para-
14 graph (1)—

15 “(A) notwithstanding section 120, the
16 State may use funds made available under this
17 title to pay the non-Federal share of a project
18 under this section during any year for which
19 such State is designated as a high-performing
20 State; and

21 “(B) notwithstanding section 126, the
22 State may transfer up to 50 percent of funds
23 apportioned under section 104(b)(9) to the pro-
24 gram under section 104(b)(2) in any year for

1 which such State is designated as a high-per-
2 forming State.

3 “(3) TRANSFER.—For each State that is 1 of
4 the 15 lowest ranked States, as determined under
5 subsection (g)(2), the Secretary shall transfer 10
6 percent of the amount apportioned to the State
7 under section 104(b)(2) in the fiscal year following
8 the year in which the State is so ranked, not includ-
9 ing amounts set aside under section 133(d)(1)(A)
10 and under section 133(h) or 505(a), to the appor-
11 tionment of the State under section 104(b)(9).

12 “(4) LIMITATION.—The Secretary shall not
13 conduct a transfer under paragraph (3)—

14 “(A) until the first fiscal year following the
15 effective date of greenhouse gas performance
16 measures under section 150(c)(7); and

17 “(B) with respect to a State in any fiscal
18 year following the year in which such State
19 achieves a reduction in carbon dioxide emissions
20 per capita on public roads in such year as de-
21 termined by the evaluation under subsection (f).

22 “(i) REPORT.—Not later than 2 years after the date
23 of enactment of this section and periodically thereafter,
24 the Secretary, in consultation with the Administrator of

1 the Environmental Protection Agency, shall issue a re-
2 port—

3 “(1) detailing, based on the best available
4 science, what types of projects eligible for assistance
5 under this section are expected to provide the most
6 significant greenhouse gas emissions reductions from
7 the surface transportation sector; and

8 “(2) detailing, based on the best available
9 science, what types of projects eligible for assistance
10 under this section are not expected to provide sig-
11 nificant greenhouse gas emissions reductions from
12 the surface transportation sector.”.

13 (b) CLERICAL AMENDMENT.—The analysis for chap-
14 ter 1 of title 23, United States Code, is amended by add-
15 ing at the end the following new item:

“171. Carbon pollution reduction.”.

16 **SEC. 1214. RECREATIONAL TRAILS.**

17 Section 206 of title 23, United States Code, is
18 amended by adding at the end the following:

19 “(j) USE OF OTHER APPORTIONED FUNDS.—Funds
20 apportioned to a State under section 104(b) that are obli-
21 gated for recreational trails and related projects shall be
22 administered as if such funds were made available for pur-
23 poses described under this section.”.

1 **SEC. 1215. SAFE ROUTES TO SCHOOL PROGRAM.**

2 (a) IN GENERAL.—Chapter 2 of title 23, United
3 States Code, is amended by inserting after section 210 the
4 following:

5 **“§ 211. Safe routes to school program**

6 “(a) PROGRAM.—The Secretary shall carry out a safe
7 routes to school program for the benefit of children in pri-
8 mary, middle, and high schools.

9 “(b) PURPOSES.—The purposes of the program shall
10 be—

11 “(1) to enable and encourage children, includ-
12 ing those with disabilities, to walk and bicycle to
13 school;

14 “(2) to make bicycling and walking to school a
15 safer and more appealing transportation alternative,
16 thereby encouraging a healthy and active lifestyle
17 from an early age; and

18 “(3) to facilitate the planning, development,
19 and implementation of projects and activities that
20 will improve safety and reduce traffic, fuel consump-
21 tion, and air pollution in the vicinity of schools.

22 “(c) USE OF FUNDS.—Amounts apportioned to a
23 State under paragraphs (2) and (3) of section 104(b) may
24 be used to carry out projects, programs, and other activi-
25 ties under this section.

1 “(d) ELIGIBLE ENTITIES.—Projects, programs, and
2 activities funded under this section may be carried out by
3 eligible entities described under section 133(h)(4)(B) that
4 demonstrate an ability to meet the requirements of this
5 section.

6 “(e) ELIGIBLE PROJECTS AND ACTIVITIES.—

7 “(1) INFRASTRUCTURE-RELATED PROJECTS.—

8 “(A) IN GENERAL.—A State may obligate
9 funds under this section for the planning, de-
10 sign, and construction of infrastructure-related
11 projects that will substantially improve the abil-
12 ity of students to walk and bicycle to school, in-
13 cluding sidewalk improvements, traffic calming
14 and speed reduction improvements, pedestrian
15 and bicycle crossing improvements, on-street bi-
16 cycle facilities, off-street bicycle and pedestrian
17 facilities, secure bicycle parking facilities, and
18 traffic diversion improvements in the vicinity of
19 schools.

20 “(B) LOCATION OF PROJECTS.—Infra-
21 structure-related projects under subparagraph
22 (A) may be carried out on any public road or
23 any bicycle or pedestrian pathway or trail in the
24 vicinity of schools.

1 “(2) NONINFRASTRUCTURE-RELATED ACTIVI-
2 TIES.—In addition to projects described in para-
3 graph (1), a State may obligate funds under this
4 section for noninfrastructure-related activities to en-
5 courage walking and bicycling to school, including—

6 “(A) public awareness campaigns and out-
7 reach to press and community leaders;

8 “(B) traffic education and enforcement in
9 the vicinity of schools;

10 “(C) student sessions on bicycle and pedes-
11 trian safety, health, and environment;

12 “(D) programs that address personal safe-
13 ty; and

14 “(E) funding for training, volunteers, and
15 managers of safe routes to school programs.

16 “(3) SAFE ROUTES TO SCHOOL COORDI-
17 NATOR.—Each State receiving an apportionment
18 under paragraphs (2) and (3) of section 104(b) shall
19 use a sufficient amount of the apportionment to
20 fund a full-time position of coordinator of the
21 State’s safe routes to school program.

22 “(f) FEDERAL SHARE.—The Federal share of the
23 cost of a project, program, or activity under this section
24 shall be 100 percent.

25 “(g) CLEARINGHOUSE.—

1 “(1) IN GENERAL.—The Secretary shall main-
2 tain a national safe routes to school clearinghouse
3 to—

4 “(A) develop information and educational
5 programs on safe routes to school; and

6 “(B) provide technical assistance and dis-
7 seminate techniques and strategies used for
8 successful safe routes to school programs.

9 “(2) FUNDING.—The Secretary shall carry out
10 this subsection using amounts authorized to be ap-
11 propriated for administrative expenses under section
12 104(a).

13 “(h) TREATMENT OF PROJECTS.—Notwithstanding
14 any other provision of law, projects carried out under this
15 section shall be treated as projects on a Federal-aid high-
16 way under chapter 1 of this title.

17 “(i) DEFINITIONS.—In this section, the following
18 definitions apply:

19 “(1) IN THE VICINITY OF SCHOOLS.—The term
20 ‘in the vicinity of schools’ means, with respect to a
21 school, the area within bicycling and walking dis-
22 tance of the school (approximately 2 miles).

23 “(2) PRIMARY, MIDDLE, AND HIGH SCHOOLS.—
24 The term ‘primary, middle, and high schools’ means

1 schools providing education from kindergarten
2 through twelfth grade.”.

3 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

4 (1) REPEAL.—Section 1404 of SAFETEA-LU
5 (Public Law 109–59; 119 Stat. 1228–1230), and
6 the item relating to such section in the table of con-
7 tents in section 1(b) of such Act, are repealed.

8 (2) ANALYSIS.—The analysis for chapter 2 of
9 title 23, United States Code, is amended by insert-
10 ing after the item relating to section 210 the fol-
11 lowing:

“211. Safe routes to school program.”.

12 **SEC. 1216. BICYCLE TRANSPORTATION AND PEDESTRIAN**
13 **WALKWAYS.**

14 Section 217 of title 23, United States Code, is
15 amended—

16 (1) in subsection (d)—

17 (A) by striking “104(b)(3)” and inserting
18 “104(b)(4)”; and

19 (B) by striking “a position” and inserting
20 “one or more positions”;

21 (2) in subsection (e) by striking “bicycles” and
22 inserting “pedestrians and bicyclists” each place
23 such term appears; and

24 (3) in subsection (j) by striking paragraph (2)
25 and inserting the following:

1 “(2) **ELECTRIC BICYCLE.**—The term ‘electric
2 bicycle’ means any bicycle, tricycle, or other motor-
3 ized conveyance—

4 “(A) weighing under 100 pounds;

5 “(B) with a low-powered electric motor;

6 “(C) with a top motor-powered speed not
7 in excess of 20 miles per hour; and

8 “(D) that can safely share a bicycle trans-
9 portation facility with other users of such facil-
10 ity.”.

11 **Subtitle C—Project-Level** 12 **Investments**

13 **SEC. 1301. PROJECTS OF NATIONAL AND REGIONAL SIG-** 14 **NIFICANCE.**

15 (a) **IN GENERAL.**—Section 117 of title 23, United
16 States Code, is amended to read as follows:

17 **“§ 117. Projects of national and regional significance**

18 “(a) **ESTABLISHMENT.**—The Secretary shall estab-
19 lish a projects of national and regional significance pro-
20 gram under which the Secretary may make grants to, and
21 establish multiyear grant agreements with, eligible entities
22 in accordance with this section.

23 “(b) **APPLICATIONS.**—To be eligible for a grant
24 under this section, an eligible entity shall submit to the
25 Secretary an application in such form, in such manner,

1 and containing such information as the Secretary may re-
2 quire.

3 “(c) GRANT AMOUNTS AND PROJECT COSTS.—

4 “(1) IN GENERAL.—Each grant made under
5 this section—

6 “(A) shall be in an amount that is at least
7 \$25,000,000; and

8 “(B) shall be for a project that has eligible
9 project costs that are reasonably anticipated to
10 equal or exceed the lesser of—

11 “(i) \$100,000,000; or

12 “(ii) in the case of a project—

13 “(I) located in 1 State, 30 per-
14 cent of the amount apportioned under
15 this chapter to the State in the most
16 recently completed fiscal year; or

17 “(II) located in more than 1
18 State, 50 percent of the amount ap-
19 portioned under this chapter to the
20 participating State with the largest
21 apportionment under this chapter in
22 the most recently completed fiscal
23 year.

24 “(2) LARGE PROJECTS.—For a project that has
25 eligible project costs that are reasonably anticipated

1 to equal or exceed \$500,000,000, a grant made
2 under this section—

3 “(A) shall be in an amount sufficient to
4 fully fund the project, or in the case of a public
5 transportation project, a minimum operable
6 segment, in combination with other funding
7 sources, including non-Federal financial com-
8 mitment, identified in the application; and

9 “(B) may be awarded pursuant to the
10 process under subsection (d), as necessary
11 based on the amount of the grant.

12 “(d) MULTIYEAR GRANT AGREEMENTS FOR LARGE
13 PROJECTS.—

14 “(1) IN GENERAL.—A large project that re-
15 ceives a grant under this section may be carried out
16 through a multiyear grant agreement in accordance
17 with this subsection.

18 “(2) REQUIREMENTS.—A multiyear grant
19 agreement for a large project shall—

20 “(A) establish the terms of participation by
21 the Federal Government in the project;

22 “(B) establish the amount of Federal fi-
23 nancial assistance for the project;

24 “(C) establish a schedule of anticipated
25 Federal obligations for the project that provides

1 for obligation of the full grant amount by not
2 later than 4 fiscal years after the fiscal year in
3 which the initial amount is provided; and

4 “(D) determine the period of time for com-
5 pleting the project, even if such period extends
6 beyond the period of an authorization.

7 “(3) SPECIAL RULES.—

8 “(A) IN GENERAL.—A multiyear grant
9 agreement under this subsection—

10 “(i) shall obligate an amount of avail-
11 able budget authority specified in law; and

12 “(ii) may include a commitment, con-
13 tingent on amounts to be specified in law
14 in advance for commitments under this
15 paragraph, to obligate an additional
16 amount from future available budget au-
17 thority specified in law.

18 “(B) CONTINGENT COMMITMENT.—A con-
19 tingent commitment under this subsection is
20 not an obligation of the Federal Government
21 under section 1501 of title 31.

22 “(C) INTEREST AND OTHER FINANCING
23 COSTS.—

24 “(i) IN GENERAL.—Interest and other
25 financing costs of carrying out a part of

1 the project within a reasonable time shall
2 be considered a cost of carrying out the
3 project under a multiyear grant agreement,
4 except that eligible costs may not be more
5 than the cost of the most favorable financ-
6 ing terms reasonably available for the
7 project at the time of borrowing.

8 “(ii) CERTIFICATION.—The applicant
9 shall certify to the Secretary that the ap-
10 plicant has shown reasonable diligence in
11 seeking the most favorable financing
12 terms.

13 “(4) ADVANCE PAYMENT.—An eligible entity
14 carrying out a large project under a multiyear grant
15 agreement—

16 “(A) may use funds made available to the
17 eligible entity under this title or title 49 for eli-
18 gible project costs of the large project; and

19 “(B) shall be reimbursed, at the option of
20 the eligible entity, for such expenditures from
21 the amount made available under the multiyear
22 grant agreement for the project in that fiscal
23 year or a subsequent fiscal year.

24 “(e) ELIGIBLE PROJECTS.—

1 “(1) IN GENERAL.—The Secretary may make a
2 grant under this section only for a project that is a
3 project eligible for assistance under this title or
4 chapter 53 of title 49 and is—

5 “(A) a bridge project carried out on the
6 National Highway System;

7 “(B) a project to improve person through-
8 put that is—

9 “(i) a highway project carried out on
10 the National Highway System;

11 “(ii) a public transportation project;
12 or

13 “(iii) a capital project, as such term is
14 defined in section 22906 of title 49, to im-
15 prove intercity rail passenger transpor-
16 tation; or

17 “(C) a project to improve freight through-
18 put that is—

19 “(i) a highway freight project carried
20 out on the National Highway Freight Net-
21 work established under section 167 or on
22 the National Highway System;

23 “(ii) a freight intermodal, freight rail,
24 or railway-highway grade crossing or grade
25 separation project; or

1 “(iii) within the boundaries of a public
2 or private freight rail, water (including
3 ports), or intermodal facility and that is a
4 surface transportation infrastructure
5 project necessary to facilitate direct inter-
6 modal interchange, transfer, or access into
7 or out of the facility.

8 “(2) LIMITATION.—

9 “(A) CERTAIN FREIGHT PROJECTS.—
10 Projects described in clauses (ii) and (iii) of
11 paragraph (1)(C) may receive a grant under
12 this section only if—

13 “(i) the project will make a significant
14 improvement to the movement of freight
15 on the National Highway System; and

16 “(ii) the Federal share of the project
17 funds only elements of the project that
18 provide public benefits.

19 “(B) CERTAIN PROJECTS FOR PERSON
20 THROUGHPUT.—Projects described in clauses
21 (ii) and (iii) of paragraph (1)(B) may receive a
22 grant under this section only if the project will
23 make a significant improvement in mobility on
24 public roads.

1 “(f) ELIGIBLE PROJECT COSTS.—An eligible entity
2 receiving a grant under this section may use such grant
3 for—

4 “(1) development phase activities, including
5 planning, feasibility analysis, revenue forecasting,
6 environmental review, preliminary engineering and
7 design work, and other preconstruction activities;
8 and

9 “(2) construction, reconstruction, rehabilitation,
10 acquisition of real property (including land related
11 to the project and improvements to the land), envi-
12 ronmental mitigation, construction contingencies, ac-
13 quisition of equipment, and operational improve-
14 ments directly related to improving system perform-
15 ance.

16 “(g) PROJECT REQUIREMENTS.—The Secretary may
17 select a project described under this section for funding
18 under this section only if the Secretary determines that
19 the project—

20 “(1) generates significant regional or national
21 economic, mobility, safety, resilience, or environ-
22 mental benefits;

23 “(2) is cost effective;

24 “(3) is based on the results of preliminary engi-
25 neering;

1 “(4) has secured or will secure acceptable levels
2 of non-Federal financial commitments, including—

3 “(A) 1 or more stable and dependable
4 sources of funding and financing to construct,
5 maintain, and operate the project; and

6 “(B) contingency amounts to cover unan-
7 ticipated cost increases;

8 “(5) cannot be easily and efficiently completed
9 without additional Federal funding or financial as-
10 sistance available to the project sponsor, beyond ex-
11 isting Federal apportionments; and

12 “(6) is reasonably expected to begin construc-
13 tion not later than 18 months after the date of obli-
14 gation of funds for the project.

15 “(h) MERIT CRITERIA AND CONSIDERATIONS.—

16 “(1) MERIT CRITERIA.—In awarding a grant
17 under this section, the Secretary shall evaluate the
18 following merit criteria:

19 “(A) The extent to which the project sup-
20 ports achieving a state of good repair.

21 “(B) The level of benefits the project is ex-
22 pected to generate, including—

23 “(i) the costs avoided by the preven-
24 tion of closure or reduced use of the asset
25 to be improved by the project;

1 “(ii) reductions in maintenance costs
2 over the life of the asset;

3 “(iii) safety benefits, including the re-
4 duction of accidents and related costs;

5 “(iv) improved person or freight
6 throughput, including congestion reduction
7 and reliability improvements;

8 “(v) national and regional economic
9 benefits;

10 “(vi) resilience benefits;

11 “(vii) environmental benefits, includ-
12 ing reduction in greenhouse gas emissions
13 and air quality benefits; and

14 “(viii) benefits to all users of the
15 project, including pedestrian, bicycle, non-
16 vehicular, railroad, and public transpor-
17 tation users.

18 “(C) How the benefits compare to the
19 costs of the project.

20 “(D) The average number of people or vol-
21 ume of freight, as applicable, supported by the
22 project.

23 “(2) ADDITIONAL CONSIDERATIONS.—In
24 awarding a grant under this section, the Secretary
25 shall also consider the following:

1 “(A) Whether the project serves an area of
2 persistent poverty.

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 \$5,000,000,000 to provide technical assist-
8 ance 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 “(B) a unit of local government, including
2 a metropolitan planning organization, or a
3 group of local governments;

4 “(C) a political subdivision of a State or
5 local government;

6 “(D) a special purpose district or public
7 authority with a transportation function, includ-
8 ing a port authority;

9 “(E) a tribal government or a consortium
10 of tribal governments;

11 “(F) a Federal agency eligible to receive
12 funds under section 201, 203, or 204 that ap-
13 plies jointly with a State or group of States;
14 and

15 “(G) a multistate or multijurisdictional
16 group of entities described in this paragraph.”.

17 (b) **CLERICAL AMENDMENT.**—The analysis for chap-
18 ter 1 of title 23, United States Code, is amended by strik-
19 ing the item relating to section 117 and inserting the fol-
20 lowing:

“117. Projects of national and regional significance.”.

21 **SEC. 1302. COMMUNITY TRANSPORTATION INVESTMENT**
22 **GRANT PROGRAM.**

23 (a) **IN GENERAL.**—Chapter 1 of title 23, United
24 States Code, as amended by this title, is further amended
25 by adding at the end the following:

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 AREAS.—

8 “(1) IN GENERAL.—The Secretary shall reserve
9 not less than 25 percent of the amounts made avail-
10 able to carry out this section for projects located in
11 rural areas.

12 “(2) DEFINITION OF RURAL AREA.—In this
13 subsection, the term ‘rural area’ means all areas of
14 a State not included in urbanized areas.

15 “(3) EXCESS FUNDING.—If the Secretary de-
16 termines that there are insufficient qualified appli-
17 cants to use the funds set aside under this sub-
18 section, the Secretary may use such funds for grants
19 for any projects eligible under this section.

20 “(f) EVALUATION.—To evaluate applications under
21 this section, the Secretary shall—

22 “(1) develop a process to objectively evaluate
23 applications on the benefits of the project proposed
24 in such application—

1 “(A) to transportation safety, including re-
2 ductions in traffic fatalities and serious injuries;

3 “(B) to state of good repair, including im-
4 proved condition of bridges and pavements;

5 “(C) to transportation system access, in-
6 cluding improved access to jobs and services;

7 and

8 “(D) in reducing greenhouse gas emis-
9 sions;

10 “(2) develop a rating system to assign a nu-
11 meric value to each application, based on each of the
12 criteria described in paragraph (1);

13 “(3) compare the total benefits of each applica-
14 tion submitted, as determined by the rating system
15 developed under paragraph (2), with the costs of
16 such application, and rank each application based on
17 the results of the comparison; and

18 “(4) ensure that only such applications that are
19 ranked highly based on the results of the comparison
20 conducted under paragraph (3) are considered to re-
21 ceive a grant under this section.

22 “(g) WEIGHTING.—In establishing the evaluation
23 process under subsection (f), the Secretary may assign dif-
24 ferent weights to the criteria developed under subsection
25 (f)(1) based on project type, population served by a

1 project, and other context-sensitive considerations, pro-
2 vided that—

3 “(1) each application is rated on all criteria de-
4 veloped under subsection (f)(1); and

5 “(2) each application has the same possible
6 minimum and maximum rating, regardless of any
7 differences in the weighting of criteria.

8 “(h) TRANSPARENCY.—

9 “(1) PUBLICLY AVAILABLE INFORMATION.—

10 Prior to the issuance of any notice of funding oppor-
11 tunity under this section, the Secretary shall make
12 publicly available on the website of the Department
13 of Transportation a detailed explanation of the eval-
14 uation and rating process developed under sub-
15 section (f), including any differences in the
16 weighting of criteria pursuant to subsection (g), if
17 applicable, and update such website for each revision
18 of the evaluation and rating process.

19 “(2) NOTIFICATIONS TO CONGRESS.—The Sec-
20 retary shall submit to the Committee on Transpor-
21 tation and Infrastructure of the House of Represent-
22 atives, the Committee on Environment and Public
23 Works of the Senate, the Committee on Banking,
24 Housing, and Urban Affairs of the Senate, and the
25 Committee on Commerce, Science, and Transpor-

1 tation of the Senate the following written notifica-
2 tions:

3 “(A) A notification when the Secretary
4 publishes or updates the information required
5 under paragraph (1).

6 “(B) Not later than 30 days prior to the
7 date on which the Secretary awards a grant
8 under this section, a notification that in-
9 cludes—

10 “(i) the ratings of each application
11 submitted pursuant to subsection (f)(2);

12 “(ii) the ranking of each application
13 submitted pursuant to subsection (f)(3);
14 and

15 “(iii) a list of all applications that re-
16 ceive final consideration by the Secretary
17 to receive an award under this section pur-
18 suant to subsection (f)(4).

19 “(C) Not later than 3 business days prior
20 to the date on which the Secretary announces
21 the award of a grant under this section, a noti-
22 fication describing each grant to be awarded,
23 including the amount and the recipient.

24 “(i) TECHNICAL ASSISTANCE.—Of the amounts
25 made available to carry out this section, the Secretary may

1 reserve up to \$3,000,000 to provide technical assistance
2 to eligible entities.

3 “(j) ADMINISTRATION.—Of the amounts made avail-
4 able to carry out this section, the Secretary may reserve
5 up to \$5,000,000 for the administrative costs of carrying
6 out the program under this section.

7 “(k) TREATMENT OF PROJECTS.—

8 “(1) FEDERAL REQUIREMENTS.—The Secretary
9 shall, with respect to a project funded by a grant
10 under this section, apply—

11 “(A) the requirements of this title to a
12 highway project;

13 “(B) the requirements of chapter 53 of
14 title 49 to a public transportation project; and

15 “(C) the requirements of section 22905 of
16 title 49 to a passenger rail or freight rail
17 project.

18 “(2) MULTIMODAL PROJECTS.—

19 “(A) IN GENERAL.—Except as otherwise
20 provided in this paragraph, if an eligible project
21 is a multimodal project, the Secretary shall—

22 “(i) determine the predominant modal
23 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 “(1) TRANSPARENCY.—

8 “(1) IN GENERAL.—Not later than 30 days
9 after awarding a grant for a project under this sec-
10 tion, the Secretary shall send to all applicants, and
11 publish on the website of the Department of Trans-
12 portation—

13 “(A) a summary of each application made
14 to the program for the grant application period;
15 and

16 “(B) the evaluation and justification for
17 the project selection, including ratings and
18 rankings assigned to all applications and a list
19 of applications that received final consideration
20 by the Secretary to receive an award under this
21 section, for the grant application period.

22 “(2) BRIEFING.—The Secretary shall provide,
23 at the request of a grant applicant under this sec-
24 tion, the opportunity to receive a briefing to explain

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

3 “(m) DEFINITIONS.—In this section:

4 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
5 tity’ means—

6 “(A) a metropolitan planning organization;

7 “(B) a unit of local government;

8 “(C) a transit agency;

9 “(D) a Tribal Government or a consortium
10 of tribal governments;

11 “(E) a multijurisdictional group of entities
12 described in this paragraph; or

13 “(F) a State that applies for a grant under
14 this section jointly with an entity described in
15 subparagraphs (A) through (E).

16 “(2) ELIGIBLE PROJECT.—The term ‘eligible
17 project’ means any project eligible under this title or
18 chapter 53 of title 49.”.

19 (b) CLERICAL AMENDMENT.—The analysis for chap-
20 ter 1 of title 23, United States Code, is further amended
21 by adding at the end the following new item:

“173. Community transportation investment grant program.”.

1 **SEC. 1303. GRANTS FOR CHARGING AND FUELING INFRA-**
2 **STRUCTURE TO MODERNIZE AND RECON-**
3 **NECT AMERICA FOR THE 21ST CENTURY.**

4 (a) **PURPOSE.**—The purpose of this section is to es-
5 tablish a grant program to strategically deploy electric ve-
6 hicle charging infrastructure and hydrogen fueling infra-
7 structure along designated alternative fuel corridors that
8 will be accessible to all drivers of electric vehicles and hy-
9 drogen vehicles.

10 (b) **GRANT PROGRAM.**—Section 151 of title 23,
11 United States Code, is amended—

12 (1) in subsection (a) by striking “Not later
13 than 1 year after the date of enactment of the
14 FAST Act, the Secretary shall” and inserting “The
15 Secretary shall periodically”;

16 (2) in subsection (b)(2) by inserting “previously
17 designated by the Federal Highway Administration
18 or” after “fueling corridors”;

19 (3) in subsection (d)—

20 (A) by striking “5 years after the date of
21 establishment of the corridors under subsection
22 (a), and every 5 years thereafter” and inserting
23 “180 days after the date of enactment of the
24 INVEST in America Act”; and

1 (B) by inserting “establish a recurring
2 process to regularly” after “the Secretary
3 shall”;

4 (4) in subsection (e)—

5 (A) in paragraph (1) by striking “; and”
6 and inserting a semicolon;

7 (B) in paragraph (2)—

8 (i) by striking “establishes an aspira-
9 tional goal of achieving” and inserting “de-
10 scribes efforts to achieve”; and

11 (ii) by striking “by the end of fiscal
12 year 2020.” and inserting a semicolon; and

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

14 “(3) summarizes best practices and provides
15 guidance, developed through consultation with the
16 Secretary of Energy, for project development of elec-
17 tric vehicle charging infrastructure, hydrogen fueling
18 infrastructure, and natural gas fueling infrastruc-
19 ture at the State, tribal, and local level to allow for
20 the predictable deployment of such infrastructure;
21 and

22 “(4) summarizes the progress and implementa-
23 tion of the grant program under subsection (f), in-
24 cluding—

1 “(A) a description of how funds awarded
2 through the grant program under subsection (f)
3 will aid efforts to achieve strategic deployment
4 of electric vehicle charging infrastructure and
5 hydrogen fueling infrastructure in those cor-
6 ridors;

7 “(B) the total number and location of
8 charging stations installed under subsection (f);
9 and

10 “(C) the total estimated greenhouse gas
11 emissions that have been reduced through the
12 use of electric vehicle charging or hydrogen
13 fueling infrastructure funded under subsection
14 (f) using the methodology identified in para-
15 graph (3)(B).”; and

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

17 “(f) ELECTRIC VEHICLE CHARGING AND HYDROGEN
18 FUELING INFRASTRUCTURE GRANTS.—

19 “(1) ESTABLISHMENT.—Not later than 1 year
20 after the date of enactment of the INVEST in
21 America Act, the Secretary shall establish a grant
22 program to award grants to eligible entities for elec-
23 tric vehicle charging and hydrogen fueling infra-
24 structure projects.

1 “(2) ELIGIBLE ENTITY.—An entity eligible to
2 receive a grant under this subsection is—

3 “(A) a State or political subdivision of a
4 State;

5 “(B) a metropolitan planning organization;

6 “(C) a unit of local government;

7 “(D) a special purpose district or public
8 authority with a transportation function, includ-
9 ing a port authority;

10 “(E) a Tribal government;

11 “(F) an authority, agency, or instrumen-
12 tality of, or an entity owned by, 1 or more of
13 the entities described in subparagraphs (A)
14 through (E); or

15 “(G) a group of entities described in sub-
16 paragraphs (A) through (F).

17 “(3) APPLICATION.—To be eligible to receive a
18 grant under this subsection, an eligible entity shall
19 submit to the Secretary an application at such time,
20 in such manner, and containing such information as
21 the Secretary shall require, including—

22 “(A) a description of—

23 “(i) the public accessibility of the
24 charging or fueling infrastructure proposed

1 to be funded with a grant under this sub-
2 section, including—

3 “(I) charging or fueling con-
4 nector types;

5 “(II) publicly available informa-
6 tion on real-time availability; and

7 “(III) payment methods available
8 to all members of the public to ensure
9 secure, convenient, fair, and equal ac-
10 cess and not limited by membership to
11 a particular provider;

12 “(ii) collaborative engagement with
13 the entity with jurisdiction over the road-
14 way and any other relevant stakeholders
15 (including automobile manufacturers, utili-
16 ties, infrastructure providers, technology
17 providers, electric charging and hydrogen
18 fuel providers, metropolitan planning orga-
19 nizations, States, Indian Tribes, units of
20 local government, fleet owners, fleet man-
21 agers, fuel station owners and operators,
22 labor organizations, infrastructure con-
23 struction and component parts suppliers,
24 and multistate and regional entities)—

1 “(I) to foster enhanced, coordi-
2 nated, public-private or private invest-
3 ment in electric vehicle charging and
4 hydrogen fueling infrastructure;

5 “(II) to expand deployment of
6 electric vehicle charging or hydrogen
7 fueling infrastructure;

8 “(III) to protect personal privacy
9 and ensure cybersecurity; and

10 “(IV) to ensure that a properly
11 trained workforce is available to con-
12 struct and install electric vehicle
13 charging or hydrogen fueling infra-
14 structure;

15 “(iii) the location of the station or
16 fueling site, including consideration of—

17 “(I) the availability of onsite
18 amenities for vehicle operators, includ-
19 ing restrooms or food facilities;

20 “(II) access in compliance with
21 the Americans with Disabilities Act of
22 1990 (42 U.S.C. 12101 et seq.);

23 “(III) height and fueling capacity
24 requirements for facilities that charge

1 or refuel large vehicles, including
2 semitrailer trucks; and

3 “(IV) appropriate distribution to
4 avoid redundancy and fill charging or
5 fueling gaps;

6 “(iv) infrastructure installation that
7 can be responsive to technology advance-
8 ments, including accommodating auto-
9 nous vehicles and future charging meth-
10 ods;

11 “(v) the long-term operation and
12 maintenance of the electric vehicle charg-
13 ing or hydrogen fueling infrastructure to
14 avoid stranded assets and protect the in-
15 vestment of public funds in such infra-
16 structure; and

17 “(vi) in the case of an applicant that
18 is not a State department of transpor-
19 tation, the degree of coordination with the
20 applicable State department of transpor-
21 tation; and

22 “(B) an assessment of the estimated
23 greenhouse gas emissions and air pollution from
24 vehicle emissions that will be reduced through
25 the use of electric vehicle charging or hydrogen

1 fueling infrastructure, which shall be conducted
2 using one standardized methodology or tool as
3 determined by the Secretary.

4 “(4) CONSIDERATIONS.—In selecting eligible
5 entities to receive a grant under this subsection, the
6 Secretary shall—

7 “(A) consider the extent to which the ap-
8 plication of the eligible entity would—

9 “(i) reduce estimated greenhouse gas
10 emissions and air pollution from vehicle
11 emissions, weighted by the total Federal
12 investment in the project;

13 “(ii) improve alternative fueling cor-
14 ridor networks by—

15 “(I) converting corridor-pending
16 corridors to corridor-ready corridors;
17 or

18 “(II) in the case of corridor-
19 ready corridors, providing additional
20 capacity—

21 “(aa) to meet excess demand
22 for charging or fueling infra-
23 structure; or

24 “(bb) to reduce congestion
25 at existing charging or fueling in-

1 frastructure in high-traffic loca-
2 tions;

3 “(iii) meet current or anticipated mar-
4 ket demands for charging or fueling infra-
5 structure;

6 “(iv) enable or accelerate the con-
7 struction of charging or fueling infrastruc-
8 ture that would be unlikely to be completed
9 without Federal assistance; and

10 “(v) support a long-term competitive
11 market for electric vehicle charging infra-
12 structure or hydrogen fueling infrastruc-
13 ture that does not significantly impair ex-
14 isting electric vehicle charging or hydrogen
15 fueling infrastructure providers; and

16 “(B) ensure, to the maximum extent prac-
17 ticable, geographic diversity among grant recipi-
18 ents to ensure that electric vehicle charging in-
19 frastructure or hydrogen fueling infrastructure
20 is available throughout the United States.

21 “(5) USE OF FUNDS.—

22 “(A) IN GENERAL.—Any grant made
23 under this subsection shall be—

24 “(i) directly related to the charging or
25 fueling of a vehicle; and

1 “(ii) only for charging or fueling in-
2 frastructure that is open to the general
3 public.

4 “(B) LOCATION OF INFRASTRUCTURE.—

5 “(i) IN GENERAL.—Any electric vehi-
6 cle charging or hydrogen fueling infra-
7 structure acquired and installed with a
8 grant under this subsection shall be located
9 along an alternative fuel corridor des-
10 ignated under this section or by a State or
11 group of States.

12 “(ii) EXCEPTION.—Notwithstanding
13 clause (i), the Secretary may make a grant
14 for electric vehicle charging infrastructure
15 not on a designated alternative fuel cor-
16 ridor if the applicant demonstrates that
17 the proposed charging infrastructure would
18 expand deployment of electric vehicle
19 charging to a greater number of users than
20 investments on such corridor.

21 “(C) OPERATING ASSISTANCE.—

22 “(i) IN GENERAL.—Subject to clauses
23 (ii) and (iii), an eligible entity that receives
24 a grant under this subsection may use a
25 portion of the funds for operating costs for

1 the first 5 years of operations after the in-
2 stallation of electric vehicle charging or hy-
3 drogen fueling infrastructure while the fa-
4 cility transitions to independent system op-
5 erations.

6 “(ii) INCLUSION.—Operating assist-
7 ance under this subparagraph shall be lim-
8 ited to costs allocable to operating and
9 maintaining the electric vehicle charging or
10 hydrogen fueling infrastructure and serv-
11 ice.

12 “(iii) LIMITATION.—Operating assist-
13 ance under this subparagraph may not ex-
14 ceed the amount of a contract under sub-
15 subparagraph (A) to acquire and install elec-
16 tric vehicle charging or hydrogen fueling
17 infrastructure.

18 “(D) SIGNS.—

19 “(i) IN GENERAL.—Subject to this
20 paragraph and paragraph (6)(B), an eligi-
21 ble entity that receives a grant under this
22 subsection may use a portion of the funds
23 to acquire and install—

24 “(I) traffic control devices lo-
25 cated in the right-of-way to provide

1 directional information to electric ve-
2 hicle charging or hydrogen fueling in-
3 frastructure acquired, installed, or op-
4 erated with the grant under this sub-
5 section; and

6 “(II) on-premises signs to pro-
7 vide information about electric vehicle
8 charging or hydrogen fueling infra-
9 structure acquired, installed, or oper-
10 ated with a grant under this sub-
11 section.

12 “(ii) REQUIREMENT.—Any traffic
13 control device or on-premises sign ac-
14 quired, installed, or operated with a grant
15 under this subsection shall comply with the
16 Manual on Uniform Traffic Control De-
17 vices, if located in the right-of-way.

18 “(E) REVENUE.—An eligible entity receiv-
19 ing a grant under this subsection and a private
20 entity referred to in subparagraph (F) may
21 enter into a cost-sharing agreement under
22 which the private entity submits to the eligible
23 entity a portion of the revenue from the electric
24 vehicle charging or hydrogen fueling infrastruc-
25 ture.

1 “(F) PRIVATE ENTITY.—

2 “(i) IN GENERAL.—An eligible entity
3 receiving a grant under this subsection
4 may use the funds in accordance with this
5 paragraph to contract with a private entity
6 for installation, operation, or maintenance
7 of electric vehicle charging or hydrogen
8 fueling infrastructure.

9 “(ii) INCLUSION.—An eligible private
10 entity shall include a privately, publicly, or
11 cooperatively owned electric utility.

12 “(6) PROJECT REQUIREMENTS.—

13 “(A) IN GENERAL.—Notwithstanding any
14 other provision of law, any project funded by a
15 grant under this subsection shall be treated as
16 a project on a Federal-aid highway.

17 “(B) ELECTRIC VEHICLE CHARGING
18 PROJECTS.—A project for electric vehicle charg-
19 ing infrastructure funded by a grant under this
20 subsection shall be subject to the requirements
21 of section 155.

22 “(7) FEDERAL SHARE.—The Federal share of
23 the cost of a project carried out with a grant under
24 this subsection shall not exceed 80 percent of the
25 total project cost.”.

1 **SEC. 1304. COMMUNITY CLIMATE INNOVATION GRANTS.**

2 (a) IN GENERAL.—Chapter 1 of title 23, United
3 States Code, as amended by this title, is further amended
4 by inserting after section 171 the following:

5 **“§ 172. Community climate innovation grants**

6 “(a) ESTABLISHMENT.—The Secretary shall estab-
7 lish a community climate innovation grant program (in
8 this section referred to as the ‘Program’) to make grants,
9 on a competitive basis, for locally selected projects that
10 reduce greenhouse gas emissions while improving the mo-
11 bility, accessibility, and connectivity of the surface trans-
12 portation system.

13 “(b) PURPOSE.—The purpose of the Program shall
14 be to support communities in reducing greenhouse gas
15 emissions from the surface transportation system.

16 “(c) ELIGIBLE APPLICANTS.—The Secretary may
17 make grants under the Program to the following entities:

18 “(1) A metropolitan planning organization.

19 “(2) A unit of local government or a group of
20 local governments.

21 “(3) A subdivision of a local government.

22 “(4) A transit agency.

23 “(5) A special purpose district with a transpor-
24 tation function or a port authority.

25 “(6) A Tribal government or a consortium of
26 tribal governments.

1 “(7) A multijurisdictional group of entities de-
2 scribed in paragraphs (1) through (6).

3 “(d) APPLICATIONS.—To be eligible for a grant
4 under the Program, an entity specified in subsection (c)
5 shall submit to the Secretary an application in such form,
6 at such time, and containing such information as the Sec-
7 retary determines appropriate.

8 “(e) ELIGIBLE PROJECTS.—The Secretary may only
9 provide a grant under the Program for a project that is
10 expected to yield a significant reduction in greenhouse gas
11 emissions from the surface transportation system and—

12 “(1) is a project eligible for assistance under
13 this title or under chapter 53 of title 49; or

14 “(2) is a capital project as defined in section
15 22906 of title 49 to improve intercity passenger rail
16 that will yield a significant reduction in single occu-
17 pant vehicle trips and improve mobility on public
18 roads.

19 “(f) ELIGIBLE USES.—Grant amounts received for a
20 project under the Program may be used for—

21 “(1) development phase activities, including
22 planning, feasibility analysis, revenue forecasting,
23 environmental review, preliminary engineering and
24 design work, and other preconstruction activities;
25 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 “(g) PROJECT PRIORITIZATION.—In making grants
8 for projects under the Program, the Secretary shall give
9 priority to projects that are expected to yield the most sig-
10 nificant reductions in greenhouse gas emissions from the
11 surface transportation system.

12 “(h) ADDITIONAL CONSIDERATIONS.—In making
13 grants for projects under the Program, the Secretary shall
14 consider the extent to which—

15 “(1) a project maximizes greenhouse gas reduc-
16 tions in a cost-effective manner;

17 “(2) a project reduces dependence on single-oc-
18 cupant vehicle trips or provides additional transpor-
19 tation options;

20 “(3) a project improves the connectivity and ac-
21 cessibility of the surface transportation system, par-
22 ticularly to low- and zero-emission forms of trans-
23 portation, including public transportation, walking,
24 and bicycling;

1 “(4) an applicant has adequately considered or
2 will adequately consider, including through the op-
3 portunity for public comment, the environmental jus-
4 tice and equity impacts of the project;

5 “(5) a project contributes to geographic diver-
6 sity among grant recipients, including to achieve a
7 balance between urban, suburban, and rural commu-
8 nities;

9 “(6) a project serves low-income communities,
10 including areas of persistent poverty; and

11 “(7) a project uses pavement materials that
12 demonstrate reductions in greenhouse gas emissions
13 through sequestration or innovative manufacturing
14 processes.

15 “(i) FUNDING.—

16 “(1) MAXIMUM AMOUNT.—The maximum
17 amount of a grant under the Program shall be
18 \$25,000,000.

19 “(2) TECHNICAL ASSISTANCE.—Of the amounts
20 made available to carry out the Program, the Sec-
21 retary may use up to 1 percent to provide technical
22 assistance to applicants and potential applicants.

23 “(j) TREATMENT OF PROJECTS.—

1 “(1) FEDERAL REQUIREMENTS.—The Secretary
2 shall, with respect to a project funded by a grant
3 under this section, apply—

4 “(A) the requirements of this title to a
5 highway project;

6 “(B) the requirements of chapter 53 of
7 title 49 to a public transportation project; and

8 “(C) the requirements of section 22905 of
9 title 49 to a passenger rail or freight rail
10 project.

11 “(2) MULTIMODAL PROJECTS.—

12 “(A) IN GENERAL.—Except as otherwise
13 provided in this paragraph, if an eligible project
14 is a multimodal project, the Secretary shall—

15 “(i) determine the predominant modal
16 component of the project; and

17 “(ii) apply the applicable requirements
18 of such predominant modal component to
19 the project.

20 “(B) EXCEPTIONS.—

21 “(i) PASSENGER OR FREIGHT RAIL
22 COMPONENT.—For any passenger or
23 freight rail component of a project, the re-
24 quirements of section 22907(j)(2) of title
25 49 shall apply.

1 “(ii) PUBLIC TRANSPORTATION COM-
2 PONENT.—For any public transportation
3 component of a project, the requirements
4 of section 5333 of title 49 shall apply.

5 “(C) BUY AMERICA.—In applying the Buy
6 American requirements under section 313 of
7 this title and sections 5320, 22905(a), and
8 24305(f) of title 49 to a multimodal project
9 under this paragraph, the Secretary shall—

10 “(i) consider the various modal com-
11 ponents of the project; and

12 “(ii) seek to maximize domestic jobs.

13 “(3) FEDERAL-AID HIGHWAY REQUIRE-
14 MENTS.—Notwithstanding any other provision of
15 this subsection, the Secretary shall require recipients
16 of grants under this section to comply with sub-
17 section (a) of section 113 with respect to public
18 transportation projects, passenger rail projects, and
19 freight rail projects, in the same manner that recipi-
20 ents of grants are required to comply with such sub-
21 section for construction work performed on highway
22 projects on Federal-aid highways.

23 “(k) SINGLE-OCCUPANCY VEHICLE HIGHWAY FA-
24 CILITIES.—None of the funds provided under this section
25 may be used for a project that will result in the construc-

1 tion of new capacity available to single occupant vehicles
2 unless the project consists of a high-occupancy vehicle fa-
3 cility and is consistent with section 166.

4 “(1) DEFINITION OF AREAS OF PERSISTENT POV-
5 ERTY.—In this section, the term ‘areas of persistent pov-
6 erty’ means—

7 “(1) any county that has had 20 percent or
8 more of the population of such county living in pov-
9 erty over the past 30 years, as measured by the
10 1990 and 2000 decennial censuses and the most re-
11 cent Small Area Income and Poverty Estimates; and

12 “(2) any census tract with a poverty rate of at
13 least 20 percent, as measured by the most recent 5-
14 year data series available from the American Com-
15 munity Survey of the Bureau of the Census.”.

16 (b) CLERICAL AMENDMENT.—The analysis for chap-
17 ter 1 of title 23, United States Code, is amended by insert-
18 ing after the item relating to section 171 the following:

“172. Community climate innovation grants.”.

19 **SEC. 1305. METRO PERFORMANCE PROGRAM.**

20 (a) ESTABLISHMENT.—The Secretary of Transpor-
21 tation shall provide funding to metropolitan planning or-
22 ganizations in accordance with this section to enhance
23 local decision making and control in delivering projects to
24 address local transportation needs.

25 (b) DESIGNATION.—

1 (1) IN GENERAL.—The Secretary shall des-
2 ignate high-performing metropolitan planning orga-
3 nizations based on the criteria in paragraph (3) to
4 be direct recipients of funds under this section.

5 (2) RESPONSIBILITIES.—A direct recipient shall
6 assume, with respect to the amounts made available
7 under this section, any responsibility for the over-
8 sight of Federal funds vested in a State department
9 of transportation under chapter 1 of title 23, United
10 States Code.

11 (3) CRITERIA.—In designating an applicant
12 under this subsection, the Secretary shall consider—

13 (A) the legal, financial, and technical ca-
14 pacity of the applicant;

15 (B) the level of coordination between the
16 applicant and—

17 (i) the State department of transpor-
18 tation of the State or States in which the
19 metropolitan planning area represented by
20 the applicant is located;

21 (ii) local governments and providers of
22 public transportation within the metropoli-
23 tan planning area represented by the appli-
24 cant; and

1 (iii) if more than 1 metropolitan plan-
2 ning organization is designated within an
3 urbanized area represented by the appli-
4 cant, any other such metropolitan planning
5 organization;

6 (C) in the case of an applicant that rep-
7 represents an urbanized area population of greater
8 than 200,000, the effectiveness of project deliv-
9 ery and timely obligation of funds made avail-
10 able under section 133(d)(1)(A)(i) of title 23,
11 United States Code;

12 (D) if the applicant or a local government
13 within the metropolitan planning area that the
14 applicant represents has been the recipient of a
15 discretionary grant from the Secretary within
16 the preceding 5 years, the administration of
17 such grant;

18 (E) the extent to which the planning and
19 decision making process of the applicant, in-
20 cluding the long-range transportation plan and
21 the approved transportation improvement pro-
22 gram under section 134 of such title, support—

23 (i) the performance goals established
24 under section 150(b) of such title; and

1 (ii) the achievement of metropolitan
2 or statewide performance targets estab-
3 lished under section 150(c) of such title;
4 and
5 (F) any other criteria established by the
6 Secretary.

7 (4) REQUIREMENTS.—

8 (A) CALL FOR NOMINATION.—Not later
9 than April 1, 2022, the Secretary shall publish
10 in the Federal Register a notice soliciting appli-
11 cations for designation under this subsection.

12 (B) GUIDANCE.—The notification under
13 paragraph (1) shall include guidance on the re-
14 quirements and responsibilities of a direct re-
15 cipient under this section.

16 (C) DETERMINATION.—The Secretary
17 shall make all designations under this section
18 for fiscal year 2023 not later than June 1,
19 2022.

20 (5) TERM.—Except as provided in paragraph
21 (6), a designation under this subsection shall—

22 (A) be for a period of not less than 5
23 years; and

24 (B) be renewable.

25 (6) TERMINATION.—

1 (A) IN GENERAL.—The Secretary shall es-
2 tablish procedures for the termination of a des-
3 ignation under this subsection.

4 (B) CONSIDERATIONS.—In establishing
5 procedures under subparagraph (A), the Sec-
6 retary shall consider—

7 (i) with respect to projects carried out
8 under this section, compliance with the re-
9 quirements of title 23, United States Code,
10 or chapter 53 of title 49, United States
11 Code; and

12 (ii) the obligation rate of any funds—
13 (I) made available under this sec-
14 tion; and

15 (II) in the case of a metropolitan
16 planning organization that represents
17 a metropolitan planning area with an
18 urbanized area population of greater
19 than 200,000, made available under
20 section 133(d)(1)(A) of title 23,
21 United States Code.

22 (c) USE OF FUNDS.—

23 (1) ELIGIBLE PROJECTS.—Funds made avail-
24 able under this section may be obligated for the pur-

1 poses described in section 133(b) of title 23, United
2 States Code.

3 (2) ADMINISTRATIVE EXPENSES AND TECH-
4 NICAL ASSISTANCE.—Of the amounts made available
5 under this section, the Secretary may set aside not
6 more than \$5,000,000 for program management,
7 oversight, and technical assistance to direct recipi-
8 ents.

9 (d) RESPONSIBILITIES OF DIRECT RECIPIENTS.—

10 (1) DIRECT AVAILABILITY OF FUNDS.—Not-
11 withstanding title 23, United States Code, the
12 amounts made available under this section shall be
13 allocated to each direct recipient for obligation.

14 (2) PROJECT DELIVERY.—

15 (A) IN GENERAL.—At the request of the
16 direct recipient, the State may collaborate with
17 a project sponsor to ensure delivery of the
18 project and compliance with all applicable Fed-
19 eral requirements.

20 (B) USE OF FUNDS.—Amounts made
21 available under this section may be used to
22 compensate the State for costs incurred in pro-
23 viding technical assistance under this para-
24 graph.

1 (3) DISTRIBUTION OF AMOUNTS AMONG DIRECT
2 RECIPIENTS.—

3 (A) IN GENERAL.—Subject to subpara-
4 graph (B), on the first day of the fiscal year for
5 which funds are made available under this sec-
6 tion, the Secretary shall allocate such funds to
7 each direct recipient as the proportion of the
8 population (as determined by data collected by
9 the Bureau of the Census) of the urbanized
10 area represented by any 1 direct recipient bears
11 to the total population of all of urbanized areas
12 represented by all direct recipients.

13 (B) MINIMUM AND MAXIMUM AMOUNTS.—
14 Each direct recipient shall receive not less than
15 \$10,000,000 and not more than \$50,000,000
16 each fiscal year.

17 (C) MINIMUM GUARANTEED AMOUNT.—In
18 making a determination whether to designate a
19 metropolitan planning organization as a direct
20 recipient under subsection (b), the Secretary
21 shall ensure that each direct recipient receives
22 the minimum required allocation under sub-
23 paragraph (B).

24 (D) ADDITIONAL AMOUNTS.—If any
25 amounts remain unallocated after the distribu-

1 tion described in this subsection, such remain-
2 ing amounts and an associated amount of obli-
3 gation limitation shall be made available for the
4 purposes described in clauses (i) and (ii) of sec-
5 tion 133(d)(1)(A) of title 23, United States
6 Code, and distributed among the States in pro-
7 portion to the relative shares of the population
8 (as determined by data collected by the Bureau
9 of the Census) of the urbanized areas of each
10 State bears to the total population of all urban-
11 ized areas across all States.

12 (4) ASSUMPTION OF RESPONSIBILITY OF THE
13 SECRETARY.—

14 (A) IN GENERAL.—For projects carried
15 out with funds provided under this section, the
16 direct recipient may assume the responsibilities
17 of the Secretary under title 23, United States
18 Code, for design, plans, specifications, esti-
19 mates, contract awards, and inspections with
20 respect to the projects unless the Secretary de-
21 termines that the assumption is not appro-
22 priate.

23 (B) AGREEMENT.—The Secretary and the
24 direct recipient shall enter into an agreement
25 relating to the extent to which the direct recipi-

1 ent assumes the responsibilities of the Secretary
2 under this paragraph.

3 (C) LIMITATIONS.—The Secretary shall re-
4 tain responsibilities described in subparagraph
5 (A) for any project that the Secretary deter-
6 mines to be in a high-risk category, including
7 projects on the National Highway System.

8 (e) EXPENDITURE OF FUNDS.—

9 (1) CONSISTENCY WITH METROPOLITAN PLAN-
10 NING.—Except as otherwise provided in this section,
11 programming and expenditure of funds for projects
12 under this section shall be consistent with the re-
13 quirements of section 134 of title 23, United States
14 Code.

15 (2) SELECTION OF PROJECTS.—

16 (A) IN GENERAL.—Notwithstanding sub-
17 sections (j)(5) and (k)(4) of section 134 of such
18 title, a direct recipient shall select, from the ap-
19 proved transportation improvement program
20 under section 134 of such title, all projects de-
21 scribed under this section, including projects on
22 the National Highway System.

23 (B) ELIGIBLE PROJECTS.—The project se-
24 lection process described in this subsection shall
25 apply to all federally funded projects within the

1 boundaries of a metropolitan planning area
2 served by a direct recipient that are carried out
3 under this section.

4 (C) CONSULTATION REQUIRED.—In select-
5 ing a project under this subsection, the metro-
6 politan planning organization shall consult
7 with—

8 (i) in the case of a highway project,
9 the State and locality in which such project
10 is located; and

11 (ii) in the case of a transit project,
12 any affected public transportation oper-
13 ator.

14 (3) RULE OF CONSTRUCTION.—Nothing in this
15 section shall be construed to limit the ability of a di-
16 rect recipient to partner with a State department of
17 transportation or other recipient of Federal funds
18 under title 23, United States Code, or chapter 53 of
19 title 49, United States Code, to carry out a project.

20 (f) TREATMENT OF FUNDS.—

21 (1) IN GENERAL.—Except as provided in this
22 section, funds made available to carry out this sec-
23 tion shall be treated as funds apportioned under title
24 23, United States Code.

1 (2) TREATMENT OF PROJECTS.—Notwith-
2 standing any other provision of law, any project
3 using funds provided under this section shall be
4 treated as a project on a Federal-aid highway under
5 chapter 1 of title 23, United States Code.

6 (3) FEDERAL SHARE.—The Federal share of
7 the cost of a project carried out under this section
8 shall be determined in accordance with section 120
9 of title 23, United States Code.

10 (g) REPORT.—

11 (1) DIRECT RECIPIENT REPORT.—Not later
12 than 60 days after the end of each fiscal year, each
13 direct recipient shall submit to the Secretary a re-
14 port that includes—

15 (A) a list of projects funded with amounts
16 provided under this section;

17 (B) a description of any obstacles to com-
18 plete projects or timely obligation of funds; and

19 (C) recommendations to improve the effec-
20 tiveness of the program under this section.

21 (2) REPORT TO CONGRESS.—Not later than Oc-
22 tober 1, 2024, the Secretary shall submit to the
23 Committee on Environment and Public Works of the
24 Senate and the Committee on Transportation and

1 Infrastructure of the House of Representatives a re-
2 port that—

3 (A) summarizes the findings of each direct
4 recipient provided under paragraph (1);

5 (B) describes the efforts undertaken by
6 both direct recipients and the Secretary to en-
7 sure compliance with the requirements of title
8 23 and chapter 53 of title 49, United States
9 Code;

10 (C) analyzes the capacity of direct recipi-
11 ents to receive direct allocations of funds under
12 chapter 1 of title 23, United States Code; and

13 (D) provides recommendations from the
14 Secretary to—

15 (i) improve the administration, over-
16 sight, and performance of the program es-
17 tablished under this section;

18 (ii) improve the effectiveness of direct
19 recipients to complete projects and obligate
20 funds in a timely manner; and

21 (iii) evaluate options to expand the
22 authority provided under this section, in-
23 cluding to allow for the direct allocation to
24 metropolitan planning organizations of
25 funds made available to carry out clause

1 (i) or (ii) of section 133(d)(1)(A) of title
2 23, United States Code.

3 (3) UPDATE.—Not less frequently than every 2
4 years, the Secretary shall update the report de-
5 scribed in paragraph (2).

6 (h) DEFINITIONS.—

7 (1) DIRECT RECIPIENT.—In this section, the
8 term “direct recipient” means a metropolitan plan-
9 ning organization designated by the Secretary as
10 high-performing under subsection (b) and that was
11 directly allocated funds as described in subsection
12 (d).

13 (2) METROPOLITAN PLANNING AREA.—The
14 term “metropolitan planning area” has the meaning
15 given such term in section 134 of title 23, United
16 States Code.

17 (3) METROPOLITAN PLANNING ORGANIZA-
18 TION.—The term “metropolitan planning organiza-
19 tion” has the meaning given such term in section
20 134 of title 23, United States Code.

21 (4) NATIONAL HIGHWAY SYSTEM.—The term
22 “National Highway System” has the meaning given
23 such term in section 101 of title 23, United States
24 Code.

1 (5) STATE.—The term “State” has the mean-
2 ing given such term in section 101 of title 23,
3 United States Code.

4 (6) URBANIZED AREA.—The term “urbanized
5 area” has the meaning given such term in section
6 134 of title 23, United States Code.

7 **SEC. 1306. GRIDLOCK REDUCTION GRANT PROGRAM.**

8 (a) ESTABLISHMENT.—The Secretary of Transpor-
9 tation shall establish a gridlock reduction program to
10 make grants, on a competitive basis, for projects to re-
11 duce, and mitigate the adverse impacts of, traffic conges-
12 tion.

13 (b) APPLICATIONS.—To be eligible for a grant under
14 this section, an applicant shall submit to the Secretary an
15 application in such form, at such time, and containing
16 such information as the Secretary determines appropriate.

17 (c) ELIGIBLE APPLICANTS.—The Secretary may
18 make grants under this section to an applicant that is
19 serving an urbanized area, as designated by the Bureau
20 of the Census, with a population of not less than
21 1,000,000 and that is—

22 (1) a metropolitan planning organization;

23 (2) a unit of local government or a group of
24 local governments;

1 (3) a multijurisdictional group of entities de-
2 scribed in paragraphs (1) and (2); or

3 (4) a State that is in partnership with an entity
4 described in paragraph (1), (2), or (3).

5 (d) ELIGIBLE PROJECTS.—The Secretary may award
6 grants under this section to applicants that submit a com-
7 prehensive program of surface transportation-related
8 projects to reduce traffic congestion and related adverse
9 impacts, including a project for 1 or more of the following:

10 (1) Transportation systems management and
11 operations.

12 (2) Intelligent transportation systems.

13 (3) Real-time traveler information.

14 (4) Traffic incident management.

15 (5) Active traffic management.

16 (6) Traffic signal timing.

17 (7) Multimodal travel payment systems.

18 (8) Transportation demand management, in-
19 cluding employer-based commuting programs such
20 as carpool, vanpool, transit benefit, parking cashout,
21 shuttle, or telework programs.

22 (9) A project to provide transportation options
23 to reduce traffic congestion, including—

24 (A) a project under chapter 53 of title 49,
25 United States Code; and

1 (B) a bicycle or pedestrian project, includ-
2 ing a project to provide safe and connected ac-
3 tive transportation networks.

4 (10) Any other project, as determined appro-
5 priate by the Secretary.

6 (e) AWARD PRIORITIZATION.—

7 (1) IN GENERAL.—In selecting grants under
8 this section, the Secretary shall prioritize applicants
9 serving urbanized areas, as described in subsection
10 (c), that are experiencing a high degree of recurrent
11 transportation congestion, as determined by the Sec-
12 retary.

13 (2) ADDITIONAL CONSIDERATIONS.—In select-
14 ing grants under this section, the Secretary shall
15 also consider the extent to which the project
16 would—

17 (A) reduce traffic congestion and improve
18 the reliability of the surface transportation sys-
19 tem;

20 (B) mitigate the adverse impacts of traffic
21 congestion on the surface transportation sys-
22 tem, including safety and environmental im-
23 pacts;

24 (C) maximize the use of existing capacity;
25 and

1 (D) employ innovative, integrated, and
2 multimodal solutions to the items described in
3 subparagraphs (A), (B), and (C).

4 (f) FEDERAL SHARE.—

5 (1) IN GENERAL.—The Federal share of the
6 cost of a project carried out under this section may
7 not exceed 60 percent.

8 (2) MAXIMUM FEDERAL SHARE.—Federal as-
9 sistance other than a grant for a project under this
10 section may be used to satisfy the non-Federal share
11 of the cost of such project, except that the total Fed-
12 eral assistance provided for a project receiving a
13 grant under this section may not exceed 80 percent
14 of the total project cost.

15 (g) USE OF FUNDS.—Funds made available for a
16 project under this section may be used for—

17 (1) development phase activities, including plan-
18 ning, feasibility analysis, revenue forecasting, envi-
19 ronmental review, preliminary engineering and de-
20 sign work, and other preconstruction activities; and

21 (2) construction, reconstruction, rehabilitation,
22 acquisition of real property (including land related
23 to the project and improvements to the land), envi-
24 ronmental mitigation, construction contingencies, ac-

1 quisition of equipment, and operational improve-
2 ments.

3 (h) FUNDING.—

4 (1) GRANT AMOUNT.—A grant under this sec-
5 tion shall be in an amount not less than
6 \$10,000,000 and not more than \$50,000,000.

7 (2) AVAILABILITY.—Funds made available
8 under this program shall be available until expended.

9 (i) FREIGHT PROJECT SET-ASIDE.—

10 (1) IN GENERAL.—The Secretary shall set aside
11 not less than 50 percent of the funds made available
12 to carry out this section for grants for freight
13 projects under this subsection.

14 (2) ELIGIBLE USES.—The Secretary shall pro-
15 vide funds set aside under this subsection to appli-
16 cants that submit a comprehensive program of sur-
17 face transportation-related projects to reduce
18 freight-related traffic congestion and related adverse
19 impacts, including—

20 (A) freight intelligent transportation sys-
21 tems;

22 (B) real-time freight parking information;

23 (C) real-time freight routing information;

24 (D) freight transportation and delivery
25 safety projects;

1 (E) first-mile and last-mile delivery solu-
2 tions;

3 (F) shifting freight delivery to off-peak
4 travel times;

5 (G) reducing greenhouse gas emissions and
6 air pollution from freight transportation and
7 delivery, including through the use of innovative
8 vehicles that produce fewer greenhouse gas
9 emissions;

10 (H) use of centralized delivery locations;

11 (I) designated freight vehicle parking and
12 staging areas;

13 (J) curb space management; and

14 (K) other projects, as determined appro-
15 priate by the Secretary.

16 (3) AWARD PRIORITIZATION.—

17 (A) IN GENERAL.—In providing funds set
18 aside under this section, the Secretary shall
19 prioritize applicants serving urbanized areas, as
20 described in subsection (c), that are experi-
21 encing a high degree of recurrent congestion
22 due to freight transportation, as determined by
23 the Secretary.

24 (B) ADDITIONAL CONSIDERATIONS.—In
25 providing funds set aside under this subsection,

1 the Secretary shall consider the extent to which
2 the proposed project—

3 (i) reduces freight-related traffic con-
4 gestion and improves the reliability of the
5 freight transportation system;

6 (ii) mitigates the adverse impacts of
7 freight-related traffic congestion on the
8 surface transportation system, including
9 safety and environmental impacts;

10 (iii) maximizes the use of existing ca-
11 pacity;

12 (iv) employs innovative, integrated,
13 and multimodal solutions to the items de-
14 scribed in clauses (i) through (iii); and

15 (v) leverages Federal funds with non-
16 Federal contributions.

17 (4) FLEXIBILITY.—If the Secretary determines
18 that there are insufficient qualified applicants to use
19 the funds set aside under this subsection, the Sec-
20 retary may use such funds for grants for any
21 projects eligible under this section.

22 (j) REPORT.—

23 (1) RECIPIENT REPORT.—The Secretary shall
24 ensure that not later than 2 years after the Sec-
25 retary awards grants under this section, the recipi-

1 ent of each such grant submits to the Secretary a
2 report that contains—

3 (A) information on each activity or project
4 that received funding under this section;

5 (B) a summary of any non-Federal re-
6 sources leveraged by a grant under this section;

7 (C) any statistics, measurements, or quan-
8 titative assessments that demonstrate the con-
9 gestion reduction, reliability, safety, and envi-
10 ronmental benefits achieved through activities
11 or projects that received funding under this sec-
12 tion; and

13 (D) any additional information required by
14 the Secretary.

15 (2) REPORT TO CONGRESS.—Not later than 6
16 months after the date specified in paragraph (1), the
17 Secretary shall submit to the Committee on Trans-
18 portation and Infrastructure of the House of Rep-
19 resentatives and the Committee on Environment and
20 Public Works, the Committee on Commerce, Science,
21 and Transportation, and the Committee on Banking,
22 Housing, and Urban Affairs of the Senate, and
23 make publicly available on a website, a report detail-
24 ing—

1 (A) a summary of any information pro-
2 vided under paragraph (1); and

3 (B) recommendations and best practices
4 to—

5 (i) reduce traffic congestion, including
6 freight-related traffic congestion, and im-
7 prove the reliability of the surface trans-
8 portation system;

9 (ii) mitigate the adverse impacts of
10 traffic congestion, including freight-related
11 traffic congestion, on the surface transpor-
12 tation system, including safety and envi-
13 ronmental impacts; and

14 (iii) employ innovative, integrated,
15 and multimodal solutions to the items de-
16 scribed in clauses (i) and (ii).

17 (k) NOTIFICATION.—Not later than 3 business days
18 before awarding a grant under this section, the Secretary
19 shall notify the Committee on Transportation and Infra-
20 structure of the House of Representatives and the Com-
21 mittee on Environment and Public Works, the Committee
22 on Commerce, Science, and Transportation, and the Com-
23 mittee on Banking, Housing, and Urban Affairs of the
24 Senate of the intention to award such a grant.

25 (l) TREATMENT OF PROJECTS.—

1 (1) FEDERAL REQUIREMENTS.—The Secretary
2 shall, with respect to a project funded by a grant
3 under this section, apply—

4 (A) the requirements of title 23, United
5 States Code, to a highway project;

6 (B) the requirements of chapter 53 of title
7 49, United States Code, to a public transpor-
8 tation project; and

9 (C) the requirements of section 22905 of
10 title 49, United States Code, to a passenger rail
11 or freight rail project.

12 (2) MULTIMODAL PROJECTS.—

13 (A) IN GENERAL.—Except as otherwise
14 provided in this paragraph, if an eligible project
15 is a multimodal project, the Secretary shall—

16 (i) determine the predominant modal
17 component of the project; and

18 (ii) apply the applicable requirements
19 of such predominant modal component to
20 the project.

21 (B) EXCEPTIONS.—

22 (i) PASSENGER OR FREIGHT RAIL
23 COMPONENT.—For any passenger or
24 freight rail component of a project, the re-

1 requirements of section 22907(j)(2) of title
2 49, United States Code, shall apply.

3 (ii) PUBLIC TRANSPORTATION COMPO-
4 NENT.—For any public transportation
5 component of a project, the requirements
6 of section 5333 of title 49, United States
7 Code, shall apply.

8 (C) BUY AMERICA.—In applying the Buy
9 American requirements under section 313 of
10 title 23, United States Code, and sections 5320,
11 22905(a), and 24305(f) of title 49, United
12 States Code, to a multimodal project under this
13 paragraph, the Secretary shall—

14 (i) consider the various modal compo-
15 nents of the project; and

16 (ii) seek to maximize domestic jobs.

17 (3) FEDERAL-AID HIGHWAY REQUIREMENTS.—
18 Notwithstanding any other provision of this sub-
19 section, the Secretary shall require recipients of
20 grants under this section to comply with subsection
21 (a) of section 113 of title 23, United States Code,
22 with respect to public transportation projects, pas-
23 senger rail projects, and freight rail projects, in the
24 same manner that recipients of grants are required
25 to comply with such subsection for construction

1 work performed on highway projects on Federal-aid
2 highways.

3 (m) TREATMENT OF FUNDS.—Except as provided in
4 subsection (l), funds authorized for the purposes described
5 in this section shall be available for obligation in the same
6 manner as if the funds were apportioned under chapter
7 1 of title 23, United States Code.

8 **SEC. 1307. REBUILD RURAL GRANT PROGRAM.**

9 (a) ESTABLISHMENT.—The Secretary of Transpor-
10 tation shall establish a rebuild rural grant program to im-
11 prove the safety, state of good repair, and connectivity of
12 transportation infrastructure in rural communities.

13 (b) GRANT AUTHORITY.—

14 (1) IN GENERAL.—In carrying out the program
15 established in subsection (a), the Secretary shall
16 make grants, on a competitive basis, in accordance
17 with this section.

18 (2) GRANT AMOUNT.—A grant made under this
19 program shall be for no more than \$25,000,000.

20 (c) ELIGIBLE APPLICANTS.—The Secretary may
21 make a grant under this section to—

22 (1) a State;

23 (2) a metropolitan planning organization or a
24 regional transportation planning organization;

25 (3) a unit of local government;

1 (4) a Federal land management agency;

2 (5) a Tribal government or a consortium of
3 Tribal governments; and

4 (6) a multijurisdictional group of entities de-
5 scribed 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 eligible under
13 title 23, United States Code, including projects on and off
14 the Federal-aid highway system, that improve safety, state
15 of good repair, or connectivity in a rural community, in-
16 cluding projects to—

17 (1) improve transportation safety, including
18 projects on high-risk rural roads and on Federal
19 lands;

20 (2) improve state of good repair, including
21 projects to repair and rehabilitate bridges on and off
22 the Federal-aid highway system;

23 (3) provide or increase access to jobs and serv-
24 ices;

25 (4) provide or increase access to—

- 1 (A) a grain elevator;
- 2 (B) an agricultural facility;
- 3 (C) a mining facility;
- 4 (D) a forestry facility;
- 5 (E) an intermodal facility; or
- 6 (F) any other facility that supports the
- 7 economy of a rural community; and
- 8 (5) reduce vehicle-wildlife collisions and improve
- 9 habitat connectivity.

10 (f) ELIGIBLE PROJECT COSTS.—Grant amounts for

11 a project under this section may be used for—

12 (1) development phase activities, including plan-

13 ning, feasibility analysis, revenue forecasting, envi-

14 ronmental review, preliminary engineering and de-

15 sign work, and other preconstruction activities; and

16 (2) construction, reconstruction, rehabilitation,

17 acquisition of real property (including land related

18 to the project and improvements to the land), envi-

19 ronmental mitigation, construction contingencies, ac-

20 quisition of equipment, and operational improve-

21 ments.

22 (g) FEDERAL SHARE.—

23 (1) IN GENERAL.—The share of the cost of a

24 project provided with a grant under this section may

1 not exceed 80 percent of the total cost of such
2 project.

3 (2) MAXIMUM FEDERAL ASSISTANCE.—Federal
4 assistance other than a grant under this section may
5 be used to satisfy up to 100 percent of the total cost
6 of such project.

7 (h) PRIORITY.—In making grants under this section,
8 the Secretary shall prioritize projects that address—

9 (1) significant transportation safety challenges;

10 (2) state of good repair challenges that pose
11 safety risks or risks to a local economy;

12 (3) economic development challenges;

13 (4) connectivity challenges that limit access to
14 jobs or services; and

15 (5) coordination of projects in the highway
16 right-of-way with proposed broadband service infra-
17 structure needs.

18 (i) NOTIFICATION.—Not later than 3 business days
19 before awarding a grant under this section, the Secretary
20 of Transportation shall notify the Committee on Transpor-
21 tation and Infrastructure of the House of Representatives
22 and the Committee on Environment and Public Works of
23 the Senate of the intention to award such a grant.

24 (j) TREATMENT OF PROJECTS.—Notwithstanding
25 any other provision of law, a project carried out under this

1 section shall be treated as if the project is located on a
2 Federal-aid highway.

3 (k) DEFINITION OF RURAL COMMUNITY.—In this
4 section, the term “rural community” means an area that
5 is not an urbanized area, as such term is defined in section
6 101(a) of title 23, United States Code.

7 **SEC. 1308. PARKING FOR COMMERCIAL MOTOR VEHICLES.**

8 (a) ESTABLISHMENT.—The Secretary of Transpor-
9 tation shall establish a program under which the Secretary
10 shall make grants, on a competitive basis, to eligible enti-
11 ties to address the shortage of parking for commercial
12 motor vehicles to improve the safety of commercial motor
13 vehicle operators.

14 (b) APPLICATIONS.—To be eligible for a grant under
15 this section, an eligible entity shall submit to the Secretary
16 an application in such form, at such time, and containing
17 such information as the Secretary may require.

18 (c) ELIGIBLE PROJECTS.—Projects eligible under
19 this section are projects that—

20 (1) construct safety rest areas that include
21 parking for commercial motor vehicles;

22 (2) construct commercial motor vehicle parking
23 facilities—

24 (A) adjacent to private commercial truck-
25 stops and travel plazas;

1 (B) within the boundaries of, or adjacent
2 to, a publicly owned freight facility, including a
3 port terminal operated by a public authority;
4 and

5 (C) at existing facilities, including inspec-
6 tion and weigh stations and park-and-ride loca-
7 tions;

8 (3) open existing weigh stations, safety rest
9 areas, and park-and-ride facilities to commercial
10 motor vehicle parking;

11 (4) facilitate access to publicly and privately
12 provided commercial motor vehicle parking, such as
13 through the use of intelligent transportation sys-
14 tems;

15 (5) construct turnouts along a Federal-aid
16 highway for commercial motor vehicles;

17 (6) make capital improvements to public com-
18 mercial motor vehicle parking facilities that are
19 closed on a seasonal basis to allow the facilities to
20 remain open year-round;

21 (7) open existing commercial motor vehicle
22 chain-up areas that are closed on a seasonal basis to
23 allow the facilities to remain open year-round for
24 commercial motor vehicle parking;

1 (8) address commercial motor vehicle parking
2 and layover needs in emergencies that strain the ca-
3 pacity of existing publicly and privately provided
4 commercial motor vehicle parking; and

5 (9) make improvements to existing commercial
6 motor vehicle parking facilities, including advanced
7 truckstop electrification systems.

8 (d) USE OF FUNDS.—

9 (1) IN GENERAL.—An eligible entity may use a
10 grant under this section for—

11 (A) development phase activities, including
12 planning, feasibility analysis, benefit-cost anal-
13 ysis, environmental review, preliminary engi-
14 neering and design work, and other
15 preconstruction activities necessary to advance
16 a project described in subsection (c); and

17 (B) construction and operational improve-
18 ments, as such terms are defined in section 101
19 of title 23, United States Code.

20 (2) PRIVATE SECTOR PARTICIPATION.—An eli-
21 gible entity that receives a grant under this section
22 may partner with a private entity to carry out an eli-
23 gible project under this section.

24 (3) LIMITATION.—Not more than 10 percent of
25 the amounts made available to carry out this section

1 may be used to promote the availability of existing
2 commercial motor vehicle parking.

3 (e) SELECTION CRITERIA.—In making grants under
4 this section, the Secretary shall consider—

5 (1) in the case of construction of new commer-
6 cial motor vehicle parking capacity, the shortage of
7 public and private commercial motor vehicle parking
8 near the project; and

9 (2) the extent to which each project—

10 (A) would increase commercial motor vehi-
11 cle parking capacity or utilization;

12 (B) would facilitate the efficient movement
13 of freight;

14 (C) would improve safety, traffic conges-
15 tion, and air quality;

16 (D) is cost effective; and

17 (E) reflects consultation with motor car-
18 riers, commercial motor vehicle operators, and
19 private providers of commercial motor vehicle
20 parking.

21 (f) NOTIFICATION OF CONGRESS.—Not later than 3
22 business days before awarding a grant under this section,
23 the Secretary of Transportation shall notify the Com-
24 mittee on Transportation and Infrastructure of the House
25 of Representatives and the Committee on Environment

1 and Public Works of the Senate of the intention to award
2 such a grant.

3 (g) TREATMENT OF FUNDS.—

4 (1) TREATMENT OF PROJECTS.—Notwith-
5 standing any other provision of law, any project
6 funded by a grant under this section shall be treated
7 as a project on a Federal-aid highway under chapter
8 1 of title 23, United States Code.

9 (2) FEDERAL SHARE.—The Federal share of
10 the cost of a project under this section shall be de-
11 termined in accordance with subsections (b) and (c)
12 of section 120 of title 23, United States Code.

13 (h) AMENDMENT TO MAP-21.—Section 1401(c)(1)
14 of MAP-21 (23 U.S.C. 137 note) is amended—

15 (1) by inserting “and private providers of com-
16 mercial motor vehicle parking” after “personnel”;
17 and

18 (2) in subparagraph (A) by striking “the capa-
19 bility of the State to provide” and inserting “the
20 availability of”.

21 (i) SURVEY; COMPARATIVE ASSESSMENT; REPORT.—

22 (1) UPDATE.—Not later than 18 months after
23 the date of enactment of this Act, the Secretary
24 shall update the survey of each State required under

1 section 1401(c)(1) of the MAP-21 (23 U.S.C. 137
2 note).

3 (2) REPORT.—Not later than 1 year after the
4 deadline under paragraph (1), the Secretary shall
5 publish on the website of the Department of Trans-
6 portation and submit to the Committee on Transpor-
7 tation and Infrastructure of the House of Represent-
8 atives and the Committee on Environment and Pub-
9 lic Works of the Senate a report that—

10 (A) evaluates the availability of adequate
11 parking and rest facilities for commercial motor
12 vehicles engaged in interstate transportation;

13 (B) evaluates the effectiveness of the
14 projects funded under this section in improving
15 access to truck parking; and

16 (C) reports on the progress being made to
17 provide adequate commercial motor vehicle
18 parking facilities in the State.

19 (3) CONSULTATION.—The Secretary shall pre-
20 pare the report required under paragraph (2) in con-
21 sultation with—

22 (A) relevant State motor carrier safety
23 personnel;

24 (B) motor carriers and commercial motor
25 vehicle operators; and

1 (C) private providers of commercial motor
2 vehicle parking.

3 (j) DEFINITIONS.—In this section:

4 (1) COMMERCIAL MOTOR VEHICLE.—The term
5 “commercial motor vehicle” has the meaning given
6 such term in section 31132 of title 49, United
7 States Code.

8 (2) ELIGIBLE ENTITY.—The term “eligible enti-
9 ty” means—

10 (A) a State;

11 (B) a metropolitan planning organization;

12 (C) a unit of local government;

13 (D) a political subdivision of a State or
14 local government carrying out responsibilities
15 relating to commercial motor vehicle parking;
16 and

17 (E) a multistate or multijurisdictional
18 group of entities described in subparagraphs
19 (A) through (D).

20 (3) SAFETY REST AREA.—The term “safety
21 rest area” has the meaning given such term in sec-
22 tion 120(c) of title 23, United States Code.

1 **SEC. 1309. ACTIVE TRANSPORTATION CONNECTIVITY**
2 **GRANT PROGRAM.**

3 (a) **ESTABLISHMENT.**—The Secretary of Transpor-
4 tation shall establish an active transportation connectivity
5 grant program to provide for safe and connected active
6 transportation facilities.

7 (b) **GRANT AUTHORITY.**—In carrying out the pro-
8 gram established in subsection (a), the Secretary shall
9 make grants, on a competitive basis, in accordance with
10 this section.

11 (c) **ELIGIBLE APPLICANTS.**—The Secretary may
12 make a grant under this section to—

- 13 (1) a State;
- 14 (2) a metropolitan planning organization;
- 15 (3) a regional transportation authority;
- 16 (4) a unit of local government;
- 17 (5) a Federal land management agency;
- 18 (6) a natural resource or public land agency;
- 19 (7) a Tribal government or a consortium of
20 Tribal governments;
- 21 (8) any local or regional governmental entity
22 with responsibility for or oversight of transportation
23 or recreational trails; and
- 24 (9) a multistate or multijurisdictional group of
25 entities described in this subsection.

1 (d) APPLICATIONS.—To be eligible for a grant under
2 this section, an entity specified under subsection (c) shall
3 submit to the Secretary an application in such form, at
4 such time, and containing such information as the Sec-
5 retary determines is appropriate.

6 (e) ELIGIBLE PROJECTS.—The Secretary shall pro-
7 vide grants under this section to projects that improve the
8 connectivity and the use of active transportation facili-
9 ties—

10 (1) including—

11 (A) active transportation networks;

12 (B) active transportation spines; and

13 (C) planning related to the development
14 of—

15 (i) active transportation networks;

16 (ii) active transportation spines; and

17 (iii) complete streets plans to create a
18 connected network of active transportation
19 facilities, including sidewalks, bikeways, or
20 pedestrian and bicycle trails; and

21 (2) that have—

22 (A) total project costs of not less than
23 \$15,000,000; or

1 (B) in the case of planning grants under
2 subsection (f), a total cost of not less than
3 \$100,000.

4 (f) PLANNING GRANTS.—Of the amounts made avail-
5 able to carry out this section, the Secretary may use not
6 more than 10 percent to provide planning grants to eligi-
7 ble applicants for activities under subsection (e)(1)(C).

8 (g) CONSIDERATIONS.—In making grants under this
9 section, the Secretary shall consider the extent to which—
10 (1) a project is likely to provide substantial ad-
11 ditional opportunities for walking and bicycling, in-
12 cluding through the creation of—

13 (A) active transportation networks con-
14 necting destinations within or between commu-
15 nities, including schools, workplaces, residences,
16 businesses, recreation areas, and other commu-
17 nity areas; and

18 (B) active transportation spines connecting
19 2 or more communities, metropolitan areas, or
20 States;

21 (2) an applicant has adequately considered or
22 will consider, including through the opportunity for
23 public comment, the environmental justice and eq-
24 uity impacts of the project;

1 (3) the project would improve safety for vulner-
2 able road users, including through the use of com-
3 plete street design policies or a safe system ap-
4 proach; and

5 (4) a project integrates active transportation fa-
6 cilities with public transportation services, where
7 available, to improve access to public transportation.

8 (h) LIMITATION.—

9 (1) IN GENERAL.—The share of the cost of a
10 project assisted with a grant under this section may
11 not exceed 80 percent.

12 (2) MAXIMUM FEDERAL ASSISTANCE.—Federal
13 assistance other than a grant under this section may
14 be used to satisfy up to 100 percent of the total
15 project cost.

16 (i) ELIGIBLE PROJECT COSTS.—Amounts made
17 available for a project under this section may be used
18 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 (j) NOTIFICATION.—Not later than 3 business days
5 before awarding a grant under this section, the Secretary
6 of Transportation shall notify the Committee on Transpor-
7 tation and Infrastructure of the House of Representatives
8 and the Committee on Environment and Public Works of
9 the Senate of the intention to award such a grant.

10 (k) TREATMENT OF PROJECTS.—Notwithstanding
11 any other provision of law, a project carried out under this
12 section shall be treated in the manner described under sec-
13 tion 133(i) of title 23, United States Code.

14 (l) DEFINITIONS.—In this section:

15 (1) ACTIVE TRANSPORTATION.—The term “ac-
16 tive transportation” means mobility options powered
17 primarily by human energy, including bicycling and
18 walking.

19 (2) ACTIVE TRANSPORTATION NETWORK.—The
20 term “active transportation network” means facili-
21 ties built for active transportation, including side-
22 walks, bikeways, and pedestrian and bicycle trails,
23 that connect destinations within a community, a
24 metropolitan area, or on Federal lands.

1 (3) ACTIVE TRANSPORTATION SPINE.—The
2 term “active transportation spine” means facilities
3 built for active transportation, including sidewalks,
4 bikeways, and pedestrian and bicycle trails, that con-
5 nect communities, metropolitan areas, Federal lands,
6 or States.

7 (4) SAFE SYSTEM APPROACH.—The term “safe
8 system approach” has the meaning given such term
9 in section 148(a) of title 23, United States Code.

10 (5) VULNERABLE ROAD USER.—The term “vul-
11 nerable road user” has the meaning given such term
12 in section 148(a) of title 23, United States Code.

13 **Subtitle D—Planning, Performance**
14 **Management, and Asset Man-**
15 **agement**

16 **SEC. 1401. METROPOLITAN TRANSPORTATION PLANNING.**

17 Section 134 of title 23, United States Code, is
18 amended—

19 (1) in subsection (a) by striking “resiliency
20 needs while minimizing transportation-related fuel
21 consumption and air pollution” and inserting “resil-
22 iency and climate change adaptation needs while re-
23 ducing transportation-related fuel consumption, air
24 pollution, and greenhouse gas emissions”;

25 (2) in subsection (b)—

1 (A) by redesignating paragraphs (6) and
2 (7) as paragraphs (7) and (8), respectively; and

3 (B) by inserting after paragraph (5) the
4 following:

5 “(6) STIP.—The term ‘STIP’ means a state-
6 wide transportation improvement program developed
7 by a State under section 135(g).”;

8 (3) in subsection (c)—

9 (A) in paragraph (1) by striking “and
10 transportation improvement programs” and in-
11 serting “and TIPs”; and

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

13 “(4) CONSIDERATION.—In developing the plans
14 and TIPs, metropolitan planning organizations shall
15 consider direct and indirect emissions of greenhouse
16 gases.”;

17 (4) in subsection (d)—

18 (A) in paragraph (2) by striking “Not
19 later than 2 years after the date of enactment
20 of MAP–21, each” and inserting “Each”;

21 (B) in paragraph (3) by adding at the end
22 the following:

23 “(D) CONSIDERATIONS.—

24 “(i) EQUITABLE AND PROPORTIONAL
25 REPRESENTATION.—In designating offi-

1 cials or representatives under paragraph
2 (2), the metropolitan planning organization
3 shall consider the equitable and propor-
4 tional representation of the population of
5 the metropolitan planning area.

6 “(ii) SAVINGS CLAUSE.—Nothing in
7 this paragraph shall require a metropolitan
8 planning organization in existence on the
9 date of enactment of this subparagraph to
10 be restructured.

11 “(iii) REDESIGNATION.—Notwith-
12 standing clause (ii), the requirements of
13 this paragraph shall apply to any metro-
14 politan planning organization redesignated
15 under paragraph (6).”;

16 (C) in paragraph (6)(B) by striking “para-
17 graph (2)” and inserting “paragraphs (2) or
18 (3)(D)”;

19 (D) in paragraph (7)—

20 (i) by striking “an existing metropoli-
21 tan planning area” and inserting “an ur-
22 banized area”;

23 (ii) by striking “the existing metro-
24 politan planning area” and inserting “the
25 area”;

1 (5) in subsection (g)—

2 (A) in paragraph (1) by striking “a metro-
3 politan area” and inserting “an urbanized
4 area”;

5 (B) in paragraph (2) by striking “MPOS”
6 and inserting “METROPOLITAN PLANNING
7 AREAS”;

8 (C) in paragraph (3)(A) by inserting
9 “emergency response and evacuation, climate
10 change adaptation and resilience,” after “dis-
11 aster risk reduction,”; and

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

13 “(4) COORDINATION BETWEEN MPOS.—

14 “(A) IN GENERAL.—If more than 1 metro-
15 politan planning organization is designated
16 within an urbanized area under subsection
17 (d)(7), the metropolitan planning organizations
18 designated within the area shall ensure, to the
19 maximum extent practicable, the consistency of
20 any data used in the planning process, includ-
21 ing information used in forecasting transpor-
22 tation demand.

23 “(B) SAVINGS CLAUSE.—Nothing in this
24 paragraph requires metropolitan planning orga-
25 nizations designated within a single urbanized

1 area to jointly develop planning documents, in-
2 cluding a unified long-range transportation plan
3 or unified TIP.”;

4 (6) in subsection (h)(1)—

5 (A) by striking subparagraph (E) and in-
6 serting the following:

7 “(E) protect and enhance the environment,
8 promote energy conservation, reduce greenhouse
9 gas emissions, improve the quality of life and
10 public health, and promote consistency between
11 transportation improvements and State and
12 local planned growth and economic development
13 patterns, including housing and land use pat-
14 terns;”;

15 (B) in subparagraph (I)—

16 (i) by inserting “, sea level rise, ex-
17 treme weather, and climate change” after
18 “stormwater”; and

19 (ii) by striking “and” at the end;

20 (C) by redesignating subparagraph (J) as
21 subparagraph (L); and

22 (D) by inserting after subparagraph (I) the
23 following:

24 “(J) facilitate emergency management, re-
25 sponse, and evacuation and hazard mitigation;

1 “(K) improve the level of transportation
2 system access; and”;

3 (7) in subsection (h)(2) by striking subpara-
4 graph (A) and inserting the following:

5 “(A) IN GENERAL.—Through the use of a
6 performance-based approach, transportation in-
7 vestment decisions made as a part of the metro-
8 politan transportation planning process shall
9 support the national goals described in section
10 150(b), the achievement of metropolitan and
11 statewide targets established under section
12 150(d), the improvement of transportation sys-
13 tem access (consistent with section 150(f)), and
14 the general purposes described in section 5301
15 of title 49.”;

16 (8) in subsection (i)—

17 (A) in paragraph (2)(D)(i) by inserting
18 “reduce greenhouse gas emissions and” before
19 “restore and maintain”;

20 (B) in paragraph (2)(G) by inserting “and
21 climate change” after “infrastructure to natural
22 disasters”;

23 (C) in paragraph (2)(H) by inserting
24 “greenhouse gas emissions,” after “pollution,”;

25 (D) in paragraph (5)—

1 (i) in subparagraph (A) by inserting
2 “air quality, public health, housing, trans-
3 portation, resilience, hazard mitigation,
4 emergency management,” after “conserva-
5 tion,”; and

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

8 “(B) ISSUES.—The consultation shall in-
9 volve, as appropriate, comparison of transpor-
10 tation plans to other relevant plans, including,
11 if available—

12 “(i) State conservation plans or maps;
13 and

14 “(ii) inventories of natural or historic
15 resources.”; and

16 (E) by amending paragraph (6)(C) to read
17 as follows:

18 “(C) METHODS.—

19 “(i) IN GENERAL.—In carrying out
20 subparagraph (A), the metropolitan plan-
21 ning organization shall, to the maximum
22 extent practicable—

23 “(I) hold any public meetings at
24 convenient and accessible locations
25 and times;

1 “(II) employ visualization tech-
2 niques to describe plans; and

3 “(III) make public information
4 available in electronically accessible
5 format and means, such as the inter-
6 net, as appropriate to afford reason-
7 able opportunity for consideration of
8 public information under subpara-
9 graph (A).

10 “(ii) ADDITIONAL METHODS.—In ad-
11 dition to the methods described in clause
12 (i), in carrying out subparagraph (A), the
13 metropolitan planning organization shall,
14 to the maximum extent practicable—

15 “(I) use virtual public involve-
16 ment, social media, and other web-
17 based tools to encourage public par-
18 ticipation and solicit public feedback;
19 and

20 “(II) use other methods, as ap-
21 propriate, to further encourage public
22 participation of historically underrep-
23 resented individuals in the transpor-
24 tation planning process.”;

1 (9) in subsection (j) by striking “transportation
2 improvement program” and inserting “TIP” each
3 place it appears; and

4 (10) by striking “Federally” each place it ap-
5 pears and inserting “federally”.

6 **SEC. 1402. STATEWIDE AND NONMETROPOLITAN TRANS-**
7 **PORTATION PLANNING.**

8 Section 135 of title 23, United States Code, is
9 amended—

10 (1) in subsection (a)—

11 (A) in paragraph (1) by striking “state-
12 wide transportation improvement program” and
13 inserting “STIP”;

14 (B) in paragraph (2)—

15 (i) by striking “The statewide trans-
16 portation plan and the” and inserting the
17 following:

18 “(A) IN GENERAL.—The statewide trans-
19 portation plan and the”;

20 (ii) by striking “transportation im-
21 provement program” and inserting
22 “STIP”; and

23 (iii) by adding at the end the fol-
24 lowing:

1 “(B) CONSIDERATION.—In developing the
2 statewide transportation plans and STIPs,
3 States shall consider direct and indirect emis-
4 sions of greenhouse gases.”; and

5 (C) in paragraph (3) by striking “trans-
6 portation improvement program” and inserting
7 “STIP”;

8 (2) in subsection (d)—

9 (A) in paragraph (1)—

10 (i) in subparagraph (E)—

11 (I) by inserting “reduce green-
12 house gas emissions,” after “promote
13 energy conservation,”;

14 (II) by inserting “and public
15 health” after “improve the quality of
16 life”; and

17 (III) by inserting “, including
18 housing and land use patterns” after
19 “economic development patterns”;

20 (ii) in subparagraph (I)—

21 (I) by inserting “, sea level rise,
22 extreme weather, and climate change”
23 after “mitigate stormwater”; and

24 (II) by striking “and” after the
25 semicolon;

1 (iii) by redesignating subparagraph
2 (J) as subparagraph (L); and

3 (iv) by inserting after subparagraph
4 (I) the following:

5 “(J) facilitate emergency management, re-
6 sponse, and evacuation and hazard mitigation;

7 “(K) improve the level of transportation
8 system access; and”;

9 (B) in paragraph (2)—

10 (i) by striking subparagraph (A) and
11 inserting the following:

12 “(A) IN GENERAL.—Through the use of a
13 performance-based approach, transportation in-
14 vestment decisions made as a part of the state-
15 wide transportation planning process shall sup-
16 port—

17 “(i) the national goals described in
18 section 150(b);

19 “(ii) the consideration of transpor-
20 tation system access (consistent with sec-
21 tion 150(f));

22 “(iii) the achievement of statewide
23 targets established under section 150(c);
24 and

1 “(iv) the general purposes described
2 in section 5301 of title 49.”; and

3 (ii) in subparagraph (D) by striking
4 “statewide transportation improvement
5 program” and inserting “STIP”; and

6 (C) in paragraph (3) by striking “state-
7 wide transportation improvement program” and
8 inserting “STIP”;

9 (3) in subsection (e)(3) by striking “transpor-
10 tation improvement program” and inserting
11 “STIP”;

12 (4) in subsection (f)—

13 (A) in paragraph (2)(D)—

14 (i) in clause (i) by inserting “air qual-
15 ity, public health, housing, transportation,
16 resilience, hazard mitigation, emergency
17 management,” after “conservation,”; and

18 (ii) by amending clause (ii) to read as
19 follows:

20 “(ii) COMPARISON AND CONSIDER-
21 ATION.—Consultation under clause (i)
22 shall involve the comparison of transpor-
23 tation plans to other relevant plans and in-
24 ventories, including, if available—

1 “(I) State and tribal conservation
2 plans or maps; and

3 “(II) inventories of natural or
4 historic resources.”;

5 (B) in paragraph (3)(B)—

6 (i) by striking “In carrying out” and
7 inserting the following:

8 “(i) IN GENERAL.—in carrying out”;

9 (ii) by redesignating clauses (i)
10 through (iv) as subclauses (I) through
11 (IV), respectively; and

12 (iii) by adding at the end the fol-
13 lowing:

14 “(ii) ADDITIONAL METHODS.—In ad-
15 dition to the methods described in clause
16 (i), in carrying out subparagraph (A), the
17 State shall, to the maximum extent prac-
18 ticable—

19 “(I) use virtual public involve-
20 ment, social media, and other web-
21 based tools to encourage public par-
22 ticipation and solicit public feedback;
23 and

24 “(II) use other methods, as ap-
25 propriate, to further encourage public

1 participation of historically underrep-
2 resented individuals in the transpor-
3 tation planning process.”;

4 (C) in paragraph (4)(A) by inserting “re-
5 duce greenhouse gas emissions and” after “po-
6 tential to”; and

7 (D) in paragraph (8) by inserting “green-
8 house gas emissions,” after “pollution,”;
9 (5) in subsection (g)—

10 (A) in paragraph (1)(A) by striking “state-
11 wide transportation improvement program” and
12 inserting “STIP”;

13 (B) in paragraph (3) by striking “opera-
14 tors),,” and inserting “operators),”;

15 (C) in paragraph (4) by striking “state-
16 wide transportation improvement program” and
17 inserting “STIP” each place it appears;

18 (D) in paragraph (5)—

19 (i) in subparagraph (A) by striking
20 “transportation improvement program”
21 and inserting “STIP”;

22 (ii) in subparagraph (B)(ii) by strik-
23 ing “metropolitan transportation improve-
24 ment program” and inserting “TIP”;

1 (iii) in subparagraph (C) by striking
2 “transportation improvement program”
3 and inserting “STIP” each place it ap-
4 pears;

5 (iv) in subparagraph (E) by striking
6 “transportation improvement program”
7 and inserting “STIP”;

8 (v) in subparagraph (F)(i) by striking
9 “transportation improvement program”
10 and inserting “STIP” each place it ap-
11 pears;

12 (vi) in subparagraph (G)(ii) by strik-
13 ing “transportation improvement program”
14 and inserting “STIP”; and

15 (vii) in subparagraph (H) by striking
16 “transportation improvement program”
17 and inserting “STIP”;

18 (E) in paragraph (6)—

19 (i) in subparagraph (A)—

20 (I) by striking “transportation
21 improvement program” and inserting
22 “STIP”; and

23 (II) by striking “and projects
24 carried out under the bridge program

1 or the Interstate maintenance pro-
2 gram under this title”; and

3 (ii) in subparagraph (B)—

4 (I) by striking “or under the
5 bridge program or the Interstate
6 maintenance program”;

7 (II) by striking “5310, 5311,
8 5316, and 5317” and inserting “5310
9 and 5311”; and

10 (III) by striking “statewide
11 transportation improvement program”
12 and inserting “STIP”;

13 (F) in paragraph (7)—

14 (i) in the heading by striking “TRANS-
15 PORTATION IMPROVEMENT PROGRAM” and
16 inserting “STIP”; and

17 (ii) by striking “transportation im-
18 provement program” and inserting
19 “STIP”;

20 (G) in paragraph (8) by striking “state-
21 wide transportation plans and programs” and
22 inserting “statewide transportation plans and
23 STIPs”; and

1 (H) in paragraph (9) by striking “trans-
2 portation improvement program” and inserting
3 “STIP”;

4 (6) in subsection (h)(2)(A) by striking “Not
5 later than 5 years after the date of enactment of the
6 MAP-21,” and inserting “Not less frequently than
7 once every 4 years,”;

8 (7) in subsection (k) by striking “transportation
9 improvement program” and inserting “STIP” each
10 place it appears; and

11 (8) in subsection (m) by striking “transpor-
12 tation improvement programs” and inserting
13 “STIPs”.

14 **SEC. 1403. NATIONAL GOALS AND PERFORMANCE MANAGE-**
15 **MENT MEASURES.**

16 (a) IN GENERAL.—Section 150 of title 23, United
17 States Code, is amended—

18 (1) in subsection (b)—

19 (A) by redesignating paragraph (7) as
20 paragraph (8); and

21 (B) by inserting after paragraph (6) the
22 following:

23 “(7) COMBATING CLIMATE CHANGE.—To re-
24 duce carbon dioxide and other greenhouse gas emis-

1 sions and reduce the climate impacts of the trans-
2 portation system.”;

3 (2) in subsection (c)—

4 (A) in paragraph (1) by striking “Not
5 later than 18 months after the date of enact-
6 ment of the MAP-21, the Secretary” and in-
7 serting “The Secretary”; and

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

9 “(7) GREENHOUSE GAS EMISSIONS.—The Sec-
10 retary shall establish, in consultation with the Ad-
11 ministrator of the Environmental Protection Agency,
12 measures for States to use to assess—

13 “(A) carbon dioxide emissions per capita
14 on public roads; and

15 “(B) any other greenhouse gas emissions
16 per capita on public roads that the Secretary
17 determines to be appropriate.”;

18 (3) in subsection (d)—

19 (A) in paragraph (1)—

20 (i) by striking “Not later than 1 year
21 after the Secretary has promulgated the
22 final rulemaking under subsection (c),
23 each” and inserting “Each”; and

24 (ii) by striking “and (6)” and insert-
25 ing “(6), and (7)”; and

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

2 “(3) REGRESSIVE TARGETS.—

3 “(A) IN GENERAL.—A State may not es-
4 tablish a regressive target for the measures de-
5 scribed under paragraph (4) or paragraph (7)
6 of subsection (c).

7 “(B) REGRESSIVE TARGET DEFINED.—In
8 this paragraph, the term ‘regressive target’
9 means a target that fails to demonstrate con-
10 stant or improved performance for a particular
11 measure.”;

12 (4) in subsection (e)—

13 (A) by striking “Not later than 4 years
14 after the date of enactment of the MAP-21 and
15 biennially thereafter, a” and inserting “A”; and

16 (B) by inserting “biennial” after “the Sec-
17 retary a”; and

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

19 “(f) TRANSPORTATION SYSTEM ACCESS.—

20 “(1) IN GENERAL.—The Secretary shall estab-
21 lish measures for States and metropolitan planning
22 organizations to use to assess the level of safe, reli-
23 able, and convenient transportation system access
24 to—

25 “(A) employment; and

1 “(B) services.

2 “(2) CONSIDERATIONS.—The measures estab-
3 lished pursuant to paragraph (1) shall include the
4 ability for States and metropolitan planning organi-
5 zations to assess—

6 “(A) the change in the level of transpor-
7 tation system access for various modes of trav-
8 el, including connection to other modes of
9 transportation, that would result from new
10 transportation investments; and

11 “(B) the level of transportation system ac-
12 cess for economically disadvantaged commu-
13 nities, including to affordable housing.

14 “(3) DEFINITION OF SERVICES.—In this sub-
15 section, the term ‘services’ includes healthcare facili-
16 ties, child care, education and workforce training,
17 food sources, banking and other financial institu-
18 tions, and other retail shopping establishments.”.

19 (b) METROPOLITAN TRANSPORTATION PLANNING.—
20 Section 134 of title 23, United States Code, is further
21 amended—

22 (1) in subsection (j)(2)(D)—

23 (A) by striking “PERFORMANCE TARGET
24 ACHIEVEMENT” and inserting “PERFORMANCE
25 MANAGEMENT”;

1 (B) by striking “The TIP” and inserting
2 the following:

3 “(i) IN GENERAL.—The TIP”; and

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

5 “(ii) TRANSPORTATION MANAGEMENT
6 AREAS.—For metropolitan planning areas
7 that represent an urbanized area des-
8 ignated as a transportation management
9 area under subsection (k), the TIP shall
10 include—

11 “(I) a discussion of the antici-
12 pated effect of the TIP toward achiev-
13 ing the performance targets estab-
14 lished in the metropolitan transpor-
15 tation plan, linking investment prior-
16 ities to such performance targets; and

17 “(II) a description of how the
18 TIP would improve the overall level of
19 transportation system access, con-
20 sistent with section 150(f).”;

21 (2) in subsection (k)—

22 (A) in paragraph (3)(A)—

23 (i) by striking “shall address conges-
24 tion management” and inserting the fol-
25 lowing: “shall address—

1 “(i) congestion management”;

2 (ii) by striking the period at the end
3 and inserting “; and”; and

4 (iii) by adding at the end the fol-
5 lowing:

6 “(ii) the overall level of transportation
7 system access for various modes of travel
8 within the metropolitan planning area, in-
9 cluding the level of access for economically
10 disadvantaged communities, consistent
11 with section 150(f), that is based on a co-
12 operatively developed and implemented
13 metropolitan-wide strategy, assessing both
14 new and existing transportation facilities
15 eligible for funding under this title and
16 chapter 53 of title 49.”; and

17 (B) in paragraph (5)(B)—

18 (i) in clause (i) by striking “; and”
19 and inserting a semicolon;

20 (ii) in clause (ii) by striking the pe-
21 riod and inserting “; and”; and

22 (iii) by adding at the end the fol-
23 lowing:

24 “(iii) the TIP approved under clause
25 (ii) improves the level of transportation

1 system access, consistent with section
2 150(f).”; and

3 (3) in subsection (l)(2)—

4 (A) by striking “5 years after the date of
5 enactment of the MAP-21” and inserting “2
6 years after the date of enactment of the IN-
7 VEST in America Act, and every 2 years there-
8 after”;

9 (B) in subparagraph (C) by striking “and
10 whether metropolitan planning organizations
11 are developing meaningful performance targets;
12 and” and inserting a semicolon; and

13 (C) by striking subparagraph (D) and in-
14 serting the following:

15 “(D) a listing of all metropolitan planning
16 organizations that are establishing performance
17 targets and whether such performance targets
18 established by the metropolitan planning orga-
19 nization are meaningful or regressive (as de-
20 fined in section 150(d)(3)(B)); and

21 “(E) the progress of implementing the
22 measure established under section 150(f) and
23 related requirements under this section and sec-
24 tion 135.”.

1 (c) STATEWIDE AND NONMETROPOLITAN TRANSPOR-
2 TATION PLANNING.—Section 135(g)(4) of title 23, United
3 States Code, is further amended—

4 (1) by striking “PERFORMANCE TARGET
5 ACHIEVEMENT” and inserting “PERFORMANCE
6 MANAGEMENT”;

7 (2) by striking “shall include, to the maximum
8 extent practicable, a discussion” and inserting the
9 following: “shall include—

10 “(A) a discussion”;

11 (3) by striking the period at the end and insert-
12 ing “; and”; and

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

14 “(B) a consideration of how the STIP im-
15 pacts the overall level of transportation system
16 access, consistent with section 150(f).”.

17 (d) EFFECTIVE DATE.—The amendment made by
18 subsection (a)(3)(B) shall take effect the day before the
19 first day of the subsequent performance period established
20 pursuant to section 150 of title 23, United States Code.

21 (e) DEVELOPMENT OF GREENHOUSE GAS MEAS-
22 URE.—Not later than 1 year after the date of enactment
23 of this Act, the Secretary of Transportation shall issue
24 such regulations as are necessary to carry out paragraph

1 (7) of section 150(c) of title 23, United States Code, as
2 added by this Act.

3 (f) DEVELOPMENT OF TRANSPORTATION SYSTEM
4 ACCESS MEASURE.—

5 (1) ESTABLISHMENT.—Not later than 120 days
6 after the date of enactment of this Act, the Sec-
7 retary of Transportation shall establish a working
8 group to assess the provisions of paragraphs (1) and
9 (2) of section 150(f) and make recommendations re-
10 garding the establishment of measures for States
11 and metropolitan planning organizations to use to
12 assess the level of transportation system access for
13 various modes of travel, consistent with sections
14 134, 135, and 150(f) of title 23, United States
15 Code.

16 (2) MEMBERS.—The working group established
17 pursuant to paragraph (1) shall include representa-
18 tives from—

19 (A) the Department of Transportation;

20 (B) State departments of transportation,
21 including representatives that specialize in pe-
22 destrian and bicycle safety;

23 (C) metropolitan planning organizations
24 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 sec-
21 tions 134, 135, and 150(f) of title 23, United
22 States Code.

23 (B) PUBLICATION.—Not later than 30
24 days after the date on which the Secretary re-
25 ceives the report under subparagraph (A), the

1 Secretary shall publish the report on a publicly
2 accessible website of the Department of Trans-
3 portation.

4 (4) RULEMAKING.—Not later than 2 years after
5 the date on which the Secretary receives the report
6 under paragraph (3), the Secretary shall issue such
7 regulations as are necessary to implement the re-
8 quirements of sections 134, 135, and 150(f) of title
9 23, United States Code.

10 (5) TERMINATION.—The Secretary shall termi-
11 nate the working group established pursuant to
12 paragraph (1) on the date on which the regulation
13 issued pursuant to paragraph (4) takes effect.

14 (g) TRANSPORTATION SYSTEM ACCESS DATA.—

15 (1) IN GENERAL.—Not later than 90 days after
16 the date on which the Secretary of Transportation
17 establishes the measure required under section
18 150(f) of title 23, United States Code, the Secretary
19 shall develop or procure eligible transportation sys-
20 tem access data sets and analytical tools and make
21 such data sets and analytical tools available to State
22 departments of transportation and metropolitan
23 planning areas that represent transportation man-
24 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 disabili-
10 ties.

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 and

7 (2) in subsection (e)(2) by adding at the end
8 the following:

9 “(C) TIFIA.—Funds provided under this
10 subsection shall not be considered Federal as-
11 sistance for purposes of section 603(b)(9), as
12 provided under subparagraph (C) of such sec-
13 tion.”.

14 **SEC. 1502. TRIBAL TRANSPORTATION PROGRAM.**

15 Section 202 of title 23, United States Code, is
16 amended—

17 (1) in subsection (d)—

18 (A) in paragraph (1) by striking “improv-
19 ing deficient” and inserting “the construction
20 and reconstruction of”;

21 (B) in paragraph (2)—

22 (i) in subparagraph (A) by inserting
23 “construct,” after “project to”; and

24 (ii) in subparagraph (B)—

25 (I) by striking “deficient”; and

1 (II) by inserting “in poor condi-
2 tion” after “facility bridges”; and

3 (C) in paragraph (3)—

4 (i) in the heading by striking “ELIGI-
5 BLE BRIDGES” and inserting “ELIGIBILITY
6 FOR EXISTING BRIDGES”;

7 (ii) by striking “a bridge” and insert-
8 ing “an existing bridge”; and

9 (iii) in subparagraph (C) by striking
10 “structurally deficient or functionally obso-
11 lete” and inserting “in poor condition”;
12 and

13 (2) in subsection (e) by striking “for eligible
14 projects described in section 148(a)(4).” and insert-
15 ing the following: “for—

16 “(A) eligible projects described in section
17 148(a)(4);

18 “(B) projects to promote public awareness
19 and education concerning highway safety mat-
20 ters (including bicycle, all-terrain, motorcycle,
21 and pedestrian safety); or

22 “(C) projects to enforce highway safety
23 laws.”.

1 **SEC. 1503. TRIBAL HIGH PRIORITY PROJECTS PROGRAM.**

2 (a) TRIBAL TRANSPORTATION PROGRAM.—Section
3 202 of title 23, United States Code, is amended—

4 (1) by redesignating subsection (f) as sub-
5 section (g); and

6 (2) by inserting after subsection (e) the fol-
7 lowing:

8 “(f) TRIBAL HIGH PRIORITY PROJECTS.—Before
9 making any distribution under subsection (b), the Sec-
10 retary shall set aside \$50,000,000 from the funds made
11 available under the tribal transportation program for each
12 fiscal year to carry out the Tribal High Priority Projects
13 program under section 1123 of MAP–21 (23 U.S.C. 202
14 note).”.

15 (b) TRIBAL HIGH PRIORITY PROJECTS PROGRAM.—
16 Section 1123 of MAP–21 (23 U.S.C. 202 note) is amend-
17 ed—

18 (1) in subsection (a)(1)(C) by striking “re-
19 quired by that section” and inserting “required
20 under such program”;

21 (2) in subsection (b)(1) by striking “use
22 amounts made available under subsection (h) to”;

23 (3) in subsection (d)—

24 (A) in paragraph (2) by inserting “, in
25 consultation with the Secretary of the Interior,”
26 after “The Secretary”; and

1 (B) in paragraph (3) by striking “of the
2 Interior” each place it appears;

3 (4) in subsection (f) by striking “\$1,000,000”
4 and inserting “\$5,000,000”;

5 (5) in subsection (g) by striking “and the Sec-
6 retary” and inserting “or the Secretary”; and

7 (6) by striking subsection (h) and inserting the
8 following:

9 “(h) ADMINISTRATION.—The funds made available to
10 carry out this section shall be administered in the same
11 manner as funds made available for the Tribal transpor-
12 tation program under section 202 of title 23, United
13 States Code.”.

14 **SEC. 1504. FEDERAL LANDS TRANSPORTATION PROGRAM.**

15 Section 203(a) of title 23, United States Code, is
16 amended by adding at the end the following:

17 “(6) TRANSFER FOR HIGH-COMMUTER COR-
18 RIDORS.—

19 “(A) REQUEST.—If the head of a covered
20 agency determines that a high-commuter cor-
21 ridor requires additional investment, based on
22 the criteria described in subparagraph (D), the
23 head of a covered agency, with respect to such
24 corridor, shall submit to the State—

1 “(i) information on condition of pave-
2 ments and bridges;

3 “(ii) an estimate of the amounts need-
4 ed to bring such corridor into a state of
5 good repair, taking into consideration any
6 planned future investments; and

7 “(iii) at the discretion of the head of
8 a covered agency, a request that the State
9 transfer to the covered agency, under the
10 authority of section 132, or to the Federal
11 Highway Administration, under the au-
12 thority of section 104, a portion of such
13 amounts necessary to address the condition
14 of the corridor.

15 “(B) STATE RESPONSE.—Not later than
16 45 days after the date of receipt of the request
17 described in subparagraph (A)(iii), the State
18 shall—

19 “(i) approve the request;

20 “(ii) deny the request and explain the
21 reasons for such denial; or

22 “(iii) request any additional informa-
23 tion necessary to take action on the re-
24 quest.

1 “(C) NOTIFICATION TO THE SEC-
2 RETARY.—The head of a covered agency shall
3 provide to the Secretary a copy of any request
4 described under subparagraph (A)(iii) and re-
5 sponse described under subparagraph (B).

6 “(D) CRITERIA.—In making a determina-
7 tion under subparagraph (A), the head of a cov-
8 ered agency, with respect to the corridor, shall
9 consider—

10 “(i) the condition of roads, bridges,
11 and tunnels; and

12 “(ii) the average annual daily traffic.

13 “(E) DEFINITIONS.—In this paragraph:

14 “(i) COVERED AGENCY.—The term
15 ‘covered agency’ means a Federal agency
16 eligible to receive funds under this section
17 or section, section 203, or section 204.

18 “(ii) HIGH-COMMUTER CORRIDOR.—
19 The term ‘high-commuter corridor’ means
20 a Federal lands transportation facility that
21 has average annual daily traffic of not less
22 than 20,000 vehicles.”.

1 **SEC. 1505. FEDERAL LANDS AND TRIBAL MAJOR PROJECTS**
2 **PROGRAM.**

3 (a) IN GENERAL.—Chapter 2 of title 23, United
4 States Code, is amended by inserting after section 207 the
5 following:

6 **“§ 208. Federal lands and Tribal major projects pro-**
7 **gram**

8 “(a) ESTABLISHMENT.—The Secretary shall estab-
9 lish a Federal lands and Tribal major projects program
10 (referred to in this section as the ‘program’) to provide
11 funding to construct, reconstruct, or rehabilitate critical
12 Federal lands and Tribal transportation infrastructure.

13 “(b) ELIGIBLE APPLICANTS.—

14 “(1) IN GENERAL.—Except as provided in para-
15 graph (2), entities eligible to receive funds under
16 sections 201, 202, 203, and 204 may apply for fund-
17 ing under the program.

18 “(2) SPECIAL RULE.—A State, county, or unit
19 of local government may only apply for funding
20 under the program if sponsored by an eligible Fed-
21 eral land management agency or Indian Tribe.

22 “(c) ELIGIBLE PROJECTS.—An eligible project under
23 the program shall be a single continuous project on a Fed-
24 eral lands transportation facility, a Federal lands access
25 transportation facility, or a tribal transportation facility,
26 except that such facility is not required to be included in

1 an inventory described in section 202 or 203, and for
2 which—

3 “(1) the project—

4 “(A) has completed the activities required
5 under the National Environmental Policy Act of
6 1969 (42 U.S.C. 4321 et seq.) which has been
7 demonstrated through—

8 “(i) a record of decision with respect
9 to the project;

10 “(ii) a finding that the project has no
11 significant impact; or

12 “(iii) a determination that the project
13 is categorically excluded; or

14 “(B) is reasonably expected to begin con-
15 struction not later than 18 months after the
16 date of obligation of funds for the project; and

17 “(2) the project has an estimated cost equal to
18 or exceeding—

19 “(A) \$12,500,000 if it is on a Federal
20 lands transportation facility or a Federal lands
21 access transportation facility; and

22 “(B) \$5,000,000 if it is on a Tribal trans-
23 portation facility.

24 “(d) ELIGIBLE ACTIVITIES.—Grant amounts re-
25 ceived for a project under this section may be used for—

1 “(1) development phase activities, including
2 planning, feasibility analysis, revenue forecasting,
3 environmental review, preliminary engineering and
4 design work, and other preconstruction activities;
5 and

6 “(2) construction, reconstruction, and rehabili-
7 tation activities.

8 “(e) APPLICATIONS.—Eligible applicants shall submit
9 to the Secretary an application at such time, in such form,
10 and containing such information as the Secretary may re-
11 quire.

12 “(f) PROJECT REQUIREMENTS.—The Secretary may
13 select a project to receive funds under the program only
14 if the Secretary determines that the project—

15 “(1) improves the condition of critical transpor-
16 tation facilities, including multimodal facilities;

17 “(2) cannot be easily and efficiently completed
18 with amounts made available under section 202,
19 203, or 204; and

20 “(3) is cost effective.

21 “(g) MERIT CRITERIA.—In making a grant under
22 this section, the Secretary shall consider whether the
23 project—

1 “(1) will generate state of good repair, resil-
2 ience, economic competitiveness, quality of life, mo-
3 bility, or safety benefits;

4 “(2) in the case of a project on a Federal lands
5 transportation facility or a Federal lands access
6 transportation facility, has costs matched by funds
7 that are not provided under this section or this title;
8 and

9 “(3) generates benefits for land owned by mul-
10 tiple Federal land management agencies or Indian
11 Tribes, or which spans multiple States.

12 “(h) EVALUATION AND RATING.—To evaluate appli-
13 cations, the Secretary shall—

14 “(1) determine whether a project meets the re-
15 quirements under subsection (f);

16 “(2) evaluate, through a discernable and trans-
17 parent methodology, how each application addresses
18 one or more merit criteria established under sub-
19 section (g);

20 “(3) assign a rating for each merit criteria for
21 each application; and

22 “(4) consider applications only on the basis of
23 such quality ratings and which meet the minimally
24 acceptable level for each of the merit criteria.

25 “(i) COST SHARE.—

1 “(1) FEDERAL LANDS PROJECTS.—

2 “(A) IN GENERAL.—Notwithstanding sec-
3 tion 120, the Federal share of the cost of a
4 project on a Federal lands transportation facil-
5 ity or a Federal lands access transportation fa-
6 cility shall be up to 90 percent.

7 “(B) NON-FEDERAL SHARE.—Notwith-
8 standing any other provision of law, any Fed-
9 eral funds other than those made available
10 under this title or title 49 may be used to pay
11 the non-Federal share of the cost of a project
12 carried out under this section.

13 “(2) TRIBAL PROJECTS.—The Federal share of
14 the cost of a project on a Tribal transportation facil-
15 ity shall be 100 percent.

16 “(j) USE OF FUNDS.—For each fiscal year, of the
17 amounts made available to carry out this section, not more
18 than 50 percent shall be used for eligible projects on Fed-
19 eral lands transportation facilities or Federal lands access
20 transportation facilities and Tribal transportation facili-
21 ties, respectively.”.

22 (b) CLERICAL AMENDMENT.—The analysis for chap-
23 ter 2 of title 23, United States Code, is amended by insert-
24 ing after the item relating to section 207 the following
25 new item:

 “208. Federal lands and Tribal major projects program.”.

1 (c) REPEAL.—Section 1123 of the FAST Act (23
2 U.S.C. 201 note), and the item related to such section in
3 the table of contents under section 1(b) of such Act, are
4 repealed.

5 **SEC. 1506. OFFICE OF TRIBAL GOVERNMENT AFFAIRS.**

6 Section 102 of title 49, United States Code, is
7 amended—

8 (1) in subsection (e)(1)—

9 (A) by striking “6 Assistant” and inserting
10 “7 Assistant”;

11 (B) in subparagraph (C) by striking “;
12 and” and inserting a semicolon;

13 (C) by redesignating subparagraph (D) as
14 subparagraph (E); and

15 (D) by inserting after subparagraph (C)
16 the following:

17 “(D) an Assistant Secretary for Tribal
18 Government Affairs, who shall be appointed by
19 the President; and”;

20 (2) in subsection (f)—

21 (A) in the heading by striking “DEPUTY
22 ASSISTANT SECRETARY FOR TRIBAL GOVERN-
23 MENT AFFAIRS” and inserting “OFFICE OF
24 TRIBAL GOVERNMENT AFFAIRS”; and

1 (B) by striking paragraph (1) and insert-
2 ing the following:

3 “(1) ESTABLISHMENT.—There is established in
4 the Department an Office of Tribal Government Af-
5 fairs, under the Assistant Secretary for Tribal Gov-
6 ernment Affairs, to—

7 “(A) oversee the Tribal transportation self-
8 governance program under section 207 of title
9 23;

10 “(B) plan, coordinate, and implement poli-
11 cies and programs serving Indian Tribes and
12 Tribal organizations;

13 “(C) coordinate Tribal transportation pro-
14 grams and activities in all offices and adminis-
15 trations of the Department;

16 “(D) provide technical assistance to Indian
17 Tribes and Tribal organizations; and

18 “(E) be a participant in any negotiated
19 rulemakings relating to, or having an impact
20 on, projects, programs, or funding associated
21 with the Tribal transportation program under
22 section 202 of title 23.”.

1 **SEC. 1507. ALTERNATIVE CONTRACTING METHODS.**

2 (a) LAND MANAGEMENT AGENCIES AND TRIBAL
3 GOVERNMENTS.—Section 201 of title 23, United States
4 Code, is amended by adding at the end the following:

5 “(f) ALTERNATIVE CONTRACTING METHODS.—

6 “(1) IN GENERAL.—Notwithstanding any other
7 provision of law, the Secretary may use a con-
8 tracting method available to a State under this title
9 on behalf of—

10 “(A) a Federal land management agency,
11 with respect to any funds available pursuant to
12 section 203 or 204;

13 “(B) a Federal land management agency,
14 with respect to any funds available pursuant to
15 section 1535 of title 31 for any eligible use de-
16 scribed in sections 203(a)(1) and 204(a)(1) of
17 this title; or

18 “(C) a Tribal Government, with respect to
19 any funds available pursuant to section
20 202(b)(7)(D).

21 “(2) METHODS DESCRIBED.—The contracting
22 methods referred to in paragraph (1) shall include,
23 at a minimum—

24 “(A) project bundling;

25 “(B) bridge bundling;

26 “(C) design-build contracting;

1 “(D) 2-phase contracting;

2 “(E) long-term concession agreements; and

3 “(F) any method tested, or that could be
4 tested, under an experimental program relating
5 to contracting methods carried out by the Sec-
6 retary.

7 “(3) RULE OF CONSTRUCTION.—Nothing in
8 this subsection—

9 “(A) affects the application of the Federal
10 share for a project carried out with a con-
11 tracting method under this subsection; or

12 “(B) modifies the point of obligation of
13 Federal salaries and expenses.”.

14 (b) USE OF ALTERNATIVE CONTRACTING METH-
15 OD.—In carrying out the amendments made by this sec-
16 tion, the Secretary shall—

17 (1) in consultation with the applicable Federal
18 land management agencies, establish procedures that
19 are—

20 (A) applicable to each alternative con-
21 tracting method; and

22 (B) to the maximum extent practicable,
23 consistent with requirements for Federal pro-
24 curement transactions;

1 (2) solicit input on the use of each alternative
2 contracting method from any affected industry prior
3 to using such method; and

4 (3) analyze and prepare an evaluation of the
5 use of each alternative contracting method.

6 **SEC. 1508. DIVESTITURE OF FEDERALLY OWNED BRIDGES.**

7 (a) IN GENERAL.—The Commissioner of the Bureau
8 of Reclamation may transfer ownership of a bridge that
9 is owned by the Bureau of Reclamation if—

10 (1) the ownership of the bridge is transferred to
11 a State with the concurrence of such State;

12 (2) the State to which ownership is transferred
13 agrees to operate and maintain the bridge;

14 (3) the transfer of ownership complies with all
15 applicable Federal requirements, including—

16 (A) section 138 of title 23, United States
17 Code;

18 (B) section 306108 of title 54, United
19 States Code; and

20 (C) the National Environmental Policy Act
21 of 1969 (42 U.S.C. 4321 et seq.); and

22 (4) the Bureau of Reclamation and the State to
23 which ownership is being transferred jointly notify
24 the Secretary of Transportation of the intent to con-
25 duct a transfer prior to such transfer.

1 (b) ACCESS.—In a transfer of ownership of a bridge
2 under this section, the Commissioner of the Bureau of
3 Reclamation—

4 (1) shall not be required to transfer ownership
5 of the land on which the bridge is located or any ad-
6 jacent lands; and

7 (2) shall make arrangements with the State to
8 which ownership is being transferred to allow for
9 adequate access to such bridge, including for the
10 purposes of construction, maintenance, and bridge
11 inspections pursuant to section 144 of title 23,
12 United States Code.

13 **Subtitle F—Additional Provisions**

14 **SEC. 1601. TOWARD ZERO DEATHS.**

15 (a) IN GENERAL.—A local government, metropolitan
16 planning organization, or regional transportation planning
17 organization may develop and implement a vision zero
18 plan to significantly reduce or eliminate transportation-re-
19 lated fatalities and serious injuries within a specified time-
20 frame, not to exceed 20 years.

21 (b) USE OF FUNDS.—Amounts apportioned to a
22 State under paragraph (2) or (3) of section 104(b) of title
23 23, United States Code, may be used to carry out a vision
24 zero plan under this section.

1 (c) CONTENTS OF PLAN.—A vision zero plan under
2 this section shall include—

3 (1) a description of projects or policies intended
4 to significantly reduce or eliminate transportation-
5 related fatalities and serious injuries within a speci-
6 fied timeframe, not to exceed 20 years, using exist-
7 ing transportation data and consideration of risk
8 factors;

9 (2) plans for implementation of, education of
10 the public about, and enforcement of such projects
11 or policies;

12 (3) a description of how such projects or poli-
13 cies, and the enforcement of such projects or policies
14 will—

15 (A) equitably invest in the safety needs of
16 low-income and minority communities;

17 (B) ensure that such communities are not
18 disproportionately targeted by law enforcement;
19 and

20 (C) protect the rights of members of such
21 communities with respect to title VI of the Civil
22 Rights Act of 1964 (42 U.S.C. 2000d et seq.);
23 and

24 (4) a description of a mechanism to evaluate
25 progress of the implementation of the plan, including

1 the gathering and use of transportation safety and
2 demographic data.

3 (d) INCLUSIONS.—A vision zero plan may include a
4 complete streets prioritization plan that identifies a spe-
5 cific list of projects to—

6 (1) create a connected network of active trans-
7 portation facilities, including sidewalks, bikeways, or
8 pedestrian and bicycle trails, to connect communities
9 and provide safe, reliable, affordable, and convenient
10 access to employment, housing, and services, con-
11 sistent with the goals described in section 150(b) of
12 title 23, United States Code;

13 (2) integrate active transportation facilities with
14 public transportation service or improve access to
15 public transportation; and

16 (3) improve transportation options for low-in-
17 come and minority communities.

18 (e) COORDINATION.—A vision zero plan under this
19 section shall provide for coordination of various subdivi-
20 sions of a unit of local government in the implementation
21 of the plan, including subdivisions responsible for law en-
22 forcement, public health, data collection, and public works.

23 (f) SAFETY PERFORMANCE MANAGEMENT.—A vision
24 zero plan under this section is not sufficient to dem-
25 onstrate compliance with the safety performance or plan-

1 ning requirements of section 148 or 150 of title 23, United
2 States Code.

3 **SEC. 1602. SPEED LIMITS.**

4 (a) **SPEED LIMITS.**—The Secretary of Transpor-
5 tation shall revise the Manual of Uniform Traffic Control
6 Devices to provide for a safe systems approach to setting
7 speed limits, consistent with the safety recommendations
8 issued by the National Transportation Safety Board on
9 August 15, 2017, numbered H–17–27 and H–17–028.

10 (b) **CONSIDERATIONS.**—In carrying out subpara-
11 graph (A), the Secretary shall consider—

- 12 (1) crash statistics;
- 13 (2) road geometry characteristics;
- 14 (3) roadside characteristics;
- 15 (4) traffic volume;
- 16 (5) the possibility and likelihood of human
17 error;
- 18 (6) human injury tolerance;
- 19 (7) the prevalence of vulnerable road users; and
- 20 (8) any other consideration, consistent with a
21 safe system approach, as determined by the Sec-
22 retary.

23 (c) **REPORT ON SPEED MANAGEMENT PROGRAM**
24 **PLAN.**—Not later than 1 year after the date of enactment
25 of this Act, the Secretary shall update and report on the

1 implementation progress of the Speed Management Pro-
2 gram Plan of the Department of Transportation, as de-
3 scribed in the safety recommendation issued by the Na-
4 tional Transportation Safety Board on August 15, 2017,
5 numbered H-17-018.

6 (d) DEFINITIONS.—In this section, the terms “safe
7 system approach” and “vulnerable road user” have the
8 meanings given such terms in section 148(a) of title 23,
9 United States Code.

10 **SEC. 1603. BROADBAND INFRASTRUCTURE DEPLOYMENT.**

11 (a) DEFINITIONS.—In this section:

12 (1) APPROPRIATE COMMITTEES.—The term
13 “appropriate committees” means—

14 (A) the Committee on Transportation and
15 Infrastructure of the House of Representatives;

16 (B) the Committee on Energy and Com-
17 merce of the House of Representatives;

18 (C) the Committee on Commerce, Science,
19 and Transportation of the Senate;

20 (D) the Committee on Environment and
21 Public Works of the Senate;

22 (E) the Committee on Appropriations of
23 the House of Representatives; and

24 (F) the Committee on Appropriations of
25 the Senate.

1 (2) APPROPRIATE STATE AGENCY.—The term
2 “appropriate State agency” means a State govern-
3 mental agency that is recognized by the executive
4 branch of the State as having the experience nec-
5 essary to evaluate and carry out projects relating to
6 the proper and effective installation and operation of
7 broadband infrastructure.

8 (3) BROADBAND.—The term “broadband” has
9 the meaning given the term “advanced telecommuni-
10 cations capability” in section 706 of the Tele-
11 communications Act of 1996 (47 U.S.C. 1302).

12 (4) BROADBAND INFRASTRUCTURE.—The term
13 “broadband infrastructure” means any buried, un-
14 derground, or aerial facility, and any wireless or
15 wireline connection that enables the provision of
16 broadband.

17 (5) BROADBAND INFRASTRUCTURE ENTITY.—
18 The term “broadband infrastructure entity” means
19 any entity, including a State or local entity or a pub-
20 lic-private partnership (between a State or local enti-
21 ty and a private entity), that—

22 (A) installs, owns, or operates broadband
23 infrastructure; and

1 (B) provides broadband in a manner con-
2 sistent with the public interest, convenience,
3 and necessity, as determined by the State.

4 (6) DIG ONCE REQUIREMENT.—The term “dig
5 once requirement” means a requirement designed to
6 reduce the number and scale of repeated excavations
7 for the installation and maintenance of broadband
8 facilities in rights-of-way.

9 (7) STATE.—The term “State” means—

10 (A) a State;

11 (B) the District of Columbia; and

12 (C) the Commonwealth of Puerto Rico.

13 (b) BROADBAND INFRASTRUCTURE DEPLOYMENT.—

14 To facilitate the installation of broadband infrastructure,
15 the Secretary of Transportation shall, not later than 6
16 months after the date of enactment of this Act, issue regu-
17 lations to ensure that each State that receives funds under
18 chapter 1 of title 23, United States Code, meets the fol-
19 lowing requirements:

20 (1) BROADBAND CONSULTATION.—The State
21 department of transportation, in consultation with
22 appropriate State agencies, shall—

23 (A) identify a broadband utility coordi-
24 nator, who may have additional responsibilities
25 in the State department of transportation or in

1 another State agency, that is responsible for fa-
2 cilitating the broadband infrastructure right-of-
3 way efforts within the State;

4 (B) establish a process for the registration
5 of broadband infrastructure entities that seek
6 to be included in the broadband infrastructure
7 right-of-way facilitation efforts within the State;

8 (C) review existing State broadband plans,
9 including existing dig once requirements of the
10 State or municipal governments within the
11 State, to determine opportunities to coordinate
12 projects occurring within highway rights-of-way
13 with planned broadband infrastructure projects;
14 and

15 (D) establish a process to electronically no-
16 tify broadband infrastructure entities registered
17 under subparagraph (B)—

18 (i) of the State transportation im-
19 provement program on an annual basis;

20 (ii) of all projects within the highway
21 right-of-way for which Federal funding is
22 expected to be obligated in the subsequent
23 fiscal year; and

1 (iii) any opportunities for coordination
2 identified by the State under subparagraph
3 (C).

4 (2) PRIORITY.—If a State provides for the in-
5 stallation of broadband infrastructure in the right-
6 of-way of an applicable Federal-aid highway project
7 under this subsection, the State department of
8 transportation, along with appropriate State agen-
9 cies, shall carry out any appropriate measures to en-
10 sure that any existing broadband infrastructure enti-
11 ties are not disadvantaged, as compared to other
12 broadband infrastructure entities, with respect to
13 the program under this subsection.

14 (3) EFFECT OF SUBSECTION.—This subsection
15 shall apply only to activities for which Federal obli-
16 gations or expenditures are initially approved on or
17 after the date regulations required under this sub-
18 section become effective. Nothing in this section es-
19 tablishes a mandate or requirement that a State in-
20 stall or allow the installation of broadband infra-
21 structure in a highway right-of-way. Nothing in this
22 section authorizes the Secretary of Transportation to
23 withhold or reserve funds or approval of a project
24 under title 23, United States Code.

25 (c) DIG ONCE FUNDING TASK FORCE.—

1 (1) ESTABLISHMENT.—There is established an
2 independent task force on funding for dig once to be
3 known as the “Dig Once Funding Task Force”
4 (hereinafter referred to as the “Task Force”).

5 (2) DUTIES.—The duties of the Task Force
6 shall be to—

7 (A) estimate the annual cost for a nation-
8 wide dig once requirement; and

9 (B) propose and evaluate options for fund-
10 ing a nationwide dig once requirement that in-
11 cludes—

12 (i) a discussion of the role of—

13 (I) the Federal Government;

14 (II) State, local, and Tribal gov-
15 ernments; and

16 (III) broadband infrastructure
17 entities; and

18 (ii) consideration of the role of exist-
19 ing dig once requirements of State, local,
20 and Tribal governments, ensuring the ex-
21 pansion of such requirements are not
22 disincentivized.

23 (3) REPORTS.—

24 (A) INTERIM REPORT AND BRIEFING.—

25 Not later than 6 months after the date of en-

1 actment of this Act, the Task Force shall sub-
2 mit to Congress an interim report and provide
3 for the appropriate committees briefings on the
4 findings of the Task Force.

5 (B) FINAL REPORT.—Not later than 9
6 months after the date of enactment of this Act,
7 the Task Force shall submit to Congress a final
8 report on the findings of the Task Force.

9 (4) COMPOSITIONS AND MEMBERSHIP.—

10 (A) MEMBERSHIP.—The Task Force shall
11 consist of 14 members, consisting of—

12 (i) the 2 cochairs described in sub-
13 paragraph (B); and

14 (ii) 1 member appointed by each of
15 the Chairs and Ranking Members of the
16 appropriate committees.

17 (B) COCHAIRS.—The Task Force shall be
18 cochaired by—

19 (i) the Secretary of Transportation;
20 and

21 (ii) the Assistant Secretary of Com-
22 merce for Communications and Informa-
23 tion.

24 (C) APPOINTMENT DEADLINE.—Members
25 shall be appointed to the Task Force not later

1 than 60 days after the date of enactment of
2 this Act.

3 (D) EFFECT OF LACK OF APPOINTMENT
4 BY APPOINTMENT DATE.—If 1 or more appoint-
5 ments required under subparagraph (A) is not
6 made by the appointment date specified in sub-
7 paragraph (C), the authority to make such ap-
8 pointment or appointments shall expire and the
9 number of members of the Commission shall be
10 reduced by the number equal to the number of
11 appointments so expired.

12 (E) TERMS.—Members shall be appointed
13 for the life of the Task Force. A vacancy in the
14 Task Force shall not affect its powers and shall
15 be filled in the same manner as the initial ap-
16 pointment was made.

17 (5) CONSULTATIONS.—In carrying out the du-
18 ties required under this subsection, the Task Force
19 shall consult, at a minimum—

20 (A) the Federal Communications Commis-
21 sion;

22 (B) agencies of States including—

23 (i) State departments of transpor-
24 tation; and

25 (ii) appropriate State agencies;

1 (C) agencies of local and Tribal govern-
2 ments responsible for—

3 (i) transportation and rights-of-way;

4 and

5 (iii) broadband access (including agen-
6 cies, subdivisions, or affiliated organiza-
7 tions that act as broadband infrastructure
8 entities); and

9 (D) broadband infrastructure entities and
10 other telecommunications providers.

11 (6) TERMINATION.—The Task Force shall ter-
12 minate not later than 90 days after issuance of the
13 final report required under paragraph (3)(B).

14 **SEC. 1604. APPALACHIAN DEVELOPMENT HIGHWAY SYS-**
15 **TEM FUNDING FLEXIBILITY.**

16 Any funds made available to a State for the Appa-
17 lachian development highway system program under sub-
18 title IV of title 40, United States Code, before the date
19 of enactment of this Act may be used, at the request of
20 such State to the Secretary of Transportation, for the pur-
21 poses described in section 133(b) of title 23, United States
22 Code.

23 **SEC. 1605. STORMWATER BEST MANAGEMENT PRACTICES.**

24 (a) STUDY.—

1 (1) IN GENERAL.—Not later than 180 days
2 after the date of enactment of this Act, the Sec-
3 retary of Transportation and the Administrator shall
4 seek to enter into an agreement with the Transpor-
5 tation Research Board of the National Academy of
6 Sciences to under which the Transportation Re-
7 search Board shall conduct a study—

8 (A) to estimate pollutant loads from
9 stormwater runoff from highways and pedes-
10 trian facilities eligible for assistance under title
11 23, United States Code, to inform the develop-
12 ment of appropriate total maximum daily load
13 requirements;

14 (B) to provide recommendations (including
15 recommended revisions to existing laws and reg-
16 ulations) regarding the evaluation and selection
17 by State departments of transportation of po-
18 tential stormwater management and total max-
19 imum daily load compliance strategies within a
20 watershed, including environmental restoration
21 and pollution abatement carried out under sec-
22 tion 328 of title 23, United States Code;

23 (C) to examine the potential for the Sec-
24 retary to assist State departments of transpor-
25 tation in carrying out and communicating

1 stormwater management practices for highways
2 and pedestrian facilities that are eligible for as-
3 sistance under title 23, United States Code,
4 through information-sharing agreements, data-
5 base assistance, or an administrative platform
6 to provide the information described in sub-
7 paragraphs (A) and (B) to entities issued per-
8 mits under the Federal Water Pollution Control
9 Act (33 U.S.C. 1251 et seq.); and

10 (D) to examine the benefit of concen-
11 trating stormwater retrofits in impaired water-
12 sheds and selecting such retrofits according to
13 a process that depends on a watershed manage-
14 ment plan developed in accordance with section
15 319 of the Federal Water Pollution Control Act
16 (33 U.S.C. 1329).

17 (2) REQUIREMENTS.—In conducting the study
18 under the agreement entered into pursuant to para-
19 graph (1), the Transportation Research Board
20 shall—

21 (A) review and supplement, as appropriate,
22 the methodologies examined and recommended
23 in the 2019 report of the National Academies
24 of Sciences, Engineering, and Medicine titled
25 “Approaches for Determining and Complying

1 with TMDL Requirements Related to Roadway
2 Stormwater Runoff”;

3 (B) consult with—

4 (i) the Secretary of Transportation;

5 (ii) the Administrator;

6 (iii) the Secretary of the Army, acting
7 through the Chief of Engineers; and

8 (iv) State departments of Transpor-
9 tation; and

10 (C) solicit input from—

11 (i) stakeholders with experience in im-
12 plementing stormwater management prac-
13 tices for projects; and

14 (ii) educational and technical
15 stormwater management groups.

16 (3) REPORT.—In carrying out the agreement
17 entered into pursuant to paragraph (1), not later
18 than 18 months after the date of enactment of this
19 Act, the Transportation Research Board shall sub-
20 mit to the Secretary of Transportation, the Adminis-
21 trator, the Committee on Transportation and Infra-
22 structure of the House of Representatives, and the
23 Committee on Environment and Public Works of the
24 Senate a report describing the results of the study.

1 (b) STORMWATER BEST MANAGEMENT PRACTICES
2 REPORTS.—

3 (1) REISSUANCE.—Not later than 180 days
4 after the date of enactment of this Act, the Sec-
5 retary of Transportation shall update and reissue
6 the best management practices reports to reflect new
7 information and advancements in stormwater man-
8 agement.

9 (2) UPDATES.—Not less frequently than once
10 every 5 years after the date on which the Secretary
11 reissues the best management practices reports
12 under paragraph (1), the Secretary shall update and
13 reissue the best management practices reports, un-
14 less the contents of the best management practices
15 reports have been incorporated (including by ref-
16 erence) into applicable regulations of the Secretary.

17 (c) DEFINITIONS.—In this section:

18 (1) ADMINISTRATOR.—The term “Adminis-
19 trator” means the Administrator of the Environ-
20 mental Protection Agency.

21 (2) BEST MANAGEMENT PRACTICES RE-
22 PORTS.—The term “best management practices re-
23 ports” means—

24 (A) the 2014 report sponsored by the De-
25 partment of Transportation titled “Determining

1 the State of the Practice in Data Collection and
2 Performance Measurement of Stormwater Best
3 Management Practices” (FHWA–HEP–16–
4 021); and

5 (B) the 2000 report sponsored by the De-
6 partment of Transportation titled “Stormwater
7 Best Management Practices in an Ultra-Urban
8 Setting: Selection and Monitoring”.

9 (3) **TOTAL MAXIMUM DAILY LOAD.**—The term
10 “total maximum daily load” has the meaning given
11 such term in section 130.2 of title 40, Code of Fed-
12 eral Regulations (or successor regulations).

13 **SEC. 1606. PEDESTRIAN RIGHT-OF-WAY.**

14 (a) **IN GENERAL.**—Not later than 60 days after the
15 date of enactment of this Act, the Architectural and
16 Transportation Barriers Compliance Board established
17 under section 502(a)(1) of the Rehabilitation Act of 1973
18 (29 U.S.C. 792), in consultation with the Secretary of
19 Transportation, shall establish guidelines setting forth
20 minimum standards for pedestrian facilities in the public
21 right-of-way.

22 (b) **CONTENT OF GUIDANCE.**—The guidelines de-
23 scribed in subsection (a) shall be substantially similar to—

24 (1) the notice of proposed rulemaking published
25 on July 26, 2011, titled “Accessibility Guidelines for

1 Pedestrian Facilities in the Public Right-of-Way”
2 (76 Fed. Reg. 44664); and

3 (2) the supplemental notice of proposed rule-
4 making published on February 13, 2013, titled “Ac-
5 cessibility Guidelines for Pedestrian Facilities in the
6 Public Right-of-Way; Shared Use Paths” (78 Fed.
7 Reg. 10110).

8 (c) ADOPTION OF REGULATIONS.—Not later than
9 180 days after the establishment of the guidelines pursu-
10 ant to subsection (a), the Secretary shall issue such regu-
11 lations as are necessary to adopt such guidelines.

12 **SEC. 1607. HIGHWAY FORMULA MODERNIZATION REPORT.**

13 (a) HIGHWAY FORMULA MODERNIZATION STUDY.—

14 (1) IN GENERAL.—The Secretary of Transpor-
15 tation, in consultation with the American Associa-
16 tion of State Transportation Officials and represent-
17 atives of local governments (including metropolitan
18 planning organizations), shall conduct a highway
19 formula modernization study to assess the method
20 and data used to apportion Federal-aid highway
21 funds under section 104(c) of title 23, United States
22 Code, and issue recommendations on such method
23 and data.

24 (2) ASSESSMENT.—The highway formula mod-
25 ernization study required under paragraph (1) shall

1 include an assessment of, based on the latest avail-
2 able data, whether the apportionment method under
3 such section results in—

4 (A) an equitable distribution of funds
5 based on the estimated tax payments attrib-
6 utable to—

7 (i) highway users in the State that are
8 paid into the Highway Trust Fund; and

9 (ii) individuals in the State that are
10 paid to the Treasury, based on contribu-
11 tions to the Highway Trust Fund from the
12 general fund of the Treasury; and

13 (B) the achievement of the goals described
14 in section 101(b)(3) of title 23, United States
15 Code.

16 (3) CONSIDERATIONS.—In carrying out the as-
17 sessment under paragraph (2), the Secretary shall
18 consider the following:

19 (A) The factors described in sections
20 104(b), 104(f)(2), 104(h)(2), 130(f), and
21 144(e) of title 23, United States Code, as in ef-
22 fect on the date of enactment of SAFETEA-
23 LU (Public Law 109–59).

24 (B) The availability and accuracy of data
25 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 American Association of
14 State Transportation Officials and representatives of
15 local governments (including metropolitan planning
16 organizations), develop recommendations on a new
17 apportionment 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 shall
15 provide to the Secretary an analysis of—

16 (A) factors that contribute to the appor-
17 tionment, including population, types of pollut-
18 ants, and severity of pollutants;

19 (B) the weighting of the factors listed
20 under subparagraph (A); and

21 (C) the recency of the data used in making
22 the apportionment under section 104(b)(4) of
23 title 23, United States Code.

24 (3) RECOMMENDATIONS.—If, in conducting the
25 study under this subsection, the Secretary finds that

1 modifying the apportionment method under section
2 104(b)(4) of title 23, United States Code, would
3 best achieve the air quality goals of section 149 of
4 title 23, United States Code, the Secretary shall, in
5 consultation with the Administrator, include in such
6 study recommendations for a new apportionment
7 method, including—

8 (A) the factors recommended to be in-
9 cluded in such apportionment method;

10 (B) the weighting recommended to be ap-
11 plied to the factors under subparagraph (A);
12 and

13 (C) any other recommendations to ensure
14 that the apportionment method best achieves
15 the air quality goals section 149 of such title.

16 (c) REPORT.—No later than 2 years after the date
17 of enactment of this Act, the Secretary shall submit to
18 the Committee on Transportation and Infrastructure of
19 the House of Representatives and the Committee on Envi-
20 ronment and Public Works of the Senate a report con-
21 taining the results of the highway formula modernization
22 study and the CMAQ formula modification study.

23 **SEC. 1608. CONSOLIDATION OF PROGRAMS.**

24 Section 1519 of MAP-21 (Public Law 112-141) is
25 amended—

1 (1) in subsection (a)—

2 (A) by striking “fiscal years 2016 through
3 2020” and inserting “fiscal years 2022 through
4 2025”; and

5 (B) by striking “\$3,500,000” and insert-
6 ing “\$4,000,000”;

7 (2) by redesignating subsections (b) and (c) as
8 subsections (c) and (d), respectively; and

9 (3) by inserting after subsection (a) the fol-
10 lowing:

11 “(b) FEDERAL SHARE.—The Federal share of the
12 cost of a project or activity carried out under subsection
13 (a) shall be 100 percent.”.

14 **SEC. 1609. STUDENT OUTREACH REPORT TO CONGRESS.**

15 (a) REPORT.—Not later than 180 days after the date
16 of enactment of this Act, the Secretary of Transportation
17 shall submit to the Committee on Transportation and In-
18 frastructure of the House of Representatives and the Com-
19 mittee on Environment and Public Works of the Senate
20 a report that describes the efforts of the Department of
21 Transportation to encourage elementary, secondary, and
22 post-secondary students to pursue careers in the surface
23 transportation sector.

24 (b) CONTENTS.—The report required under sub-
25 section (a) shall include—

1 (1) a description of efforts to increase aware-
2 ness of careers related to surface transportation
3 among elementary, secondary, and post-secondary
4 students;

5 (2) a description of efforts to prepare and in-
6 spire such students for surface transportation ca-
7 reers;

8 (3) a description of efforts to support the devel-
9 opment of a diverse, well-qualified workforce for fu-
10 ture surface transportation needs; and

11 (4) the effectiveness of the efforts described in
12 paragraphs (1) through (3).

13 **SEC. 1610. TASK FORCE ON DEVELOPING A 21ST CENTURY**
14 **SURFACE TRANSPORTATION WORKFORCE.**

15 (a) **IN GENERAL.**—Not later than 90 days after the
16 date of enactment of this Act, the Secretary of Transpor-
17 tation shall establish a task force on developing a 21st
18 century surface transportation workforce (in this section
19 referred to as the “Task Force”).

20 (b) **DUTIES.**—Not later than 12 months after the es-
21 tablishment of the Task Force under subsection (a), the
22 Task Force shall develop and submit to the Secretary rec-
23 ommendations and strategies for the Department of
24 Transportation to—

- 1 (1) evaluate the current and future state of the
2 surface transportation workforce, including projected
3 job needs in the surface transportation sector;
- 4 (2) identify factors influencing individuals pur-
5 suing careers in surface transportation, including
6 barriers to attracting individuals into the workforce;
- 7 (3) address barriers to retaining individuals in
8 surface transportation careers;
- 9 (4) identify and address potential impacts of
10 emerging technologies on the surface transportation
11 workforce;
- 12 (5) increase access for vulnerable or underrep-
13 resented populations, especially women and minori-
14 ties, to high-skill, in-demand surface transportation
15 careers;
- 16 (6) facilitate and encourage elementary, sec-
17 ondary, and post-secondary students in the United
18 States to pursue careers in the surface transpor-
19 tation sector; and
- 20 (7) identify and develop pathways for students
21 and individuals to secure pre-apprenticeships, reg-
22 istered apprenticeships, and other work-based learn-
23 ing opportunities in the surface transportation sector
24 of the United States.

1 (c) CONSIDERATIONS.—In developing recommenda-
2 tions and strategies under subsection (b), the Task Force
3 shall—

4 (1) identify factors that influence whether
5 young people pursue careers in surface transpor-
6 tation, especially traditionally underrepresented pop-
7 ulations, including women and minorities;

8 (2) consider how the Department, businesses,
9 industry, labor, educators, and other stakeholders
10 can coordinate efforts to support qualified individ-
11 uals in pursuing careers in the surface transpor-
12 tation sector;

13 (3) identify methods of enhancing surface
14 transportation pre-apprenticeships and registered
15 apprenticeships, job skills training, mentorship, edu-
16 cation, and outreach programs that are exclusive to
17 youth in the United States; and

18 (4) identify potential sources of funding, includ-
19 ing grants and scholarships, that may be used to
20 support youth and other qualified individuals in pur-
21 suing careers in the surface transportation sector.

22 (d) CONSULTATION.—In developing the recommenda-
23 tions and strategies required under subsection (b), the
24 Task Force may consult with—

1 (1) local educational agencies and institutes of
2 higher education, including community colleges and
3 vocational schools; and

4 (2) State workforce development boards.

5 (e) REPORT.—Not later than 60 days after the sub-
6 mission of the recommendations and strategies under sub-
7 section (b), the Secretary shall submit to the Committee
8 on Transportation and Infrastructure of the House of
9 Representatives and the Committee on Environment and
10 Public Works of the Senate a report containing such rec-
11 ommendations and strategies.

12 (f) COMPOSITION OF TASK FORCE.—The Secretary
13 shall appoint members to the Task Force whose diverse
14 background and expertise allow such members to con-
15 tribute balanced points of view and ideas in carrying out
16 this section, comprised of equal representation from each
17 of the following:

18 (1) Industries in the surface transportation sec-
19 tor.

20 (2) Surface transportation sector labor organi-
21 zations.

22 (3) Such other surface transportation stake-
23 holders and experts as the Secretary considers ap-
24 propriate.

1 (g) PERIOD OF APPOINTMENT.—Members shall be
2 appointed to the Task Force for the duration of the exist-
3 ence of the Task Force.

4 (h) COMPENSATION.—Task Force members shall
5 serve without compensation.

6 (i) SUNSET.—The Task Force shall terminate upon
7 the submission of the report required under subsection (e).

8 (j) DEFINITIONS.—In this section:

9 (1) PRE-APPRENTICESHIP.—The term “pre-ap-
10 prenticeship” means a training model or program
11 that prepares individuals for acceptance into a reg-
12 istered apprenticeship and has a demonstrated part-
13 nership with 1 or more registered apprenticeships.

14 (2) REGISTERED APPRENTICESHIP.—The term
15 “registered apprenticeship” means an apprenticeship
16 program registered under the Act of August 16,
17 1937 (29 U.S.C. 50 et seq.; commonly known as the
18 “National Apprenticeship Act”), that satisfies the
19 requirements of parts 29 and 30 of title 29, Code
20 of Federal Regulations (as in effect on January 1,
21 2020).

22 **SEC. 1611. ON-THE-JOB TRAINING AND SUPPORTIVE SERV-**
23 **ICES.**

24 Section 140(b) of title 23, United States Code, is
25 amended to read as follows:

1 “(b) WORKFORCE TRAINING AND DEVELOPMENT.—

2 “(1) IN GENERAL.—The Secretary, in coopera-
3 tion with the Secretary of Labor and any other de-
4 partment or agency of the Government, State agen-
5 cy, authority, association, institution, Indian Tribal
6 government, corporation (profit or nonprofit), or any
7 other organization or person, is authorized to de-
8 velop, conduct, and administer surface transpor-
9 tation and technology training, including skill im-
10 provement programs, and to develop and fund sum-
11 mer transportation institutes.

12 “(2) STATE RESPONSIBILITIES.—A State de-
13 partment of transportation participating in the pro-
14 gram under this subsection shall—

15 “(A) develop an annual workforce plan
16 that identifies immediate and anticipated work-
17 force gaps and underrepresentation of women
18 and minorities and a detailed plan to fill such
19 gaps and address such underrepresentation;

20 “(B) establish an annual workforce devel-
21 opment compact with the State workforce devel-
22 opment board and appropriate agencies to pro-
23 vide a coordinated approach to workforce train-
24 ing, job placement, and identification of train-
25 ing and skill development program needs, which

1 shall be coordinated to the extent practical with
2 an institution or agency, such as a State work-
3 force development board under section 101 of
4 the Workforce Innovation and Opportunities
5 Act (29 U.S.C. 3111), that has established
6 skills training, recruitment, and placement re-
7 sources; and

8 “(C) demonstrate program outcomes, in-
9 cluding—

10 “(i) impact on areas with transpor-
11 tation workforce shortages;

12 “(ii) diversity of training participants;

13 “(iii) number and percentage of par-
14 ticipants obtaining certifications or creden-
15 tials required for specific types of employ-
16 ment;

17 “(iv) employment outcome, including
18 job placement and job retention rates and
19 earnings, using performance metrics estab-
20 lished in consultation with the Secretary of
21 Labor and consistent with metrics used by
22 programs under the Workforce Innovation
23 and Opportunity Act (29 U.S.C. 3101 et
24 seq.); and

1 “(v) to the extent practical, evidence
2 that the program did not preclude workers
3 that participate in training or registered
4 apprenticeship activities under the pro-
5 gram from being referred to, or hired on,
6 projects funded under this chapter.

7 “(3) FUNDING.—From administrative funds
8 made available under section 104(a), the Secretary
9 shall deduct such sums as necessary, not to exceed
10 \$10,000,000 in each fiscal year, for the administra-
11 tion of this subsection. Such sums shall remain
12 available until expended.

13 “(4) NONAPPLICABILITY OF TITLE 41.—Sub-
14 sections (b) through (d) of section 6101 of title 41
15 shall not apply to contracts and agreements made
16 under the authority granted to the Secretary under
17 this subsection.

18 “(5) USE OF SURFACE TRANSPORTATION AND
19 NATIONAL HIGHWAY PERFORMANCE PROGRAM
20 FUNDS.—Notwithstanding any other provision of
21 law, not to exceed $\frac{1}{2}$ of 1 percent of funds appor-
22 tioned to a State under paragraph (1) or (2) of sec-
23 tion 104 may be available to carry out this sub-
24 section upon request of the State transportation de-
25 partment to the Secretary.”.

1 **SEC. 1612. WORK ZONE SAFETY.**

2 Section 504(e)(1) of title 23, United States Code, is
3 amended—

4 (1) by redesignating subparagraphs (F) and
5 (G) as subparagraphs (G) and (H), respectively; and

6 (2) by inserting after subparagraph (E) the fol-
7 lowing:

8 “(F) tuition and direct educational ex-
9 penses or other costs of instruction related to
10 the work zone safety training and certification
11 of employees of State and local transportation
12 agencies and surface transportation construc-
13 tion workers;”.

14 **SEC. 1613. TRANSPORTATION EDUCATION DEVELOPMENT**
15 **PROGRAM.**

16 Section 504 of title 23, United States Code, is
17 amended—

18 (1) in subsection (e)(1) by inserting “and (8)
19 through (9)” after “paragraphs (1) through (4)”;
20 and

21 (2) in subsection (f) by adding at the end the
22 following:

23 “(4) REPORTS.—The Secretary shall submit to
24 the Committee on Transportation and Infrastructure
25 of the House of Representatives and the Committee

1 on Commerce, Science, and Transportation of the
2 Senate an annual report that includes—

3 “(A) a list of all grant recipients under
4 this subsection;

5 “(B) an explanation of why each recipient
6 was chosen in accordance with the criteria
7 under paragraph (2);

8 “(C) a summary of each recipient’s objec-
9 tive to carry out the purpose described in para-
10 graph (1) and an analysis of progress made to-
11 ward achieving each such objective;

12 “(D) an accounting for the use of Federal
13 funds obligated or expended in carrying out this
14 subsection; and

15 “(E) an analysis of outcomes of the pro-
16 gram under this subsection.”.

17 **SEC. 1614. WORKING GROUP ON CONSTRUCTION RE-**
18 **SOURCES.**

19 (a) **ESTABLISHMENT.**—Not later than 120 days after
20 the date of enactment of this Act, the Secretary of Trans-
21 portation shall establish a working group (in this section
22 referred to as the “Working Group”) to conduct a study
23 on access to covered resources for infrastructure projects.

24 (b) **MEMBERSHIP.**—

1 (1) APPOINTMENT.—The Secretary shall ap-
2 point to the Working Group individuals with knowl-
3 edge and expertise in the production and transpor-
4 tation of covered resources.

5 (2) REPRESENTATION.—The Working Group
6 shall include at least 1 representative of each of the
7 following:

8 (A) State departments of transportation.

9 (B) State agencies associated with covered
10 resources protection.

11 (C) State planning and geologic survey and
12 mapping agencies.

13 (D) Commercial motor vehicle operators,
14 including small business operators and opera-
15 tors who transport covered resources.

16 (E) Covered resources producers.

17 (F) Construction contractors.

18 (G) Metropolitan planning organizations
19 and regional planning organizations.

20 (H) Indian Tribes, including Tribal elected
21 leadership or Tribal transportation officials.

22 (I) Any other stakeholders that the Sec-
23 retary determines appropriate.

1 (3) TERMINATION.—The Working Group shall
2 terminate 6 months after the date on which the Sec-
3 retary receives the report under subsection (e)(1).

4 (c) DUTIES.—In carrying out the study required
5 under subsection (a), the Working Group shall analyze—

6 (1) the use of covered resources in transpor-
7 tation projects funded with Federal dollars;

8 (2) how the proximity of covered resources to
9 such projects affects the cost and environmental im-
10 pact of such projects;

11 (3) whether and how State, Tribal, and local
12 transportation and planning agencies consider cov-
13 ered resources when developing transportation
14 projects; and

15 (4) any challenges for transportation project
16 sponsors regarding access and proximity to covered
17 resources.

18 (d) CONSULTATION.—In carrying out the study re-
19 quired under subsection (a), the Working Group shall con-
20 sult with, as appropriate—

21 (1) chief executive officers of States;

22 (2) State, Tribal, and local transportation and
23 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 **TITLE II—PUBLIC**
16 **TRANSPORTATION**
17 **Subtitle A—Federal Transit**
18 **Administration**

19 **SEC. 2101. AUTHORIZATIONS.**

20 (a) IN GENERAL.—Section 5338 of title 49, United
21 States Code, is amended to read as follows:

22 **“§ 5338. Authorizations**

23 **“(a) GRANTS.—**

24 **“(1) IN GENERAL.—**There shall be available
25 from the Mass Transit Account of the Highway

1 Trust Fund to carry out sections 5305, 5307, 5308,
2 5310, 5311, 5312, 5314, 5318, 5320, 5328, 5335,
3 5337, 5339, and 5340—

4 “(A) \$16,185,800,000 for fiscal year 2022;

5 “(B) \$16,437,600,000 for fiscal year 2023;

6 “(C) \$16,700,600,000 for fiscal year 2024;

7 and

8 “(D) \$16,963,600,000 for fiscal year
9 2025.

10 “(2) ALLOCATION OF FUNDS.—Of the amounts
11 made available under paragraph (1)—

12 “(A) \$189,879,151 for fiscal year 2022,
13 \$192,841,266 for fiscal year 2023,
14 \$195,926,726 for fiscal year 2024, and
15 \$199,002,776 for fiscal year 2025, shall be
16 available to carry out section 5305;

17 “(B) \$7,505,830,848 for fiscal year 2022,
18 \$7,622,921,809 for fiscal year 2023,
19 \$7,744,888,558 for fiscal year 2024, and
20 \$7,866,483,309 for fiscal year 2025 shall be al-
21 located in accordance with section 5336 to pro-
22 vide financial assistance for urbanized areas
23 under section 5307;

24 “(C) \$101,510,000 for fiscal year 2022,
25 \$103,093,556 for fiscal year 2023,

1 \$104,743,053 for fiscal year 2024, and
2 \$106,387,519 for fiscal year 2025 shall be
3 available for grants under section 5308;

4 “(D) \$434,830,298 for fiscal year 2022,
5 \$441,613,651 for fiscal year 2023,
6 \$448,679,469 for fiscal year 2024, and
7 \$455,723,737 for fiscal year 2025 shall be
8 available to carry out section 5310, of which
9 not less than—

10 “(i) \$5,075,500 for fiscal year 2022,
11 \$5,154,678 for fiscal year 2023,
12 \$5,237,153 for fiscal year 2024, and
13 \$5,319,376 for fiscal year 2025 shall be
14 available to carry out section 5310(j); and

15 “(ii) \$20,302,000 for fiscal year 2022,
16 \$20,618,711 for fiscal year 2023,
17 \$20,948,611 for fiscal year 2024, and
18 \$21,277,504 for fiscal year 2025 shall be
19 available to carry out section 5310(k);

20 “(E) \$1,025,199,724 for fiscal year 2022,
21 \$1,041,192,839 for fiscal year 2023,
22 \$1,057,851,925 for fiscal year 2024, and
23 \$1,074,460,200 for fiscal year 2025 shall be
24 available to carry out section 5311, of which
25 not less than—

1 “(i) \$45,679,500 for fiscal year 2022,
2 \$46,392,100 for fiscal year 2023,
3 \$47,134,374 for fiscal year 2024, and
4 \$47,874,383 for fiscal year 2025 shall be
5 available to carry out section 5311(c)(1);
6 and

7 “(ii) \$50,755,000 for fiscal year 2022,
8 \$51,546,778 for fiscal year 2023,
9 \$52,371,526 for fiscal year 2024, and
10 \$53,193,759 for fiscal year 2025 shall be
11 available to carry out section 5311(c)(2);

12 “(F) \$33,498,300 for fiscal year 2022,
13 \$34,020,873 for fiscal year 2023, \$34,565,207
14 for fiscal year 2024, and \$35,107,881 for fiscal
15 year 2025 shall be available to carry out section
16 5312, of which not less than—

17 “(i) \$5,075,500 for fiscal year 2022,
18 \$5,154,678 for fiscal year 2023,
19 \$5,237,153 for fiscal year 2024, and
20 \$5,319,376 for fiscal year 2025 shall be
21 available to carry out each of sections
22 5312(d)(3), 5312(d)(4) and 5312(j);

23 “(ii) \$3,045,300 for fiscal year 2022,
24 \$3,092,807 for fiscal year 2023,
25 \$3,142,292 for fiscal year 2024, and

1 \$3,191,626 for fiscal year 2025 shall be
2 available to carry out section 5312(h); and

3 “(iii) \$10,151,000 for fiscal year
4 2022, \$10,309,356 for fiscal year 2023,
5 \$10,474,305 for fiscal year 2024, and
6 \$10,638,752 for fiscal year 2025 shall be
7 available to carry out section 5312(i);

8 “(G) \$23,347,300 for fiscal year 2022,
9 \$23,711,518 for fiscal year 2023, \$24,090,902
10 for fiscal year 2024, and \$24,469,129 for fiscal
11 year 2025 shall be available to carry out section
12 5314, of which not less than—

13 “(i) \$4,060,400 for fiscal year 2022,
14 \$4,123,742 for fiscal year 2023,
15 \$4,189,722 for fiscal year 2024, and
16 \$4,255,501 for fiscal year 2025 shall be
17 available to carry out section of 5314(a);

18 “(ii) \$5,075,500 for fiscal year 2022,
19 \$5,154,678 for fiscal year 2023,
20 \$5,237,153 for fiscal year 2024, and
21 \$5,319,376 for fiscal year 2025 shall be
22 available to carry out section 5314(c); and

23 “(iii) \$12,181,200 for fiscal year
24 2022, \$12,371,227 for fiscal year 2023,
25 \$12,569,166 for fiscal year 2024, and

1 \$12,766,502 for fiscal year 2025 shall be
2 available to carry out section 5314(b)(2);

3 “(H) \$5,075,500 for fiscal year 2022,
4 \$5,154,678 for fiscal year 2023, \$5,237,153 for
5 fiscal year 2024, and \$5,319,376 for fiscal year
6 2025 shall be available to carry out section
7 5318;

8 “(I) \$30,453,000 for fiscal year 2022,
9 \$30,928,067 for fiscal year 2023, \$31,422,916
10 for fiscal year 2024, and \$31,916,256 for fiscal
11 year 2025 shall be available to carry out section
12 5328, of which not less than—

13 “(i) \$25,377,500 for fiscal year 2022,
14 \$25,773,389 for fiscal year 2023,
15 \$26,185,763 for fiscal year 2024, and
16 \$26,596,880 for fiscal year 2025 shall be
17 available to carry out section of 5328(b);
18 and

19 “(ii) \$2,537,750 for fiscal year 2022,
20 \$2,577,339 for fiscal year 2023,
21 \$2,618,576 for fiscal year 2024, and
22 \$2,659,688 for fiscal year 2025 shall be
23 available to carry out section 5328(e);

24 “(J) \$4,060,400 for fiscal year 2022,
25 \$4,123,742 for fiscal year 2023, \$4,189,722 for

1 fiscal year 2024, and \$4,255,501 for fiscal year
2 2025 shall be available to carry out section
3 5335;

4 “(K) \$4,192,573,361 for fiscal year 2022,
5 \$4,266,448,314 for fiscal year 2023,
6 \$4,344,093,870 for fiscal year 2024, and
7 \$4,422,314,724 for fiscal year 2025 shall be
8 available to carry out section 5337;

9 “(L) to carry out the bus formula program
10 under section 5339(a)—

11 “(i) \$1,240,328,213 for fiscal year
12 2022, \$1,259,667,334 for fiscal year 2023,
13 \$1,279,832,171 for fiscal year 2024, and
14 \$1,299,925,536 for fiscal year 2025; ex-
15 cept that

16 “(ii) 15 percent of the amounts under
17 clause (i) shall be available to carry out
18 5339(d);

19 “(M) \$437,080,000 for fiscal year 2022,
20 \$424,748,448 for fiscal year 2023,
21 \$387,944,423 for fiscal year 2024, and
22 \$351,100,151 for fiscal year 2025 shall be
23 available to carry out section 5339(b);

24 “(N) \$375,000,000 for fiscal year 2022,
25 \$400,000,000 for fiscal year 2023,

1 \$450,000,000 for fiscal year 2024, and
2 \$500,000,000 for fiscal year 2025 shall be
3 available to carry out section 5339(c); and

4 “(O) \$587,133,905 for each of fiscal years
5 2022 through 2025 shall be available to carry
6 out section 5340 to provide financial assistance
7 for urbanized areas under section 5307 and
8 rural areas under section 5311, of which—

9 “(i) \$309,688,908 for each of fiscal
10 years 2022 through 2025 shall be for
11 growing States under section 5340(c); and

12 “(ii) \$277,444,997 for each of fiscal
13 years 2022 through 2025 shall be for high
14 density States under section 5340(d).

15 “(b) CAPITAL INVESTMENT GRANTS.—There are au-
16 thorized to be appropriated to carry out section 5309
17 \$3,500,000,000 for fiscal year 2022, \$4,250,000,000 for
18 fiscal year 2023, \$5,000,000,000 for fiscal year 2024, and
19 5,500,000,000 for fiscal year 2025.

20 “(c) ADMINISTRATION.—

21 “(1) IN GENERAL.—There are authorized to be
22 appropriated to carry out section 5334,
23 \$142,060,785 for fiscal year 2022, \$144,191,696 for
24 fiscal year 2023, \$146,412,248 for fiscal year 2024,
25 and 148,652,356 for fiscal year 2025.

1 “(2) SECTION 5329.—Of the amounts author-
2 ized to be appropriated under paragraph (1), not
3 less than \$6,000,000 for each of fiscal years 2022
4 through 2025 shall be available to carry out section
5 5329.

6 “(3) SECTION 5326.—Of the amounts made
7 available under paragraph (2), not less than
8 \$2,500,000 for each of fiscal years 2022 through
9 2025 shall be available to carry out section 5326.

10 “(d) OVERSIGHT.—

11 “(1) IN GENERAL.—Of the amounts made
12 available to carry out this chapter for a fiscal year,
13 the Secretary may use not more than the following
14 amounts for the activities described in paragraph
15 (2):

16 “(A) 0.5 percent of amounts made avail-
17 able to carry out section 5305.

18 “(B) 0.75 percent of amounts made avail-
19 able to carry out section 5307.

20 “(C) 1 percent of amounts made available
21 to carry out section 5309.

22 “(D) 1 percent of amounts made available
23 to carry out section 601 of the Passenger Rail
24 Investment and Improvement Act of 2008
25 (Public Law 110–432; 126 Stat. 4968).

1 “(E) 0.5 percent of amounts made avail-
2 able to carry out section 5310.

3 “(F) 0.5 percent of amounts made avail-
4 able to carry out section 5311.

5 “(G) 1 percent of amounts made available
6 to carry out section 5337, of which not less
7 than 25 percent of such amounts shall be avail-
8 able to carry out section 5329 and of which not
9 less than 10 percent of such amounts shall be
10 made available to carry out section 5320.

11 “(H) 1 percent of amounts made available
12 to carry out section 5339 of which not less than
13 10 percent of such amounts shall be made
14 available to carry out section 5320.

15 “(2) ACTIVITIES.—The activities described in
16 this paragraph are as follows:

17 “(A) Activities to oversee the construction
18 of a major capital project.

19 “(B) Activities to review and audit the
20 safety and security, procurement, management,
21 and financial compliance of a recipient or sub-
22 recipient of funds under this chapter.

23 “(C) Activities to provide technical assist-
24 ance generally, and to provide technical assist-
25 ance to correct deficiencies identified in compli-

1 ance reviews and audits carried out under this
2 section.

3 “(3) GOVERNMENT SHARE OF COSTS.—The
4 Government shall pay the entire cost of carrying out
5 a contract under this subsection/activities described
6 in paragraph (2).

7 “(4) AVAILABILITY OF CERTAIN FUNDS.—
8 Funds made available under paragraph (1)(C) shall
9 be made available to the Secretary before allocating
10 the funds appropriated to carry out any project
11 under a full funding grant agreement.

12 “(e) GRANTS AS CONTRACTUAL OBLIGATIONS.—

13 “(1) GRANTS FINANCED FROM HIGHWAY TRUST
14 FUND.—A grant or contract that is approved by the
15 Secretary and financed with amounts made available
16 from the Mass Transit Account of the Highway
17 Trust Fund pursuant to this section is a contractual
18 obligation of the Government to pay the Government
19 share of the cost of the project.

20 “(2) GRANTS FINANCED FROM GENERAL
21 FUND.—A grant or contract that is approved by the
22 Secretary and financed with amounts appropriated
23 in advance from the general fund of the Treasury
24 pursuant to this section is a contractual obligation
25 of the Government to pay the Government share of

1 the cost of the project only to the extent that
2 amounts are appropriated for such purpose by an
3 Act of Congress.

4 “(f) AVAILABILITY OF AMOUNTS.—Amounts made
5 available by or appropriated under this section shall re-
6 main available until expended.”.

7 (b) CONFORMING AMENDMENTS.—

8 (1) Section 5311 of title 49, United States
9 Code, is amended by striking “5338(a)(2)(F)” and
10 inserting “5338(a)(2)(E)”.

11 (2) Section 5312(i)(1) of title 49, United States
12 Code, is amended by striking “5338(a)(2)(G)(ii)”
13 and inserting “5338(a)(2)(F)(iii)”.

14 (3) Section 5333(b) of title 49, United States
15 Code, is amended by striking “5328, 5337, and
16 5338(b)” each place it appears and inserting “and
17 5337”.

18 (4) Section 5336 of title 49, United States
19 Code, is amended—

20 (A) in subsection (d)(1) by striking
21 “5338(a)(2)(C)” and inserting
22 “5338(a)(2)(B)”; and

23 (B) in subsection (h) by striking
24 “5338(a)(2)(C)” and inserting
25 “5338(a)(2)(B)”.

1 (5) Subsections (c) and (d)(1) of section 5327
2 of title 49, United States Code, are amended by
3 striking “5338(f)” and inserting “5338(d)”.

4 (6) Section 5340(b) of title 49, United States
5 Code, is amended by striking “5338(b)(2)(N)” and
6 inserting “5338(a)(2)(O)”.

7 **SEC. 2102. CHAPTER 53 DEFINITIONS.**

8 Section 5302 of title 49, United States Code, is
9 amended—

10 (1) in paragraph (1)(E)—

11 (A) by striking “and the installation” and
12 inserting “, the installation”; and

13 (B) by inserting “, and bikeshare projects”
14 after “public transportation vehicles”;

15 (2) in paragraph (3)—

16 (A) in subparagraph (G) by striking clause
17 (iii) and inserting the following:

18 “(iii) provides a fair share of revenue
19 established by the Secretary that will be
20 used for public transportation, except for a
21 joint development that is a community
22 service (as defined by the Federal Transit
23 Administration), publicly operated facility,
24 or offers a minimum of 50 percent of units
25 as affordable housing, meaning legally

1 binding affordability restricted housing
2 units available to tenants with incomes
3 below 60 percent of the area median in-
4 come or owners with incomes below the
5 area median;” and

6 (B) in subparagraph (N)—

7 (i) by striking “no emission” and in-
8 serting “zero emission”; and

9 (ii) by striking “(as defined in section
10 5339(c))”; and

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

12 “(25) RESILIENCE.—

13 “(A) IN GENERAL.—The term ‘resilience’
14 means, with respect to a facility, the ability
15 to—

16 “(i) anticipate, prepare for, or adapt
17 to conditions; or

18 “(ii) withstand, respond to, or recover
19 rapidly from disruptions.

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

22 “(i) resist hazards or withstand im-
23 pacts from disruptions;

24 “(ii) reduce the magnitude, duration,
25 or impact of a disruption; or

1 “(iii) have the absorptive capacity,
2 adaptive capacity, and recoverability to de-
3 crease vulnerability to a disruption.

4 “(26) ASSAULT ON A TRANSIT WORKER.—The
5 term ‘assault on a transit worker’ means any cir-
6 cumstance in which an individual knowingly, without
7 lawful authority or permission, and with intent to
8 endanger the safety of any individual, or with a
9 reckless disregard for the safety of human life, inter-
10 feres with, disables, or incapacitates any transit
11 worker while the transit worker is performing his or
12 her duties.”.

13 **SEC. 2103. GENERAL PROVISIONS.**

14 Section 5323 of title 49, United States Code, is
15 amended—

16 (1) in subsection (d)—

17 (A) in paragraph (1)—

18 (i) by striking “urban area” and in-
19 serting “urbanized area”; and

20 (ii) by striking “operator can provide”
21 and inserting “operator provides”; and

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

23 “(3) EXCEPTIONS.—This subsection shall not
24 apply to financial assistance under this chapter—

1 “(A) in which the non-Federal share of
2 project costs are provided from amounts re-
3 ceived under a service agreement with a State
4 or local social service agency or private social
5 service organization pursuant to section
6 5307(d)(3)(E) or section 5311(g)(3)(C);

7 “(B) provided to a recipient or sub-
8 recipient whose sole receipt of such assistance
9 derives from section 5310; or

10 “(C) provided to a recipient operating a
11 fixed route service that is—

12 “(i) for a period of less than 30 days;

13 “(ii) accessible to the public; and

14 “(iii) contracted by a local govern-
15 ment entity that provides local cost share
16 to the recipient.”;

17 (2) in subsection (h)—

18 (A) in paragraph (1) by adding “or” at the
19 end; and

20 (B) by striking paragraph (2) and redesign-
21 ating paragraph (3) as paragraph (2);

22 (3) by striking subsection (j) and inserting the
23 following:

24 “(j) REPORTING ACCESSIBILITY COMPLAINTS.—

1 “(1) IN GENERAL.—The Secretary shall ensure
2 that an individual who believes that he or she, or a
3 specific class in which the individual belongs, has
4 been subjected to discrimination on the basis of dis-
5 ability by a State or local governmental entity, pri-
6 vate nonprofit organization, or Tribe that operates a
7 public transportation service and is a recipient or
8 subrecipient of funds under this chapter, may, by
9 the individual or by an authorized representative, file
10 a complaint with the Department of Transportation.

11 “(2) PROCEDURES.—Not later than 1 year
12 after the date of enactment of the INVEST in
13 America Act, the Secretary shall implement proce-
14 dures that allow an individual to submit a complaint
15 described in paragraph (1) by phone, mail-in form,
16 and online through the website of the Office of Civil
17 Rights of the Federal Transit Administration.

18 “(3) NOTICE TO INDIVIDUALS WITH DISABIL-
19 ITIES.—Not later than 12 months after the date of
20 enactment of the INVEST in America Act, the Sec-
21 retary shall require that each public transit provider
22 and contractor providing paratransit services shall
23 include on a publicly available website of the service
24 provider, any related mobile device application, and
25 online service—

1 “(A) notice that an individual can file a
2 disability-related complaint with the local tran-
3 sit agency and the process and any timelines for
4 filing such a complaint;

5 “(B) the telephone number, or a com-
6 parable electronic means of communication, for
7 the disability assistance hotline of the Office of
8 Civil Rights of the Federal Transit Administra-
9 tion;

10 “(C) notice that a consumer can file a dis-
11 ability related complaint with the Office of Civil
12 Rights of the Federal Transit Administration;
13 and

14 “(D) an active link to the website of the
15 Office of Civil Rights of the Federal Transit
16 Administration for an individual to file a dis-
17 ability-related complaint.

18 “(4) INVESTIGATION OF COMPLAINTS.—Not
19 later than 60 days after the last day of each fiscal
20 year, the Secretary shall publish a report that lists
21 the disposition of complaints described in paragraph
22 (1), including—

23 “(A) the number and type of complaints
24 filed with Department of Transportation;

1 “(B) the number of complaints inves-
2 tigated by the Department;

3 “(C) the result of the complaints that were
4 investigated by the Department including
5 whether the complaint was resolved—

6 “(i) informally;

7 “(ii) by issuing a violation through a
8 noncompliance Letter of Findings; or

9 “(iii) by other means, which shall be
10 described; and

11 “(D) if a violation was issued for a com-
12 plaint, whether the Department resolved the
13 noncompliance by—

14 “(i) reaching a voluntary compliance
15 agreement with the entity;

16 “(ii) referring the matter to the Attor-
17 ney General; or

18 “(iii) by other means, which shall be
19 described.

20 “(5) REPORT.—The Secretary shall, upon im-
21 plementation of this section and annually thereafter,
22 submit to the Committee on Transportation and In-
23 frastructure of the House of Representatives, the
24 Committee on Banking, Housing, and Urban Affairs
25 of the Senate, and make publicly available a report

1 containing the information collected under this sec-
2 tion.”;

3 (4) by striking subsection (m) and inserting the
4 following:

5 “(m) PREAWARD AND POSTDELIVERY REVIEW OF
6 ROLLING STOCK PURCHASES.—The Secretary shall pre-
7 scribe regulations requiring a preaward and postdelivery
8 review of a grant under this chapter to buy rolling stock
9 to ensure compliance with bid specifications requirements
10 of grant recipients under this chapter. Under this sub-
11 section, grantee inspections and review are required, and
12 a manufacturer certification is not sufficient.”;

13 (5) in subsection (r)—

14 (A) by inserting “or beneficial” after “det-
15 rimental”;

16 (B) by striking the period at the end and
17 inserting “; and”;

18 (C) by striking “under this chapter may
19 not deny” and inserting the following: “under
20 this chapter—

21 “(1) may not deny”; and

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

23 “(2) shall respond to any request for reasonable
24 access within 75 days of the receipt of the request.”;

25 and

1 (6) by striking subsection (t) and redesignating
2 subsections (u) and (v) as subsections (t) and (u),
3 respectively.

4 **SEC. 2104. MISCELLANEOUS PROVISIONS.**

5 (a) STATE OF GOOD REPAIR GRANTS.—Section
6 5337(e) of title 49, United States Code, is amended by
7 adding at the end the following:

8 “(3) ACCESSIBILITY COSTS.—Notwithstanding
9 paragraph (1), the Federal share of the net project
10 cost of a project to provide accessibility in compli-
11 ance with the Americans with Disabilities Act of
12 1990 (42 U.S.C. 12101 et seq.) shall be 90 per-
13 cent.”.

14 (b) APPORTIONMENTS BASED ON GROWING STATES
15 AND HIGH DENSITY STATES FORMULA FACTORS.—Sec-
16 tion 5340(a) of title 49, United States Code, is amended
17 by inserting “and the District of Columbia” after “United
18 States”.

19 (c) TECHNICAL ASSISTANCE AND WORKFORCE DE-
20 VELOPMENT.—Section 5314 of title 49, United States
21 Code, is amended—

22 (1) in subsection (a)(1)(B)—

23 (A) in clause (i) by striking “; and” and
24 inserting a semicolon;

1 (B) in clause (ii) by striking the period
2 and inserting “; and”; and

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

4 “(iii) technical assistance to assist re-
5 cipients with the impacts of a new census
6 count.”; and

7 (2) in subsection (c)(4)(A) by inserting “,
8 5311” after “5307”.

9 (d) ADMINISTRATIVE PROVISIONS.—Section 5334 of
10 title 49, United States Code, is amended by adding at the
11 end the following:

12 “(l) NECESSARILY IMPLIED ACTIVITIES.—Notwith-
13 standing any other provision of law, in the event of a lapse
14 in authorization or appropriations for the Federal transit
15 program under this title, the administrative activities that
16 are necessary to disburse valid obligations are necessarily
17 implied by the continued availability of funding for making
18 disbursements of amounts previously obligated, pursuant
19 to section 1553 of title 31.”.

20 (e) NATIONAL TRANSIT DATABASE.—Section 5335
21 of title 49, United States Code, is amended by inserting
22 “and any information on each assault on a transit worker”
23 after “by the recipient”.

24 (f) URBANIZED AREA FORMULA GRANTS.—Section
25 5307 of title 49, United States Code, is amended—

1 (1) in subsection (a)(2)(A)—

2 (A) in clause (i) by striking “or” at the
3 end; and

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

5 “(iii) operate a minimum of 101 buses
6 and a maximum of 125 buses in fixed
7 route service or demand response service,
8 excluding ADA complementary paratransit
9 service, during peak service hours, in an
10 amount not to exceed 25 percent of the
11 share of the apportionment which is attrib-
12 utable to such systems within the urban-
13 ized area, as measured by vehicle revenue
14 hours; or”;

15 (2) in subsection (a)(2)(B)—

16 (A) in clause (i) by striking “or” at the
17 end;

18 (B) in clause (ii) by striking the period at
19 the end and inserting “; or”; and

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

21 “(iii) operate a minimum of 101 buses
22 and a maximum of 125 buses in fixed
23 route service or demand response service,
24 excluding ADA complementary paratransit
25 service, during peak service hours, in an

1 amount not to exceed 25 percent of the
2 share of the apportionment allocated to
3 such systems within the urbanized area, as
4 determined by the local planning process
5 and included in the designated recipient's
6 final program of projects prepared under
7 subsection (b)."; and

8 (3) in subsection (b)—

9 (A) in paragraph (6) by striking “and” at
10 the end;

11 (B) by redesignating paragraph (7) as
12 paragraph (8); and

13 (C) by inserting after paragraph (6) the
14 following:

15 “(7) ensure that the proposed program of
16 projects provides improved access to transit for the
17 individuals described in section 5336(j); and”.

18 (g) TECHNICAL CORRECTION.—Section
19 5307(a)(2)(B)(ii) of title 49, United States Code, is
20 amended by striking “service during peak” and inserting
21 “service, during peak”.

22 **SEC. 2105. POLICIES AND PURPOSES.**

23 Section 5301(b) of title 49, United States Code, is
24 amended—

1 (1) in paragraph (7) by striking “; and” and in-
2 serting a semicolon;

3 (2) in paragraph (8) by striking the period and
4 inserting a semicolon; and

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

6 “(8) reduce the contributions of the surface
7 transportation system to the total carbon pollution
8 of the United States; and

9 “(9) improve the resiliency of the public trans-
10 portation network to withstand weather events and
11 other natural disasters.”.

12 **SEC. 2106. FISCAL YEAR 2022 FORMULAS.**

13 For fiscal year 2022, the Secretary shall apportion
14 and distribute formula funds provided for under chapter
15 53 of title 49, United States Code, using data submitted
16 to the 2019 National Transit Database.

17 **Subtitle B—Improving Frequency**
18 **and Ridership**

19 **SEC. 2201. MULTI-JURISDICTIONAL BUS FREQUENCY AND**
20 **RIDERSHIP COMPETITIVE GRANTS.**

21 (a) IN GENERAL.—Chapter 53 of title 49, United
22 States Code, is amended by inserting after section 5307
23 the following new section:

1 **“§ 5308. Multi-jurisdictional bus frequency and rider-**
2 **ship competitive grants**

3 “(a) IN GENERAL.—The Secretary shall make grants
4 under this section, on a competitive basis, to eligible re-
5 cipients to increase the frequency and ridership of public
6 transit buses.

7 “(b) APPLICATIONS.—To be eligible for a grant
8 under this section, an eligible recipient shall submit to the
9 Secretary an application at such time, in such manner,
10 and containing such information as the Secretary may re-
11 quire.

12 “(c) APPLICATION TIMING.—Not later than 90 days
13 after amounts are made available to carry out this section,
14 the Secretary shall solicit grant applications from eligible
15 recipients for projects described in subsection (d).

16 “(d) USES OF FUNDS.—An eligible recipient of a
17 grant under this section shall use such grant for capital
18 projects that—

19 “(1) increase—

20 “(A) the frequency of bus service;

21 “(B) bus ridership; and

22 “(C) total person throughput; and

23 “(2) are consistent with, and as described in,
24 the design guidance issued by the National Associa-
25 tion of City Transportation Officials and titled
26 ‘Transit Street Design Guide’.

1 “(e) GRANT CRITERIA.—In making grants under this
2 section, the Secretary shall consider the following:

3 “(1) Each eligible recipient’s projected increase
4 in bus frequency.

5 “(2) Each eligible recipient’s projected increase
6 in bus ridership.

7 “(3) Each eligible recipient’s projected increase
8 in total person throughput.

9 “(4) The degree of regional collaboration de-
10 scribed in each eligible recipient’s application, in-
11 cluding collaboration with—

12 “(A) a local government entity that oper-
13 ates a public transportation service;

14 “(B) local government agencies that con-
15 trol street design;

16 “(C) metropolitan planning organizations
17 (as such term is defined in section 5303); and

18 “(D) State departments of transportation.

19 “(f) GRANT TIMING.—The Secretary shall award
20 grants under this section not later than 120 days after
21 the date on which the Secretary completes the solicitation
22 described in subsection (e).

23 “(g) REQUIREMENTS OF THE SECRETARY.—In car-
24 rying out the program under this section, the Secretary
25 shall—

1 “(1) not later than the date described in sub-
2 section (c), publish in the Federal Register a list of
3 all metrics and evaluation procedures to be used in
4 making grants under this section; and

5 “(2) publish in the Federal Register—

6 “(A) a summary of the final metrics and
7 evaluations used in making grants under this
8 section; and

9 “(B) a list of the ratings of eligible recipi-
10 ents receiving a grant under this section based
11 on such metrics and evaluations.

12 “(h) FEDERAL SHARE.—

13 “(1) IN GENERAL.—The Federal share of the
14 cost of a project carried out under this section shall
15 not exceed 80 percent.

16 “(2) RESTRICTION ON GRANT AMOUNTS.—The
17 Secretary may make a grant for a project under this
18 section in an amount up to 150 percent of the
19 amount—

20 “(A) provided for such project under title
21 23; and

22 “(B) of remaining costs, as defined under
23 section 5307(d)(3), that were budgeted for
24 roadways for such project.

1 “(i) REQUIREMENTS OF SECTION 5307.—Except as
2 otherwise provided in this section, a grant under this sec-
3 tion shall be subject to the requirements of section 5307.

4 “(j) AVAILABILITY OF FUNDS.—

5 “(1) IN GENERAL.—Amounts made available to
6 carry out this section shall remain available for 4
7 fiscal years after the fiscal year for which the
8 amount was made available.

9 “(2) UNOBLIGATED AMOUNTS.—After the expi-
10 ration of the period described in paragraph (1) for
11 an amount made available to carry out this section,
12 any unobligated amounts made available to carry out
13 this section shall be added to the amounts made
14 available for the following fiscal year.

15 “(k) ELIGIBLE RECIPIENTS.—In this section, the
16 term ‘eligible recipient’ means a recipient of a grant under
17 section 5307 in an urbanized area with a population great-
18 er than 500,000.”.

19 (b) CLERICAL AMENDMENT.—The analysis for chap-
20 ter 53 of title 49, United States Code, is amended by in-
21 serting after the item relating to section 5307 the fol-
22 lowing new item:

“5308. Multi-jurisdictional bus frequency and ridership competitive grants.”.

1 **SEC. 2202. INCENTIVIZING FREQUENCY IN THE URBAN FOR-**
2 **MULA.**

3 Section 5336 of title 49, United States Code, is
4 amended—

5 (1) in subsection (b)—

6 (A) in paragraph (2)—

7 (i) in subparagraph (A)—

8 (I) in the matter preceding clause

9 (i) by striking “95.61 percent” and
10 inserting “95 percent”;

11 (II) in clause (i) by striking
12 “95.61 percent” and inserting “95
13 percent”; and

14 (III) in clause (ii) by striking
15 “95.61 percent” and inserting “95
16 percent”; and

17 (ii) in subparagraph (B)—

18 (I) in the matter preceding clause

19 (i) by striking “4.39 percent” and in-
20 sserting “5 percent”;

21 (II) in clause (i)—

22 (aa) by inserting “in the
23 highest 25 percent of routes by
24 ridership” before “multiplied
25 by”; and

1 (bb) by striking “vehicle
2 passenger miles traveled for each
3 dollar of operating cost in an
4 area” and inserting “vehicles op-
5 erating in peak revenue service
6 per hour in the highest 25 per-
7 cent of routes by ridership”; and
8 (III) in clause (ii)—

9 (aa) by inserting “in the
10 highest 25 percent of routes by
11 ridership” before “multiplied
12 by”; and

13 (bb) by striking “vehicle
14 passenger miles traveled for each
15 dollar of operating cost in all
16 areas” and inserting “vehicles
17 operating in peak revenue service
18 per hour in the highest 25 per-
19 cent of routes by ridership”; and

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

21 “(3) SPECIAL RULE.—For fiscal year 2022, the
22 percentage—

23 “(A) in paragraph (2)(A) in the matter
24 preceding clause (i) shall be treated as 100 per-
25 cent; and

1 “(B) in paragraph (2)(B) in the matter
2 preceding clause (i) shall be treated as 0 per-
3 cent.”;

4 (2) in subsection (c)—

5 (A) in paragraph (1) by striking “90.8
6 percent” and inserting “90 percent” each place
7 it appears;

8 (B) in paragraph (2)—

9 (i) by striking “9.2 percent” and in-
10 sserting “8 percent”;

11 (ii) by striking “200,000” and insert-
12 ing “500,000”;

13 (iii) by striking subparagraph (A) and
14 inserting the following:

15 “(A) the number of bus passenger miles
16 traveled on the highest 25 percent of routes by
17 ridership multiplied by the number of buses op-
18 erating in peak revenue service per hour on the
19 highest 25 percent of routes by ridership; di-
20 vided by”;

21 (iv) by striking subparagraph (B) and
22 inserting the following:

23 “(B) the total number of bus passenger
24 miles traveled on the highest 25 percent of
25 routes by ridership multiplied by the total num-

1 ber of buses operating in peak revenue service
2 per hour on the highest 25 percent of routes by
3 ridership in all areas.”; and

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

5 “(3) 2 percent of the total amount apportioned
6 under this subsection shall be apportioned so that
7 each urbanized area with a population of at least
8 200,000 and less than 500,000 is entitled to receive
9 an amount using the formula in paragraph (1).

10 “(4) For fiscal year 2022, the percentage—

11 “(A) in paragraph (1) in the matter pre-
12 ceding subparagraph (A) shall be treated as
13 100 percent;

14 “(B) in paragraph (2) in the matter pre-
15 ceding subparagraph (A) shall be treated as 0
16 percent; and

17 “(C) in paragraph (3) shall be treated as
18 0 percent.”; and

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

20 “(k) PEAK REVENUE SERVICE DEFINED.—In this
21 section, the term ‘peak revenue service’ means the time
22 period between the time that an agency exceeds the num-
23 ber of midday vehicles in revenue service per hour in the
24 morning peak and the time that an agency falls below the

1 number of midday vehicles in revenue service per hour in
2 the evening peak.”.

3 **SEC. 2203. MOBILITY INNOVATION.**

4 (a) IN GENERAL.—Chapter 53 of title 49, United
5 States Code, is amended by inserting after section 5315
6 the following new section:

7 **“§ 5316. Mobility innovation**

8 “(a) IN GENERAL.—Amounts made available to a
9 covered recipient to carry out sections 5307, 5310, and
10 5311 may be used by such covered recipient under this
11 section to assist in the financing of—

12 “(1) mobility as a service; and

13 “(2) mobility on demand services.

14 “(b) FEDERAL SHARE.—

15 “(1) IN GENERAL.—Except as provided in para-
16 graphs (2), (3), and (4), the Federal share of the
17 net cost of a project carried out under this section
18 shall not exceed 80 percent.

19 “(2) MOBILITY ON DEMAND SERVICE OPER-
20 ATING COSTS.—The Federal share of the net cost of
21 a project to provide for net operating costs for mo-
22 bility on demand services shall not exceed 50 percent
23 for any funds provided under section 5307.

24 “(3) MOBILITY AS A SERVICE COST SHARE.—
25 Notwithstanding paragraph (1), the Federal share of

1 the net cost of mobility as a service shall not exceed
2 90 percent.

3 “(4) ZERO EMISSION INCENTIVE.—Notwith-
4 standing paragraphs (1) and (2), the Federal share
5 of the net cost of a project described in paragraph
6 (1) or (2) shall be reduced by 25 percent if such
7 project involves an eligible use that uses a vehicle
8 that produces carbon dioxide or particulate matter.

9 “(c) ELIGIBLE USES.—

10 “(1) IN GENERAL.—The Secretary shall publish
11 guidance describing eligible activities that are rea-
12 sonably expected to—

13 “(A) increase transit ridership;

14 “(B) be complementary to fixed route tran-
15 sit service; and

16 “(C) demonstrate substantial improve-
17 ments in—

18 “(i) environmental metrics, including
19 standards established pursuant to the
20 Clean Air Act (42 U.S.C. 7401 et seq.)
21 and greenhouse gas performance targets
22 established pursuant to section 150(d) of
23 title 23;

24 “(ii) traffic congestion;

1 “(iii) compliance with the require-
2 ments under the Americans with Disabil-
3 ities Act of 1990 (42 U.S.C. 12101 et
4 seq.);

5 “(iv) low-income service to increase
6 access to employment, healthcare, and
7 other essential services;

8 “(v) service outside of transit agency
9 operating hours;

10 “(vi) low density service; and

11 “(vii) rural service.

12 “(2) PROHIBITION ON USE OF FUNDS.—
13 Amounts used by a covered recipient for projects eli-
14 gible under this section may not be used for—

15 “(A) single passenger vehicle miles (in a
16 passenger motor vehicle, as such term is de-
17 fined in section 32101, that carries less than 9
18 passengers), unless the trip—

19 “(i) meets the definition of public
20 transportation; and

21 “(ii) begins or completes a fixed route
22 public transportation trip; or

23 “(B) deadhead vehicle miles.

24 “(d) FEDERAL REQUIREMENTS.—A project carried
25 out under this section shall be treated as if such project

1 were carried out under the section from which the funds
2 were provided to carry out such project, including the ap-
3 plication of any additional requirements provided for by
4 law that apply to section 5307, 5310, or 5311, as applica-
5 ble.

6 “(e) WAIVER.—

7 “(1) NATIONAL WAIVER.—

8 “(A) IN GENERAL.—Except as provided in
9 paragraph (3), the Secretary may issue a na-
10 tional waiver for a requirement applied to
11 projects carried out under this section pursuant
12 to subsection (d) if the Secretary determines
13 that applying such requirement would be incon-
14 sistent with the public interest.

15 “(B) PUBLIC NOTIFICATION AND COM-
16 MENT.—

17 “(i) IN GENERAL.—Not later than 30
18 days before issuing a waiver described in
19 subparagraph (A), the Secretary shall pro-
20 vide notification and an opportunity for
21 public comment on such waiver.

22 “(ii) NOTIFICATION REQUIRE-
23 MENTS.—The notification required under
24 clause (i) shall be provided to the public by
25 electronic means, including on the public

1 website of the Department of Transpor-
2 tation.

3 “(C) FINAL WAIVER.—Before a national
4 waiver takes effect, the Secretary shall publish
5 a detailed justification for such waiver that ad-
6 dresses all public comments received under sub-
7 paragraph (B) on the public website for the De-
8 partment of Transportation and in the Federal
9 Register.

10 “(2) INDIVIDUAL WAIVER.—Except as provided
11 in paragraph (3), the Secretary may waive any re-
12 quirement applied to a project carried out under this
13 section pursuant to subsection (d) if the Secretary
14 determines that applying such requirement would be
15 inconsistent with the public interest.

16 “(3) WAIVER UNDER OTHER SECTIONS.—The
17 Secretary may not waive any requirement under
18 paragraph (1) or (2) for which a waiver is otherwise
19 available.

20 “(4) PROHIBITION OF WAIVER.—Notwith-
21 standing paragraphs (1) and (2), the Secretary may
22 not waive any requirement of—

23 “(A) section 5333;

24 “(B) section 5331; and

25 “(C) section 5302(14).

1 “(5) APPLICATION OF SECTION 5320.—Notwith-
2 standing paragraphs (1), (2), and (3), the Secretary
3 may only waive the requirements of section 5320
4 with respect to—

5 “(A) a passenger vehicle owned by an indi-
6 vidual; and

7 “(B) subsection (q) of such section for any
8 passenger vehicle not owned by an individual
9 for the period beginning on the date of enact-
10 ment of this section and ending 3 years after
11 such date.

12 “(f) OPEN DATA STANDARDS.—

13 “(1) IN GENERAL.—Not later than 90 days
14 after the date of enactment of this section, the Sec-
15 retary shall initiate procedures under subchapter III
16 of chapter 5 of title 5 to develop an open data stand-
17 ard and an application programming interface nec-
18 essary to carry out this section.

19 “(2) REGULATIONS.—The regulations required
20 under paragraph (1) shall enable public transpor-
21 tation agencies, mobility on demand providers, mo-
22 bility as a service technology providers, and local
23 governments the efficient means to transfer data
24 to—

1 “(A) foster the efficient use of transpor-
2 tation capacity;

3 “(B) enhance the management of new
4 modes of mobility;

5 “(C) enable the use of innovative planning
6 tools;

7 “(D) enable single payment systems for all
8 mobility on demand services;

9 “(E) establish metropolitan planning orga-
10 nization, State, and local government access to
11 anonymized data for transportation planning,
12 real time operations data, and rules;

13 “(F) safeguard personally identifiable in-
14 formation;

15 “(G) protect confidential business informa-
16 tion; and

17 “(H) enhance cybersecurity protections.

18 “(3) COMMITTEE.—A negotiated rulemaking
19 committee established pursuant to section 565 of
20 title 5 to carry out this subsection shall have a max-
21 imum of 17 members limited to representatives of
22 the Department of Transportation, State and local
23 governments, metropolitan planning organizations,
24 urban and rural covered recipients, associations that
25 represent public transit agencies, labor representa-

1 tives, mobility on demand providers, and mobility as
2 a service technology providers.

3 “(4) PUBLICATION OF PROPOSED REGULA-
4 TIONS.—Proposed regulations to implement this sec-
5 tion shall be published in the Federal Register by
6 the Secretary not later than 18 months after such
7 date of enactment.

8 “(5) EXTENSION OF DEADLINES.—A deadline
9 set forth in paragraph (3) may be extended up to
10 180 days if the negotiated rulemaking committee re-
11 ferred to in paragraph (4) concludes that the com-
12 mittee cannot meet the deadline and the Secretary
13 so notifies the Committee on Transportation and In-
14 frastructure of the House of Representatives and the
15 Committee on Banking, Housing, and Urban Affairs
16 of the Senate.

17 “(g) APPLICATION OF RECIPIENT REVENUE VEHI-
18 CLE MILES.—With respect to revenue vehicle miles with
19 one passenger of a covered recipient using amounts under
20 this section, such miles—

21 “(1) shall be included in the National Transit
22 Database under section 5335; and

23 “(2) shall be excluded from vehicle revenue
24 miles data used in the calculation described in sec-
25 tion 5336.

1 “(h) SAVINGS CLAUSE.—Subsection (c)(2) and sub-
2 section (g) shall not apply to any eligible activities under
3 this section if such activities are being carried out in com-
4 pliance with the Americans with Disabilities Act of 1990
5 (42 U.S.C. 12101 et seq.).

6 “(i) DEFINITIONS.—In this section:

7 “(1) DEADHEAD VEHICLE MILES.—The term
8 ‘deadhead vehicle miles’ means the miles that a vehi-
9 cle travels when out of revenue service, including
10 leaving or returning to the garage or yard facility,
11 changing routes, when there is no expectation of car-
12 rying revenue passengers, and any miles traveled by
13 a private operator without a passenger.

14 “(2) MOBILITY AS A SERVICE.—The term ‘mo-
15 bility as a service’ means services that constitute the
16 integration of mobility on demand services and pub-
17 lic transportation that are available and accessible to
18 all travelers, provide multimodal trip planning, and
19 a unified payment system.

20 “(3) MOBILITY ON DEMAND.—The term ‘mobil-
21 ity on demand’ means an on-demand transportation
22 service shared among individuals, either concurrently
23 or one after another.

1 “(4) COVERED RECIPIENT.—The term ‘covered
2 recipient’ means a State or local government entity,
3 private nonprofit organization, or Tribe that—

4 “(A) operates a public transportation serv-
5 ice; and

6 “(B) is a recipient or subrecipient of funds
7 under section 5307, 5310, or 5311.”.

8 (b) CLERICAL AMENDMENT.—The analysis for chap-
9 ter 53 of title 49, United States Code, is amended by in-
10 serring after the item relating to section 5315 the fol-
11 lowing new item:

 “5316. Mobility innovation.”.

12 **SEC. 2204. FORMULA GRANTS FOR RURAL AREAS.**

13 Section 5311 of title 49, United States Code, is
14 amended—

15 (1) in subsection (b)—

16 (A) in paragraph (2) by adding at the end
17 the following:

18 “(D) CENSUS DESIGNATION.—The Sec-
19 retary may approve a State program that allo-
20 cates not more than 5 percent of such State’s
21 apportionment to assist rural areas that were
22 redesignated as urban areas not more than 2
23 fiscal years after the last census designation of
24 urbanized area boundaries.”; and

1 (B) in paragraph (3) by striking “section
2 5338(a)(2)(F)” and inserting “section
3 5338(a)(2)(E)”;

4 (2) in subsection (c)—

5 (A) in paragraph (1)—

6 (i) in the matter preceding subpara-
7 graph (A) by striking “section
8 5338(a)(2)(F)” and inserting “section
9 5338(a)(2)(E)”;

10 (ii) in subparagraph (A) by striking
11 “\$5,000,000” and inserting
12 “\$10,000,000”; and

13 (iii) in subparagraph (B) by striking
14 “\$30,000,000” and inserting “the amount
15 remaining under section 5338(a)(2)(E)(i)
16 after the amount under subparagraph (A)
17 is distributed”;

18 (B) in paragraph (2)(C) by striking “sec-
19 tion 5338(a)(2)(F)” and inserting “section
20 5338(a)(2)(E)”;

21 (C) in paragraph (3)—

22 (i) in subparagraph (A) by striking
23 “section 5338(a)(2)(F)” and inserting
24 “section 5338(a)(2)(E)”;

1 (ii) by striking subparagraphs (B) and
2 (C) and inserting the following:

3 “(B) LAND AREA.—

4 “(i) IN GENERAL.—Subject to clause
5 (ii), each State shall receive an amount
6 that is equal to 15 percent of the amount
7 apportioned under this paragraph, multi-
8 plied by the ratio of the land area in rural
9 areas in that State and divided by the land
10 area in all rural areas in the United
11 States, as shown by the most recent decen-
12 nial census of population.

13 “(ii) MAXIMUM APPORTIONMENT.—
14 No State shall receive more than 5 percent
15 of the amount apportioned under clause
16 (i).

17 “(C) POPULATION.—Each State shall re-
18 ceive an amount equal to 50 percent of the
19 amount apportioned under this paragraph, mul-
20 tiplied by the ratio of the population of rural
21 areas in that State and divided by the popu-
22 lation of all rural areas in the United States, as
23 shown by the most recent decennial census of
24 population.

25 “(D) VEHICLE REVENUE MILES.—

1 “(i) IN GENERAL.—Subject to clause
2 (ii), each State shall receive an amount
3 that is equal to 25 percent of the amount
4 apportioned under this paragraph, multi-
5 plied by the ratio of vehicle revenue miles
6 in rural areas in that State and divided by
7 the vehicle revenue miles in all rural areas
8 in the United States, as determined by na-
9 tional transit database reporting.

10 “(ii) MAXIMUM APPORTIONMENT.—
11 No State shall receive more than 5 percent
12 of the amount apportioned under clause
13 (i).

14 “(E) LOW-INCOME INDIVIDUALS.—Each
15 State shall receive an amount that is equal to
16 10 percent of the amount apportioned under
17 this paragraph, multiplied by the ratio of low-
18 income individuals in rural areas in that State
19 and divided by the number of low-income indi-
20 viduals in all rural areas in the United States,
21 as shown by the Bureau of the Census.”;

22 (3) in subsection (f)—

23 (A) in paragraph (1) by inserting “A State
24 may expend funds to continue service into an-

1 other State to extend a route.” before “Eligible
2 activities under”; and

3 (B) in paragraph (2) by inserting “and
4 makes the certification and supporting docu-
5 ments publicly available” before the period at
6 the end; and

7 (4) in subsection (g) by adding at the end the
8 following:

9 “(6) ALLOWANCE FOR VOLUNTEER HOURS.—

10 “(A) APPLICABLE REGULATIONS.—For
11 any funds provided by a department or agency
12 of the Government under paragraph (3)(D) or
13 by a service agreement under paragraph (3)(C),
14 and such department or agency has regulations
15 in place that provide for the valuation of volun-
16 teer hours as allowable in-kind contributions to-
17 ward the non-Federal share of project costs,
18 such regulations shall be used to determine the
19 allowable valuation of volunteer hours as an in-
20 kind contribution toward the non-Federal re-
21 mainder of net project costs for a transit
22 project funded under this section.

23 “(B) LIMITATIONS.—Subparagraph (A)
24 shall not apply to the provision of fixed-route
25 bus services funded under this section.”.

1 **SEC. 2205. ONE-STOP PARATRANSIT PROGRAM.**

2 Section 5310 of title 49, United States Code, is
3 amended by adding at the end the following:

4 “(j) ONE-STOP PARATRANSIT PROGRAM.—

5 “(1) IN GENERAL.—Not later than 6 months
6 after the date of enactment of this subsection, the
7 Secretary shall establish a one-stop paratransit com-
8 petitive grant program to encourage an extra stop in
9 non-fixed route Americans with Disabilities Act of
10 1990 (42 U.S.C. 12101 et seq.) service for a para-
11 transit rider to complete essential tasks.

12 “(2) PREFERENCE.—The Secretary shall give
13 preference to eligible recipients that—

14 “(A) have comparable data for the year
15 prior to implementation of the grant program
16 and made available to the Secretary, academic
17 and nonprofit organizations for research pur-
18 poses; and

19 “(B) plan to use agency personnel to im-
20 plement the pilot program.

21 “(3) APPLICATION CRITERIA.—To be eligible to
22 participate in the grant program, an eligible recipi-
23 ent shall submit to the Secretary an application con-
24 taining such information as the Secretary may re-
25 quire, including information on—

1 “(A) locations the eligible entity intends to
2 allow a stop at, if stops are limited, including—

3 “(i) childcare or education facilities;

4 “(ii) pharmacies;

5 “(iii) grocery stores; and

6 “(iv) bank or ATM locations;

7 “(B) methodology for informing the public
8 of the grant program;

9 “(C) vehicles, personnel, and other re-
10 sources that will be used to implement the
11 grant program;

12 “(D) if the applicant does not intend the
13 grant program to apply to the full area under
14 the jurisdiction of the applicant, a description
15 of the geographic area in which the applicant
16 intends the grant program to apply; and

17 “(E) the anticipated amount of increased
18 operating costs.

19 “(4) SELECTION.—The Secretary shall seek to
20 achieve diversity of participants in the grant pro-
21 gram by selecting a range of eligible entities that in-
22 cludes at least—

23 “(A) 5 eligible recipients that serve an
24 area with a population of 50,000 to 200,000;

1 “(B) 10 eligible recipients that serve an
2 area with a population of over 200,000; and

3 “(C) 5 eligible recipients that provide
4 transportation for rural communities.

5 “(5) DATA-SHARING CRITERIA.—An eligible re-
6 cipient in this subsection shall provide data as the
7 Secretary requires, including—

8 “(A) number of ADA paratransit trips
9 conducted each year;

10 “(B) requested time of each paratransit
11 trip;

12 “(C) scheduled time of each paratransit
13 trip;

14 “(D) actual pickup time for each para-
15 transit trip;

16 “(E) average length of a stop in the middle
17 of a ride as allowed by this subsection;

18 “(F) any complaints received by a para-
19 transit rider;

20 “(G) rider satisfaction with paratransit
21 services; and

22 “(H) after the completion of the grant, an
23 assessment by the eligible recipient of its capac-
24 ity to continue a one-stop program independ-
25 ently.

1 “(6) REPORT.—

2 “(A) IN GENERAL.—The Secretary shall
3 make publicly available an annual report on the
4 program carried out under this subsection for
5 each fiscal year, not later than December 31 of
6 the calendar year in which such fiscal year
7 ends.

8 “(B) CONTENTS.—The report required
9 under subparagraph (A) shall include a detailed
10 description of the activities carried out under
11 the program, and an evaluation of the program,
12 including an evaluation of the data shared by
13 eligible recipients under paragraph (5).”.

14 **Subtitle C—Buy America and**
15 **Other Procurement Reforms**

16 **SEC. 2301. BUY AMERICA.**

17 (a) BUY AMERICA.—

18 (1) IN GENERAL.—Chapter 53 of title 49,
19 United States Code, is amended by inserting before
20 section 5321 the following:

21 **“§ 5320. Buy America**

22 “(a) IN GENERAL.—The Secretary may obligate an
23 amount that may be appropriated to carry out this chapter
24 for a project only if the steel, iron, and manufactured

1 goods used in the project are produced in the United
2 States.

3 “(b) WAIVER.—The Secretary may waive subsection
4 (a) if the Secretary finds that—

5 “(1) applying subsection (a) would be incon-
6 sistent with the public interest;

7 “(2) the steel, iron, and goods produced in the
8 United States are not produced in a sufficient and
9 reasonably available amount or are not of a satisfac-
10 tory quality;

11 “(3) when procuring rolling stock (including
12 train control, communication, traction power equip-
13 ment, and rolling stock prototypes) under this chap-
14 ter—

15 “(A) the cost of components and sub-
16 components produced in the United States is
17 more than 70 percent of the cost of all compo-
18 nents of the rolling stock; and

19 “(B) final assembly of the rolling stock has
20 occurred in the United States; or

21 “(4) including domestic material will increase
22 the cost of the overall project by more than 25 per-
23 cent.

24 “(c) WRITTEN WAIVER DETERMINATION AND AN-
25 NUAL REPORT.—

1 “(1) WAIVER PROCEDURE.—Not later than 120
2 days after the submission of a request for a waiver,
3 the Secretary shall make a determination under sub-
4 section (b)(1), (b)(2), or (b)(4) as to whether to
5 waive subsection (a).

6 “(2) PUBLIC NOTIFICATION AND COMMENT.—

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

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

16 “(i) describe whether the application
17 is being made for a waiver described in
18 subsection (b)(1), (b)(2) or (b)(4); and

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

23 “(3) DETERMINATION.—Before a determination
24 described in paragraph (1) takes effect, the Sec-
25 retary shall publish a detailed justification for such

1 determination that addresses all public comments re-
2 ceived under paragraph (2)—

3 “(A) on the public website of the Depart-
4 ment of Transportation; and

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

8 “(4) ANNUAL REPORT.—Annually, the Sec-
9 retary shall submit to the Committee on Banking,
10 Housing, and Urban Affairs of the Senate and the
11 Committee on Transportation and Infrastructure of
12 the House of Representatives a report listing any
13 waiver issued under paragraph (1) during the pre-
14 ceding year.

15 “(d) ROLLING STOCK WAIVER CONDITIONS.—

16 “(1) LABOR COSTS FOR FINAL ASSEMBLY.—In
17 this section, labor costs involved in final assembly
18 shall be included as a separate component in the
19 cost of components and subcomponents under sub-
20 section (b)(3)(A).

21 “(2) HIGH DOMESTIC CONTENT COMPONENT
22 BONUS.—In this section, in calculating the domestic
23 content of the rolling stock under subsection (b)(3),
24 the percent, rounded to the nearest whole number,
25 of the domestic content in components of such roll-

1 ing stock, weighted by cost, shall be used in calcu-
2 lating the domestic content of the rolling stock, ex-
3 cept—

4 “(A) with respect to components that ex-
5 ceed—

6 “(i) 70 percent domestic content, the
7 Secretary shall add 10 additional percent
8 to the component’s domestic content when
9 calculating the domestic content of the
10 rolling stock; and

11 “(ii) 75 percent domestic content, the
12 Secretary shall add 15 additional percent
13 to the component’s domestic content when
14 calculating the domestic content of the
15 rolling stock; and

16 “(B) in no case may a component exceed
17 100 domestic content when calculating the do-
18 mestic content of the rolling stock.

19 “(3) ROLLING STOCK FRAMES OR CAR
20 SHELLS.—In calculating the cost of the domestic
21 content of the rolling stock under subsection (b)(3),
22 in the case of a rolling stock procurement receiving
23 assistance under this chapter in which the average
24 cost of a rolling stock vehicle in the procurement is
25 more than \$300,000, if rolling stock frames or car

1 shells are not produced in the United States, the
2 Secretary shall include in the calculation of the do-
3 mestic content of the rolling stock the cost of the
4 steel or iron that is produced in the United States
5 and used in the rolling stock frames or car shells.

6 “(4) TREATMENT OF WAIVED COMPONENTS
7 AND SUBCOMPONENTS.—In this section, a compo-
8 nent or subcomponent waived under subsection (b)
9 shall be excluded from any part of the calculation re-
10 quired under subsection (b)(3)(A).

11 “(5) ZERO-EMISSION VEHICLE DOMESTIC BAT-
12 TERY CELL INCENTIVE.—The Secretary shall pro-
13 vide an additional 2.5 percent of domestic content to
14 the total rolling stock domestic content percentage
15 calculated under this section for any zero-emission
16 vehicle that uses only battery cells for propulsion
17 that are manufactured domestically.

18 “(e) CERTIFICATION OF DOMESTIC SUPPLY AND
19 DISCLOSURE.—

20 “(1) CERTIFICATION OF DOMESTIC SUPPLY.—If
21 the Secretary denies an application for a waiver
22 under subsection (b), the Secretary shall provide to
23 the applicant a written certification that—

24 “(A) the steel, iron, or manufactured
25 goods, as applicable, (referred to in this para-

1 graph as the ‘item’) is produced in the United
2 States in a sufficient and reasonably available
3 amount;

4 “(B) the item produced in the United
5 States is of a satisfactory quality; and

6 “(C) includes a list of known manufactur-
7 ers in the United States from which the item
8 can be obtained.

9 “(2) DISCLOSURE.—The Secretary shall dis-
10 close the waiver denial and the written certification
11 to the public in an easily identifiable location on the
12 website of the Department of Transportation.

13 “(f) WAIVER PROHIBITED.—The Secretary may not
14 make a waiver under subsection (b) for goods produced
15 in a foreign country if the Secretary, in consultation with
16 the United States Trade Representative, decides that the
17 government of that foreign country—

18 “(1) has an agreement with the United States
19 Government under which the Secretary has waived
20 the requirement of this section; and

21 “(2) has violated the agreement by discrimi-
22 nating against goods to which this section applies
23 that are produced in the United States and to which
24 the agreement applies.

1 “(g) PENALTY FOR MISLABELING AND MISREPRE-
2 SENTATION.—A person is ineligible under subpart 9.4 of
3 the Federal Acquisition Regulation, or any successor
4 thereto, to receive a contract or subcontract made with
5 amounts authorized under title II of the INVEST in
6 America Act if a court or department, agency, or instru-
7 mentality of the Government decides the person inten-
8 tionally—

9 “(1) affixed a ‘Made in America’ label, or a
10 label with an inscription having the same meaning,
11 to goods sold in or shipped to the United States that
12 are used in a project to which this section applies
13 but not produced in the United States; or

14 “(2) represented that goods described in para-
15 graph (1) were produced in the United States.

16 “(h) STATE REQUIREMENTS.—The Secretary may
17 not impose any limitation on assistance provided under
18 this chapter that restricts a State from imposing more
19 stringent requirements than this subsection on the use of
20 articles, materials, and supplies mined, produced, or man-
21 ufactured in foreign countries in projects carried out with
22 that assistance or restricts a recipient of that assistance
23 from complying with those State-imposed requirements.

24 “(i) OPPORTUNITY TO CORRECT INADVERTENT
25 ERROR.—The Secretary may allow a manufacturer or

1 supplier of steel, iron, or manufactured goods to correct
2 after bid opening any certification of noncompliance or
3 failure to properly complete the certification (but not in-
4 cluding failure to sign the certification) under this sub-
5 section if such manufacturer or supplier attests under pen-
6 alty of perjury that such manufacturer or supplier sub-
7 mitted an incorrect certification as a result of an inad-
8 vertent or clerical error. The burden of establishing inad-
9 vertent or clerical error is on the manufacturer or supplier.

10 “(j) ADMINISTRATIVE REVIEW.—A party adversely
11 affected by an agency action under this subsection shall
12 have the right to seek review under section 702 of title
13 5.

14 “(k) STEEL AND IRON.—For purposes of this section,
15 steel and iron meeting the requirements of section
16 661.5(b) of title 49, Code of Federal Regulations, may be
17 considered produced in the United States.

18 “(l) DEFINITION OF SMALL PURCHASE.—For pur-
19 poses of determining whether a purchase qualifies for a
20 general public interest waiver under subsection (b)(1), in-
21 cluding under any regulation promulgated under such sub-
22 section, the term ‘small purchase’ means a purchase of
23 not more than \$150,000.

24 “(m) PREAWARD AND POSTDELIVERY REVIEW OF
25 ROLLING STOCK PURCHASES.—

1 “(1) IN GENERAL.—The Secretary shall pre-
2 scribe regulations requiring a preaward and
3 postdelivery certification of a rolling stock vehicle
4 that meets the requirements of this section and Gov-
5 ernment motor vehicle safety requirements to be eli-
6 gible for a grant under this chapter. For compliance
7 with this section—

8 “(A) Federal inspections and review are
9 required;

10 “(B) a manufacturer certification is not
11 sufficient; and

12 “(C) a rolling stock vehicle that has been
13 certified by the Secretary remains certified until
14 the manufacturer makes a material change to
15 the vehicle, or adjusts the price of the vehicle,
16 that reduces, by more than half, the percentage
17 of domestic content above 70 percent.

18 “(2) CERTIFICATION OF PERCENTAGE.—The
19 Secretary may, at the request of a component or
20 subcomponent manufacturer, certify the percentage
21 of domestic content and final assembly for a compo-
22 nent or subcomponent.

23 “(3) FREEDOM OF INFORMATION ACT.—In car-
24 rying out this subsection, the Secretary shall consist-

1 ently apply the provisions of section 552 of title 5,
2 including subsection (b)(4) of such section.

3 “(4) NONCOMPLIANCE.—The Secretary shall
4 prohibit recipients from procuring rolling stock, com-
5 ponents, or subcomponents from a supplier that in-
6 tentionally provides false information to comply with
7 this subsection.

8 “(n) SCOPE.—The requirements of this section apply
9 to all contracts for a public transportation project carried
10 out within the scope of the applicable finding, determina-
11 tion, or decision under the National Environmental Policy
12 Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the
13 funding source of such contracts, if at least one contract
14 for the public transportation project is funded with
15 amounts made available to carry out this chapter.

16 “(o) BUY AMERICA CONFORMITY.—The Secretary
17 shall ensure that all Federal funds for commuter rail
18 projects shall comply with this section and shall not be
19 subject to section 22905(a).

20 “(p) AUDITS AND REPORTING OF WASTE, FRAUD,
21 AND ABUSE.—

22 “(1) IN GENERAL.—The Inspector General of
23 the Department of Transportation shall conduct an
24 annual audit on certifications under subsection (m).

1 “(2) REPORT FRAUD, WASTE, AND ABUSE.—
2 The Secretary shall display a ‘Report Fraud, Waste,
3 and Abuse’ button and link to Department of Trans-
4 portation’s Office of Inspector General Hotline on
5 the Federal Transit Administration’s Buy America
6 landing page.

7 “(3) CONTRACT REQUIREMENT.—The Secretary
8 shall require all recipients who enter into contracts
9 to purchase rolling stock with funds provided under
10 this chapter to include in such contract information
11 on how to contact the Department of Transpor-
12 tation’s Office of Inspector General Hotline to report
13 suspicions of fraud, waste, and abuse.

14 “(q) PASSENGER MOTOR VEHICLES.—

15 “(1) IN GENERAL.—Any domestically manufac-
16 tured passenger motor vehicle shall be considered to
17 be produced in the United States under this section.

18 “(2) DOMESTICALLY MANUFACTURED PAS-
19 SENGER MOTOR VEHICLE.—In this subsection, the
20 term ‘domestically manufactured passenger motor
21 vehicle’ means any passenger motor vehicle, as such
22 term is defined in section 32304(a) that—

23 “(A) has under section 32304(b)(1)(B) its
24 final assembly place in the United States; and

1 “(B) the percentage (by value) of pas-
2 senger motor equipment under section
3 32304(b)(1)(A) equals or exceeds 60 percent
4 value added.”.

5 (2) CLERICAL AMENDMENT.—The analysis for
6 chapter 53 of title 49, United States Code, is
7 amended by inserting before the item relating to sec-
8 tion 5321 the following:

“5320. Buy America.”.

9 (3) CONFORMING AMENDMENTS.—

10 (A) TECHNICAL ASSISTANCE AND WORK-
11 FORCE DEVELOPMENT.—Section 5314(a)(2)(G)
12 of title 49, United States Code, is amended by
13 striking “sections 5323(j) and 5323(m)” and
14 inserting “section 5320”.

15 (B) URBANIZED AREA FORMULA
16 GRANTS.—Section 5307(c)(1)(E) of title 49,
17 United States Code, is amended by inserting “,
18 5320,” after “5323”.

19 (C) INNOVATIVE PROCUREMENT.—Section
20 3019(c)(2)(E)(ii) of the FAST Act (49 U.S.C.
21 5325 note) is amended by striking “5232(j)”
22 and inserting “5320”.

23 (b) BUS ROLLING STOCK.—Not later than 18
24 months after the date of enactment of this Act, the Sec-
25 retary of Transportation shall issue such regulations as

1 are necessary to revise Appendix B and Appendix D of
2 section 661.11 of title 49, Code of Federal Regulations,
3 with respect to bus rolling stock to maximize job creation
4 and align such section with modern manufacturing tech-
5 niques.

6 (c) RAIL ROLLING STOCK.—Not later than 30
7 months after the date of enactment of this Act, the Sec-
8 retary shall issue such regulations as are necessary to re-
9 vise subsections (t), (u), and (v) of section 661.11 of title
10 49, Code of Federal Regulations, with respect to rail roll-
11 ing stock to maximize job creation and align such section
12 with modern manufacturing techniques.

13 (d) RULE OF APPLICABILITY.—

14 (1) IN GENERAL.—Except as otherwise pro-
15 vided in this subsection, the amendments made by
16 this section shall apply to any contract entered into
17 on or after the date of enactment of this Act.

18 (2) DELAYED APPLICABILITY OF CERTAIN PRO-
19 VISIONS.—Contracts described in paragraph (1)
20 shall be subject to the following delayed applicability
21 requirements:

22 (A) Section 5320(m)(2) shall apply to con-
23 tracts entered into on or after the date that is
24 30 days after the date of enactment of this Act.

1 (B) Notwithstanding subparagraph (A),
2 section 5320(m) shall apply to contracts for the
3 procurement of bus rolling stock beginning on
4 the earlier of—

5 (i) 180 days after the date on which
6 final regulations are issued pursuant to
7 subsection (b); or

8 (ii) the date that is 1 year after the
9 date of enactment of this Act.

10 (C) Notwithstanding subparagraph (A),
11 section 5320(m) shall apply to contracts for the
12 procurement of rail rolling stock beginning on
13 the earlier of—

14 (i) 180 days after the date on which
15 final regulations are issued pursuant to
16 subsection (c); or

17 (ii) the date that is 2 years after the
18 date of enactment of this Act.

19 (D) Section 5320(p)(1) shall apply on the
20 date that is 1 year after the latest of the appli-
21 cation dates described in subparagraphs (A)
22 through (C).

23 (3) SPECIAL RULE FOR CERTAIN CONTRACTS.—

24 For any contract described in paragraph (1) for
25 which the delivery for the first production vehicle oc-

1 curs before October 1, 2024, paragraphs (1) and (4)
2 of section 5320(d) shall not apply.

3 (4) SPECIAL RULE FOR BATTERY CELL INCEN-
4 TIVES.—For any contract described in paragraph
5 (1) for which the delivery for the first production ve-
6 hicle occurs before October 1, 2022, section
7 5320(d)(5) shall not apply.

8 (e) SPECIAL RULE FOR DOMESTIC CONTENT.—For
9 the calculation of the percent of domestic content cal-
10 culated under section 5320(d)(2) for a contract for rolling
11 stock entered into on or after October 1, 2020—

12 (1) if the delivery of the first production vehicle
13 occurs in fiscal year 2022 or fiscal year 2023, for
14 components that exceed 70 percent domestic con-
15 tent, the Secretary shall add 20 additional percent
16 to the component’s domestic content; and

17 (2) if the delivery of the first production vehicle
18 occurs in fiscal year 2024 or fiscal year 2025—

19 (A) for components that exceed 70 percent
20 but do not exceed 75 percent domestic content,
21 the Secretary shall add 15 additional percent to
22 the component’s domestic content; or

23 (B) for components that exceed 75 percent
24 domestic content, the Secretary shall add 20

1 additional percent to the component's domestic
2 content.

3 **SEC. 2302. BUS PROCUREMENT STREAMLINING.**

4 Section 5323 of title 49, United States Code, is
5 amended by adding at the end the following:

6 “(v) BUS PROCUREMENT STREAMLINING.—

7 “(1) IN GENERAL.—The Secretary may only ob-
8 ligate amounts for acquisition of buses under this
9 chapter to a recipient that issues a request for pro-
10 posals for an open market procurement that meets
11 the following criteria:

12 “(A) Such request for proposals is limited
13 to performance specifications, except for compo-
14 nents or subcomponents identified in the nego-
15 tiated rulemaking carried out pursuant to this
16 subsection.

17 “(B) Such request for proposals does not
18 seek any alternative design or manufacture
19 specification of a bus offered by a manufac-
20 turer, except to require a component or sub-
21 component identified in the negotiated rule-
22 making carried out pursuant to this subsection.

23 “(2) SPECIFIC BUS COMPONENT NEGOTIATED
24 RULEMAKING.—

1 “(A) INITIATION.—Not later than 120
2 days after the date of enactment of the IN-
3 VEST in America Act, the Secretary shall ini-
4 tiate procedures under subchapter III of chap-
5 ter 5 of title 5 to negotiate and issue such regu-
6 lations as are necessary to establish as limited
7 a list as is practicable of bus components and
8 subcomponents described in subparagraph (B).

9 “(B) LIST OF COMPONENTS.—The regula-
10 tions required under subparagraph (A) shall es-
11 tablish a list of bus components and subcompo-
12 nents that may be specified in a request for
13 proposals described in paragraph (1) by a re-
14 cipient. The Secretary shall ensure the list is
15 limited in scope and limited to only components
16 and subcomponents that cannot be selected with
17 performance specifications to ensure interoper-
18 ability.

19 “(C) PUBLICATION OF PROPOSED REGULA-
20 TIONS.—Proposed regulations to implement this
21 section shall be published in the Federal Reg-
22 ister by the Secretary not later than 18 months
23 after such date of enactment.

24 “(D) COMMITTEE.—A negotiated rule-
25 making committee established pursuant to sec-

1 tion 565 of title 5 to carry out this paragraph
2 shall have a maximum of 11 members limited
3 to representatives of the Department of Trans-
4 portation, urban and rural recipients (including
5 State government recipients), and transit vehi-
6 cle manufacturers.

7 “(E) EXTENSION OF DEADLINES.—A
8 deadline set forth in subparagraph (C) may be
9 extended up to 180 days if the negotiated rule-
10 making committee referred to in subparagraph
11 (D) concludes that the committee cannot meet
12 the deadline and the Secretary so notifies the
13 Committee on Transportation and Infrastruc-
14 ture of the House of Representatives and the
15 Committee on Banking, Housing, and Urban
16 Affairs of the Senate.

17 “(3) SAVINGS CLAUSE.—Nothing in this section
18 shall be construed to provide additional authority for
19 the Secretary to restrict what a bus manufacturer
20 offers to sell to a public transportation agency.”.

21 **SEC. 2303. BUS TESTING FACILITY.**

22 Section 5318 of title 49, United States Code, is
23 amended by adding at the end the following:

24 “(f) TESTING SCHEDULE.—The Secretary shall—

1 “(1) determine eligibility of a bus manufactur-
2 er’s request for testing within 10 business days; and

3 “(2) make publicly available the current backlog
4 (in months) to begin testing a new bus at the bus
5 testing facility.”.

6 **Subtitle D—Bus Grant Reforms**

7 **SEC. 2401. FORMULA GRANTS FOR BUSES.**

8 Section 5339(a) of title 49, United States Code, is
9 amended—

10 (1) in paragraph (1)—

11 (A) by inserting “and subsection (d)” after
12 “In this subsection”;

13 (B) in subparagraph (A) by striking “term
14 ‘low or no emission vehicle’ has” and inserting
15 “term ‘zero emission vehicle’ has”;

16 (C) in subparagraph (B) by inserting “and
17 the District of Columbia” after “United
18 States”; and

19 (D) in subparagraph (C) by striking “the
20 District of Columbia,”;

21 (2) in paragraph (2)(A) by striking “low or no
22 emission vehicles” and inserting “zero emission vehi-
23 cles”;

24 (3) in paragraph (4)—

1 (A) in subparagraph (A) by inserting “and
2 subsection (d)” after “this subsection”; and

3 (B) in subparagraph (B) by inserting “and
4 subsection (d)” after “this subsection”;

5 (4) in paragraph (5)(A)—

6 (A) by striking “\$90,500,000” and insert-
7 ing “\$156,750,000”;

8 (B) by striking “2016 through 2020” and
9 inserting “2022 through 2025”;

10 (C) by striking “\$1,750,000” and inserting
11 “\$3,000,000”; and

12 (D) by striking “\$500,000” and inserting
13 “\$750,000”;

14 (5) in paragraph (8) by striking “3 fiscal
15 years” and inserting “4 fiscal years” each place such
16 term appears; and

17 (6) by striking paragraph (9).

18 **SEC. 2402. BUS FACILITIES AND FLEET EXPANSION COM-**

19 **PETITIVE GRANTS.**

20 Section 5339(b) of title 49, United States Code, is
21 amended—

22 (1) in the heading by striking “BUSES AND
23 BUS FACILITIES COMPETITIVE GRANTS” and insert-
24 ing “BUS FACILITIES AND FLEET EXPANSION COM-
25 PETITIVE GRANTS”;

1 (2) in paragraph (1)—

2 (A) by striking “buses and”;

3 (B) by inserting “and certain buses” after
4 “capital projects”;

5 (C) in subparagraph (A) by striking
6 “buses or related equipment” and inserting
7 “bus-related facilities”; and

8 (D) by striking subparagraph (B) and in-
9 serting the following:

10 “(B) purchasing or leasing buses that will
11 not replace buses in the applicant’s fleet at the
12 time of application and will be used to—

13 “(i) increase the frequency of bus
14 service; or

15 “(ii) increase the service area of the
16 applicant.”; and

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

19 “(2) GRANT CONSIDERATIONS.—In making
20 grants—

21 “(A) under subparagraph (1)(A), the Sec-
22 retary shall only consider—

23 “(i) the age and condition of bus-re-
24 lated facilities of the applicant compared to
25 all applicants and proposed improvements

1 to the resilience (as such term is defined in
2 section 5302) of such facilities;

3 “(ii) for a facility within or partially
4 within the 100-year floodplain, whether
5 such facility will be at least 2 feet above
6 the base flood elevation; and

7 “(iii) for a bus station, the degree of
8 multi-modal connections at such station;
9 and

10 “(B) under paragraph (1)(B), the Sec-
11 retary shall consider the improvements to head-
12 way and projected new ridership.”.

13 **SEC. 2403. ZERO EMISSION BUS GRANTS.**

14 (a) IN GENERAL.—Section 5339(c) of title 49,
15 United States Code, is amended—

16 (1) in the heading by striking “LOW OR NO
17 EMISSION GRANTS” and inserting “ZERO EMISSION
18 GRANTS”;

19 (2) in paragraph (1)—

20 (A) in subparagraph (B)—

21 (i) in clause (i) by striking “low or no
22 emission” and inserting “zero emission”;

23 (ii) in clause (ii) by striking “low or
24 no emission” and inserting “zero emis-
25 sion”;

1 (iii) in clause (iii) by striking “low or
2 no emission” and inserting “zero emis-
3 sion”;

4 (iv) in clause (iv) by striking “facili-
5 ties and related equipment for low or no
6 emission” and inserting “related equip-
7 ment for zero emission”;

8 (v) in clause (v) by striking “facilities
9 and related equipment for low or no emis-
10 sion vehicles;” and inserting “related
11 equipment for zero emission vehicles; or”;

12 (vi) in clause (vii) by striking “low or
13 no emission” and inserting “zero emis-
14 sion”;

15 (vii) by striking clause (vi); and

16 (viii) by redesignating clause (vii) as
17 clause (vi);

18 (B) by striking subparagraph (D) and in-
19 serting the following:

20 “(D) the term ‘zero emission bus’ means a
21 bus that is a zero emission vehicle;”;

22 (C) by striking subparagraph (E) and in-
23 serting the following:

24 “(E) the term ‘zero emission vehicle’
25 means a vehicle used to provide public transpor-

1 tation that produces no carbon dioxide or par-
2 ticulate matter;” and

3 (D) by striking subparagraph (G) and in-
4 serting the following:

5 “(G) the term ‘eligible area’ means an area
6 that is—

7 “(i) designated as a nonattainment
8 area for ozone or particulate matter under
9 section 107(d) of the Clean Air Act (42
10 U.S.C. 7407(d)); or

11 “(ii) a maintenance area, as such
12 term is defined in section 5303, for ozone
13 or particulate matter.”; and

14 (3) by striking paragraph (5) and inserting the
15 following:

16 “(5) GRANT ELIGIBILITY.—In awarding grants
17 under this subsection, the Secretary shall make
18 grants to eligible projects relating to the acquisition
19 or leasing of zero emission buses or bus facility im-
20 provements—

21 “(A) that procure—

22 “(i) at least 10 zero emission buses;

23 or

1 “(ii) if the recipient operates less than
2 50 buses in peak service, at least 5 zero
3 emission buses;

4 “(B) for which the recipient’s board of di-
5 rectors has approved a long-term integrated
6 fleet management plan that—

7 “(i) establishes a goal by a set date to
8 convert the entire bus fleet to zero emis-
9 sion buses; or

10 “(ii) establishes a goal that within 10
11 years from the date of approval of such
12 plan the recipient will convert a set per-
13 centage of the total bus fleet of such re-
14 cipient to zero emission buses; and

15 “(C) for which the recipient has performed
16 a fleet transition study that includes optimal
17 route planning and an analysis of how utility
18 rates may impact the recipient’s operations and
19 maintenance budget.”.

20 (b) METROPOLITAN TRANSPORTATION PLANNING.—

21 Section 5303(b) of title 49, United States Code, is amend-
22 ed by adding at the end the following:

23 “(8) MAINTENANCE AREA.—The term ‘mainte-
24 nance area’ has the meaning given the term in sec-

1 tions 171(2) and 175A of the Clean Air Act (42
2 U.S.C. 7501(2); 7505a).”.

3 **SEC. 2404. RESTORATION TO STATE OF GOOD REPAIR FOR-**
4 **MULA SUBGRANT.**

5 Section 5339 of title 49, United States Code, is
6 amended by adding at the end the following:

7 “(d) RESTORATION TO STATE OF GOOD REPAIR
8 FORMULA SUBGRANT.—

9 “(1) GENERAL AUTHORITY.—The Secretary
10 may make grants under this subsection to assist eli-
11 gible recipients and subrecipients described in para-
12 graph (2) in financing capital projects to replace, re-
13 habilitate, and purchase buses and related equip-
14 ment.

15 “(2) ELIGIBLE RECIPIENTS AND SUBRECIPI-
16 ENTS.—Not later than September 1 annually, the
17 Secretary shall make public a list of eligible recipi-
18 ents and subrecipients based on the most recent
19 data available in the National Transit Database to
20 calculate the 20 percent of eligible recipients and
21 subrecipients with the highest percentage of asset
22 vehicle miles for buses beyond the useful life bench-
23 mark established by the Federal Transit Administra-
24 tion.

1 “(3) URBAN APPORTIONMENTS.—Funds allo-
2 cated under section 5338(a)(2)(L)(ii) shall be—

3 “(A) distributed to—

4 “(i) designated recipients in an urban-
5 ized area with a population of more than
6 200,000 made eligible by paragraph (1);
7 and

8 “(ii) States based on subrecipients
9 made eligible by paragraph (1) in an ur-
10 banized area under 200,000; and

11 “(B) allocated pursuant to the formula set
12 forth in section 5336 other than subsection (b).

13 “(4) RURAL ALLOCATION.—The Secretary
14 shall—

15 “(A) calculate the percentage of funds
16 under section 5338(a)(2)(L)(ii) to allocate to
17 rural subrecipients by dividing—

18 “(i) the asset vehicle miles for buses
19 beyond the useful life benchmark (estab-
20 lished by the Federal Transit Administra-
21 tion) of the rural subrecipients described in
22 paragraph (2); by

23 “(ii) the total asset vehicle miles for
24 buses beyond such benchmark of all eligi-

1 ble recipients and subrecipients described
2 in paragraph (2); and

3 “(B) prior to the allocation described in
4 paragraph (3)(B), apportion to each State the
5 amount of the total rural allocation calculated
6 under subparagraph (A) attributable to such
7 State based the proportion that—

8 “(i) the asset vehicle miles for buses
9 beyond the useful life benchmark (estab-
10 lished by the Federal Transit Administra-
11 tion) for rural subrecipients described in
12 paragraph (2) in such State; bears to

13 “(ii) the total asset vehicle miles de-
14 scribed in subparagraph (A)(i).

15 “(5) APPLICATION OF OTHER PROVISIONS.—
16 Paragraphs (3), (7), and (8) of subsection (a) shall
17 apply to eligible recipients and subrecipients de-
18 scribed in paragraph (2) of a grant under this sub-
19 section.

20 “(6) PROHIBITION.—No eligible recipient or
21 subrecipient outside the top 5 percent of asset vehi-
22 cle miles for buses beyond the useful life benchmark
23 established by the Federal Transit Administration
24 may receive a grant in both fiscal year 2022 and fis-
25 cal year 2023.

1 “(7) REQUIREMENT.—The Secretary shall re-
2 quire—

3 “(A) States to expend, to the benefit of the
4 subrecipients eligible under paragraph (2), the
5 apportioned funds attributed to such subrecipi-
6 ents; and

7 “(B) designated recipients to provide the
8 allocated funds to the recipients eligible under
9 paragraph (2) the apportioned funds attributed
10 to such recipients.”.

11 **Subtitle E—Supporting All Riders**

12 **SEC. 2501. LOW-INCOME URBAN FORMULA FUNDS.**

13 Section 5336(j) of title 49, United States Code, is
14 amended

15 (1) in paragraph (1) by striking “75 percent”
16 and inserting “50 percent”;

17 (2) in paragraph (2) by striking “25 percent”
18 and inserting “12.5 percent”; and

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

20 “(3) 30 percent of the funds shall be appor-
21 tioned among designated recipients for urbanized
22 areas with a population of 200,000 or more in the
23 ratio that—

24 “(A) the number of individuals in each
25 such urbanized area residing in an urban cen-

1 sus tract with a poverty rate of at least 20 per-
2 cent during the 5 years most recently ending;
3 bears to

4 “(B) the number of individuals in all such
5 urbanized areas residing in an urban census
6 tract with a poverty rate of at least 20 percent
7 during the 5 years most recently ending; and

8 “(4) 7.5 percent of the funds shall be appor-
9 tioned among designated recipients for urbanized
10 areas with a population less than 200,000 in the
11 ratio that—

12 “(A) the number of individuals in each
13 such urbanized area residing in an urban cen-
14 sus tract with a poverty rate of at least 20 per-
15 cent during the 5 years most recently ending;
16 bears to

17 “(B) the number of individuals in all such
18 areas residing in an urban census tract with a
19 poverty rate of at least 20 percent during the
20 5 years most recently ending.”.

21 **SEC. 2502. RURAL PERSISTENT POVERTY FORMULA.**

22 Section 5311 of title 49, United States Code, as
23 amended in section 2204, is further amended—

24 (1) in subsection (a) by adding at the end the
25 following:

1 “(3) PERSISTENT POVERTY COUNTY.—The
2 term ‘persistent poverty county’ means any county
3 with a poverty rate of at least 20 percent—

4 “(A) as determined in each of the 1990
5 and 2000 decennial censuses;

6 “(B) in the Small Area Income and Pov-
7 erty Estimates of the Bureau of the Census for
8 the most recent year for which the estimates
9 are available; and

10 “(C) has at least 25 percent of its popu-
11 lation in rural areas.”;

12 (2) in subsection (b)(2)(C)(i) by inserting “and
13 persistent poverty counties” before the semicolon;
14 and

15 (3) in subsection (c) by striking paragraph (2)
16 and inserting the following:

17 “(2) PERSISTENT POVERTY PUBLIC TRANSPOR-
18 TATION ASSISTANCE PROGRAM.—

19 “(A) IN GENERAL.—The Secretary shall
20 carry out a public transportation assistance
21 program for areas of persistent poverty.

22 “(B) APPORTIONMENT.—Of amounts
23 made available or appropriated for each fiscal
24 year under section 5338(a)(2)(E)(ii) to carry
25 out this paragraph, the Secretary shall appor-

1 tion funds to recipients for service in, or di-
2 rectly benefitting, persistent poverty counties
3 for any eligible purpose under this section in
4 the ratio that—

5 “(i) the number of individuals in each
6 such rural area residing in a persistent
7 poverty county; bears to

8 “(ii) the number of individuals in all
9 such rural areas residing in a persistent
10 poverty county.”.

11 **SEC. 2503. DEMONSTRATION GRANTS TO SUPPORT RE-**
12 **DUCED FARE TRANSIT.**

13 Section 5312 of title 49, United States Code, is
14 amended by adding at the end the following:

15 “(j) DEMONSTRATION GRANTS TO SUPPORT RE-
16 DUCED FARE TRANSIT.—

17 “(1) IN GENERAL.—Not later than 300 days
18 after the date of enactment of the INVEST in
19 America Act, the Secretary shall award grants
20 (which shall be known as ‘Access to Jobs Grants’)
21 to eligible entities, on a competitive basis, to imple-
22 ment reduced fare transit service.

23 “(2) NOTICE.—Not later than 180 days after
24 the date of enactment of the INVEST in America
25 Act, the Secretary shall provide notice to eligible en-

1 tities of the availability of grants under paragraph
2 (1).

3 “(3) APPLICATION.—To be eligible to receive a
4 grant under this subsection, an eligible recipient
5 shall submit to the Secretary an application con-
6 taining such information as the Secretary may re-
7 quire, including, at a minimum, the following:

8 “(A) A description of how the eligible enti-
9 ty plans to implement reduced fare transit ac-
10 cess with respect to low-income individuals, in-
11 cluding any eligibility requirements for such
12 transit access.

13 “(B) A description of how the eligible enti-
14 ty will consult with local community stake-
15 holders, labor unions, local education agencies
16 and institutions of higher education, public
17 housing agencies, and workforce development
18 boards in the implementation of reduced fares.

19 “(C) A description of the eligible entity’s
20 current fare evasion enforcement policies, in-
21 cluding how the eligible entity plans to use the
22 reduced fare program to reduce fare evasion.

23 “(D) An estimate of additional costs to
24 such eligible entity as a result of reduced tran-
25 sit fares.

1 “(4) GRANT DURATION.—Grants awarded
2 under this subsection shall be for a 2-year period.

3 “(5) SELECTION OF ELIGIBLE RECIPIENTS.—In
4 carrying out the program under this subsection, the
5 Secretary shall award not more than 20 percent of
6 grants to eligible entities located in rural areas.

7 “(6) USES OF FUNDS.—An eligible entity re-
8 ceiving a grant under this subsection shall use such
9 grant to implement a reduced fare transit program
10 and offset lost fare revenue.

11 “(7) DEFINITIONS.—In this subsection:

12 “(A) ELIGIBLE ENTITY.—The term ‘eligi-
13 ble entity’ means a State, local, or Tribal gov-
14 ernmental entity that operates a public trans-
15 portation service and is a recipient or sub-
16 recipient of funds under this chapter.

17 “(B) LOW-INCOME INDIVIDUAL.—The
18 term ‘low-income individual’ means an indi-
19 vidual—

20 “(i) that has qualified for—

21 “(I) any program of medical as-
22 sistance under a State plan or under
23 a waiver of the plan under title XIX
24 of the Social Security Act (42 U.S.C.
25 1396 et seq.);

1 “(II) supplemental nutrition as-
2 sistance program (SNAP) under the
3 Food and Nutrition Act of 2008 (7
4 U.S.C. 2011 et seq.);

5 “(III) the program of block
6 grants for States for temporary assist-
7 ance for needy families (TANF) es-
8 tablished under part A of title IV of
9 the Social Security Act (42 U.S.C.
10 601 et seq.);

11 “(IV) the free and reduced price
12 school lunch program established
13 under the Richard B. Russell National
14 School Lunch Act (42 U.S.C. 1751 et
15 seq.);

16 “(V) a housing voucher through
17 section 8(o) of the United States
18 Housing Act of 1937 (42 U.S.C.
19 1437f(o));

20 “(VI) benefits under the Low-In-
21 come Home Energy Assistance Act of
22 1981; or

23 “(VII) special supplemental food
24 program for women, infants and chil-
25 dren (WIC) under section 17 of the

1 Child Nutrition Act of 1966 (42
2 U.S.C. 1786); or

3 “(ii) whose family income is at or
4 below a set percent (as determined by the
5 eligible recipient) of the poverty line (as
6 that term is defined in section 673(2) of
7 the Community Service Block Grant Act
8 (42 U.S.C. 9902(2)), including any revi-
9 sion required by that section) for a family
10 of the size involved.

11 “(8) REPORT.—The Secretary shall designate a
12 university transportation center under section 5505
13 to collaborate with the eligible entities receiving a
14 grant under this subsection to collect necessary data
15 to evaluate the effectiveness of meeting the targets
16 described in the application of such recipient, includ-
17 ing increased ridership and progress towards signifi-
18 cantly closing transit equity gaps.”.

19 **Subtitle F—Supporting Frontline**
20 **Workers and Passenger Safety**

21 **SEC. 2601. NATIONAL TRANSIT FRONTLINE WORKFORCE**
22 **TRAINING CENTER.**

23 Section 5314(b) of title 49, United States Code, is
24 amended—

1 (1) by striking paragraph (2) and inserting the
2 following:

3 “(2) NATIONAL TRANSIT FRONTLINE WORK-
4 FORCE TRAINING CENTER.—

5 “(A) ESTABLISHMENT.—The Secretary
6 shall establish a national transit frontline work-
7 force training center (hereinafter referred to as
8 the ‘Center’) and award grants to a nonprofit
9 organization with a demonstrated capacity to
10 develop and provide transit career ladder pro-
11 grams through labor-management partnerships
12 and apprenticeships on a nationwide basis, in
13 order to carry out the duties under subpara-
14 graph (B). The Center shall be dedicated to the
15 needs of the frontline transit workforce in both
16 rural and urban transit systems by providing
17 standards-based training in the maintenance
18 and operations occupations.

19 “(B) DUTIES.—

20 “(i) IN GENERAL.—In cooperation
21 with the Administrator of the Federal
22 Transit Administration, public transpor-
23 tation authorities, and national entities,
24 the Center shall develop and conduct train-
25 ing and educational programs for frontline

1 local transportation employees of recipients
2 eligible for funds under this chapter.

3 “(ii) TRAINING AND EDUCATIONAL
4 PROGRAMS.—The training and educational
5 programs developed under clause (i) may
6 include courses in recent developments,
7 techniques, and procedures related to—

8 “(I) developing consensus na-
9 tional training standards in partner-
10 ship with industry stakeholders for
11 key frontline transit occupations with
12 demonstrated skill gaps;

13 “(II) developing national systems
14 of qualification and apprenticeship for
15 transit maintenance and operations
16 occupations;

17 “(III) building local, regional,
18 and statewide transit training part-
19 nerships to identify and address work-
20 force skill gaps and develop skills
21 needed for delivering quality transit
22 service and supporting employee ca-
23 reer advancement;

24 “(IV) developing programs for
25 training of transit frontline workers,

1 instructors, mentors, and labor-man-
2 agement partnership representatives,
3 in the form of classroom, hands-on,
4 on-the-job, and web-based training,
5 delivered at a national center, region-
6 ally, or at individual transit agencies;

7 “(V) developing training pro-
8 grams for skills related to existing
9 and emerging transit technologies, in-
10 cluding zero emission buses;

11 “(VI) developing improved capac-
12 ity for safety, security, and emergency
13 preparedness in local transit systems
14 and in the industry as a whole
15 through—

16 “(aa) developing the role of
17 the transit frontline workforce in
18 building and sustaining safety
19 culture and safety systems in the
20 industry and in individual public
21 transportation systems; and

22 “(bb) training to address
23 transit frontline worker roles in
24 promoting health and safety for

1 transit workers and the riding
2 public;

3 “(VII) developing local transit
4 capacity for career pathways partner-
5 ships with schools and other commu-
6 nity organizations for recruiting and
7 training under-represented popu-
8 lations as successful transit employees
9 who can develop careers in the transit
10 industry; and

11 “(VIII) in collaboration with the
12 Administrator of the Federal Transit
13 Administration and organizations rep-
14 resenting public transit agencies, con-
15 ducting and disseminating research
16 to—

17 “(aa) provide transit work-
18 force job projections and identify
19 training needs and gaps;

20 “(bb) determine the most
21 cost-effective methods for transit
22 workforce training and develop-
23 ment, including return on invest-
24 ment analysis;

1 “(cc) identify the most effective
2 methods for implementing
3 successful safety systems and a
4 positive safety culture; and

5 “(dd) promote transit work-
6 force best practices for achieving
7 cost-effective, quality, safe, and
8 reliable public transportation
9 services.

10 “(C) COORDINATION.—The Secretary shall
11 coordinate activities under this section, to the
12 maximum extent practicable, with the National
13 Office of Apprenticeship of the Department of
14 Labor and the Office of Career, Technical, and
15 Adult Education of the Department of Edu-
16 cation.

17 “(D) AVAILABILITY OF AMOUNTS.—

18 “(i) IN GENERAL.—Not more than 1
19 percent of amounts made available to a re-
20 cipient under sections 5307, 5311, 5337,
21 and 5339 is available for expenditures by
22 the recipient, with the approval of the Sec-
23 retary, to pay not more than 80 percent of
24 the cost of eligible activities under this
25 subsection.

1 “(ii) EXISTING PROGRAMS.—A recipi-
2 ent may use amounts made available under
3 clause (i) to carry out existing local edu-
4 cation and training programs for public
5 transportation employees supported by the
6 Secretary, the Department of Labor, or
7 the Department of Education.”;

8 (2) in paragraph (3) by striking “or (2)”; and
9 (3) by striking paragraph (4).

10 **SEC. 2602. PUBLIC TRANSPORTATION SAFETY PROGRAM.**

11 Section 5329 of title 49, United States Code, is
12 amended—

13 (1) in subsection (b)(2)(C)(ii)—

14 (A) in subclause (I) by striking “and” at
15 the end;

16 (B) in subclause (II) by striking the semi-
17 colon and inserting “; and”; and

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

19 “(III) innovations in driver as-
20 sistance technologies and driver pro-
21 tection infrastructure where appro-
22 priate.”;

23 (2) in subsection (d)—

24 (A) in paragraph (1)—

1 (i) in subparagraph (A) by inserting
2 “the safety committee established under
3 paragraph (4), and subsequently,” before
4 “the board of directors”;

5 (ii) in subparagraph (C) by striking
6 “public, personnel, and property” and in-
7 serting “public and personnel to injuries,
8 assaults, and fatalities, and strategies to
9 minimize the exposure of property”;

10 (iii) by striking subparagraph (G) and
11 inserting the following:

12 “(G) a comprehensive staff training pro-
13 gram for the operations and maintenance per-
14 sonnel and personnel directly responsible for
15 safety of the recipient that includes—

16 “(i) the completion of a safety train-
17 ing program;

18 “(ii) continuing safety education and
19 training; and

20 “(iii) de-escalation training; and

21 “(H) a requirement that the safety com-
22 mittee only approve a safety plan under sub-
23 paragraph (A) if such plan does not amend,
24 modify or conflict with the recipient’s fiscal
25 budget.”; and

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

2 “(4) SAFETY COMMITTEE.—For purposes of the
3 approval process of an agency safety plan under
4 paragraph (1), the safety committee shall be con-
5 vened by a joint labor-management process and con-
6 sist of an equal number of—

7 “(A) frontline employee representatives, se-
8 lected by the labor organization representing
9 the plurality of the frontline workforce em-
10 ployed by the recipient, if applicable; and

11 “(B) employer or State representatives.”;

12 and

13 (3) in subsection (e)(4)(A)(v) by inserting “, in-
14 spection,” after “has investigative”.

15 **SEC. 2603. AUTOMATED VEHICLE TRANSIT WORKFORCE**
16 **STANDARDS.**

17 (a) PROHIBITION ON USE OF FUNDS.—No financial
18 assistance under chapter 53 of title 49, United States
19 Code, may be used for an automated vehicle providing
20 public transportation unless—

21 (1) the recipient of such assistance that pro-
22 poses to deploy an automated vehicle providing pub-
23 lic transportation certifies to the Secretary of Trans-
24 portation that the deployment does not duplicate,

1 eliminate, or reduce the frequency of existing public
2 transportation service; and

3 (2) the Secretary receives, approves, and pub-
4 lishes the workforce development plan under sub-
5 section (b) submitted by the eligible entity when re-
6 quired by subsection (b)(1).

7 (b) WORKFORCE DEVELOPMENT PLAN.—

8 (1) IN GENERAL.—A recipient of financial as-
9 sistance under chapter 53 of title 49, United States
10 Code, proposing to deploy an automated vehicle pro-
11 viding public transportation shall submit to the Sec-
12 retary, prior to implementation of such service, a
13 workforce development plan if such service, com-
14 bined with any other automated vehicle providing
15 public transportation offered by such recipient,
16 would exceed by more than 0.5 percent of the recipi-
17 ent's total transit passenger miles traveled.

18 (2) CONTENTS.—The workforce development
19 plan under subsection (a) shall include the following:

20 (A) A description of services offered by ex-
21 isting modes of public transportation in the
22 area served by the recipient that could be af-
23 fected by the proposed automated vehicle pro-
24 viding public transportation, including jobs and
25 functions of 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 over a 5-
7 year period from the date of the publication of
8 the workforce development plan.

9 (C) Identified gaps in skills needed to op-
10 erate and maintain the proposed automated ve-
11 hicle providing public transportation.

12 (D) A comprehensive plan to transition,
13 train, or retrain employees that could be af-
14 fected by the proposed automated vehicle pro-
15 viding public transportation.

16 (E) An estimated budget to transition,
17 train, or retrain employees impacted by the pro-
18 posed automated vehicle providing public trans-
19 portation over a 5-year period from the date of
20 the publication of the workforce development
21 plan.

22 (c) NOTICE REQUIRED.—

23 (1) IN GENERAL.—A recipient of financial as-
24 sistance under chapter 53 of title 49, United States
25 Code, shall issue a notice to employees who, due to

1 the use of an automated vehicle providing public
2 transportation, may be subjected to a loss of employ-
3 ment or a change in responsibilities not later than
4 60 days before issuing a request for proposals to
5 procure or contract for such a vehicle.

6 (2) CONTENT.—The notice required in para-
7 graph (1) shall include the following:

8 (A) A description of the automated vehicle
9 providing public transportation.

10 (B) The impact of the automated vehicle
11 providing public transportation on employment
12 positions, including a description of which em-
13 ployment positions will be affected and whether
14 any new positions will be created.

15 (d) DEFINITIONS.—In this section:

16 (1) AUTOMATED VEHICLE.—The term “auto-
17 mated vehicle” means a motor vehicle that—

18 (A) is capable of performing the entire
19 task of driving (including steering, accelerating
20 and decelerating, and reacting to external stim-
21 ulus) without human intervention; and

22 (B) is designed to be operated exclusively
23 by a Level 4 or Level 5 automated driving sys-
24 tem for all trips according to the recommended
25 practice standards published on June 15, 2018,

1 by the Society of Automotive Engineers Inter-
2 national (J3016__201806) or equivalent stand-
3 ards adopted by the Secretary with respect to
4 automated motor vehicles.

5 (2) PUBLIC TRANSPORTATION.—The term
6 “public transportation” has the meaning given such
7 term in section 5302 of title 49, United States Code.

8 **SEC. 2604. PERFORMANCE-BASED METRICS.**

9 Section 5329(d)(2) of title 49, United States Code,
10 is amended to read as follows:

11 “(2) PERFORMANCE-BASED METRICS SPECIAL
12 RULE.—

13 “(A) IN GENERAL.—

14 “(i) POPULATION OVER 200,000.—

15 With respect to a recipient serving an ur-
16 banized area with a population of over
17 200,000 that receives funds under section
18 5307, for each reported exceeded metric in
19 a fiscal year, such recipient shall allocate
20 2.5 percent of such funds for the subse-
21 quent 2 fiscal years to projects described
22 in subparagraph (B).

23 “(ii) POPULATION OF 200,000 OR
24 LESS.—With respect to a recipient serving
25 an urbanized area with a population of

1 200,000 or less that receives funds under
2 section 5307, if such recipient submits a
3 reported exceeded metric for the perform-
4 ance-based metric described in subpara-
5 graph (C)(i)(III), such recipient shall allo-
6 cate 2.5 percent of such funds for the sub-
7 sequent 2 fiscal years to projects described
8 in subparagraph (B).

9 “(B) ELIGIBLE PROJECTS.—Funds set
10 aside under this paragraph shall be used for
11 projects that are reasonably likely to reduce in-
12 juries and fatalities identified in a reported ex-
13 ceeded metric, including state of good repair
14 projects, increased safety inspections, modifica-
15 tions to rolling stock, and de-escalation train-
16 ing.

17 “(C) DEFINITIONS.—In this paragraph:

18 “(i) PERFORMANCE-BASED METRIC.—
19 The term ‘performance-based metric’
20 means the number of—

21 “(I) passenger and workforce in-
22 juries by total revenue vehicle miles
23 attributed to rail;

1 “(II) passenger and workforce fa-
2 talities by total revenue vehicle miles
3 attributed to rail;

4 “(III) passenger and workforce
5 injuries by total revenue vehicle miles
6 attributed to buses; and

7 “(IV) passenger and workforce
8 fatalities by total revenue vehicle miles
9 attributed to buses.

10 “(ii) REPORTED EXCEEDED MET-
11 RIC.—The term ‘reported exceeded metric’
12 means a performance-based metric based
13 on a recipient report to the National Tran-
14 sit Database that demonstrates such met-
15 ric exceeds the national average (as deter-
16 mined by the Secretary) by 50 percent in
17 a fiscal year.”.

18 **Subtitle G—Transit-Supportive** 19 **Communities**

20 **SEC. 2701. TRANSIT-SUPPORTIVE COMMUNITIES.**

21 (a) IN GENERAL.—Chapter 53 of subtitle III of title
22 49, United States Code, is amended by inserting after sec-
23 tion 5327 the following:

1 **“§ 5328. Transit-supportive communities**

2 “(a) ESTABLISHMENT.—The Secretary shall estab-
3 lish within the Federal Transit Administration, an Office
4 of Transit-Supportive Communities to make grants, pro-
5 vide technical assistance, and assist in the coordination
6 of transit and housing policies within the Federal Transit
7 Administration, the Department of Transportation, and
8 across the Federal Government.

9 “(b) TRANSIT ORIENTED DEVELOPMENT PLANNING
10 GRANT PROGRAM.—

11 “(1) DEFINITION.—In this subsection the term
12 ‘eligible project’ means—

13 “(A) a new fixed guideway capital project
14 or a core capacity improvement project as de-
15 fined in section 5309;

16 “(B) an existing fixed guideway system, or
17 an existing station that is served by a fixed
18 guideway system; or

19 “(C) the immediate corridor along the
20 highest 25 percent of routes by ridership as
21 demonstrated in section 5336(b)(2)(B).

22 “(2) GENERAL AUTHORITY.—The Secretary
23 may make grants under this subsection to a State
24 or local governmental authority to assist in financing
25 comprehensive planning associated with an eligible
26 project that seeks to—

1 “(A) enhance economic development, rider-
2 ship, and other goals established during the
3 project development and engineering processes
4 or the grant application;

5 “(B) facilitate multimodal connectivity and
6 accessibility;

7 “(C) increase access to transit hubs for pe-
8 destrian and bicycle traffic;

9 “(D) enable mixed-use development;

10 “(E) identify infrastructure needs associ-
11 ated with the eligible project; and

12 “(F) include private sector participation.

13 “(3) ELIGIBILITY.—A State or local govern-
14 mental authority that desires to participate in the
15 program under this subsection shall submit to the
16 Secretary an application that contains at a min-
17 imum—

18 “(A) an identification of an eligible project;

19 “(B) a schedule and process for the devel-
20 opment of a comprehensive plan;

21 “(C) a description of how the eligible
22 project and the proposed comprehensive plan
23 advance the metropolitan transportation plan of
24 the metropolitan planning organization;

1 “(D) proposed performance criteria for the
2 development and implementation of the com-
3 prehensive plan;

4 “(E) a description of how the project will
5 reduce and mitigate social and economic im-
6 pacts on existing residents and businesses vul-
7 nerable to displacement; and

8 “(F) identification of—

9 “(i) partners;

10 “(ii) availability of and authority for
11 funding; and

12 “(iii) potential State, local or other
13 impediments to the implementation of the
14 comprehensive plan.

15 “(4) COST SHARE.—A grant under this sub-
16 section shall not exceed an amount in excess of 80
17 percent of total project costs, except that a grant
18 that includes an affordable housing component shall
19 not exceed an amount in excess of 90 percent of
20 total project costs.

21 “(c) TECHNICAL ASSISTANCE.—The Secretary shall
22 provide technical assistance to local governmental authori-
23 ties and states in the planning and development of transit-
24 oriented development projects and transit supportive cor-
25 ridor policies, including—

1 “(1) the siting, planning, financing, and inte-
2 gration of transit-oriented development projects;

3 “(2) the integration of transit-oriented develop-
4 ment and transit-supportive corridor policies in the
5 preparation for and development of an application
6 for funding under section 602 of title 23;

7 “(3) the siting, planning, financing, and inte-
8 gration of transit-oriented development and transit
9 supportive corridor policies associated with projects
10 under section 5309;

11 “(4) the development of housing feasibility as-
12 sessments as allowed under section 5309(g)(3)(B);

13 “(5) the development of transit-supportive cor-
14 ridor policies that promote transit ridership and
15 transit-oriented development;

16 “(6) the development, implementation, and
17 management of land value capture programs; and

18 “(7) the development of model contracts, model
19 codes, and best practices for the implementation of
20 transit-oriented development projects and transit-
21 supportive corridor policies.

22 “(d) EQUITY.—In providing technical assistance
23 under subsection (c), the Secretary shall incorporate strat-
24 egies to promote equity for underrepresented and under-
25 served communities, including—

1 “(1) preventing displacement of existing resi-
2 dents and businesses;

3 “(2) mitigating rent and housing price in-
4 creases;

5 “(3) incorporating affordable rental and owner-
6 ship housing in transit-oriented development;

7 “(4) engaging under-served, limited English
8 proficiency, low income, and minority communities
9 in the planning process; and

10 “(5) fostering economic development opportuni-
11 ties for existing residents and businesses.

12 “(e) **AUTHORITY TO REQUEST STAFFING ASSIST-**
13 **ANCE.**—In fulfilling the duties of this section, the Sec-
14 retary shall, as needed, request staffing and technical as-
15 sistance from other Federal agencies, programs, adminis-
16 trations, boards, or commissions.

17 “(f) **REVIEW EXISTING POLICIES AND PROGRAMS.**—
18 Not later than 24 months after the date of enactment of
19 this section, the Secretary shall review and evaluate all
20 existing policies and programs within the Federal Transit
21 Administration that support or promote transit-oriented
22 development to ensure their coordination and effectiveness
23 relative to the goals of this section.

24 “(g) **REPORTING.**—Not later than February 1 of
25 each year beginning the year after the date of enactment

1 of this section, the Secretary shall prepare a report detail-
2 ing the grants and technical assistance provided under this
3 section. The report shall be provided to the Committee on
4 Transportation and Infrastructure of the House of Rep-
5 resentatives and the Committee on Banking, Housing and
6 Urban Affairs of the Senate.

7 “(h) SAVINGS CLAUSE.—Nothing in this section au-
8 thorizes the Secretary to provide any financial assistance
9 for the construction of housing.”.

10 (b) CLERICAL AMENDMENT.—The analysis for chap-
11 ter 53 of subtitle III of title 49, United States Code, is
12 amended by inserting after the item relating to section
13 5327 the following:

“5328. Transit-supportive communities.”.

14 (c) TECHNICAL AND CONFORMING AMENDMENT.—
15 Section 20005 of the MAP–21 (Public Law 112–141) is
16 amended—

17 (1) by striking “(a) AMENDMENT.—”; and

18 (2) by striking subsection (b).

19 **SEC. 2702. PROPERTY DISPOSITION FOR AFFORDABLE**
20 **HOUSING.**

21 Section 5334(h)(1) of title 49, United States Code,
22 is amended to read as follows:

23 “(1) IN GENERAL.—If a recipient of assistance
24 under this chapter decides an asset acquired under
25 this chapter at least in part with that assistance is

1 no longer needed for the purpose for which such
2 asset was acquired, the Secretary may authorize the
3 recipient to transfer such asset to—

4 “(A) a local governmental authority to be
5 used for a public purpose with no further obli-
6 gation to the Government if the Secretary de-
7 cides—

8 “(i) the asset will remain in public use
9 for at least 5 years after the date the asset
10 is transferred;

11 “(ii) there is no purpose eligible for
12 assistance under this chapter for which the
13 asset should be used;

14 “(iii) the overall benefit of allowing
15 the transfer is greater than the interest of
16 the Government in liquidation and return
17 of the financial interest of the Government
18 in the asset, after considering fair market
19 value and other factors; and

20 “(iv) through an appropriate screen-
21 ing or survey process, that there is no in-
22 terest in acquiring the asset for Govern-
23 ment use if the asset is a facility or land;
24 or

1 “(B) a local governmental authority, non-
2 profit organization, or other third party entity
3 to be used for the purpose of transit-oriented
4 development with no further obligation to the
5 Government if the Secretary decides—

6 “(i) the asset is a necessary compo-
7 nent of a proposed transit-oriented devel-
8 opment project;

9 “(ii) the transit-oriented development
10 project will increase transit ridership;

11 “(iii) at least 15 percent of the hous-
12 ing units offered in the transit-oriented de-
13 velopment are legally binding affordability
14 restricted to tenants with incomes below
15 60 percent of the area median income and/
16 or owners with incomes below 60 percent
17 the area median income;

18 “(iv) the asset will remain in use as
19 described in this section for at least 15
20 years after the date the asset is trans-
21 ferred; and

22 “(v) with respect to a transfer to a
23 third party entity—

1 “(I) a local government authority
2 or nonprofit organization is unable to
3 receive the property; and

4 “(II) the overall benefit of allow-
5 ing the transfer is greater than the in-
6 terest of the Government in liquida-
7 tion and return of the financial inter-
8 est of the Government in the asset,
9 after considering fair market value
10 and other factors.”.

11 **SEC. 2703. AFFORDABLE HOUSING INCENTIVES IN CAPITAL**
12 **INVESTMENT GRANTS.**

13 Section 5309 of title 49, United States Code, is
14 amended—

15 (1) in subsection (g)—

16 (A) in paragraph (2)(B)—

17 (i) in clause (i) by striking “; and”
18 and inserting a semicolon;

19 (ii) in clause (ii) by striking the pe-
20 riod and inserting “; and”; and

21 (iii) by adding at the end the fol-
22 lowing:

23 “(iii) in the case of a new fixed guide-
24 way capital project or a core capacity im-
25 provement project, allow a weighting five

1 points greater to the economic development
2 subfactor and five points lesser to the low-
3 est scoring subfactor if the applicant dem-
4 onstrates substantial efforts to preserve or
5 encourage affordable housing near the
6 project by providing documentation of poli-
7 cies that allow by-right multi-family hous-
8 ing, single room occupancy units, or acces-
9 sory dwelling units, providing local capital
10 sources for transit-oriented development,
11 or demonstrate other methods as deter-
12 mined by the Secretary.”; and

13 (B) in paragraph (3), as amended by this
14 Act, by adding at the end the following:

15 “(B) establish a warrant that applies to
16 the economic development project justification
17 criteria, provided that the applicant that re-
18 quests a warrant under this process has com-
19 pleted and submitted a housing feasibility as-
20 sessment.”; and

21 (2) in subsection (l)(4)—

22 (A) in subparagraph (B) by striking “; or”
23 and inserting a semicolon;

24 (B) in subparagraph (C) by striking the
25 period and inserting “; or”; and

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

2 “(D) from grant proceeds distributed
3 under section 103 of the Housing and Commu-
4 nity Development Act of 1974 (42 U.S.C.
5 5303) or section 201 of the Public Works and
6 Economic Development Act of 1965 (42 U.S.C.
7 3141) provided that—

8 “(i) such funds are used in conjunc-
9 tion with the planning or development of
10 affordable housing; and

11 “(ii) such affordable housing is lo-
12 cated within one-half of a mile of a new
13 station.”.

14 **Subtitle H—Innovation**

15 **SEC. 2801. MOBILITY INNOVATION SANDBOX PROGRAM.**

16 Section 5312(d) of title 49, United States Code, is
17 amended by adding at the end the following:

18 “(3) MOBILITY INNOVATION SANDBOX PRO-
19 GRAM.—The Secretary may make funding available
20 under this subsection to carry out research on mobil-
21 ity on demand and mobility as a service activities eli-
22 gible under section 5316.”.

1 **SEC. 2802. TRANSIT BUS OPERATOR COMPARTMENT REDE-**
2 **SIGN PROGRAM.**

3 Section 5312(d) of title 49, United States Code, is
4 further amended by adding at the end the following:

5 “(4) TRANSIT BUS OPERATOR COMPARTMENT
6 REDESIGN PROGRAM.—

7 “(A) IN GENERAL.—The Secretary may
8 make funding available under this subsection to
9 carry out research on redesigning transit bus
10 operator compartments to improve safety, oper-
11 ational efficiency, and passenger accessibility.

12 “(B) OBJECTIVES.—Research objectives
13 under this paragraph shall include—

14 “(i) increasing bus operator safety
15 from assaults;

16 “(ii) optimizing operator visibility and
17 reducing operator distractions to improve
18 safety of bus passengers, pedestrians,
19 bicyclists, and other roadway users;

20 “(iii) expanding passenger accessi-
21 bility for positive interactions between op-
22 erators and passengers, including assisting
23 passengers in need of special assistance;

24 “(iv) accommodating compliance for
25 passenger boarding, alighting, and secure-
26 ment with the Americans with Disabilities

1 Act of 1990 (42 U.S.C. 12101 et seq.);

2 and

3 “(v) improving ergonomics to reduce
4 bus operator work-related health issues
5 and injuries, as well as locate key instru-
6 ment and control interfaces to improve
7 operational efficiency and convenience.

8 “(C) ACTIVITIES.—Eligible activities under
9 this paragraph shall include—

10 “(i) measures to reduce visibility im-
11 pairments and distractions for bus opera-
12 tors that contribute to accidents, including
13 retrofits to buses in revenue service and
14 specifications for future procurements that
15 reduce visibility impairments and distrac-
16 tions;

17 “(ii) the deployment of assault mitiga-
18 tion infrastructure and technology on
19 buses, including barriers to restrict the un-
20 wanted entry of individuals and objects
21 into bus operators’ workstations;

22 “(iii) technologies to improve pas-
23 senger accessibility, including boarding,
24 alighting, and securement in compliance

1 with the Americans with Disabilities Act of
2 1990 (42 U.S.C. 12101 et seq.);

3 “(iv) installation of seating and modi-
4 fication to design specifications of bus op-
5 erator workstations that reduce or prevent
6 injuries from ergonomic risks; or

7 “(v) other measures that align with
8 the objectives under subparagraph (B).

9 “(D) ELIGIBLE ENTITIES.—Entities eligi-
10 ble to receive funding under this paragraph
11 shall include consortia consisting of, at a min-
12 imum:

13 “(i) recipients of funds under this
14 chapter that provide public transportation
15 services;

16 “(ii) transit vehicle manufacturers;

17 “(iii) representatives from organiza-
18 tions engaged in collective bargaining on
19 behalf of transit workers in not fewer than
20 3 States; and

21 “(iv) any nonprofit institution of high-
22 er education, as defined in section 101 of
23 the Higher Education Act of 1965 (20
24 U.S.C. 1001).”.

1 **SEC. 2803. FEDERAL TRANSIT ADMINISTRATION EVERY DAY**
2 **COUNTS INITIATIVE.**

3 Section 5312 of title 49, United States Code, as
4 amended by section 2503, is further amended by adding
5 at the end the following:

6 “(k) EVERY DAY COUNTS INITIATIVE.—

7 “(1) IN GENERAL.—It is in the national inter-
8 est for the Department of Transportation and recipi-
9 ents of Federal public transportation funds—

10 “(A) to identify, accelerate, and deploy in-
11 novation aimed at expediting project delivery,
12 enhancing the safety of transit systems of the
13 United States, and protecting the environment;

14 “(B) to ensure that the planning, design,
15 engineering, construction, and financing of
16 transportation projects is done in an efficient
17 and effective manner;

18 “(C) to promote the rapid deployment of
19 proven solutions that provide greater account-
20 ability for public investments; and

21 “(D) to create a culture of innovation
22 within the transit community.

23 “(2) FTA EVERY DAY COUNTS INITIATIVE.—To
24 advance the policies described in paragraph (1), the
25 Administrator of the Federal Transit Administration
26 shall adopt the Every Day Counts initiative to work

1 with recipients to identify and deploy the proven in-
2 novation practices and products that—

3 “(A) accelerate innovation deployment;

4 “(B) expedite the project delivery process;

5 “(C) improve environmental sustainability;

6 “(D) enhance transit safety;

7 “(E) expand mobility; and

8 “(F) reduce greenhouse gas emissions.

9 “(3) CONSIDERATION.—In accordance with the
10 Every Day Counts goals described in paragraphs (1)
11 and (2), the Administrator shall consider research
12 conducted through the university transportation cen-
13 ters program in section 5505.

14 “(4) INNOVATION DEPLOYMENT.—

15 “(A) IN GENERAL.—At least every 2 years,
16 the Administrator shall work collaboratively
17 with recipients to identify a new collection of in-
18 novations, best practices, and data to be de-
19 ployed to recipients through case studies,
20 webinars, and demonstration projects.

21 “(B) REQUIREMENTS.—In identifying a
22 collection described in subparagraph (A), the
23 Secretary shall take into account market readi-
24 ness, impacts, benefits, and ease of adoption of
25 the innovation or practice.

1 “(5) PUBLICATION.—Each collection identified
2 under paragraph (4) shall be published by the Ad-
3 ministrator on a publicly available website.”.

4 **SEC. 2804. TECHNICAL CORRECTIONS.**

5 Section 5312 of title 49, United States Code, as
6 amended in section 2503 and 2803, is further amended—

7 (1) in subsection (e)—

8 (A) in paragraph (3)(C) by striking “low
9 or no emission vehicles, zero emission vehicles,”
10 and inserting “zero emission vehicles”; and

11 (B) by striking paragraph (6) and insert-
12 ing the following:

13 “(6) ZERO EMISSION VEHICLE DEFINED.—In
14 this subsection, the term ‘zero emission vehicle’
15 means a passenger vehicle used to provide public
16 transportation that produces no carbon or particu-
17 late matter.”;

18 (2) by redesignating the first subsection (g) as
19 subsection (f); and

20 (3) in subsection (h)—

21 (A) in the header by striking “LOW OR NO
22 EMISSION” and inserting “ZERO EMISSION”;

23 (B) in paragraph (1)—

24 (i) by striking subparagraph (B) and
25 inserting the following:

1 “(B) the term ‘zero emission vehicle’ has
2 the meaning given such term in subsection
3 (e)(6);” and

4 (ii) in subparagraph (D) by striking
5 “low or no emission vehicle” and inserting
6 “zero emission vehicle” each place such
7 term appears;

8 (C) in paragraph (2)—

9 (i) in the heading by striking “LOW
10 OR NO EMISSION” and inserting “ZERO
11 EMISSION”; and

12 (ii) by striking “low or no emission”
13 and inserting “zero emission” each place
14 such term appears;

15 (D) in paragraph (3) by striking “low or
16 no emission” and inserting “zero emission”
17 each place such term appears; and

18 (E) in paragraph (5)(A) by striking “low
19 or no emission” and inserting “zero emission”.

1 **Subtitle I—Other Program**
2 **Reauthorizations**

3 **SEC. 2901. REAUTHORIZATION FOR CAPITAL AND PREVEN-**
4 **TIVE MAINTENANCE PROJECTS FOR WASH-**
5 **INGTON METROPOLITAN AREA TRANSIT AU-**
6 **THORITY.**

7 Section 601 of the Passenger Rail Investment and
8 Improvement Act of 2008 (Public Law 110–432) is
9 amended—

10 (1) in subsection (b) by striking “The Federal”
11 and inserting “Except as provided in subsection
12 (f)(2), the Federal”;

13 (2) by striking subsections (d) through (f) and
14 inserting the following:

15 “(d) **REQUIRED BOARD APPROVAL.**—No amounts
16 may be provided to the Transit Authority under this sec-
17 tion until the Transit Authority certifies to the Secretary
18 of Transportation that—

19 “(1) a board resolution has passed on or before
20 July 1, 2021, and is in effect for the period of July
21 1, 2022 through June 30, 2031, that—

22 “(A) establishes an independent budget au-
23 thority for the Office of Inspector General of
24 the Transit Authority;

1 “(B) establishes an independent procure-
2 ment authority for the Office of Inspector Gen-
3 eral of the Transit Authority;

4 “(C) establishes an independent hiring au-
5 thority for the Office of Inspector General of
6 the Transit Authority;

7 “(D) ensures the Inspector General of the
8 Transit Authority can obtain legal advice from
9 a counsel reporting directly to the Inspector
10 General;

11 “(E) requires the Inspector General of the
12 Transit Authority to submit recommendations
13 for corrective action to the General Manager
14 and the Board of Directors of the Transit Au-
15 thority;

16 “(F) requires the Inspector General of the
17 Transit Authority to publish any recommenda-
18 tion described in subparagraph (E) on the
19 website of the Office of Inspector General of the
20 Transit Authority, except that the Inspector
21 General may redact personally identifiable in-
22 formation and information that, in the deter-
23 mination of the Inspector General, would pose
24 a security risk to the systems of the Transit
25 Authority;

1 “(G) requires the Board of Directors of
2 the Transit Authority to provide written notice
3 to the Committee on Transportation and Infra-
4 structure of the House of Representatives and
5 the Committee on Banking, Housing, and
6 Urban Affairs of the Senate not less than 30
7 days before the Board of Directors removes the
8 Inspector General of the Transit Authority,
9 which shall include the reasons for removal and
10 supporting documentation; and

11 “(H) prohibits the Board of Directors from
12 removing the Inspector General of the Transit
13 Authority unless the Board of Directors has
14 provided a 30 day written notification as de-
15 scribed in subparagraph (G) that documents—

16 “(i) a permanent incapacity;

17 “(ii) a neglect of duty;

18 “(iii) malfeasance;

19 “(iv) a conviction of a felony or con-
20 duct involving moral turpitude;

21 “(v) a knowing violation of a law or
22 regulation;

23 “(vi) gross mismanagement;

24 “(vii) a gross waste of funds;

25 “(viii) an abuse of authority; or

1 “(ix) inefficiency; and

2 “(2) the Code of Ethics for Members of the
3 WMATA Board of Directors passed on September
4 26, 2019, remains in effect, or the Inspector General
5 of the Transit Authority has concurred with any
6 modifications to the Code of Ethics by the Board.

7 “(e) AUTHORIZATIONS.—

8 “(1) IN GENERAL.—There are authorized to be
9 appropriated to the Secretary of Transportation for
10 grants under this section—

11 “(A) for fiscal year 2021, \$150,000,000;

12 “(B) for fiscal year 2022, \$155,000,000;

13 “(C) for fiscal year 2023, \$160,000,000;

14 “(D) for fiscal year 2024, \$165,000,000;

15 “(E) for fiscal year 2025, \$170,000,000;

16 “(F) for fiscal year 2026, \$175,000,000;

17 “(G) for fiscal year 2027, \$180,000,000;

18 “(H) for fiscal year 2028, \$185,000,000;

19 “(I) for fiscal year 2029, \$190,000,000;

20 and

21 “(J) for fiscal year 2030, \$200,000,000.

22 “(2) SET ASIDE FOR OFFICE OF INSPECTOR
23 GENERAL OF TRANSIT AUTHORITY.—From the
24 amounts in paragraph (1), the Transit Authority
25 shall provide at least 7 percent for each fiscal year

1 to the Office of Inspector General of the Transit Au-
2 thority to carry out independent and objective au-
3 dits, investigations, and reviews of Transit Authority
4 programs and operations to promote economy, effi-
5 ciency, and effectiveness, and to prevent and detect
6 fraud, waste, and abuse in such programs and oper-
7 ations.”; and

8 (3) by redesignating subsection (g) as sub-
9 section (f).

10 **SEC. 2902. OTHER APPORTIONMENTS.**

11 Section 5336 of title 49, United States Code, is
12 amended—

13 (1) in subsection (h)—

14 (A) in the matter preceding paragraph (1)
15 by striking “section 5336(a)(2)(C)” and insert-
16 ing “section 5336(a)(2)(B)”;

17 (B) by amending paragraph (1) to read as
18 follows:

19 “(1) to carry out section 5307(h)—

20 “(A) \$60,906,000 shall be set aside in fis-
21 cal year 2022;

22 “(B) \$61,856,134 shall be set aside in fis-
23 cal year 2023;

24 “(C) \$62,845,832 shall be set aside in fis-
25 cal year 2024; and

1 “(D) \$63,832,511 shall be set aside in fis-
2 cal year 2025;”;

3 (C) in paragraph (2) by striking “3.07
4 percent” and inserting “6 percent”; and

5 (D) by amending paragraph (3) to read as
6 follows:

7 “(3) of amounts not apportioned under para-
8 graphs (1) and (2), 3 percent shall be apportioned
9 to urbanized areas with populations of less than
10 200,000 in accordance with subsection (i);”;

11 (2) in subsection (i) by adding at the end the
12 following:

13 “(3) CENSUS PHASE-OUT.—Before apportioning
14 funds under subsection (h)(3), for any urbanized
15 area that is no longer an eligible area due to a
16 change in population in the most recent decennial
17 census, the Secretary shall apportion to such urban-
18 ized area, for 3 fiscal years, an amount equal to half
19 of the funds apportioned to such urbanized area pur-
20 suant to this subsection for the previous fiscal
21 year.”.

1 **Subtitle J—Streamlining**

2 **SEC. 2911. FIXED GUIDEWAY CAPITAL INVESTMENT** 3 **GRANTS.**

4 Section 5309 of title 49, United States Code, as
5 amended by section 2703 of this Act, is further amend-
6 ed—

7 (1) in subsection (a)—

8 (A) by striking paragraph (6);

9 (B) by redesignating paragraph (7) as
10 paragraph (6); and

11 (C) in paragraph (6), as so redesignated;

12 (i) in subparagraph (A) by striking
13 “\$100,000,000” and inserting
14 “\$320,000,000”; and

15 (ii) in subparagraph (B) by striking
16 “\$300,000,000” and inserting
17 “\$400,000,000”;

18 (2) in subsection (b)(2) by inserting “expanding
19 station capacity,” after “construction of infill sta-
20 tions,”;

21 (3) in subsection (d)(1)—

22 (A) in subparagraph (C)(i) by striking “2
23 years” and inserting “3 years”; and

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

1 “(D) OPTIONAL PROJECT DEVELOPMENT
2 ACTIVITIES.—An applicant may perform cost
3 and schedule risk assessments with technical
4 assistance provided by the Secretary.

5 “(E) STATUTORY CONSTRUCTION.—Noth-
6 ing in this section shall be construed as author-
7 izing the Secretary to require cost and schedule
8 risk assessments in the project development
9 phase.”;

10 (4) in subsection (e)(1)—

11 (A) in subparagraph (C)(i) by striking “2
12 years” and inserting “3 years”; and

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

14 “(D) OPTIONAL PROJECT DEVELOPMENT
15 ACTIVITIES.—An applicant may perform cost
16 and schedule risk assessments with technical
17 assistance provided by the Secretary.

18 “(E) STATUTORY CONSTRUCTION.—Noth-
19 ing in this section shall be construed as author-
20 izing the Secretary to require cost and schedule
21 risk assessments in the project development
22 phase.”;

23 (5) in subsection (e)(2)(A)(iii)(II) by striking
24 “5 years” and inserting “10 years”;

25 (6) in subsection (f)—

1 (A) in paragraph (1) by striking “sub-
2 section (d)(2)(A)(v)” and inserting “subsection
3 (d)(2)(A)(iv)”;

4 (B) in paragraph (2)—

5 (i) by striking “subsection
6 (d)(2)(A)(v)” and inserting “subsection
7 (d)(2)(A)(iv)”;

8 (ii) in subparagraph (D) by adding
9 “and” at the end;

10 (iii) by striking subparagraph (E);

11 and

12 (iv) by redesignating subparagraph
13 (F) as subparagraph (E); and

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

15 “(3) COST-SHARE INCENTIVES.—For a project
16 for which a lower cost share is elected by the appli-
17 cant under subsection (l)(1)(C), the Secretary shall
18 apply the following requirements and considerations
19 in lieu of paragraphs (1) and (2):

20 “(A) REQUIREMENTS.—In determining
21 whether a project is supported by local financial
22 commitment and shows evidence of stable and
23 dependable financing sources for purposes of
24 subsection (d)(2)(A)(iv) or (e)(2)(A)(v), the
25 Secretary shall require that—

1 “(i) the proposed project plan pro-
2 vides for the availability of contingency
3 amounts that the applicant determines to
4 be reasonable to cover unanticipated cost
5 increases or funding shortfalls;

6 “(ii) each proposed local source of
7 capital and operating financing is stable,
8 reliable, and available within the proposed
9 project timetable;

10 “(iii) an applicant certifies that local
11 resources are available to recapitalize,
12 maintain, and operate the overall existing
13 and proposed public transportation system,
14 including essential feeder bus and other
15 services necessary to achieve the projected
16 ridership levels without requiring a reduc-
17 tion in existing public transportation serv-
18 ices or level of service to operate the
19 project; and

20 “(iv) an executed full funding grant
21 agreement has at least 75 percent of local
22 financial commitment committed and the
23 remaining percentage budgeted for the pro-
24 posed purposes.

1 “(B) CONSIDERATIONS.—In assessing the
2 stability, reliability, and availability of proposed
3 sources of local financing for purposes of sub-
4 section (d)(2)(A)(iv) or (e)(2)(A)(v), the Sec-
5 retary shall consider—

6 “(i) the reliability of the forecasting
7 methods used to estimate costs and reve-
8 nues made by the recipient and the con-
9 tractors to the recipient;

10 “(ii) existing grant commitments;

11 “(iii) any debt obligation that exists,
12 or is proposed by the recipient, for the pro-
13 posed project or other public transpor-
14 tation purpose; and

15 “(iv) private contributions to the
16 project, including cost-effective project de-
17 livery, management or transfer of project
18 risks, expedited project schedule, financial
19 partnering, and other public-private part-
20 nership strategies.

21 “(4) CONTINGENCY SHARE.—For purposes of
22 paragraph (1)(A), the Secretary shall provide 50
23 percent of the recommended contingency established
24 by the project management oversight contractor

1 under section 5327 in addition to the grant amount
2 set in subsection (k)(2)(C)(ii).”;

3 (7) in subsection (g)—

4 (A) in paragraph (2)(A) by striking “de-
5 gree of local financial commitment” and insert-
6 ing “criteria in subsection (f)” each place it ap-
7 pears;

8 (B) in paragraph (3) by striking “The Sec-
9 retary shall” and all that follows through the
10 end and inserting the following: “The Secretary
11 shall—

12 “(A) to the maximum extent practicable,
13 develop and use special warrants for making a
14 project justification determination under sub-
15 section (d)(2) or (e)(2), as applicable, for a
16 project proposed to be funded using a grant
17 under this section if—

18 “(i) the share of the cost of the
19 project to be provided under this section—

20 “(I) does not exceed
21 \$500,000,000 and the total project
22 cost does not exceed \$1,000,000,000;
23 or

24 “(II) complies with subsection
25 (l)(1)(C);

1 “(ii) the applicant requests the use of
2 the warrants;

3 “(iii) the applicant certifies that its
4 existing public transportation system is in
5 a state of good repair; and

6 “(iv) the applicant meets any other
7 requirements that the Secretary considers
8 appropriate to carry out this subsection;
9 and”;

10 (C) by striking paragraph (5) and insert-
11 ing the following:

12 “(5) POLICY GUIDANCE.—The Secretary shall
13 issue policy guidance on the review and evaluation
14 process and criteria not later than 180 days after
15 the date of enactment of the INVEST in America
16 Act.”;

17 (D) by striking paragraph (6) and insert-
18 ing the following:

19 “(6) TRANSPARENCY.—Not later than 30 days
20 after the Secretary receives a written request from
21 an applicant for all remaining information necessary
22 to obtain 1 or more of the following, the Secretary
23 shall provide such information to the applicant:

24 “(A) Project advancement.

25 “(B) Medium or higher rating.

1 “(C) Warrant.

2 “(D) Letter of intent.

3 “(E) Early systems work agreement.”; and

4 (E) in paragraph (7) by striking “the Fed-
5 eral Public Transportation Act of 2012” and
6 inserting “the INVEST in America Act”;

7 (8) in subsection (h)—

8 (A) in paragraph (5) by striking the period
9 at the end and inserting the following: “, except
10 that for a project for which a lower local cost
11 share is elected under subsection (l)(1)(C), the
12 Secretary shall enter into a grant agreement
13 under this subsection for any such project
14 that—

15 “(A) has at least 75 percent of local finan-
16 cial commitment committed and the remaining
17 percentage budgeted for the proposed purposes;
18 and

19 “(B) establishes contingency amounts that
20 the applicant determines to be reasonable to
21 cover unanticipated cost increases or funding
22 shortfalls.”; and

23 (B) in paragraph (7)(C) by striking “10
24 days” and inserting “3 days”;

1 (9) by striking subsection (i) and inserting the
2 following:

3 “(i) INTERRELATED PROJECTS.—

4 “(1) RATINGS IMPROVEMENT.—The Secretary
5 shall grant a rating increase of 1 level in mobility
6 improvements to any project being rated under sub-
7 section (d), (e), or (h), if the Secretary certifies that
8 the project has a qualifying interrelated project that
9 meets the requirements of paragraph (2).

10 “(2) INTERRELATED PROJECT.—A qualifying
11 interrelated project is a transit project that—

12 “(A) is adopted into the metropolitan
13 transportation plan required under section
14 5303;

15 “(B) has received a class of action designa-
16 tion under the National Environmental Policy
17 Act of 1969 (42 U.S.C. 4321 et seq.);

18 “(C) will likely increase ridership on the
19 project being rated in subsection (d), (e), or
20 (h), respectively, as determined by the Sec-
21 retary; and

22 “(D) meets 1 of the following criteria:

23 “(i) Extends the corridor of the
24 project being rated in subsection (d), (e),
25 or (h), respectively.

1 “(ii) Provides a direct passenger
2 transfer to the project being rated in sub-
3 section (d), (e), or (h), respectively.”;

4 (10) in subsection (k)(5) by striking “30 days”
5 and inserting “3 days”;

6 (11) in subsection (l)—

7 (A) in paragraph (1) by striking subpara-
8 graph (B) and inserting the following:

9 “(B) CAP.—Except as provided in sub-
10 paragraph (C), a grant for a project under this
11 section shall not exceed 80 percent of the net
12 capital project cost, except that a grant for a
13 core capacity improvement project shall not ex-
14 ceed 80 percent of the net capital project cost
15 of the incremental cost to increase the capacity
16 in the corridor.

17 “(C) APPLICANT ELECTION OF LOWER
18 LOCAL COST SHARE.—An applicant may elect a
19 lower local cost share for a project under this
20 section for purposes of application of the cost-
21 share incentives under subsection (f)(3). Such
22 cost share shall not exceed 60 percent of the
23 net capital project cost, except that for a grant
24 for a core capacity improvement project such
25 cost share shall not exceed 60 percent of the

1 net capital project cost of the incremental cost
2 to increase the capacity in the corridor.”;

3 (B) by striking paragraph (5) and insert-
4 ing the following:

5 “(5) LIMITATION ON STATUTORY CONSTRUC-
6 TION.—Nothing in this section shall be construed as
7 authorizing the Secretary to require, incentivize (in
8 any manner not specified in this section), or place
9 additional conditions upon a non-Federal financial
10 commitment for a project that is more than 20 per-
11 cent of the net capital project cost or, for a core ca-
12 pacity improvement project, 20 percent of the net
13 capital project cost of the incremental cost to in-
14 crease the capacity in the corridor.”; and

15 (C) by striking paragraph (8);

16 (12) in subsection (o) by adding at the end the
17 following:

18 “(4) CIG PROGRAM DASHBOARD.—Not later
19 than the fifth day of each month, the Secretary shall
20 make publicly available on a website data on, includ-
21 ing the status of, each project under this section
22 that is in the project development phase, in the engi-
23 neering phase, or has received a grant agreement
24 and remains under construction. Such data shall in-
25 clude, for each project—

1 “(A) the amount and fiscal year of any
2 funding appropriated, allocated, or obligated for
3 the project;

4 “(B) the date on which the project—

5 “(i) entered the project development
6 phase;

7 “(ii) entered the engineering phase, if
8 applicable; and

9 “(iii) received a grant agreement, if
10 applicable; and

11 “(C) the status of review by the Federal
12 Transit Administration and the Secretary, in-
13 cluding dates of request, dates of acceptance of
14 request, and dates of a decision for each of the
15 following, if applicable:

16 “(i) A letter of no prejudice.

17 “(ii) An environmental impact state-
18 ment notice of intent.

19 “(iii) A finding of no significant envi-
20 ronmental impact.

21 “(iv) A draft environmental impact
22 statement.

23 “(v) A final environmental impact
24 statement.

1 “(vi) A record of decision on the final
2 environmental impact statement; and

3 “(vii) The status of the applicant in
4 securing the non-Federal match, based on
5 information provided by the applicant, in-
6 cluding the amount committed, budgeted,
7 planned, and undetermined.”; and

8 (13) by striking “an acceptable degree of” and
9 inserting “a” each place it appears.

10 **SEC. 2912. RURAL AND SMALL URBAN APPORTIONMENT**

11 **DEADLINE.**

12 Section 5336(d) of title 49, United States Code, is
13 amended—

14 (1) by redesignating paragraph (2) as para-
15 graph (3); and

16 (2) by inserting after paragraph (1) the fol-
17 lowing:

18 “(2) notwithstanding paragraph (1), apportion
19 amounts to the States appropriated under section
20 5338(a)(2) to carry out sections 5307, 5310, and
21 5311 not later than December 15 for which any
22 amounts are appropriated; and”.

23 **SEC. 2913. DISPOSITION OF ASSETS BEYOND USEFUL LIFE.**

24 Section 5334 of title 49, United States Code, is fur-
25 ther amended by adding at the end the following:

1 “(1) DISPOSITION OF ASSETS BEYOND USEFUL
2 LIFE.—

3 “(1) IN GENERAL.—If a recipient, or sub-
4 recipient, for assistance under this chapter disposes
5 of an asset with a current market value, or proceed
6 from the sale of such asset, acquired under this
7 chapter at least in part with such assistance, after
8 such asset has reached the useful life of such asset,
9 the Secretary shall allow the recipient, or sub-
10 recipient, to use the proceeds attributable to the
11 Federal share of such asset calculated under para-
12 graph (3) for capital projects under section 5307,
13 5310, or 5311.

14 “(2) MINIMUM VALUE.—This subsection shall
15 only apply to assets with a current market value, or
16 proceeds from sale, of at least \$5,000.

17 “(3) CALCULATION OF FEDERAL SHARE AT-
18 TRIBUTABLE.—The proceeds attributable to the
19 Federal share of an asset described in paragraph (1)
20 shall be calculated by multiplying—

21 “(A) the current market value of, or the
22 proceeds from the disposition of, such asset; by

23 “(B) the Federal share percentage for the
24 acquisition of such asset at the time of acquisi-
25 tion of such asset.”.

1 **SEC. 2914. INNOVATIVE COORDINATED ACCESS AND MOBIL-**
2 **ITY.**

3 Section 5310 of title 49, United States Code, as
4 amended by section 2205, is further amended by adding
5 at the end the following:

6 “(k) INNOVATIVE COORDINATED ACCESS AND MO-
7 BILITY.—

8 “(1) START UP GRANTS.—

9 “(A) IN GENERAL.—The Secretary may
10 make grants under this paragraph to eligible
11 recipients to assist in financing innovative
12 projects for the transportation disadvantaged
13 that improve the coordination of transportation
14 services and non-emergency medical transpor-
15 tation services.

16 “(B) APPLICATION.—An eligible recipient
17 shall submit to the Secretary an application
18 that, at a minimum, contains—

19 “(i) a detailed description of the eligi-
20 ble project;

21 “(ii) an identification of all eligible
22 project partners and the specific role of
23 each eligible project partner in the eligible
24 project, including—

25 “(I) private entities engaged in
26 the coordination of nonemergency

1 medical transportation services for the
2 transportation disadvantaged;

3 “(II) nonprofit entities engaged
4 in the coordination of nonemergency
5 medical transportation services for the
6 transportation disadvantaged; or

7 “(III) Federal entities engaged in
8 the coordination of nonemergency
9 medical transportation services for the
10 transportation disadvantaged; and

11 “(iii) a description of how the eligible
12 project shall—

13 “(I) improve local coordination or
14 access to coordinated transportation
15 services;

16 “(II) reduce duplication of serv-
17 ice, if applicable; and

18 “(III) provide innovative solu-
19 tions in the State or community.

20 “(C) PERFORMANCE MEASURES.—An eligi-
21 ble recipient shall specify, in an application for
22 a grant under this paragraph, the performance
23 measures the eligible project will use to quan-
24 tify actual outcomes against expected outcomes,
25 including—

1 “(i) reduced transportation expendi-
2 tures as a result of improved coordination;
3 and

4 “(ii) reduced healthcare expenditures
5 as a result of improved coordination.

6 “(D) ELIGIBLE USES.—Eligible recipients
7 receiving a grant under this section may use
8 such funds for—

9 “(i) the deployment of coordination
10 technology;

11 “(ii) projects that create or increase
12 access to community One-Call/One-Click
13 Centers;

14 “(iii) projects that integrate transpor-
15 tation for 3 or more of—

16 “(I) public transportation pro-
17 vided under this section;

18 “(II) a State plan approved
19 under title XIX of the Social Security
20 Act (42 U.S.C. 1396 et seq.);

21 “(III) title XVIII of the Social
22 Security Act (42 U.S.C. 1395 et seq.);

23 “(IV) Veterans Health Adminis-
24 tration; or

1 “(V) private health care facilities;

2 and

3 “(iv) such other projects as deter-
4 mined appropriate by the Secretary.

5 “(2) INCENTIVE GRANTS.—

6 “(A) IN GENERAL.—The Secretary may
7 make grants under this paragraph to eligible
8 recipients to incentivize innovative projects for
9 the transportation disadvantaged that improve
10 the coordination of transportation services and
11 non-emergency medical transportation services.

12 “(B) SELECTION OF GRANT RECIPI-
13 ENTS.—The Secretary shall distribute grant
14 funds made available to carry out this para-
15 graph as described in subparagraph (E) to eli-
16 gible recipients that apply and propose to dem-
17 onstrate improvement in the metrics described
18 in subparagraph (F).

19 “(C) ELIGIBILITY.—An eligible recipient
20 shall not be required to have received a grant
21 under paragraph (1) to be eligible to receive a
22 grant under this paragraph.

23 “(D) APPLICATIONS.—Eligible recipients
24 shall submit to the Secretary an application
25 that includes—

1 “(i) which metrics under subpara-
2 graph (F) the eligible recipient intends to
3 improve;

4 “(ii) the performance data eligible re-
5 cipients and the Federal, State, nonprofit,
6 and private partners of the eligible recipi-
7 ent will make available; and

8 “(iii) a proposed incentive formula
9 that makes payments to the eligible recipi-
10 ent based on the proposed data and
11 metrics.

12 “(E) DISTRIBUTION.—The Secretary shall
13 distribute funds made available to carry out
14 this paragraph based upon the number of grant
15 applications approved by the Secretary, number
16 of individuals served by each grant, and the in-
17 centive formulas approved by the Secretary
18 using the following metrics:

19 “(i) The reduced transportation ex-
20 penditures as a result of improved coordi-
21 nation.

22 “(ii) The reduced Federal healthcare
23 expenditures using the metrics described in
24 subparagraph (F).

1 “(iii) The reduced private healthcare
2 expenditures using the metrics described in
3 subparagraph (F).

4 “(F) HEALTHCARE METRICS.—Healthcare
5 metrics described in this subparagraph shall
6 be—

7 “(i) reducing missed medical appoint-
8 ments;

9 “(ii) the timely discharge of patients
10 from hospitals;

11 “(iii) reducing readmissions of pa-
12 tients into hospitals; and

13 “(iv) other measureable healthcare
14 metrics, as determined appropriate by the
15 Secretary.

16 “(G) ELIGIBLE EXPENDITURES.—The Sec-
17 retary shall allow the funds distributed by this
18 grant program to be expended on eligible activi-
19 ties described in paragraph (1)(D) and any eli-
20 gible activity under this section that is likely to
21 improve the metrics described in subparagraph
22 (F).

23 “(H) RECIPIENT CAP.—The Secretary—

24 “(i) may not provide more than 20
25 grants under this paragraph; and

1 “(ii) shall reduce the maximum num-
2 ber of grants under this paragraph to en-
3 sure projects are fully funded, if necessary.

4 “(3) REPORT.—The Secretary shall make pub-
5 licly available an annual report on the program car-
6 ried out under this subsection for each fiscal year,
7 not later than December 31 of the calendar year in
8 which that fiscal year ends. The report shall include
9 a detailed description of the activities carried out
10 under the program, and an evaluation of the pro-
11 gram, including an evaluation of the performance
12 measures used by eligible recipients.

13 “(4) FEDERAL SHARE.—

14 “(A) IN GENERAL.—The Federal share of
15 the costs of a project carried out under this
16 subsection shall not exceed 80 percent.

17 “(B) NON-FEDERAL SHARE.—The non-
18 Federal share of the costs of a project carried
19 out under this subsection may be derived from
20 in-kind contributions.

21 “(5) RULE OF CONSTRUCTION.—For purposes
22 of this subsection, nonemergency medical transpor-
23 tation services shall be limited to services eligible
24 under Federal programs other than programs au-
25 thorized under this chapter.”.

1 **TITLE III—HIGHWAY TRAFFIC**
2 **SAFETY**

3 **SEC. 3001. AUTHORIZATION OF APPROPRIATIONS.**

4 (a) IN GENERAL.—The following sums are author-
5 ized to be appropriated out of the Highway Trust Fund
6 (other than the Mass Transit Account):

7 (1) HIGHWAY SAFETY PROGRAMS.—For car-
8 rying out section 402 of title 23, United States
9 Code—

10 (A) \$378,400,000 for fiscal year 2022;

11 (B) \$382,400,000 for fiscal year 2023;

12 (C) \$386,500,000 for fiscal year 2024; and

13 (D) \$390,400,000 for fiscal year 2025.

14 (2) HIGHWAY SAFETY RESEARCH AND DEVEL-
15 OPMENT.—For carrying out section 403 of title 23,
16 United States Code—

17 (A) \$182,495,000 for fiscal year 2022;

18 (B) \$184,795,000 for fiscal year 2023;

19 (C) \$187,795,000 for fiscal year 2024; and

20 (D) \$190,695,000 for fiscal year 2025.

21 (3) NATIONAL PRIORITY SAFETY PROGRAMS.—
22 For carrying out section 405 of title 23, United
23 States Code—

24 (A) \$384,119,000 for fiscal year 2022;

25 (B) \$393,205,000 for fiscal year 2023;

1 (C) \$402,205,000 for fiscal year 2024; and

2 (D) \$411,388,000 for fiscal year 2025.

3 (4) NATIONAL DRIVER REGISTER.—For the Na-
4 tional Highway Traffic Safety Administration to
5 carry out chapter 303 of title 49, United States
6 Code—

7 (A) \$5,700,000 for fiscal year 2022;

8 (B) \$5,800,000 for fiscal year 2023;

9 (C) \$5,900,000 for fiscal year 2024; and

10 (D) \$6,000,000 for fiscal year 2025.

11 (5) HIGH-VISIBILITY ENFORCEMENT PRO-
12 GRAM.—For carrying out section 404 of title 23,
13 United States Code—

14 (A) \$60,200,000 for fiscal year 2022;

15 (B) \$60,600,000 for fiscal year 2023;

16 (C) \$60,800,000 for fiscal year 2024; and

17 (D) \$61,200,000 for fiscal year 2025.

18 (6) ADMINISTRATIVE EXPENSES.—For adminis-
19 trative and related operating expenses of the Na-
20 tional Highway Traffic Safety Administration in car-
21 rying out chapter 4 of title 23, United States
22 Code—

23 (A) \$30,586,000 for fiscal year 2022;

24 (B) \$31,000,000 for fiscal year 2023;

25 (C) \$31,500,000 for fiscal year 2024; and

1 (D) \$31,917,000 for fiscal year 2025.

2 (b) PROHIBITION ON OTHER USES.—Except as oth-
3 erwise provided in chapter 4 of title 23, United States
4 Code, and chapter 303 of title 49, United States Code,
5 the amounts made available from the Highway Trust
6 Fund (other than the Mass Transit Account) for a pro-
7 gram under such chapters—

8 (1) shall only be used to carry out such pro-
9 gram; and

10 (2) may not be used by States or local govern-
11 ments for construction purposes.

12 (c) APPLICABILITY OF TITLE 23.—Except as other-
13 wise provided in chapter 4 of title 23, United States Code,
14 and chapter 303 of title 49, United States Code, amounts
15 made available under subsection (a) for fiscal years 2022
16 through 2025 shall be available for obligation in the same
17 manner as if such funds were apportioned under chapter
18 1 of title 23, United States Code.

19 (d) REGULATORY AUTHORITY.—Grants awarded
20 under chapter 4 of title 23, United States Code, including
21 any amendments made by this title, shall be carried out
22 in accordance with regulations issued by the Secretary of
23 Transportation.

24 (e) STATE MATCHING REQUIREMENTS.—If a grant
25 awarded under chapter 4 of title 23, United States Code,

1 requires a State to share in the cost, the aggregate of all
2 expenditures for highway safety activities made during a
3 fiscal year by the State and its political subdivisions (ex-
4 clusive of Federal funds) for carrying out the grant (other
5 than planning and administration) shall be available for
6 the purpose of crediting the State during such fiscal year
7 for the non-Federal share of the cost of any other project
8 carried out under chapter 4 of title 23, United States Code
9 (other than planning or administration), without regard
10 to whether such expenditures were made in connection
11 with such project.

12 (f) GRANT APPLICATION AND DEADLINE.—To re-
13 ceive a grant under chapter 4 of title 23, United States
14 Code, a State shall submit an application, and the Sec-
15 retary of Transportation shall establish a single deadline
16 for such applications to enable the award of grants early
17 in the next fiscal year.

18 **SEC. 3002. HIGHWAY SAFETY PROGRAMS.**

19 Section 402 of title 23, United States Code, is
20 amended—

21 (1) in subsection (a)—

22 (A) in paragraph (2)(A)—

23 (i) in clause (ii) by striking “occupant
24 protection devices (including the use of

1 safety belts and child restraint systems)”

2 and inserting “safety belts”;

3 (ii) in clause (vii) by striking “; and”

4 and inserting a semicolon; and

5 (iii) by inserting after clause (viii) the
6 following:

7 “(ix) to encourage more widespread
8 and proper use of child safety seats (in-
9 cluding booster seats) with an emphasis on
10 underserved populations;

11 “(x) to reduce injuries and deaths re-
12 sulting from drivers of motor vehicles not
13 moving to another traffic lane or reducing
14 the speed of such driver’s vehicle when
15 passing an emergency, law enforcement, or
16 other vehicle stopped or parked on or near
17 the roadway; and

18 “(xi) to increase driver awareness of
19 the dangers of leaving an unattended child
20 or other occupant in a vehicle when there
21 is a risk of hyperthermia;”;

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

23 “(3) ADDITIONAL CONSIDERATIONS.—States
24 which have legalized medicinal or recreational mari-
25 juana shall consider programs in addition to the pro-

1 grams described in paragraph (2)(A) to educate
2 drivers on the risks associated with marijuana-im-
3 paired driving and to reduce injuries and deaths re-
4 sulting from individuals driving motor vehicles while
5 impaired by marijuana.”;

6 (2) in subsection (c)(4)—

7 (A) by striking subparagraph (C);

8 (B) by redesignating subparagraph (B) as
9 subparagraph (D); and

10 (C) by inserting after subparagraph (A)
11 the following:

12 “(B) SPECIAL RULE FOR SCHOOL AND
13 WORK ZONES.—Notwithstanding subparagraph
14 (A), a State may expend funds apportioned to
15 that State under this section to carry out a pro-
16 gram to purchase, operate, or maintain an
17 automated traffic system in a work zone or
18 school zone.

19 “(C) AUTOMATED TRAFFIC ENFORCEMENT
20 SYSTEM GUIDELINES.—Any automated traffic
21 enforcement system installed pursuant to sub-
22 paragraph (B) shall comply with—

23 “(i) Speed Enforcement Camera Sys-
24 tems Operational Guidelines (DOT HS
25 810 916, March 2008); or

1 “(ii) Red Light Camera Systems
2 Operational Guidelines (FHWA-SA-05-
3 002, January 2005).”; and

4 (3) in subsection (n)—

5 (A) by striking “PUBLIC TRANSPARENCY”
6 and all that follows through “The Secretary”
7 and inserting the following: “PUBLIC TRANS-
8 PARENCY.—

9 “(1) IN GENERAL.—The Secretary”; and

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

11 “(2) STATE HIGHWAY SAFETY PLAN
12 WEBSITE.—

13 “(A) IN GENERAL.—In carrying out the
14 requirements of paragraph (1), the Secretary
15 shall establish a public website that is easily ac-
16 cessible, navigable, and searchable for the infor-
17 mation required under paragraph (1), in order
18 to foster greater transparency in approved
19 State highway safety programs.

20 “(B) CONTENTS.—The website established
21 under subparagraph (A) shall—

22 “(i) include each State highway safety
23 plan and annual report submitted and ap-
24 proved by the Secretary under subsection
25 (k);

1 “(ii) provide a means for the public to
2 search such website for State highway
3 safety program content required in sub-
4 section (k), including—

5 “(I) performance measures re-
6 quired by the Secretary under para-
7 graph (3)(A);

8 “(II) progress made toward
9 meeting the State’s performance tar-
10 gets for the previous year;

11 “(III) program areas and ex-
12 penditures; and

13 “(IV) a description of any
14 sources of funds other than funds pro-
15 vided under this section that the State
16 proposes to use to carry out the State
17 highway safety plan of such State.”.

18 **SEC. 3003. TRAFFIC SAFETY ENFORCEMENT GRANTS.**

19 Section 402 of title 23, United States Code, as
20 amended by section 3002 of this Act, is further amended
21 by inserting after subsection (k) the following:

22 “(1) **TRAFFIC SAFETY ENFORCEMENT GRANTS.**—

23 “(1) **GENERAL AUTHORITY.**—Subject to the re-
24 quirements under this subsection, the Secretary shall
25 award grants to States for the purpose of carrying

1 out top-rated traffic safety enforcement counter-
2 measures to reduce traffic-related injuries and fatali-
3 ties.

4 “(2) COUNTERMEASURE DEFINED.—In this
5 subsection, the term ‘countermeasure’ means a coun-
6 termeasure rated 3, 4, or 5 stars in the most recent
7 edition of the National Highway Traffic Safety Ad-
8 ministration’s Countermeasures That Work highway
9 safety guide.

10 “(3) FUNDING.—Before making any distribu-
11 tion under this section, the Secretary shall set aside
12 not more than \$35,000,000 of the funds made avail-
13 able under this section for each fiscal year to be allo-
14 cated among up to 10 States.

15 “(4) SELECTION CRITERIA.—The Secretary
16 shall select up to 10 applicants based on the fol-
17 lowing criteria:

18 “(A) Geographical diversity.

19 “(B) Higher State average of traffic fatali-
20 ties per vehicle mile traveled.

21 “(C) A preference to applications that in-
22 clude under paragraph (6)(C) the data derived
23 from law enforcement activities funded by a
24 State under this section.

1 “(5) ELIGIBILITY.—A State may receive a
2 grant under this subsection in a fiscal year if the
3 State demonstrates, to the satisfaction of the Sec-
4 retary, that the State is able to meet the require-
5 ments in paragraph (6).

6 “(6) REQUIREMENTS.—In order to receive
7 funds, a State must establish an agreement with the
8 Secretary to—

9 “(A) identify areas with the highest risk of
10 traffic fatalities and injuries;

11 “(B) determine the most effective counter-
12 measures to implement in those areas, with pri-
13 ority given to countermeasures rated above 3
14 stars; and

15 “(C) report annual data under uniform re-
16 porting requirements established by the Sec-
17 retary, including—

18 “(i) traffic citations and arrests;

19 “(ii) the increase in traffic safety en-
20 forcement activity supported by these
21 funds; and

22 “(iii) any other metrics the Secretary
23 determines appropriate to determine the
24 success of the grant.

25 “(7) USE OF FUNDS.—

1 “(A) IN GENERAL.—Grant funds received
2 by a State under this subsection may be used
3 for—

4 “(i) implementing countermeasures
5 determined under paragraph (6); and

6 “(ii) law enforcement-related ex-
7 penses, such as officer training, overtime,
8 technology, and equipment, if the Sec-
9 retary determines countermeasures have
10 been implemented successfully and the Sec-
11 retary provides approval.

12 “(B) BROADCAST AND PRINT MEDIA.—Up
13 to 5 percent of grant funds received by a State
14 under this subsection may be used for the de-
15 velopment, production, and use of broadcast
16 and print media advertising in carrying out
17 traffic safety law enforcement efforts under this
18 subsection.

19 “(8) ALLOCATION.—Grant funds allocated to a
20 State under this subsection for a fiscal year shall be
21 in proportion to the State’s apportionment under
22 this section for the fiscal year.

23 “(9) MAINTENANCE OF EFFORT.—No grant
24 may be made to a State in any fiscal year under this
25 subsection unless the State enters into such an

1 agreement with the Secretary, as the Secretary may
2 require, to ensure that the State will maintain its
3 aggregate expenditures from all State and local
4 sources for activities described in this subsection at
5 or above the average level of expenditures in the 2
6 fiscal years preceding the date of enactment of this
7 subsection.

8 “(10) ANNUAL EVALUATION AND REPORT TO
9 CONGRESS.—The Secretary shall conduct an annual
10 evaluation of the effectiveness of grants awarded
11 under this subsection and shall submit to the Com-
12 mittee on Transportation and Infrastructure of the
13 House of Representatives and the Committee on
14 Commerce, Science, and Transportation of the Sen-
15 ate an annual report on the effectiveness of the
16 grants.”.

17 **SEC. 3004. HIGHWAY SAFETY RESEARCH AND DEVELOP-**
18 **MENT.**

19 Section 403 of title 23, United States Code, is
20 amended—

21 (1) in subsection (b) by inserting “, training,”
22 after “demonstration projects”;

23 (2) in subsection (f)(1) by striking “subsection
24 402(c) in each fiscal year ending before October 1,
25 2015, and \$443,989 of the total amount available

1 for apportionment to the States for highway safety
2 programs under section 402(c) in the period begin-
3 ning on October 1, 2015, and ending on December
4 4, 2015,” and inserting “section 402(c)(2) in each
5 fiscal year”; and

6 (3) by striking subsection (h) and redesignating
7 subsections (i) and (j) as subsections (h) and (i), re-
8 spectively.

9 **SEC. 3005. GRANT PROGRAM TO PROHIBIT RACIAL**
10 **PROFILING.**

11 Section 403 of title 23, United States Code, as
12 amended by section 3004 of this Act, is further amended
13 by adding at the end the following:

14 “(j) GRANT PROGRAM TO PROHIBIT RACIAL
15 PROFILING.—

16 “(1) GENERAL AUTHORITY.—Subject to the re-
17 quirements of this subsection, the Secretary shall
18 make grants to a State that—

19 “(A) is maintaining and allows public in-
20 spection of statistical information for each
21 motor vehicle stop made by a law enforcement
22 officer on a Federal-aid highway in the State
23 regarding the race and ethnicity of the driver;
24 or

1 “(B) provides assurances satisfactory to
2 the Secretary that the State is undertaking ac-
3 tivities to comply with the requirements of sub-
4 paragraph (A).

5 “(2) USE OF GRANT FUNDS.—A grant received
6 by a State under paragraph (1) shall be used by the
7 State for the costs of—

8 “(A) collecting and maintaining data on
9 traffic stops; and

10 “(B) evaluating the results of such data.

11 “(3) LIMITATIONS.—

12 “(A) MAXIMUM AMOUNT OF GRANTS.—
13 The total amount of grants made to a State
14 under this section in a fiscal year may not ex-
15 ceed 5 percent of the amount made available to
16 carry out this section in the fiscal year.

17 “(B) ELIGIBILITY.—On or after October
18 1, 2022, a State may not receive a grant under
19 paragraph (1)(B) in more than 2 fiscal years.

20 “(4) FUNDING.—

21 “(A) IN GENERAL.—From funds made
22 available under this section, the Secretary shall
23 set aside \$7,500,000 for each fiscal year to
24 carry out this subsection.

1 “(B) FEDERAL SHARE.—The Federal
2 share of the cost of activities carried out using
3 such funds shall be 80 percent.

4 “(C) OTHER USES.—The Secretary may
5 reallocate, before the last day of any fiscal year,
6 amounts remaining available under subpara-
7 graph (A) to increase the amounts made avail-
8 able to carry out any other activities authorized
9 under this section in order to ensure, to the
10 maximum extent possible, that all such amounts
11 are obligated during such fiscal year.”.

12 **SEC. 3006. HIGH-VISIBILITY ENFORCEMENT PROGRAM.**

13 Section 404 of title 23, United States Code, is
14 amended—

15 (1) in subsection (a) by striking “3 campaigns
16 will be carried out in each of fiscal years 2016
17 through 2020” and inserting “6 campaigns will be
18 carried out in each of fiscal years 2022 through
19 2025”;

20 (2) in subsection (b)—

21 (A) in paragraph (1) by striking “or drug-
22 impaired”;

23 (B) in paragraph (2) by inserting “and
24 child restraints” after “seatbelts”;

1 (C) by redesignating paragraph (2) as
2 paragraph (3);

3 (D) by inserting after paragraph (1) the
4 following:

5 “(2) Reduce drug-impaired operation of motor
6 vehicles.”; and

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

8 “(4) Reduce texting through a personal wireless
9 communications device by drivers while operating a
10 motor vehicle.

11 “(5) Reduce violations of move over laws of a
12 State that require motorists to change lanes or slow
13 down when emergency, law enforcement, or other ve-
14 hicles are stopped or parked on or next to a road-
15 way.”;

16 (3) by redesignating subsections (e) and (f) as
17 subsections (g) and (h), respectively;

18 (4) by inserting after subsection (d) the fol-
19 lowing:

20 “(e) FREQUENCY.—Each campaign administered
21 under this section shall occur not less than once in each
22 of fiscal years 2022 through 2025 with the exception of
23 campaigns to reduce alcohol-impaired operation of motor
24 vehicles which shall occur not less than twice in each of
25 fiscal years 2022 through 2025.

1 “(f) COORDINATION OF DYNAMIC HIGHWAY MES-
2 SAGE SIGNS.—During the time a State is carrying out a
3 campaign, the Secretary shall coordinate with States car-
4 rying out the campaigns under this section on the use of
5 dynamic highway message signs to support national high-
6 visibility advertising and education efforts associated with
7 the campaigns.”; and

8 (5) in subsection (f)—

9 (A) by redesignating paragraph (2) as
10 paragraph (3);

11 (B) by inserting after paragraph (1) the
12 following:

13 “(2) DYNAMIC HIGHWAY MESSAGE SIGN.—The
14 term ‘dynamic highway message sign’ means a traf-
15 fic control device that is capable of displaying one or
16 more alternative messages which convey information
17 to occupants of motor vehicles.”; and

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

19 “(4) TEXTING.—The term ‘texting’ has the
20 meaning given such term in section 405(e).”.

21 **SEC. 3007. NATIONAL PRIORITY SAFETY PROGRAMS.**

22 Section 405 of title 23, United States Code, is
23 amended—

24 (1) in subsection (a)—

1 (A) in paragraph (1) by striking “13 per-
2 cent” and inserting “12.85 percent”;

3 (B) in paragraph (2) by striking “14.5
4 percent” and inserting “14.3 percent”;

5 (C) in paragraph (3) by striking “52.5
6 percent” and inserting “51.75 percent”;

7 (D) in paragraph (4) by striking “8.5 per-
8 cent” and inserting “8.3 percent”;

9 (E) in paragraph (6) by striking “5 per-
10 cent” and inserting “4.9 percent”;

11 (F) in paragraph (7) by striking “5 per-
12 cent” and inserting “4.9 percent”;

13 (G) in paragraph (8)—

14 (i) by striking “paragraphs (1)
15 through (7)” and inserting “paragraphs
16 (1) through (8)”;

17 (ii) by striking “subsection (b)
18 through (h)” and inserting “subsections
19 (b) through (i)”;

20 (iii) by inserting “to carry out any of
21 the other activities described in such sub-
22 sections, or the amount made available”
23 before “under section 402”;

24 (H) in paragraph (9)(A) by striking “date
25 of enactment of the FAST Act” and inserting

1 “date of enactment of the INVEST in America
2 Act”;

3 (I) by redesignating paragraphs (8) and
4 (9) as paragraphs (9) and (10), respectively;
5 and

6 (J) by inserting after paragraph (7) the
7 following:

8 “(8) DRIVER AND OFFICER SAFETY EDU-
9 CATION.—In each fiscal year, 1.5 percent of the
10 funds provided under this section shall be allocated
11 among States that meet the requirements with re-
12 spect to driver and officer safety education (as de-
13 scribed in subsection (i)).”;

14 (2) by striking subsection (c)(4) and inserting
15 the following:

16 “(4) USE OF GRANT AMOUNTS.—Grant funds
17 received by a State under this subsection shall be
18 used for—

19 “(A) making data program improvements
20 to core highway safety databases related to
21 quantifiable, measurable progress in any of the
22 6 significant data program attributes set forth
23 in paragraph (3)(D);

24 “(B) developing or acquiring programs to
25 identify, collect, and report data to State and

1 local government agencies, and enter data, in-
2 cluding crash, citation or adjudication, driver,
3 emergency medical services or injury surveil-
4 lance system, roadway, and vehicle, into the
5 core highway safety databases of a State;

6 “(C) purchasing equipment to improve
7 processes by which data is identified, collected,
8 and reported to State and local government
9 agencies;

10 “(D) linking core highway safety databases
11 of a State with such databases of other States
12 or with other data systems within the State, in-
13 cluding systems that contain medical, roadway,
14 and economic data;

15 “(E) improving the compatibility and
16 interoperability of the core highway safety data-
17 bases of the State with national data systems
18 and data systems of other States;

19 “(F) enhancing the ability of a State and
20 the Secretary to observe and analyze local,
21 State, and national trends in crash occurrences,
22 rates, outcomes, and circumstances;

23 “(G) supporting traffic records-related
24 training and related expenditures for law en-

1 enforcement, emergency medical, judicial, prosecu-
2 torial, and traffic records professionals;

3 “(H) hiring traffic records professionals,
4 including a Fatality Analysis Reporting System
5 liaison for a State; and

6 “(I) conducting research on State traffic
7 safety information systems, including devel-
8 oping and evaluating programs to improve core
9 highway safety databases of such State and
10 processes by which data is identified, collected,
11 reported to State and local government agen-
12 cies, and entered into such core safety data-
13 bases.”;

14 (3) by striking subsection (d)(6)(A) and insert-
15 ing the following:

16 “(A) GRANTS TO STATES WITH ALCOHOL-
17 IGNITION INTERLOCK LAWS.—The Secretary
18 shall make a separate grant under this sub-
19 section to each State that—

20 “(i) adopts and is enforcing a manda-
21 tory alcohol-ignition interlock law for all
22 individuals arrested or convicted of driving
23 under the influence of alcohol or of driving
24 while intoxicated;

1 “(ii) does not allow any individual ar-
2 rested or convicted of driving under the in-
3 fluence of alcohol or driving while intoxi-
4 cated to drive a motor vehicle unless such
5 individual installs an ignition interlock for
6 a minimum 6-month interlock period; or

7 “(iii) has—

8 “(I) enacted and is enforcing a
9 state law requiring all individuals con-
10 victed of, or whose driving privilege is
11 revoked or denied for, refusing to sub-
12 mit to a chemical or other test for the
13 purpose of determining the presence
14 or concentration of any intoxicating
15 substance to install an ignition inter-
16 lock for a minimum 6-month interlock
17 period; and

18 “(II) a compliance-based removal
19 program in which an individual ar-
20 rested or convicted of driving under
21 the influence of alcohol or driving
22 while intoxicated shall install an igni-
23 tion interlock for a minimum 6-month
24 interlock period and have completed a
25 minimum consecutive period of not

1 less than 40 percent of the required
2 interlock period immediately preceding
3 the date of release, without a con-
4 firmed violation of driving under the
5 influence of alcohol or driving while
6 intoxicated.”;

7 (4) in subsection (e)—

8 (A) in paragraph (1) by striking “para-
9 graphs (2) and (3)” and inserting “paragraph
10 (2)”;

11 (B) in paragraph (4)—

12 (i) by striking “paragraph (2) or (3)”
13 and inserting “paragraph (3) or (4)”;

14 (ii) in subparagraph (A) by striking
15 “communications device to contact emer-
16 gency services” and inserting “communica-
17 tions device during an emergency to con-
18 tact emergency services or to prevent in-
19 jury to persons or property”;

20 (iii) in subparagraph (C) by striking
21 “; and” and inserting a semicolon;

22 (iv) by redesignating subparagraph
23 (D) as subparagraph (E); and

24 (v) by inserting after subparagraph
25 (C) the following:

1 “(D) a driver who uses a personal wireless
2 communication device for navigation; and”;

3 (C) in paragraph (5)(A)(i) by striking
4 “texting or using a cell phone while” and in-
5 serting “distracted”;

6 (D) in paragraph (9)—

7 (i) by striking subparagraph (B) and
8 inserting the following:

9 “(B) PERSONAL WIRELESS COMMUNICA-
10 TIONS DEVICE.—The term ‘personal wireless
11 communications device’ means—

12 “(i) until the date on which the Sec-
13 retary issues a regulation pursuant to
14 paragraph (8)(A), a device through which
15 personal services (as such term is defined
16 in section 332(e)(7)(C)(i) of the Commu-
17 nications Act of 1934 (47 U.S.C.
18 332(e)(7)(C)(i)) are transmitted, but not
19 including the use of such a device as a
20 global navigation system receiver used for
21 positioning, emergency notification, or
22 navigation purposes; and

23 “(ii) on and after the date on which
24 the Secretary issues a regulation pursuant

1 to paragraph (8)(A), the definition de-
2 scribed in such regulation.”; and

3 (ii) by striking subparagraph (E) and
4 inserting the following:

5 “(E) TEXTING.—The term ‘texting’
6 means—

7 “(i) until the date on which the Sec-
8 retary issues a regulation pursuant to
9 paragraph (8)(A), reading from or manu-
10 ally entering data into a personal wireless
11 communications device, including doing so
12 for the purpose of SMS texting, emailing,
13 instant messaging, or engaging in any
14 other form of electronic data retrieval or
15 electronic data communication; and

16 “(ii) on and after the date on which
17 the Secretary issues a regulation pursuant
18 to paragraph (8)(A), the definition de-
19 scribed in such regulation.”;

20 (E) by striking paragraphs (2), (3), (6),
21 and (8);

22 (F) by redesignating paragraphs (4) and
23 (5) as paragraphs (5) and (6), respectively;

24 (G) by inserting after paragraph (1) the
25 following:

1 “(2) ALLOCATION.—

2 “(A) IN GENERAL.—Subject to subpara-
3 graphs (B) and (C), the allocation of grant
4 funds to a State under this subsection for a fis-
5 cal year shall be in proportion to the State’s ap-
6 portionment under section 402 for fiscal year
7 2009.

8 “(B) PRIMARY OFFENSE LAWS.—A State
9 that has enacted and is enforcing a law that
10 meets the requirements set forth in paragraphs
11 (3) and (4) as a primary offense shall be allo-
12 cated 100 percent of the amount calculated
13 under subparagraph (A).

14 “(C) SECONDARY OFFENSE LAWS.—A
15 State that has enacted and is enforcing a law
16 that meets the requirements set forth in para-
17 graphs (3) and (4) as a secondary offense shall
18 be allocated 50 percent of the amount cal-
19 culated under subparagraph (A).

20 “(3) PROHIBITION ON HANDHELD PERSONAL
21 WIRELESS COMMUNICATION DEVICE USE WHILE
22 DRIVING.—A State law meets the requirements set
23 forth in this paragraph if the law—

24 “(A) prohibits a driver from holding or
25 using, including texting, a personal wireless

1 communications device while driving, except for
2 the use of a personal wireless communications
3 device—

4 “(i) in a hands-free manner or with a
5 hands-free accessory, or

6 “(ii) to activate or deactivate a fea-
7 ture or function of the personal wireless
8 communications device;

9 “(B) establishes a fine for a violation of
10 the law; and

11 “(C) does not provide for an exemption
12 that specifically allows a driver to hold or use
13 a personal wireless communication device while
14 stopped in traffic.

15 “(4) PROHIBITION ON PERSONAL WIRELESS
16 COMMUNICATION DEVICE USE WHILE DRIVING OR
17 STOPPED IN TRAFFIC.—A State law meets the re-
18 quirements set forth in this paragraph if the law—

19 “(A) prohibits a driver from using a per-
20 sonal wireless communications device while driv-
21 ing if the driver is—

22 “(i) younger than 18 years of age; or

23 “(ii) in the learner’s permit or inter-
24 mediate license stage described in subpara-
25 graph (A) or (B) of subsection (g)(2);

1 “(B) establishes a fine for a violation of
2 the law; and

3 “(C) does not provide for an exemption
4 that specifically allows a driver to use a per-
5 sonal wireless communication device while
6 stopped in traffic.”; and

7 (H) by inserting after paragraph (7) the
8 following:

9 “(8) RULEMAKING.—Not later than 1 year
10 after the date of enactment of this paragraph, the
11 Secretary shall issue such regulations as are nec-
12 essary to account for diverse State approaches to
13 combating distracted driving that—

14 “(A) defines the terms personal wireless
15 communications device and texting for the pur-
16 poses of this subsection; and

17 “(B) determines additional permitted ex-
18 ceptions that are appropriate for a State law
19 that meets the requirements under paragraph
20 (3) or (4).”;
21 (5) in subsection (g)—

22 (A) in paragraph (1) by inserting “sub-
23 paragraphs (A) and (B) of” before “paragraph
24 (2)”;

1 (B) by striking paragraph (2) and insert-
2 ing the following:

3 “(2) MINIMUM REQUIREMENTS.—

4 “(A) TIER 1 STATE.—A State shall be eli-
5 gible for a grant under this subsection as a Tier
6 1 State if such State requires novice drivers
7 younger than 18 years of age to comply with a
8 2-stage graduated driver licensing process be-
9 fore receiving an unrestricted driver’s license
10 that includes—

11 “(i) a learner’s permit stage that—

12 “(I) is at least 180 days in dura-
13 tion;

14 “(II) requires that the driver be
15 accompanied and supervised at all
16 times; and

17 “(III) has a requirement that the
18 driver obtain at least 40 hours of be-
19 hind-the-wheel training with a super-
20 visor; and

21 “(ii) an intermediate stage that—

22 “(I) commences immediately
23 after the expiration of the learner’s
24 permit stage;

1 “(II) is at least 180 days in du-
2 ration; and

3 “(III) for the first 180 days of
4 the intermediate stage, restricts the
5 driver from—

6 “(aa) driving at night be-
7 tween the hours of 11:00 p.m.
8 and at least 4:00 a.m. except—

9 “(AA) when a parent,
10 guardian, driving instructor,
11 or licensed driver who is at
12 least 21 years of age is in
13 the motor vehicle; and

14 “(BB) when driving to
15 and from work, school and
16 school-related activities, reli-
17 gious activities, for emer-
18 gencies, or as a member of
19 voluntary emergency service;
20 and

21 “(bb) operating a motor ve-
22 hicle with more than 1 non-
23 familial passenger younger than
24 18 years of age, except when a
25 parent, guardian, driving instruc-

1 tor, or licensed driver who is at
2 least 21 years of age is in the
3 motor vehicle.

4 “(B) TIER 2 STATE.—A State shall be eli-
5 gible for a grant under this subsection as a Tier
6 2 State if such State requires novice drivers
7 younger than 18 years of age to comply with a
8 2-stage graduated driver licensing process be-
9 fore receiving an unrestricted driver’s license
10 that includes—

11 “(i) a learner’s permit stage that—

12 “(I) is at least 180 days in dura-
13 tion;

14 “(II) requires that the driver be
15 accompanied and supervised at all
16 times; and

17 “(III) has a requirement that the
18 driver obtain at least 50 hours of be-
19 hind-the-wheel training, with at least
20 10 hours at night, with a supervisor;
21 and

22 “(ii) an intermediate stage that—

23 “(I) commences immediately
24 after the expiration of the learner’s
25 permit stage;

1 “(II) is at least 180 days in du-
2 ration; and

3 “(III) for the first 180 days of
4 the intermediate stage, restricts the
5 driver from—

6 “(aa) driving at night be-
7 tween the hours of 10:00 p.m.
8 and at least 4:00 a.m. except—

9 “(AA) when a parent,
10 guardian, driving instructor,
11 or licensed driver who is at
12 least 21 years of age is in
13 the motor vehicle; and

14 “(BB) when driving to
15 and from work, school and
16 school-related activities, reli-
17 gious activities, for emer-
18 gencies, or as a member of
19 voluntary emergency service;
20 and

21 “(bb) operating a motor ve-
22 hicle with any nonfamilial pas-
23 senger younger than 18 years of
24 age, except when a parent,
25 guardian, driving instructor, or

1 licensed driver who is at least 21
2 years of age is in the motor vehi-
3 cle.”;

4 (C) in paragraph (3)—

5 (i) in subparagraph (A) by inserting
6 “subparagraphs (A) and (B) of” before
7 “paragraph (2)”; and

8 (ii) in subparagraph (B) by inserting
9 “subparagraphs (A) and (B) of” before
10 “paragraph (2)” each place such term ap-
11 pears; and

12 (D) by striking paragraph (5) and insert-
13 ing the following:

14 “(5) USE OF FUNDS.—

15 “(A) TIER 1 STATES.—A Tier 1 State shall
16 use grant funds provided under this subsection
17 for—

18 “(i) enforcing a 2-stage licensing
19 process that complies with paragraph (2);

20 “(ii) training for law enforcement per-
21 sonnel and other relevant State agency
22 personnel relating to the enforcement de-
23 scribed in clause (i);

1 “(iii) publishing relevant educational
2 materials that pertain directly or indirectly
3 to the State graduated driver licensing law;

4 “(iv) carrying out other administrative
5 activities that the Secretary considers rel-
6 evant to the State’s 2-stage licensing proc-
7 ess; or

8 “(v) carrying out a teen traffic safety
9 program described in section 402(m).

10 “(B) TIER 2 STATES.—Of the grant funds
11 made available to a Tier 2 State under this
12 subsection—

13 “(i) 25 percent shall be used for any
14 activity described in subparagraph (A);
15 and

16 “(ii) 75 percent may be used for any
17 project or activity eligible under section
18 402.”; and

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

20 “(i) DRIVER AND OFFICER SAFETY EDUCATION.—

21 “(1) GENERAL AUTHORITY.—Subject to the re-
22 quirements under this subsection, the Secretary shall
23 award grants to—

24 “(A) States that enact a commuter safety
25 education program; and

1 “(B) States qualifying under paragraph
2 (5)(A).

3 “(2) FEDERAL SHARE.—The Federal share of
4 the costs of activities carried out using amounts
5 from a grant awarded under this subsection may not
6 exceed 80 percent.

7 “(3) ELIGIBILITY.—To be eligible for a grant
8 under this subsection, a State shall enact a law or
9 adopt a program that requires the following:

10 “(A) DRIVER EDUCATION AND DRIVING
11 SAFETY COURSES.—Inclusion, in driver edu-
12 cation and driver safety courses provided to in-
13 dividuals by educational and motor vehicle
14 agencies of the State, of instruction and testing
15 concerning law enforcement practices during
16 traffic stops, including information on—

17 “(i) the role of law enforcement and
18 the duties and responsibilities of peace offi-
19 cers;

20 “(ii) an individual’s legal rights con-
21 cerning interactions with peace officers;

22 “(iii) best practices for civilians and
23 peace officers during such interactions;

1 “(iv) the consequences for an individ-
2 ual’s or officer’s failure to comply with
3 those laws and programs; and

4 “(v) how and where to file a com-
5 plaint against or a compliment on behalf of
6 a peace officer.

7 “(B) PEACE OFFICER TRAINING PRO-
8 GRAMS.—Development and implementation of a
9 training program, including instruction and
10 testing materials, for peace officers and reserve
11 law enforcement officers (other than officers
12 who have received training in a civilian course
13 described in subparagraph (A)) with respect to
14 proper interaction with civilians during traffic
15 stops.

16 “(4) GRANT AMOUNT.—The allocation of grant
17 funds to a State under this subsection for a fiscal
18 year shall be in proportion to the State’s apporportion-
19 ment under section 402 for fiscal year 2009.

20 “(5) SPECIAL RULE FOR CERTAIN STATES.—

21 “(A) QUALIFYING STATE.—A State quali-
22 fies pursuant to this subparagraph if—

23 “(i) the Secretary determines such
24 State has taken meaningful steps toward

1 the full implementation of a law or pro-
2 gram described in paragraph (3);

3 “(ii) the Secretary determines such
4 State has established a timetable for the
5 implementation of such a law or program;
6 and

7 “(iii) such State has received a grant
8 pursuant to this subsection for a period of
9 not more than 5 years.

10 “(B) WITHHOLDING.—With respect to a
11 State that qualifies pursuant to subparagraph
12 (A), the Secretary shall—

13 “(i) withhold 50 percent of the
14 amount that such State would otherwise
15 receive if such State were a State described
16 in paragraph (1)(A); and

17 “(ii) direct any such amounts for dis-
18 tribution among the States that are enforce-
19 ing and carrying out a law or program de-
20 scribed in paragraph (3).

21 “(6) USE OF GRANT AMOUNTS.—A State re-
22 ceiving a grant under this subsection may use such
23 grant—

24 “(A) for the production of educational ma-
25 terials and training of staff for driver education

1 and driving safety courses and peace officer
2 training described in paragraph (3); and

3 “(B) for the implementation of the law de-
4 scribed in paragraph (3).”.

5 **SEC. 3008. MINIMUM PENALTIES FOR REPEAT OFFENDERS**
6 **FOR DRIVING WHILE INTOXICATED OR DRIV-**
7 **ING UNDER THE INFLUENCE.**

8 Section 164(b)(1) of title 23, United States Code, is
9 amended—

10 (1) in subparagraph (A) by striking “alcohol-
11 impaired” and inserting “alcohol or polysubstance-
12 impaired”; and

13 (2) in subparagraph (B)—

14 (A) by striking “alcohol-impaired” and in-
15 serting “alcohol or polysubstance-impaired”;

16 (B) by striking “or” and inserting a
17 comma; and

18 (C) by inserting “, or driving while
19 polysubstance-impaired” after “driving under
20 the influence”.

21 **SEC. 3009. NATIONAL PRIORITY SAFETY PROGRAM GRANT**
22 **ELIGIBILITY.**

23 Section 4010(2) of the FAST Act (23 U.S.C. 405
24 note) is amended by striking “deficiencies” and inserting
25 “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) by striking “the next
24 2 fiscal years” and inserting “the following 3
25 fiscal years”; and

1 (C) in paragraph (3) by striking “the next
2 4 fiscal years” and inserting “the following 5
3 fiscal years”; and

4 (4) by adding at the end the following:

5 “(j) TREATMENT OF REALLOCATIONS.—Amounts
6 that are obligated and subsequently, after the date of en-
7 actment of this subsection, released back to the Secretary
8 under subsection (i) shall not be subject to limitations on
9 obligations provided under any other provision of law.”.

10 **SEC. 4102. MOTOR CARRIER SAFETY OPERATIONS AND**
11 **PROGRAMS.**

12 (a) IN GENERAL.—Section 31110 of title 49, United
13 States Code, is amended by striking subsection (a) and
14 inserting the following:

15 “(a) ADMINISTRATIVE EXPENSES.—There is author-
16 ized to be appropriated from the Highway Trust Fund
17 (other than the Mass Transit Account) for the Secretary
18 of Transportation to pay administrative expenses of the
19 Federal Motor Carrier Safety Administration—

20 “(1) \$380,500,000 for fiscal year 2022;

21 “(2) \$381,500,000 for fiscal year 2023;

22 “(3) \$382,500,000 for fiscal year 2024; and

23 “(4) \$384,500,000 for fiscal year 2025.”.

24 (b) ADMINISTRATIVE EXPENSES.—

1 (1) USE OF FUNDS.—The Administrator of the
2 Federal Motor Carrier Safety Administration shall
3 use funds made available in subsection (a) for—

4 (A) acceleration of planned investments to
5 modernize the Administration’s information
6 technology and information management sys-
7 tems;

8 (B) completing outstanding mandates;

9 (C) carrying out a Large Truck Crash
10 Causal Factors Study of the Administration;

11 (D) construction and maintenance of bor-
12 der facilities; and

13 (E) other activities authorized under sec-
14 tion 31110(b) of title 49, United States Code.

15 (2) DEFINITION OF OUTSTANDING MANDATE.—

16 In this subsection, the term “outstanding mandate”
17 means a requirement for the Federal Motor Carrier
18 Safety Administration to issue regulations, under-
19 take a comprehensive review or study, conduct a
20 safety assessment, or collect data—

21 (A) under this Act;

22 (B) under MAP–21 (Public Law 112–
23 141), that has not been published in the Fed-
24 eral Register, if required, or otherwise com-
25 pleted as of the date of enactment of this Act;

1 (C) under the FAST Act (Public Law
2 114–94), that has not been published in the
3 Federal Register, if required, or otherwise com-
4 pleted as the of the date of enactment of this
5 Act; and

6 (D) under any other Act enacted before
7 the date of enactment of this Act that has not
8 been published in the Federal Register by the
9 date required in such Act.

10 **Subtitle B—Motor Carrier Safety** 11 **Oversight**

12 **SEC. 4201. MOTOR CARRIER SAFETY ADVISORY COM-** 13 **MITTEE.**

14 Section 4144 of SAFETEA–LU (49 U.S.C. 31100
15 note) is amended—

16 (1) in subsection (b)(1) by inserting “, includ-
17 ing small business motor carriers” after “industry”;
18 and

19 (2) in subsection (d) by striking “September
20 30, 2013” and inserting “September 30, 2025”.

21 **SEC. 4202. COMPLIANCE, SAFETY, ACCOUNTABILITY.**

22 (a) IN GENERAL.—Not later than 1 year after the
23 date of enactment of this Act, the Secretary of Transpor-
24 tation shall implement a revised methodology to be used
25 in the Compliance, Safety, Accountability program of the

1 Federal Motor Carrier Safety Administration to identify
2 and prioritize motor carriers for intervention, using the
3 recommendations of the study required by section 5221(a)
4 of the FAST Act (49 U.S.C. 31100 note).

5 (b) DATA AVAILABILITY.—The Secretary shall, in
6 working toward implementation of the revised method-
7 ology described in subsection (a)—

8 (1) prioritize revisions necessary to restore the
9 public availability of all relevant safety data under a
10 revised methodology; and

11 (2) make such safety data publicly available
12 that was made publicly available on the day before
13 the date of enactment of the FAST Act, and make
14 publicly available any safety data that was required
15 to be made available by section 5223 of the FAST
16 Act (49 U.S.C. 31100 note).

17 (c) IMPLEMENTATION.—

18 (1) PROGRESS REPORTS.—Not later than 30
19 days after the date of enactment of this Act, and
20 every 90 days thereafter until the date on which the
21 Secretary implements the revised methodology de-
22 scribed in subsection (a), the Secretary shall submit
23 to the Committee on Transportation and Infrastruc-
24 ture of the House of Representatives and the Com-
25 mittee on Commerce, Science, and Transportation of

1 the Senate, and make publicly available on a website
2 of the Department of Transportation, a progress re-
3 port on—

4 (A) the status of the revision of the meth-
5 odology and related data modifications under
6 subsection (a), a timeline for completion of such
7 revision, and an estimated date for implementa-
8 tion of such revised methodology;

9 (B) an explanation for any delays in devel-
10 opment or implementation of the revised meth-
11 odology over the reporting period; and

12 (C) if the Secretary has not resumed mak-
13 ing publicly available the data described in sub-
14 section (b), an updated timeline for the restora-
15 tion of the public availability of data and a de-
16 tailed explanation for why such restoration has
17 not occurred.

18 (2) PUBLICATION AND NOTIFICATION.—Prior
19 to commencing the use of the revised methodology
20 described in subsection (a) to identify and prioritize
21 motor carriers for intervention (other than in a test-
22 ing capacity), the Secretary shall—

23 (A) publish the methodology in the Federal
24 Register and provide a period for public com-
25 ment; and

1 (B) notify the Committee on Transpor-
2 tation and Infrastructure of the House of Rep-
3 resentatives and the Committee on Commerce,
4 Science, and Transportation of the Senate, in
5 writing.

6 (d) SAFETY FITNESS RULE.—

7 (1) RULEMAKING.—Not later than 1 year after
8 the date on which the Secretary notifies Congress
9 under subsection (c)(2), the Secretary shall issue
10 final regulations pursuant to section 31144(b) of
11 title 49, United States Code, to revise the method-
12 ology for issuance of motor carrier safety fitness de-
13 terminations.

14 (2) CONSIDERATIONS.—In issuing the regula-
15 tions under paragraph (1), the Secretary shall con-
16 sider the use of all available data to determine the
17 fitness of a motor carrier.

18 (e) REPEAL.—Section 5223 of the FAST Act (49
19 U.S.C. 31100 note), and the item related to such section
20 in the table of contents in section 1(b) of such Act, are
21 repealed.

22 **SEC. 4203. TERMS AND CONDITIONS FOR EXEMPTIONS.**

23 Section 31315 of title 49, United States Code, is
24 amended—

25 (1) in subsection (b)—

1 (A) in paragraph (4)(A) by inserting “, in-
2 cluding data submission requirements,” after
3 “terms and conditions”; and

4 (B) by striking paragraph (8) and insert-
5 ing the following:

6 “(8) TERMS AND CONDITIONS.—

7 “(A) IN GENERAL.—The Secretary shall
8 establish terms and conditions for each exemp-
9 tion to ensure that the exemption does not de-
10 grade the level of safety achieved by the person
11 or class of persons granted the exemption, in-
12 cluding—

13 “(i) requiring the regular submission
14 of accident and incident data to the Sec-
15 retary;

16 “(ii) requiring immediate notification
17 to the Secretary in the event of a fatal ac-
18 cident; and

19 “(iii) for exemptions granted by the
20 Secretary related to hours of service rules
21 under part 395 of title 49, Code of Federal
22 Regulations, requiring that the exempt
23 person or class of persons submit to the
24 Secretary evidence of participation in a
25 recognized fatigue management plan.

1 “(B) IMPLEMENTATION.—The Secretary
2 shall monitor the implementation of the exemp-
3 tion to ensure compliance with its terms and
4 conditions.”; and

5 (2) in subsection (e) by inserting “, based on an
6 analysis of data collected by the Secretary and sub-
7 mitted to the Secretary under subsection (b)(8)”
8 after “safety”.

9 **SEC. 4204. SAFETY FITNESS OF MOTOR CARRIERS OF PAS-**
10 **SENGERS.**

11 Section 31144(i) of title 49, United States Code, is
12 amended—

13 (1) in paragraph (1)—

14 (A) in subparagraph (A) by striking “who
15 the Secretary registers under section 13902 or
16 31134”; and

17 (B) in subparagraph (B) by inserting “to
18 motor carriers of passengers and” after
19 “apply”; and

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

21 “(5) MOTOR CARRIER OF PASSENGERS DE-
22 FINED.—In this subsection, the term ‘motor carrier
23 of passengers’ includes an offeror of motorcoach
24 services that sells scheduled transportation of pas-
25 sengers for compensation at fares and on schedules

1 and routes determined by such offeror, regardless of
2 ownership or control of the vehicles or drivers used
3 to provide the transportation by motorcoach.”.

4 **Subtitle C—Commercial Motor** 5 **Vehicle Driver Safety**

6 **SEC. 4301. COMMERCIAL DRIVERS LICENSE FOR PAS-** 7 **SENGER CARRIERS.**

8 Section 31301(4)(B) of title 49, United States Code,
9 is amended to read as follows:

10 “(B) is designed or used to transport—
11 “(i) more than 8 passengers (includ-
12 ing the driver) for compensation; or
13 “(ii) more than 15 passengers (includ-
14 ing the driver), whether or not the trans-
15 portation is provided for compensation;
16 or”.

17 **SEC. 4302. ALCOHOL AND CONTROLLED SUBSTANCES TEST-** 18 **ING.**

19 Section 31306(c)(2) of title 49, United States Code,
20 is amended by striking “, for urine testing,”.

21 **SEC. 4303. ENTRY-LEVEL DRIVER TRAINING.**

22 Not later than January 1, 2021, and every 90 days
23 thereafter until the compliance date for the final rule pub-
24 lished on December 8, 2016, titled “Minimum Training
25 Requirements for Entry-Level Commercial Motor Vehicle

1 Operators” (81 Fed. Reg. 88732), the Secretary shall sub-
2 mit to the Committee on Transportation and Infrastruc-
3 ture of the House of Representatives and the Committee
4 on Commerce, Science, and Transportation of the Senate
5 a report on—

6 (1) a schedule, including benchmarks, to com-
7 plete implementation of the requirements under such
8 final rule;

9 (2) any anticipated delays, if applicable, in
10 meeting the benchmarks described in paragraph (1);

11 (3) the progress that the Secretary has made in
12 updating the Department of Transportation’s infor-
13 mation technology infrastructure to support the
14 training provider registry;

15 (4) a list of States that have adopted laws or
16 regulations to implement such final rule; and

17 (5) a list of States, if applicable, that are imple-
18 menting the rule and confirming that an applicant
19 for a Commercial Drivers License has complied with
20 the requirements.

21 **SEC. 4304. DRIVER DETENTION TIME.**

22 (a) DATA COLLECTION.—Not later than 30 days
23 after the date of enactment of this Act, the Secretary
24 shall—

1 (1) begin to collect data on delays experienced
2 by operators of commercial motor vehicles, as re-
3 quired under section 5501 of the FAST Act (49
4 U.S.C. 14103 note) and as referenced in the request
5 for information published on June 10, 2019, titled
6 “Request for Information Concerning Commercial
7 Motor Vehicle Driver Detention Times During Load-
8 ing and Unloading” (84 Fed. Reg. 26932); and

9 (2) make such data available on a publicly ac-
10 cessible website of the Department of Transpor-
11 tation.

12 (b) DETENTION TIME LIMITS.—

13 (1) RULEMAKING.—Not later than 1 year after
14 the date of enactment of this Act, the Secretary
15 shall initiate a rulemaking to establish limits on the
16 amount of time that an operator of a commercial
17 motor vehicle may be reasonably detained by a ship-
18 per or receiver before the loading or unloading the
19 vehicle, if the operator is not compensated for such
20 time detained.

21 (2) CONTENTS.—As part of the rulemaking
22 conducted pursuant to subsection (a), the Secretary
23 shall—

1 (A) consider the diverse nature of oper-
2 ations in the movement of goods by commercial
3 motor vehicle;

4 (B) examine any correlation between time
5 detained and violations of the hours-of-service
6 rules under part 395 of title 49, Code of Fed-
7 eral Regulations;

8 (C) determine whether the effect of deten-
9 tion time on safety differs based on—

10 (i) how an operator is compensated;

11 and

12 (ii) the contractual relationship be-
13 tween the operator and the motor carrier,
14 including whether an operator is an em-
15 ployee, a leased owner-operator, or an
16 owner-operator with independent authority;

17 and

18 (D) establish a process for a motor carrier,
19 shipper, receiver, broker, or commercial motor
20 vehicle operator to report instances of time de-
21 tained beyond the Secretary's established limits.

22 (3) INCORPORATION OF INFORMATION.—The
23 Secretary shall incorporate information received
24 under paragraph (2)(D) into the process established

1 pursuant to subsection (a) once a final rule takes ef-
2 fect.

3 (c) DATA PROTECTION.—Data made available pursu-
4 ant to this section shall be made available in a manner
5 that—

6 (1) precludes the connection of the data to any
7 individual motor carrier or commercial motor vehicle
8 operator; and

9 (2) protects privacy and confidentiality of indi-
10 viduals, operators, and motor carriers submitting the
11 data.

12 (d) COMMERCIAL MOTOR VEHICLE DEFINED.—In
13 this section, the term “commercial motor vehicle” has the
14 meaning given such term in section 31101 of title 49,
15 United States Code.

16 **SEC. 4305. TRUCK LEASING TASK FORCE.**

17 (a) ESTABLISHMENT.—Not later than 6 months after
18 the date of enactment of this Act, the Secretary of Trans-
19 portation, in consultation with the Secretary of Labor,
20 shall establish a Truck Leasing Task Force (hereinafter
21 referred to as the “Task Force”).

22 (b) MEMBERSHIP.—The Secretary of Transportation
23 shall select not more than 15 individuals to serve as mem-
24 bers of the Task Force, including equal representation
25 from each of the following:

1 (1) Labor organizations.

2 (2) The motor carrier industry, including inde-
3 pendent owner-operators.

4 (3) Consumer protection groups.

5 (4) Safety groups.

6 (5) Members of the legal profession who spe-
7 cialize in consumer finance issues.

8 (c) DUTIES.—The Task Force shall examine, at a
9 minimum—

10 (1) common truck leasing arrangements avail-
11 able to commercial motor vehicle drivers, including
12 lease-purchase agreements;

13 (2) the terms of such leasing agreements;

14 (3) the prevalence of predatory leasing agree-
15 ments in the motor carrier industry;

16 (4) specific agreements available to drayage
17 drivers at ports related to the Clean Truck Program
18 or similar programs to decrease emissions from port
19 operations;

20 (5) the impact of truck leasing agreements on
21 the net compensation of commercial motor vehicle
22 drivers, including port drayage drivers;

23 (6) resources to assist commercial motor vehicle
24 drivers in assessing the impacts of leasing agree-
25 ments; and

1 (7) the classification of commercial motor vehi-
2 cle drivers under lease-purchase agreements.

3 (d) COMPENSATION.—A member of the Task Force
4 shall serve without compensation.

5 (e) REPORT.—Upon completion of the examination
6 described in subsection (c), the Task Force shall submit
7 to the Secretary of Transportation, Secretary of Labor,
8 and appropriate congressional committees a report con-
9 taining the following:

10 (1) the findings of the Task Force on the mat-
11 ters described in subsection (c);

12 (2) best practices related to—

13 (A) assisting a commercial motor vehicle
14 driver in assessing the impacts of leasing agree-
15 ments prior to entering into such agreements;
16 and

17 (B) assisting a commercial motor vehicle
18 driver who has entered into a predatory lease
19 agreement; and

20 (3) recommendations on changes to laws or reg-
21 ulations, as applicable, at the Federal, State, or local
22 level to promote fair leasing agreements under which
23 a commercial motor vehicle driver is able to earn a
24 living wage.

1 (f) TERMINATION.—Not later than 1 month after the
2 date of submission of the report pursuant to subsection
3 (e), the Task Force shall terminate.

4 **SEC. 4306. HOURS OF SERVICE.**

5 (a) AUTHORITY TO ISSUE REGULATIONS.—Notwith-
6 standing the authority of the Secretary of Transportation
7 to issue regulations under section 31502 of title 49,
8 United States Code, the Secretary shall delay the effective
9 date of the final rule published on June 1, 2020, titled
10 “Hours of Service of Drivers” (85 Fed. Reg. 33396) until
11 60 days after the date on which the Secretary submits
12 the report required under subsection (c).

13 (b) COMPREHENSIVE REVIEW.—

14 (1) COMPREHENSIVE REVIEW OF HOURS OF
15 SERVICE RULES.—Not later than 60 days after the
16 date of enactment of this Act, the Secretary shall
17 initiate a comprehensive review of hours of service
18 rules and the impacts of waivers, exemptions, and
19 other allowances that limit the applicability of such
20 rules.

21 (2) LIST OF EXEMPTIONS.—In carrying out the
22 comprehensive review required under paragraph (1),
23 the Secretary shall—

24 (A) compile a list of waivers, exemptions,
25 and other allowances—

1 (i) under which a driver may operate
2 in excess of the otherwise applicable limits
3 on on-duty or driving time in absence of
4 such exemption, waiver, or other allowance;

5 (ii) under which a driver may operate
6 without recording compliance with hours of
7 service rules through the use of an elec-
8 tronic logging device; and

9 (iii) applicable—

10 (I) to specific segments of the
11 motor carrier industry or sectors of
12 the economy;

13 (II) on a periodic or seasonal
14 basis; and

15 (III) to specific types of oper-
16 ations, including the short haul ex-
17 emption under part 395 of title 49,
18 Code of Federal Regulations;

19 (B) specify whether each such waiver, ex-
20 emption, or other allowance was granted by the
21 Department of Transportation or enacted by
22 Congress, and how long such waiver, exemption,
23 or other allowance has been in effect; and

24 (C) estimate the number of motor carriers,
25 motor private carriers, and drivers that may

1 qualify to use each waiver, exemption, or other
2 allowance.

3 (3) SAFETY IMPACT ANALYSIS.—

4 (A) IN GENERAL.—In carrying out the
5 comprehensive review under paragraph (1), the
6 Secretary, in consultation with State motor car-
7 rier enforcement entities, shall undertake a sta-
8 tistically valid analysis to determine the safety
9 impact, including on enforcement, of the exemp-
10 tions, waivers, or other allowances compiled
11 under paragraph (2) by—

12 (i) using available data, or collecting
13 from motor carriers or motor private car-
14 riers and drivers operating under an ex-
15 emption, waiver, or other allowance if the
16 Secretary does not have sufficient data, to
17 determine the incidence of accidents, fa-
18 tigue-related incidents, and other relevant
19 safety information related to hours of serv-
20 ice among motor carriers, private motor
21 carriers, and drivers permitted to operate
22 under each exemption, waiver, or other al-
23 lowance;

24 (ii) comparing the data described in
25 subparagraph (A) to safety data from

1 motor carriers, motor private carriers, and
2 drivers that are subject to the hours of
3 service rules and not operating under an
4 exemption, waiver, or other allowance; and
5 (iii) based on the comparison under
6 subparagraph (B), determining whether
7 waivers, exemptions, and other allowances
8 in effect provide an equivalent level of safe-
9 ty as would exist in the absence of exemp-
10 tions, waivers, or other allowances.

11 (B) CONSULTATION.—The Secretary shall
12 consult with State motor carrier enforcement
13 entities in carrying out this paragraph.

14 (C) EXCLUSIONS.—The Secretary shall ex-
15 clude data related to exemptions, waivers, or
16 other allowances made pursuant to an emer-
17 gency declaration under section 390.23 of title
18 49, Code of Federal Regulations, or extended
19 under section 390.25 of title 49, Code of Fed-
20 eral Regulations, from the analysis required
21 under this paragraph.

22 (4) DRIVER IMPACT ANALYSIS.—In carrying out
23 the comprehensive review under paragraph (1), the
24 Secretary shall further consider—

1 (A) data on driver detention collected by
2 the Secretary pursuant to section 4304 of this
3 Act and other conditions affecting the move-
4 ment of goods by commercial motor vehicle, and
5 how such conditions interact with the Sec-
6 retary's regulations on hours of service;

7 (B) whether exemptions, waivers, or other
8 allowances that permit additional on-duty time
9 or driving time have a deleterious effect on the
10 physical condition of drivers; and

11 (C) whether differences in the manner in
12 which drivers are compensated result in dif-
13 ferent levels of burden for drivers in complying
14 with hours of service rules.

15 (c) PUBLICATION.—Not later than 18 months after
16 the date that the Secretary initiates the comprehensive re-
17 view under subsection (b)(1), the Secretary shall publish
18 the findings of such review in the Federal Register and
19 provide for a period for public comment.

20 (d) REPORT TO CONGRESS.—Not later than 30 days
21 after the conclusion of the public comment period under
22 subsection (c), the Secretary shall submit to the Com-
23 mittee on Commerce, Science, and Transportation and the
24 Committee on Environment and Public Works of the Sen-
25 ate and the Committee on Transportation and Infrastruc-

1 ture of the House of Representatives and make publicly
2 available on a website of the Department of Transpor-
3 tation a report containing the information and analyses
4 required under subsection (b).

5 (e) REVISION OF GUIDANCE.—Notwithstanding sub-
6 section (a), the Secretary shall revise the Department of
7 Transportation guidance published on June 7, 2018, titled
8 “Hours of Service of Drivers of Commercial Motor Vehi-
9 cles: Regulatory Guidance Concerning the Use of a Com-
10 mercial Motor Vehicle for Personal Conveyance” (83 Fed.
11 Reg. 26377) to establish specific mileage or time limits,
12 or both, for the use of personal conveyance.

13 (f) DEFINITIONS.—In this section:

14 (1) MOTOR CARRIER; MOTOR PRIVATE CAR-
15 RIER.—The terms “motor carrier” and “motor pri-
16 vate carrier” have the meanings given such terms in
17 section 31501 of title 49, United States Code.

18 (2) ON-DUTY TIME; DRIVING TIME; ELEC-
19 TRONIC LOGGING DEVICE.—The terms “on-duty
20 time”, “driving time”, and “electronic logging de-
21 vice” have the meanings given such terms in section
22 395.2 of title 49, Code of Federal Regulations (as
23 in effect on June 1, 2020).

1 **SEC. 4307. DRIVER RECRUITMENT.**

2 (a) IN GENERAL.—Not later than 1 year after the
3 date of enactment of this Act, the Inspector General of
4 the Department of Transportation shall submit to the
5 Committee on Transportation and Infrastructure of the
6 House of Representatives and the Committee on Com-
7 merce, Science, and Transportation of the Senate a report
8 examining the operation of commercial motor vehicles in
9 the United States by drivers admitted to the United States
10 under temporary business visas.

11 (b) CONTENTS.—The report under paragraph (1)
12 shall include—

13 (1) an assessment of—

14 (A) the prevalence of the operation of com-
15 mercial motor vehicles in the United States by
16 drivers admitted to the United States under
17 temporary business visas;

18 (B) the characteristics of motor carriers
19 that recruit and use such drivers, including the
20 country of domicile of the motor carrier or sub-
21 sidiary;

22 (C) the demographics of drivers operating
23 in the United States under such visas, including
24 the country of domicile of such drivers; and

25 (D) the contractual relationship between
26 such motor carriers and such drivers;

1 (2) an analysis of whether such drivers are re-
2 quired to comply with—

3 (A) motor carrier safety regulations under
4 subchapter B of chapter III of title 49, Code of
5 Federal Regulations, including—

6 (i) the English proficiency require-
7 ment under section 391.11(2) of title 49,
8 Code of Federal Regulations;

9 (ii) the requirement for drivers of a
10 motor carrier to report any violations of a
11 regulation to such motor carrier under sec-
12 tion 391.27 of title 49, Code of Federal
13 Regulations; and

14 (iii) drivers licensing requirements
15 under part 383 of title 49, Code of Federal
16 Regulations, including entry level driver
17 training and drug and alcohol testing
18 under part 382 of such title; and

19 (B) regulations prohibiting point-to-point
20 transportation in the United States, or cabo-
21 tage, under part 365 of title 49, Code of Fed-
22 eral Regulations;

23 (3) an evaluation of the safety record of the op-
24 erations and drivers described in paragraph (1), in-
25 cluding—

1 (A) violations of the motor carrier safety
2 regulations under subchapter B of chapter III
3 of title 49, Code of Federal Regulations, includ-
4 ing applicable requirements described in para-
5 graph (2)(A); and

6 (B) the number of crashes involving such
7 operations and drivers; and

8 (4) the impact of such operations and drivers
9 on—

10 (A) commercial motor vehicle drivers domi-
11 ciled in the United States, including employ-
12 ment levels and driver compensation of such
13 drivers; and

14 (B) the competitiveness of motor carriers
15 domiciled in the United States.

16 (c) DEFINITIONS.—In this section:

17 (1) COMMERCIAL MOTOR VEHICLE.—In this
18 section, the term “commercial motor vehicle” has
19 the meaning given such term in section 31101 of
20 title 49, United States Code.

21 (2) TEMPORARY BUSINESS VISA.—The term
22 “temporary business visa” means any driver who is
23 present in the United States with status under sec-
24 tion 101(a)(15)(H)(i)(b) of the Immigration and
25 Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)).

1 **Subtitle D—Commercial Motor**
2 **Vehicle and School Bus Safety**

3 **SEC. 4401. SCHOOL BUS SAFETY STANDARDS.**

4 (a) SCHOOL BUS SEAT BELTS.—

5 (1) IN GENERAL.—Not later than 1 year after
6 the date of enactment of this Act, the Secretary
7 shall issue a notice of proposed rulemaking to con-
8 sider requiring large school buses to be equipped
9 with safety belts for all seating positions, if the Sec-
10 retary determines that such standards meet the re-
11 quirements and considerations set forth in sub-
12 sections (a) and (b) of section 30111 of title 49,
13 United States Code.

14 (2) CONSIDERATIONS.—In issuing a notice of
15 proposed rulemaking under paragraph (1), the Sec-
16 retary shall consider—

17 (A) the safety benefits of a lap/shoulder
18 belt system (also known as a “Type 2 seat belt
19 assembly”);

20 (B) the recommendations of the National
21 Transportation Safety Board on seat belts in
22 school buses; and

23 (C) existing experience from States that
24 require school buses to be equipped with seat
25 belts, including Type 2 seat belt assembly.

1 (3) REPORT.—If the Secretary determines that
2 a standard described in paragraph (1) does not meet
3 the requirements and considerations set forth in sub-
4 sections (a) and (b) of section 30111 of title 49,
5 United States Code, the Secretary shall submit to
6 the Committee on Transportation and Infrastructure
7 of the House of Representatives and the Committee
8 on Commerce, Science, and Transportation of the
9 Senate a report that describes the reasons for not
10 prescribing such a standard.

11 (4) APPLICATION OF REGULATIONS.—Any regu-
12 lation issued based on the notice of proposed rule-
13 making described in paragraph (1) shall apply to
14 school buses manufactured more than 3 years after
15 the date on which the regulation takes effect.

16 (b) AUTOMATIC EMERGENCY BRAKING.—Not later
17 than 2 years after the date of enactment of this Act, the
18 Secretary shall—

19 (1) prescribe a motor vehicle safety standard
20 under section 30111 of title 49, United States Code,
21 that requires all school buses manufactured after the
22 effective date of such standard to be equipped with
23 an automatic emergency braking system; and

1 (2) as part of such standard, establish perform-
2 ance requirements for automatic emergency braking
3 systems, including operation of such systems.

4 (c) ELECTRONIC STABILITY CONTROL.—Not later
5 than 2 years after the date of enactment of this Act, the
6 Secretary shall—

7 (1) prescribe a motor vehicle safety standard
8 under section 30111 of title 49, United States Code,
9 that requires all school buses manufactured after the
10 effective date of such standard to be equipped with
11 an electronic stability control system (as such term
12 is defined in section 571.136 of title 49, Code of
13 Federal Regulations (as in effect on the date of en-
14 actment of this Act)); and

15 (2) as part of such standard, establish perform-
16 ance requirements for electronic stability control sys-
17 tems, including operation of such systems.

18 (d) FIRE PREVENTION AND MITIGATION.—

19 (1) RESEARCH AND TESTING.—The Secretary
20 shall conduct research and testing to determine the
21 most prevalent causes of school bus fires and the
22 best methods to prevent such fires and to mitigate
23 the effect of such fires, both inside and outside the
24 school bus. Such research and testing shall con-
25 sider—

1 (A) fire suppression systems standards,
2 which at a minimum prevent engine fires;

3 (B) firewall standards to prevent gas or
4 flames from entering into the passenger com-
5 partment in school buses with engines that ex-
6 tend beyond the firewall; and

7 (C) interior flammability and smoke emis-
8 sions characteristics standards.

9 (2) STANDARDS.—The Secretary may issue fire
10 prevention and mitigation standards for school
11 buses, based on the results of the Secretary’s re-
12 search and testing under paragraph (1), if the Sec-
13 retary determines that such standards meet the re-
14 quirements and considerations set forth in sub-
15 sections (a) and (b) of section 30111 of title 49,
16 United States Code.

17 (e) DEFINITIONS.—In this section:

18 (1) AUTOMATIC BRAKING SYSTEM.—The term
19 “automatic braking system” means a crash avoid-
20 ance system installed and operational in a vehicle
21 that consists of—

22 (A) a forward warning function—

23 (i) to detect vehicles and objects
24 ahead of the vehicle; and

1 (ii) to alert the operator of an im-
2 pending collision; and

3 (B) a crash-imminent braking function to
4 provide automatic braking when forward-look-
5 ing sensors of the vehicle indicate that—

6 (i) a crash is imminent; and

7 (ii) the operator of the vehicle is not
8 applying the brakes.

9 (2) SCHOOL BUS.—The term “school bus” has
10 the meaning given the term “schoolbus” in section
11 30125(a) of title 49, United States Code.

12 (3) LARGE SCHOOL BUS.—The term “large
13 school bus” means a school bus with a gross vehicle
14 weight rating of more than 10,000 pounds.

15 **SEC. 4402. ILLEGAL PASSING OF SCHOOL BUSES.**

16 (a) REVIEW OF ILLEGAL PASSING LAWS.—

17 (1) IN GENERAL.—Not later than 2 years after
18 the date of enactment of this Act, the Secretary of
19 Transportation shall—

20 (A) prepare a compilation of illegal passing
21 laws in all States, including levels of enforce-
22 ment and penalties and enforcement issues with
23 such laws and the impact of such laws on illegal
24 passing of school buses in each State;

1 (B) review existing State laws that may in-
2 hibit effective school bus loading zone counter-
3 measures, which may include laws requiring
4 camera visibility of a driver's face for enforce-
5 ment action, laws that may reduce stop arm
6 camera effectiveness, the need for an officer to
7 witness the event for enforcement, and the lack
8 of primary enforcement for texting and driving;

9 (C) evaluate methods used by States to re-
10 view, document, and report to law enforcement
11 school bus stop arm violations; and

12 (D) following the completion of the com-
13 pilation, issue recommendations on best prac-
14 tices on the most-effective approaches to ad-
15 dress illegal passing of school buses.

16 (2) PUBLICATION.—The compilation and rec-
17 ommendations prepared under paragraph (1) shall
18 be made publicly available on the website of the De-
19 partment of Transportation.

20 (b) PUBLIC SAFETY MESSAGING CAMPAIGN.—

21 (1) IN GENERAL.—Not later than 1 year after
22 the date on which the Secretary makes the compila-
23 tion and recommendations under subsection (a)(2)
24 publicly available, the Secretary shall create and exe-
25 cute a public safety messaging campaign for dis-

1 tribution to States, divisions of motor vehicles,
2 schools, and other public outlets to highlight the
3 dangers of the illegal passing of school buses, and
4 should include educating students and the public on
5 safe loading and unloading of school buses.

6 (2) CONSULTATION.—The Secretary shall con-
7 sult with public and private school bus industry rep-
8 resentatives and States in developing the campaign
9 materials.

10 (3) UPDATE.—The Secretary shall periodically
11 update such materials.

12 (c) REVIEW OF TECHNOLOGIES.—

13 (1) IN GENERAL.—Not later than 2 years after
14 the date of enactment of this Act, the Secretary
15 shall review and evaluate the effectiveness of various
16 technologies to enhance school bus safety, including
17 cameras, audible warning systems, enhanced light-
18 ing, and other technological solutions.

19 (2) CONTENT.—The review under paragraph
20 (1)—

21 (A) shall include an evaluation of the costs
22 of new equipment and the potential impact on
23 overall school bus ridership;

24 (B) shall include an evaluation of advanced
25 technologies surrounding loading zone safety;

1 (C) shall include an evaluation of motion-
2 activated detection systems that are capable
3 of—

4 (i) detecting pedestrians, bicyclists,
5 and other road users located near the exte-
6 rior of the school bus; and

7 (ii) alerting the operator of the school
8 bus of the road users described in clause
9 (i);

10 (D) shall include an evaluation of school
11 bus lighting systems, to ensure clear commu-
12 nication to surrounding drivers on their appro-
13 priate action; and

14 (E) may include other technological solu-
15 tions that enhance school bus safety.

16 (3) CONSULTATION.—The Secretary shall con-
17 sult with manufacturers of school bus vehicles, man-
18 ufacturers of various technologies, and school bus in-
19 dustry representatives in conducting the review
20 under paragraph (1).

21 (4) PUBLICATION.—The Secretary shall make
22 the findings of the review under paragraph (1) pub-
23 licly available on the website of the Department.

24 (d) REVIEW OF DRIVER EDUCATION MATERIALS.—

1 (1) IN GENERAL.—Not later than 2 years after
2 the date of enactment of this Act, the Secretary
3 shall—

4 (A) review driver education materials
5 across all States to determine whether and how
6 illegal passing of school buses is addressed in
7 driver education materials, manuals, non-com-
8 mercial driver’s license testing, and road tests;
9 and

10 (B) make recommendations on how States
11 can improve education about illegal passing of
12 school buses, particularly with new drivers.

13 (2) CONSULTATION.—The Secretary shall con-
14 sult with school bus industry representatives, States,
15 motor vehicle administrators, and other appropriate
16 motor vehicle experts in the preparation of the re-
17 view under paragraph (1).

18 (3) PUBLICATION.—The Secretary shall make
19 the findings of the review under paragraph (1) pub-
20 licly available on the website of the Department.

21 (e) REVIEW OF OTHER SAFETY ISSUES.—

22 (1) IN GENERAL.—Not later than 2 years after
23 the date of enactment of this Act, the Secretary
24 shall—

1 (A) research the connections between ille-
2 gal passing of school buses and other safety
3 issues, including distracted driving, morning
4 darkness, illumination and reach of vehicle
5 headlights, speed limits, and school bus stop lo-
6 cations in rural areas; and

7 (B) create a report containing the findings.

8 (2) PUBLICATION.—The Secretary shall make
9 the report created under paragraph (1)(B) publicly
10 available on the website of the Department.

11 **SEC. 4403. STATE INSPECTION OF PASSENGER-CARRYING**
12 **COMMERCIAL MOTOR VEHICLES.**

13 (a) IN GENERAL.—Not later than 2 years after the
14 date of enactment of this Act, the Secretary of Transpor-
15 tation shall issue a final rule based on the advance notice
16 of proposed rulemaking published on April 27, 2016, titled
17 “State Inspection Programs for Passenger-Carrier Vehi-
18 cles” (81 Fed. Reg. 24769).

19 (b) CONSIDERATIONS.—In issuing a final rule under
20 subsection (a), the Secretary shall consider the impact of
21 continuing to allow self-inspection as a means to satisfy
22 periodic inspection requirements on the safety of pas-
23 senger carrier operations.

1 **SEC. 4404. AUTOMATIC EMERGENCY BRAKING.**

2 (a) FEDERAL MOTOR VEHICLE SAFETY STAND-
3 ARD.—

4 (1) IN GENERAL.—Not later than 1 year after
5 the date of enactment of this Act, the Secretary of
6 Transportation shall—

7 (A) prescribe a motor vehicle safety stand-
8 ard under section 30111 of title 49, United
9 States Code, that requires all commercial motor
10 vehicles manufactured after the effective date of
11 such standard to be equipped with an automatic
12 emergency braking system; and

13 (B) as part of such standard, establish
14 performance requirements for automatic emer-
15 gency braking systems, including operation of
16 such systems.

17 (2) CONSIDERATIONS.—Prior to prescribing the
18 standard required under paragraph (1)(A), the Sec-
19 retary shall—

20 (A) conduct a review of automatic emer-
21 gency braking systems in use in commercial
22 motor vehicles and address any identified defi-
23 ciencies with such systems in the rulemaking
24 proceeding to prescribe the standard, if prac-
25 ticable;

1 (B) assess the feasibility of updating the
2 software of emergency braking systems in use
3 in commercial motor vehicles to address any de-
4 ficiencies and to enable such systems to meet
5 the new standard; and

6 (C) consult with representatives of com-
7 mercial motor vehicle drivers regarding the ex-
8 periences of drivers with automatic emergency
9 braking systems in use in commercial motor ve-
10 hicles, including malfunctions or unwarranted
11 activations of such systems.

12 (3) COMPLIANCE DATE.—The Secretary shall
13 ensure that the compliance date of the standard pre-
14 scribed pursuant to paragraph (1) shall be not later
15 than 2 years after the date of publication of the
16 final rule prescribing such standard.

17 (b) FEDERAL MOTOR CARRIER SAFETY REGULA-
18 TION.—Not later than 1 year after the date of enactment
19 of this Act, the Secretary shall issue a regulation under
20 section 31136 of title 49, United States Code, that re-
21 quires that an automatic emergency braking system in-
22 stalled in a commercial motor vehicle in operation on or
23 after the effective date of the standard prescribed under
24 subsection (a) to be used at any time during which such
25 commercial motor vehicle is in operation.

1 (c) DEFINITIONS.—In this section:

2 (1) AUTOMATIC EMERGENCY BRAKING SYS-
3 TEM.—The term “automatic emergency braking sys-
4 tem” means a crash avoidance system installed and
5 operational in a vehicle that consists of—

6 (A) a forward collision warning function—

7 (i) to detect vehicles and objects
8 ahead of the vehicle; and

9 (ii) to alert the operator of the vehicle
10 of an impending collision; and

11 (B) a crash-imminent braking function to
12 provide automatic braking when forward-look-
13 ing sensors of the vehicle indicate that—

14 (i) a crash is imminent; and

15 (ii) the operator of the vehicle is not
16 applying the brakes.

17 (2) COMMERCIAL MOTOR VEHICLE.—The term
18 “commercial motor vehicle” has the meaning given
19 such term in section 31101 of title 49, United
20 States Code.

21 **SEC. 4405. UNDERRIDE PROTECTION.**

22 (a) REAR UNDERRIDE GUARDS.—

23 (1) REAR GUARDS ON TRAILERS AND SEMI-
24 TRAILERS.—

1 (A) IN GENERAL.—Not later than 1 year
2 after the date of enactment of this Act, the Sec-
3 retary of Transportation shall issue such regu-
4 lations as are necessary to revise motor vehicle
5 safety standards under sections 571.223 and
6 571.224 of title 49, Code of Federal Regula-
7 tions, to require trailers and semi-trailers man-
8 ufactured after the date on which such regula-
9 tion is issued to be equipped with rear impact
10 guards that are designed to prevent passenger
11 compartment intrusion from a trailer or semi-
12 trailer when a passenger vehicle traveling at 35
13 miles per hour makes—

14 (i) an impact in which the passenger
15 vehicle impacts the center of the rear of
16 the trailer or semi-trailer;

17 (ii) an impact in which 50 percent the
18 width of the passenger vehicle overlaps the
19 rear of the trailer or semi-trailer; and

20 (iii) an impact in which 30 percent of
21 the width of the passenger vehicle overlaps
22 the rear of the trailer or semi-trailer.

23 (B) EFFECTIVE DATE.—The rule issued
24 under subparagraph (A) shall require full com-
25 pliance with the motor carrier safety standard

1 prescribed in such rule not later than 2 years
2 after the date on which a final rule is issued.

3 (2) ADDITIONAL RESEARCH.—The Secretary
4 shall conduct additional research on the design and
5 development of rear impact guards that can prevent
6 underride crashes and protect motor vehicle pas-
7 sengers against severe injury at crash speeds of up
8 to 65 miles per hour.

9 (3) REVIEW OF STANDARDS.—Not later than 5
10 years after any revisions to standards or require-
11 ments related to rear impact guards pursuant to
12 paragraph (1), the Secretary shall review the stand-
13 ards or requirements to evaluate the need for
14 changes in response to advancements in technology
15 and upgrade such standards accordingly.

16 (4) INSPECTIONS.—

17 (A) IN GENERAL.—Not later than 1 year
18 after the date of enactment of this Act, the Sec-
19 retary shall issue such regulations as are nec-
20 essary to amend the regulations on minimum
21 periodic inspection standards under appendix G
22 to subchapter B of chapter III of title 49, Code
23 of Federal Regulations, and driver vehicle in-
24 spection reports under section 396.11 of title
25 49, Code of Federal Regulations, to include

1 rear impact guards and rear end protection (as
2 required by section 393.86 of title 49, Code of
3 Federal Regulations).

4 (B) CONSIDERATIONS.—In updating the
5 regulations described in subparagraph (A), the
6 Secretary shall consider it to be a defect or a
7 deficiency if a rear impact guard is missing or
8 has a corroded or compromised element that af-
9 fects the structural integrity and protective fea-
10 ture of such guard.

11 (b) SIDE UNDERRIDE GUARDS.—

12 (1) IN GENERAL.—Not later than 1 year after
13 the date of enactment of this Act, the Secretary
14 shall—

15 (A) complete additional research on side
16 underride guards to better understand the over-
17 all effectiveness of such guards;

18 (B) assess the feasibility, benefits, and
19 costs associated with installing side underride
20 guards on newly-manufactured trailers and
21 semitrailers with a gross vehicle weight rating
22 of 10,000 pounds or more; and

23 (C) if warranted, develop performance
24 standards for such guards.

1 (2) INDEPENDENT RESEARCH.—If the Sec-
2 retary enters into a contract with a third party to
3 perform the research required under paragraph
4 (1)(A), the Secretary shall ensure that such third
5 party does not have any financial or contractual ties
6 or relationship with a motor carrier that transports
7 passengers or property for compensation, the motor
8 carrier industry, or an entity producing or supplying
9 underride guards.

10 (3) PUBLICATION OF ASSESSMENT.—Not later
11 than 90 days after completing the assessment re-
12 quired under paragraph (1)(B), the Secretary shall
13 issue a notice in the Federal Register containing the
14 findings of the assessment and provide an oppor-
15 tunity for public comment.

16 (4) REPORT TO CONGRESS.—After the conclu-
17 sion of the public comment period under paragraph
18 (3), the Secretary shall submit to the Committee on
19 Transportation and Infrastructure of the House of
20 Representatives and the Committee on Commerce,
21 Science, and Transportation of the Senate a report
22 that provides—

23 (A) the results of the assessment under
24 this subsection;

1 (B) a summary of the public comments re-
2 ceived by the Secretary under paragraph (3);
3 and

4 (C) a determination as to whether the Sec-
5 retary intends to develop performance require-
6 ments for side underride guards, including any
7 analysis that led to such determination.

8 (c) ADVISORY COMMITTEE ON UNDERRIDE PROTEC-
9 TION.—

10 (1) ESTABLISHMENT.—The Secretary of Trans-
11 portation shall establish an Advisory Committee on
12 Underride Protection (in this subsection referred to
13 as the “Committee”) to provide advice and rec-
14 ommendations to the Secretary on safety regulations
15 to reduce crashes and fatalities involving truck
16 underrides.

17 (2) REPRESENTATION.—

18 (A) IN GENERAL.—The Committee shall be
19 composed of not more than 20 members ap-
20 pointed by the Secretary who are not employees
21 of the Department of Transportation and who
22 are qualified to serve because of their expertise,
23 training, or experience.

24 (B) MEMBERSHIP.—Members shall include
25 2 representatives of each of the following:

- 1 (i) Truck and trailer manufacturers.
- 2 (ii) Motor carriers, including inde-
- 3 pendent owner-operators.
- 4 (iii) Law enforcement.
- 5 (iv) Motor vehicle engineers.
- 6 (v) Motor vehicle crash investigators.
- 7 (vi) Truck safety organizations.
- 8 (vii) The insurance industry.
- 9 (viii) Emergency medical service pro-
- 10 viders.
- 11 (ix) Families of underride crash vic-
- 12 tims.
- 13 (x) Labor organizations.

14 (3) COMPENSATION.—Members of the Com-

15 mittee shall serve without compensation.

16 (4) MEETINGS.—The Committee shall meet at

17 least annually.

18 (5) SUPPORT.—On request of the Committee,

19 the Secretary shall provide information, administra-

20 tive services, and supplies necessary for the Com-

21 mittee to carry out the duties described in para-

22 graph (1).

23 (6) REPORT.—The Committee shall submit to

24 the Committee on Transportation and Infrastructure

25 of the House of Representatives and the Committee

1 on Commerce, Science, and Transportation of the
2 Senate a biennial report that shall—

3 (A) describe the advice and recommenda-
4 tions made to the Secretary; and

5 (B) include an assessment of progress
6 made by the Secretary in advancing safety reg-
7 ulations.

8 (d) DATA COLLECTION.—Not later than 1 year after
9 the date of enactment of this Act, the Secretary shall im-
10 plement recommendations 1 and 2 described in the report
11 by the Government Accountability Office published on
12 March 14, 2019, titled “Truck Underride Guards: Im-
13 proved Data Collection, Inspections, and Research Need-
14 ed” (GAO–19–264).

15 **SEC. 4406. TRANSPORTATION OF HORSES.**

16 Section 80502 of title 49, United States Code, is
17 amended—

18 (1) in subsection (c), by striking “This section
19 does not” and inserting “Subsections (a) and (b)
20 shall not”;

21 (2) by redesignating subsection (d) as sub-
22 section (e);

23 (3) by inserting after subsection (c) the fol-
24 lowing:

25 “(d) TRANSPORTATION OF HORSES.—

1 “(1) PROHIBITION.—No person may transport,
2 or cause to be transported, a horse from a place in
3 a State, the District of Columbia, or a territory or
4 possession of the United States through or to a
5 place in another State, the District of Columbia, or
6 a territory or possession of the United States in a
7 motor vehicle containing 2 or more levels stacked on
8 top of each other.

9 “(2) MOTOR VEHICLE DEFINED.—In this sub-
10 section, the term ‘motor vehicle’—

11 “(A) means a vehicle driven or drawn by
12 mechanical power and manufactured primarily
13 for use on public highways; and

14 “(B) does not include a vehicle operated
15 exclusively on a rail or rails.”; and

16 (4) in subsection (e), as redesignated—

17 (A) by striking “A rail carrier” and insert-
18 ing the following:

19 “(1) IN GENERAL.—A rail carrier”;

20 (B) by striking “this section” and insert-
21 ing “subsection (a) or (b)”;

22 (C) by striking “On learning” and insert-
23 ing the following:

24 “(2) TRANSPORTATION OF HORSES IN MULTI-
25 LEVEL TRAILER.—

1 “(A) CIVIL PENALTY.—A person that
2 knowingly violates subsection (d) is liable to the
3 United States Government for a civil penalty of
4 at least \$100, but not more than \$500, for each
5 violation. A separate violation of subsection (d)
6 occurs for each horse that is transported, or
7 caused to be transported, in violation of sub-
8 section (d).

9 “(B) RELATIONSHIP TO OTHER LAWS.—
10 The penalty imposed under subparagraph (A)
11 shall be in addition to any penalty or remedy
12 available under any other law.

13 “(3) CIVIL ACTION.—On learning”.

14 **TITLE V—INNOVATION**

15 **SEC. 5001. AUTHORIZATION OF APPROPRIATIONS.**

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

19 (1) HIGHWAY RESEARCH AND DEVELOPMENT
20 PROGRAM.—To carry out section 503(b) of title 23,
21 United States Code, \$144,000,000 for each of fiscal
22 years 2022 through 2025.

23 (2) TECHNOLOGY AND INNOVATION DEPLOY-
24 MENT PROGRAM.—To carry out section 503(c) of

1 title 23, United States Code, \$152,000,000 for each
2 of fiscal years 2022 through 2025.

3 (3) TRAINING AND EDUCATION.—To carry out
4 section 504 of title 23, United States Code,
5 \$26,000,000 for each of fiscal years 2022 through
6 2025.

7 (4) INTELLIGENT TRANSPORTATION SYSTEMS
8 PROGRAM.—To carry out sections 512 through 518
9 of title 23, United States Code, \$100,000,000 for
10 each of fiscal years 2022 through 2025.

11 (5) UNIVERSITY TRANSPORTATION CENTERS
12 PROGRAM.—To carry out section 5505 of title 49,
13 United States Code, \$96,000,000 for each of fiscal
14 years 2022 through 2025.

15 (6) BUREAU OF TRANSPORTATION STATIS-
16 TICS.—To carry out chapter 63 of title 49, United
17 States Code, \$27,000,000 for each of fiscal years
18 2022 through 2025.

19 (b) ADDITIONAL PROGRAMS.—The following
20 amounts are authorized to be appropriated out of the
21 Highway Trust Fund (other than the Mass Transit Ac-
22 count):

23 (1) SAFE, EFFICIENT MOBILITY THROUGH AD-
24 VANCED TECHNOLOGIES.—To carry out section
25 503(c)(4) of title 23, United States Code,

1 \$70,000,000 for each of fiscal years 2022 through
2 2025 from funds made available to carry out section
3 503(c) of such title.

4 (2) MATERIALS TO REDUCE GREENHOUSE GAS
5 EMISSIONS PROGRAM.—To carry out section 503(d)
6 of title 23, United States Code, \$10,000,000 for
7 each of fiscal years 2022 through 2025 from funds
8 made available to carry out section 503(c) of such
9 title.

10 (3) NATIONAL HIGHLY AUTOMATED VEHICLE
11 AND MOBILITY INNOVATION CLEARINGHOUSE.—To
12 carry out section 5507 of title 49, United States
13 Code, \$2,000,000 for each of fiscal years 2022
14 through 2025 from funds made available to carry
15 out sections 512 through 518 of title 23, United
16 States Code.

17 (4) NATIONAL COOPERATIVE MULTIMODAL
18 FREIGHT TRANSPORTATION RESEARCH PROGRAM.—
19 To carry out section 70205 of title 49, United
20 States Code, \$4,000,000 for each of fiscal years
21 2022 through 2025.

22 (5) STATE SURFACE TRANSPORTATION SYSTEM
23 FUNDING PILOTS.—To carry out section 6020 of the
24 FAST Act (23 U.S.C. 503 note), \$35,000,000 for
25 each of fiscal years 2022 through 2025 from funds

1 made available to carry out section 503(b) of title
2 23, United States Code.

3 (6) NATIONAL SURFACE TRANSPORTATION SYS-
4 TEM FUNDING PILOT.—To carry out section 5402 of
5 this title, \$10,000,000 for each of fiscal years 2022
6 through 2025 from funds made available to carry
7 out section 503(b) of title 23, United States Code.

8 (c) ADMINISTRATION.—The Federal Highway Ad-
9 ministration shall—

10 (1) administer the programs described in para-
11 graphs (1), (2), and (3) of subsection (a) and para-
12 graph (1) of subsection (b); and

13 (2) in consultation with relevant modal adminis-
14 trations, administer the programs described in sub-
15 sections (a)(4) and (b)(2).

16 (d) TREATMENT OF FUNDS.—Funds authorized to be
17 appropriated by subsections (a) and (b) shall—

18 (1) be available for obligation in the same man-
19 ner as if those funds were apportioned under chap-
20 ter 1 of title 23, United States Code, except that the
21 Federal share of the cost of a project or activity car-
22 ried out using those funds shall be 80 percent, un-
23 less otherwise expressly provided by this title (in-
24 cluding the amendments by this title) or otherwise
25 determined by the Secretary; and

1 (2) remain available until expended and not be
2 transferable, except as otherwise provided in this
3 title.

4 **Subtitle A—Research and** 5 **Development**

6 **SEC. 5101. HIGHWAY RESEARCH AND DEVELOPMENT PRO-** 7 **GRAM.**

8 (a) IN GENERAL.—Section 503 of title 23, United
9 States Code, is amended—

10 (1) in subsection (a)(2) by striking “section
11 508” and inserting “section 6503 of title 49”; and

12 (2) in subsection (b)—

13 (A) in paragraph (3)—

14 (i) in subparagraph (A)—

15 (I) in clause (ii) by striking “;
16 and” and inserting a semicolon;

17 (II) in clause (iii) by striking the
18 period and inserting “; and”; and

19 (III) by adding at the end the
20 following:

21 “(iv) to reduce greenhouse gas emis-
22 sions and limit the effects of climate
23 change.”; and

24 (ii) by striking subparagraphs (D)
25 and (E);

1 (B) in paragraph (4)(A)—

2 (i) in clause (ii) by striking “; and”

3 and inserting a semicolon;

4 (ii) in clause (iii) by striking the pe-
5 riod and inserting “; and”; and

6 (iii) by adding at the end the fol-
7 lowing:

8 “(iv) to reduce greenhouse gas emis-
9 sions and limit the effects of climate
10 change.”;

11 (C) in paragraph (5)(A)—

12 (i) in clause (iv) by striking “; and”
13 and inserting a semicolon;

14 (ii) in clause (v) by striking the period
15 and inserting “; and”; and

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

18 “(vi) reducing greenhouse gas emis-
19 sions and limiting the effects of climate
20 change.”;

21 (D) in paragraph (8)(A) by inserting “,
22 ferry,” after “highway” each place it appears;
23 and

24 (E) by adding at the end the following:

1 “(9) ANALYSIS TOOLS.—The Secretary may de-
2 velop interactive modeling tools and databases
3 that—

4 “(A) track the condition of highway assets,
5 including interchanges, and the reconstruction
6 history of such assets;

7 “(B) can be used to assess transportation
8 options;

9 “(C) allow for the monitoring and mod-
10 eling of network-level traffic flows on highways;
11 and

12 “(D) further Federal and State under-
13 standing of the importance of national and re-
14 gional connectivity and the need for long-dis-
15 tance and interregional passenger and freight
16 travel by highway and other surface transpor-
17 tation modes.

18 “(10) PERFORMANCE MANAGEMENT DATA SUP-
19 PORT PROGRAM.—

20 “(A) PERFORMANCE MANAGEMENT DATA
21 SUPPORT.—The Administrator of the Federal
22 Highway Administration shall develop, use, and
23 maintain data sets and data analysis tools to
24 assist metropolitan planning organizations,
25 States, and the Federal Highway Administra-

1 tion in carrying out performance management
2 analyses (including the performance manage-
3 ment requirements under section 150).

4 “(B) INCLUSIONS.—The data analysis ac-
5 tivities authorized under subparagraph (A) may
6 include—

7 “(i) collecting and distributing vehicle
8 probe data describing traffic on Federal-
9 aid highways;

10 “(ii) collecting household travel behav-
11 ior data to assess local and cross-jurisdic-
12 tional travel, including to accommodate ex-
13 ternal and through travel;

14 “(iii) enhancing existing data collec-
15 tion and analysis tools to accommodate
16 performance measures, targets, and related
17 data, so as to better understand trip origin
18 and destination, trip time, and mode;

19 “(iv) enhancing existing data analysis
20 tools to improve performance predictions
21 and travel models in reports described in
22 section 150(e);

23 “(v) developing tools—

24 “(I) to improve performance
25 analysis; and

1 “(II) to evaluate the effects of
2 project investments on performance;

3 “(vi) assisting in the development or
4 procurement of the transportation system
5 access data under section 1403(g) of the
6 INVEST in America Act; and

7 “(vii) developing tools and acquiring
8 data described under paragraph (9).

9 “(C) FUNDING.—The Administrator of the
10 Federal Highway Administration may use up to
11 \$15,000,000 for each of fiscal years 2022
12 through 2025 to carry out this paragraph.”.

13 (b) REPEAL.—Section 6028 of the FAST Act (23
14 U.S.C. 150 note), and the item relating to such section
15 in the table of contents in section 1(b) of such Act, are
16 repealed.

17 **SEC. 5102. MATERIALS TO REDUCE GREENHOUSE GAS**
18 **EMISSIONS PROGRAM.**

19 Section 503 of title 23, United States Code, as
20 amended by section 5101, is further amended by adding
21 at the end the following:

22 “(d) MATERIALS TO REDUCE GREENHOUSE GAS
23 EMISSIONS PROGRAM.—

24 “(1) IN GENERAL.—Not later than 6 months
25 after the date of enactment of this subsection, the

1 Secretary shall establish and implement a program
2 under which the Secretary shall award grants to eli-
3 gible entities to research and support the develop-
4 ment of materials that will reduce or sequester the
5 amount of greenhouse gas emissions generated dur-
6 ing the production of highway materials and the
7 construction of highways.

8 “(2) ACTIVITIES.—The Secretary shall ensure
9 that the program, at a minimum—

10 “(A) carries out research to determine the
11 materials proven to most effectively reduce or
12 sequester greenhouse gas emissions;

13 “(B) evaluates and improves the ability of
14 materials to most effectively reduce or sequester
15 greenhouse gas emissions; and

16 “(C) supports the development and deploy-
17 ment of materials that will reduce or sequester
18 greenhouse gas emissions.

19 “(3) COMPETITIVE SELECTION PROCESS.—

20 “(A) APPLICATIONS.—To be eligible to re-
21 ceive a grant under this subsection, an eligible
22 entity shall submit to the Secretary an applica-
23 tion in such form and containing such informa-
24 tion as the Secretary may require.

1 “(B) CONSIDERATION.—In making grants
2 under this subsection, the Secretary shall con-
3 sider the degree to which applicants presently
4 carry out research on materials that reduce or
5 sequester greenhouse gas emissions.

6 “(C) SELECTION CRITERIA.—The Sec-
7 retary may make grants under this subsection
8 to any eligible entity based on the demonstrated
9 ability of the applicant to fulfill the activities
10 described in paragraph (2).

11 “(D) TRANSPARENCY.—

12 “(i) IN GENERAL.—The Secretary
13 shall provide to each eligible entity submit-
14 ting an application under this subsection,
15 upon request, any materials, including cop-
16 ies of reviews (with any information that
17 would identify a reviewer redacted), used
18 in the evaluation process of the application
19 of such entity.

20 “(ii) REPORTS.—The Secretary shall
21 submit to the Committee on Transpor-
22 tation and Infrastructure of the House of
23 Representatives and the Committee on En-
24 vironment and Public Works of the Senate
25 a report describing the overall review proc-

1 ess for a grant under this subsection, in-
2 cluding—

3 “(I) specific criteria of evaluation
4 used in the review;

5 “(II) descriptions of the review
6 process; and

7 “(III) explanations of the grants
8 awarded.

9 “(4) GRANTS.—

10 “(A) RESTRICTIONS.—

11 “(i) IN GENERAL.—For each fiscal
12 year, a grant made available under this
13 subsection shall be not greater than
14 \$4,000,000 and not less than \$2,000,000
15 per recipient.

16 “(ii) LIMITATION.—An eligible entity
17 may only receive 1 grant in a fiscal year
18 under this subsection.

19 “(B) MATCHING REQUIREMENTS.—

20 “(i) IN GENERAL.—As a condition of
21 receiving a grant under this subsection, a
22 grant recipient shall match 50 percent of
23 the amounts made available under the
24 grant.

1 “(ii) SOURCES.—The matching
2 amounts referred to in clause (i) may in-
3 clude amounts made available to the recipi-
4 ent under—

5 “(I) section 504(b); or

6 “(II) section 505.

7 “(5) PROGRAM COORDINATION.—

8 “(A) IN GENERAL.—The Secretary shall—

9 “(i) coordinate the research, edu-
10 cation, and technology transfer activities
11 carried out by grant recipients under this
12 subsection;

13 “(ii) disseminate the results of that
14 research through the establishment and op-
15 eration of a publicly accessible online infor-
16 mation clearinghouse; and

17 “(iii) to the extent practicable, sup-
18 port the deployment and commercial adop-
19 tion of effective materials researched or de-
20 veloped under this subsection to relevant
21 stakeholders.

22 “(B) ANNUAL REVIEW AND EVALUA-
23 TION.—Not later than 2 years after the date of
24 enactment of this subsection, and not less fre-
25 quently than annually thereafter, the Secretary

1 shall, consistent with the activities in paragraph

2 (3)—

3 “(i) review and evaluate the programs
4 carried out under this subsection by grant
5 recipients, describing the effectiveness of
6 the program in identifying materials that
7 reduce or sequester greenhouse gas emis-
8 sions;

9 “(ii) submit to the Committee on
10 Transportation and Infrastructure of the
11 House of Representatives and the Com-
12 mittee on Environment and Public Works
13 of the Senate a report describing such re-
14 view and evaluation; and

15 “(iii) make the report in clause (ii)
16 available to the public on a website.

17 “(6) LIMITATION ON AVAILABILITY OF
18 AMOUNTS.—Amounts made available to carry out
19 this subsection shall remain available for obligation
20 by the Secretary for a period of 3 years after the
21 last day of the fiscal year for which the amounts are
22 authorized.

23 “(7) INFORMATION COLLECTION.—Any survey,
24 questionnaire, or interview that the Secretary deter-
25 mines to be necessary to carry out reporting require-

1 ments relating to any program assessment or evalua-
2 tion activity under this subsection, including cus-
3 tomer satisfaction assessments, shall not be subject
4 to chapter 35 of title 44.

5 “(8) DEFINITION OF ELIGIBLE ENTITY.—In
6 this subsection, the term ‘eligible entity’ means a
7 nonprofit institution of higher education, as such
8 term is defined in section 101 of the Higher Edu-
9 cation Act of 1965 (20 U.S.C. 1001).”.

10 **SEC. 5103. TRANSPORTATION RESEARCH AND DEVELOP-**
11 **MENT 5-YEAR STRATEGIC PLAN.**

12 Section 6503 of title 49, United States Code, is
13 amended—

14 (1) in subsection (a) by striking “The Sec-
15 retary” and inserting “For the period of fiscal years
16 2017 through 2021, and for each 5-year period
17 thereafter, the Secretary”;

18 (2) in subsection (c)(1)—

19 (A) in subparagraph (D) by inserting “and
20 the existing transportation system” after “in-
21 frastructure”;

22 (B) in subparagraph (E) by striking “;
23 and” and inserting a semicolon;

24 (C) by amending subparagraph (F) to read
25 as follows:

1 “(F) reducing greenhouse gas emissions;
2 and”;

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

4 “(G) developing and maintaining a diverse
5 workforce in transportation sectors;”;

6 (3) in subsection (d) by striking “not later than
7 December 31, 2016,” and inserting “not later than
8 December 31, 2021,”.

9 **SEC. 5104. UNIVERSITY TRANSPORTATION CENTERS PRO-**
10 **GRAM.**

11 Section 5505 of title 49, United States Code, is
12 amended—

13 (1) in subsection (b)(4)—

14 (A) in subparagraph (A) by striking “re-
15 search priorities identified in chapter 65.” and
16 inserting the following: “following research pri-
17 orities:

18 “(i) Improving the mobility of people
19 and goods.

20 “(ii) Reducing congestion.

21 “(iii) Promoting safety.

22 “(iv) Improving the durability and ex-
23 tending the life of transportation infra-
24 structure and the existing transportation
25 system.

1 “(v) Preserving the environment.

2 “(vi) Reducing greenhouse gas emis-
3 sions.”; and

4 (B) in subparagraph (B)—

5 (i) by striking “Technology and” and
6 inserting “Technology,”; and

7 (ii) by inserting “, the Associate Ad-
8 ministrator for Research, Demonstration,
9 and Innovation and Administrator of the
10 Federal Transit Administration,” after
11 “Federal Highway Administration”;

12 (2) in subsection (c)—

13 (A) in paragraph (1)—

14 (i) by striking “Not later than 1 year
15 after the date of enactment of this sec-
16 tion,” and inserting the following:

17 “(A) SELECTION OF GRANTS.—Not later
18 than 1 year after the date of enactment of the
19 INVEST in America Act,”; and

20 (ii) by adding at the end the fol-
21 lowing:

22 “(B) LIMITATIONS.—A grant under this
23 subsection may not include a cooperative agree-
24 ment described in section 6305 of title 31.”;

25 (B) in paragraph (2)—

1 (i) in subparagraph (A) by striking “5
2 consortia” and inserting “6 consortia”;

3 (ii) in subparagraph (B)—

4 (I) in clause (i) by striking “not
5 greater than \$4,000,000 and not less
6 than \$2,000,000” and inserting “not
7 greater than \$4,250,000 and not less
8 than \$2,250,000”; and

9 (II) in clause (ii) by striking
10 “section 6503(e)” and inserting “sub-
11 section (b)(4)(A)”;

12 (iii) in subparagraph (C) by striking
13 “100 percent” and inserting “50 percent”;
14 and

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

17 “(D) REQUIREMENT.—In awarding grants
18 under this section, the Secretary shall award 1
19 grant to a national consortia for each focus
20 area described in subsection (b)(4)(A).”;

21 (C) in paragraph (3)—

22 (i) in subparagraph (C) by striking
23 “not greater than \$3,000,000 and not less
24 than \$1,500,000” and inserting “not

1 greater than \$3,250,000 and not less than
2 \$1,750,000”;

3 (ii) in subparagraph (D)(i) by striking
4 “100 percent” and inserting “50 percent”;

5 and

6 (iii) by striking subparagraph (E);

7 and

8 (D) in paragraph (4)—

9 (i) in subparagraph (A) by striking
10 “greater than \$2,000,000 and not less
11 than \$1,000,000” and inserting “greater
12 than \$2,250,000 and not less than
13 \$1,250,000”; and

14 (ii) by striking subparagraph (C) and
15 inserting the following:

16 “(C) REQUIREMENTS.—In awarding
17 grants under this paragraph, the Secretary
18 shall—

19 “(i) consider consortia that include in-
20 stitutions that have demonstrated an abil-
21 ity in transportation-related research; and

22 “(ii) award not less than 2 grants
23 under this section to minority institutions,
24 as such term is defined in section 365 of

1 the Higher Education Act of 1965 (20
2 U.S.C. 1067k).

3 “(D) FOCUSED RESEARCH.—

4 “(i) IN GENERAL.—In awarding
5 grants under this section, the Secretary
6 shall select not less than 1 grant recipient
7 with each of the following focus areas:

8 “(I) Transit.

9 “(II) Connected and automated
10 vehicle technology.

11 “(III) Non-motorized transpor-
12 tation, including bicycle and pedes-
13 trian safety.

14 “(IV) Developing metropolitan
15 planning practices to meet the consid-
16 erations described in section 134(e)(4)
17 of title 23 and section 5303(e)(4).

18 “(V) The surface transportation
19 workforce, including current and fu-
20 ture workforce needs and challenges;
21 and

22 “(VI) Climate change mitigation,
23 including—

24 “(aa) researching the types
25 of transportation projects that

1 are expected to provide the most
2 significant greenhouse gas emis-
3 sions reductions from the surface
4 transportation sector; and

5 “(bb) researching the types
6 of transportation projects that
7 are not expected to provide sig-
8 nificant greenhouse gas emissions
9 reductions from the surface
10 transportation sector.

11 “(ii) ADDITIONAL GRANTS.—In
12 awarding grants under this section and
13 after awarding grants pursuant to clause
14 (i), the Secretary may award any remain-
15 ing grants to any grant recipient based on
16 the criteria described in subsection
17 (b)(4)(A).

18 “(E) CONSIDERATIONS FOR SELECTED IN-
19 STITUTIONS.—

20 “(i) IN GENERAL.—Tier 1 transpor-
21 tation centers awarded a grant under this
22 paragraph with a focus area described in
23 subparagraph (D)(i)(IV) shall consider the
24 following areas for research:

1 “(I) strategies to address climate
2 change mitigation and impacts de-
3 scribed in section 134(i)(2)(I)(ii) of
4 title 23 and the incorporation of such
5 strategies into long range transpor-
6 tation plan; and

7 “(II) preparation of a vulner-
8 ability assessment described in section
9 134(i)(2)(I)(iii) of title 23.

10 “(ii) ACTIVITIES.—A tier 1 transpor-
11 tation center receiving a grant under this
12 section with a focus area described in sub-
13 paragraph (D)(i)(IV) may—

14 “(I) establish best practices;

15 “(II) develop modeling tools; and

16 “(III) carry out other activities
17 and develop technology that addresses
18 the planning considerations described
19 in clause (i).

20 “(iii) LIMITATION.—Research under
21 this paragraph shall focus on metropolitan
22 planning organizations that represent ur-
23 banized areas with populations of 200,000
24 or fewer.”;

1 (3) in subsection (d)(3) by striking “fiscal years
2 2016 through 2020” and inserting “fiscal years
3 2022 through 2025”;

4 (4) by redesignating subsection (f) as sub-
5 section (g); and

6 (5) by inserting after subsection (e) the fol-
7 lowing:

8 “(f) SURPLUS AMOUNTS.—

9 “(1) IN GENERAL.—Amounts made available to
10 the Secretary to carry out this section that remain
11 unobligated after awarding grants under subsection
12 (e) shall be made available under the unsolicited re-
13 search initiative under section 5506.

14 “(2) LIMITATION ON AMOUNTS.—Amounts
15 under paragraph (1) shall not exceed \$2,000,000 for
16 any given fiscal year.”.

17 **SEC. 5105. UNSOLICITED RESEARCH INITIATIVE.**

18 (a) IN GENERAL.—Chapter 55 of title 49, United
19 States Code, is amended by inserting after section 5505
20 the following new section:

21 **“§ 5506. Unsolicited research initiative**

22 “(a) IN GENERAL.—Not later than 180 days after
23 the date of enactment of this section, the Secretary shall
24 establish a program under which an eligible entity may

1 at any time submit unsolicited research proposals for
2 funding under this section.

3 “(b) CRITERIA.—A research proposal submitted
4 under subsection (a) shall meet the purposes of the Sec-
5 retary’s 5-year transportation research and development
6 strategic plan described in section 6503(c)(1).

7 “(c) PROJECT REVIEW.—Not later than 90 days
8 after an eligible entity submits a proposal under sub-
9 section (a), the Secretary shall—

10 “(1) review the research proposal submitted
11 under subsection (a);

12 “(2) evaluate such research proposal relative to
13 the criteria described in subsection (b);

14 “(3) provide to such eligible entity a written no-
15 tice that—

16 “(A) if the research proposal is not se-
17 lected for funding under this section—

18 “(i) notifies the eligible entity that the
19 research proposal has not been selected for
20 funding;

21 “(ii) provides an explanation as to
22 why the research proposal was not se-
23 lected, including if the research proposal
24 does not cover an area of need; and

1 “(iii) if applicable, recommend that
2 the research proposal be submitted to an-
3 other research program; and

4 “(B) if the research proposal is selected for
5 funding under this section, notifies the eligible
6 entity that the research proposal has been se-
7 lected for funding; and

8 “(4) fund the proposals described in paragraph
9 (3)(B).

10 “(d) REPORT.—Not later than 18 months after the
11 date of enactment of this section, and annually thereafter,
12 the Secretary shall make available to the public on a public
13 website, a report on the progress and findings of the pro-
14 gram established under subsection (a).

15 “(e) FEDERAL SHARE.—

16 “(1) IN GENERAL.—The Federal share of the
17 cost of an activity carried out under this section may
18 not exceed 50 percent.

19 “(2) NON-FEDERAL SHARE.—All costs directly
20 incurred by the non-Federal partners, including per-
21 sonnel, travel, facility, and hardware development
22 costs, shall be credited toward the non-Federal share
23 of the cost of an activity carried out under this sec-
24 tion.

25 “(f) FUNDING.—

1 “(1) IN GENERAL.—Of the funds made avail-
2 able to carry out the university transportation cen-
3 ters program under section 5505, \$2,000,000 shall
4 be available for each of fiscal years 2022 through
5 2025 to carry out this section.

6 “(2) FUNDING FLEXIBILITY.—

7 “(A) IN GENERAL.—For fiscal years 2022
8 through 2025, funds made available under
9 paragraph (1) shall remain available until ex-
10 pended.

11 “(B) UNCOMMITTED FUNDS.—If the Sec-
12 retary determines, at the end of a fiscal year,
13 funds under paragraph (1) remain unexpended
14 as a result of a lack of meritorious projects
15 under this section, the Secretary may, for the
16 following fiscal year, make remaining funds
17 available under either this section or under sec-
18 tion 5505.

19 “(g) ELIGIBLE ENTITY DEFINED.—In this section,
20 the term ‘eligible entity’ means

21 “(1) a State;

22 “(2) a unit of local government;

23 “(3) a transit agency;

1 “(4) any nonprofit institution of higher edu-
2 cation, including a university transportation center
3 under section 5505; and

4 “(5) a nonprofit organization.”.

5 (b) CLERICAL AMENDMENT.—The analysis for chap-
6 ter 55 of title 49, United States Code, is amended by in-
7 serting after the item relating to section 5505 the fol-
8 lowing new item:

 “5506. Unsolicited research initiative.”.

9 **SEC. 5106. NATIONAL COOPERATIVE MULTIMODAL**
10 **FREIGHT TRANSPORTATION RESEARCH PRO-**
11 **GRAM.**

12 (a) IN GENERAL.—Chapter 702 of title 49, United
13 States Code, is amended by adding at the end the fol-
14 lowing:

15 **“§ 70205. National cooperative multimodal freight**
16 **transportation research program**

17 “(a) ESTABLISHMENT.—Not later than 1 year after
18 the date of enactment of this section, the Secretary shall
19 establish and support a national cooperative multimodal
20 freight transportation research program.

21 “(b) AGREEMENT.—Not later than 6 months after
22 the date of enactment of this section, the Secretary shall
23 seek to enter into an agreement with the National Acad-
24 emy of Sciences to support and carry out administrative
25 and management activities relating to the governance of

1 the national cooperative multimodal freight transportation
2 research program.

3 “(c) ADVISORY COMMITTEE.—In carrying out the
4 agreement described in subsection (b), the National Acad-
5 emy of Sciences shall select a multimodal freight transpor-
6 tation research advisory committee consisting of
7 multimodal freight stakeholders, including, at a min-
8 imum—

9 “(1) a representative of the Department of
10 Transportation;

11 “(2) representatives of any other Federal agen-
12 cies relevant in supporting the nation’s multimodal
13 freight transportation research needs;

14 “(3) a representative of a State department of
15 transportation;

16 “(4) a representative of a local government
17 (other than a metropolitan planning organization);

18 “(5) a representative of a metropolitan planning
19 organization;

20 “(6) a representative of the trucking industry;

21 “(7) a representative of the railroad industry;

22 “(8) a representative of the port industry;

23 “(9) a representative of logistics industry;

24 “(10) a representative of shipping industry;

1 “(11) a representative of a safety advocacy
2 group with expertise in freight transportation;

3 “(12) an academic expert on multimodal freight
4 transportation;

5 “(13) an academic expert on the contributions
6 of freight movement to greenhouse gas emissions;
7 and

8 “(14) representatives of labor organizations.

9 “(d) ELEMENTS.—The national cooperative
10 multimodal freight transportation research program estab-
11 lished under this section shall include the following ele-
12 ments:

13 “(1) NATIONAL RESEARCH AGENDA.—The advi-
14 sory committee under subsection (c), in consultation
15 with interested parties, shall recommend a national
16 research agenda for the program established in this
17 section.

18 “(2) INVOLVEMENT.—Interested parties may—

19 “(A) submit research proposals to the advi-
20 sory committee;

21 “(B) participate in merit reviews of re-
22 search proposals and peer reviews of research
23 products; and

24 “(C) receive research results.

1 “(3) OPEN COMPETITION AND PEER REVIEW OF
2 RESEARCH PROPOSALS.—The National Academy of
3 Sciences may award research contracts and grants
4 under the program through open competition and
5 merit review conducted on a regular basis.

6 “(4) EVALUATION OF RESEARCH.—

7 “(A) PEER REVIEW.—Research contracts
8 and grants under the program may allow peer
9 review of the research results.

10 “(B) PROGRAMMATIC EVALUATIONS.—The
11 National Academy of Sciences shall conduct
12 periodic programmatic evaluations on a regular
13 basis of research contracts and grants.

14 “(5) DISSEMINATION OF RESEARCH FIND-
15 INGS.—

16 “(A) IN GENERAL.—The National Acad-
17 emy of Sciences shall disseminate research find-
18 ings to researchers, practitioners, and decision-
19 makers, through conferences and seminars, field
20 demonstrations, workshops, training programs,
21 presentations, testimony to government offi-
22 cials, a public website for the National Academy
23 of Sciences, publications for the general public,
24 and other appropriate means.

1 “(B) REPORT.—Not more than 18 months
2 after the date of enactment of this section, and
3 annually thereafter, the Secretary shall make
4 available on a public website a report that de-
5 scribes the ongoing research and findings of the
6 program.

7 “(e) CONTENTS.—The national research agenda
8 under subsection (d)(1) shall include—

9 “(1) techniques and tools for estimating and
10 identifying both quantitative and qualitative public
11 benefits derived from multimodal freight transpor-
12 tation projects, including—

13 “(A) greenhouse gas emissions reduction;

14 “(B) congestion reduction; and

15 “(C) safety benefits;

16 “(2) the impact of freight delivery vehicles, in-
17 cluding trucks, railcars, and non-motorized vehicles,
18 on congestion in urban and rural areas;

19 “(3) the impact of both centralized and dis-
20 parate origins and destinations on freight movement;

21 “(4) the impacts of increasing freight volumes
22 on transportation planning, including—

23 “(A) first-mile and last-mile challenges to
24 multimodal freight movement;

1 “(B) multimodal freight travel in both
2 urban and rural areas; and

3 “(C) commercial motor vehicle parking and
4 rest areas;

5 “(5) the effects of Internet commerce and accel-
6 erated delivery speeds on freight movement and in-
7 creased commercial motor vehicle volume, including
8 impacts on—

9 “(A) safety on public roads;

10 “(B) congestion in both urban and rural
11 areas;

12 “(C) first-mile and last-mile challenges and
13 opportunities;

14 “(D) the environmental impact of freight
15 transportation, including on air quality and on
16 greenhouse gas emissions; and

17 “(E) vehicle miles-traveled by freight-deliv-
18 ering vehicles;

19 “(6) the impacts of technological advancements
20 in freight movement, including impacts on—

21 “(A) congestion in both urban and rural
22 areas;

23 “(B) first-mile and last-mile challenges
24 and opportunities; and

25 “(C) vehicle miles-traveled;

1 “(7) methods and best practices for aligning
2 multimodal infrastructure improvements with
3 multimodal freight transportation demand, including
4 improvements to the National Multimodal Freight
5 Network under section 70103; and

6 “(8) other research areas to identify and ad-
7 dress current, emerging, and future needs related to
8 multimodal freight transportation.

9 “(f) FUNDING.—

10 “(1) FEDERAL SHARE.—The Federal share of
11 the cost of an activity carried out under this section
12 shall be 100 percent.

13 “(2) PERIOD OF AVAILABILITY.—Amounts
14 made available to carry out this section shall remain
15 available until expended.

16 “(g) DEFINITION OF GREENHOUSE GAS.—In this
17 section, the term ‘greenhouse gas’ has the meaning given
18 such term in section 211(o)(1) of the Clean Air Act (42
19 U.S.C. 7545(o)(1)).”.

20 (b) CLERICAL AMENDMENT.—The analysis for chap-
21 ter 702 of title 49, United States Code, is amended by
22 adding at the end the following new item:

 “70205. National cooperative multimodal freight transportation research pro-
 gram.”.

1 **SEC. 5107. WILDLIFE-VEHICLE COLLISION REDUCTION AND**
2 **HABITAT CONNECTIVITY IMPROVEMENT.**

3 (a) STUDY.—

4 (1) IN GENERAL.—The Secretary of Transpor-
5 tation shall conduct a study examining methods to
6 reduce collisions between motorists and wildlife (re-
7 ferred to in this section as “wildlife-vehicle colli-
8 sions”).

9 (2) CONTENTS.—

10 (A) AREAS OF STUDY.—The study re-
11 quired under paragraph (1) shall—

12 (i) update and expand on, as appro-
13 priate—

14 (I) the report titled “Wildlife Ve-
15 hicle Collision Reduction Study: 2008
16 Report to Congress”: and

17 (II) the document titled “Wildlife
18 Vehicle Collision Reduction Study:
19 Best Practices Manual” and dated
20 October 2008; and

21 (ii) include—

22 (I) an assessment, as of the date
23 of the study, of—

24 (aa) the causes of wildlife-
25 vehicle collisions;

1 (bb) the impact of wildlife-
2 vehicle collisions on motorists
3 and wildlife; and

4 (cc) the impacts of roads
5 and traffic on habitat
6 connectivity for terrestrial and
7 aquatic species; and

8 (II) solutions and best practices
9 for—

10 (aa) reducing wildlife-vehicle
11 collisions; and

12 (bb) improving habitat
13 connectivity for terrestrial and
14 aquatic species.

15 (B) METHODS.—In carrying out the study
16 required under paragraph (1), the Secretary
17 shall—

18 (i) conduct a thorough review of re-
19 search and data relating to—

20 (I) wildlife-vehicle collisions; and

21 (II) habitat fragmentation that
22 results from transportation infrastruc-
23 ture;

24 (ii) survey current practices of the
25 Department of Transportation and State

1 departments of transportation to reduce
2 wildlife-vehicle collisions; and

3 (iii) consult with—

4 (I) appropriate experts in the
5 field of wildlife-vehicle collisions; and

6 (II) appropriate experts on the
7 effects of roads and traffic on habitat
8 connectivity for terrestrial and aquatic
9 species.

10 (3) REPORT.—

11 (A) IN GENERAL.—Not later than 18
12 months after the date of enactment of this Act,
13 the Secretary shall submit to Congress a report
14 on the results of the study required under para-
15 graph (1).

16 (B) CONTENTS.—The report required
17 under subparagraph (A) shall include—

18 (i) a description of—

19 (I) the causes of wildlife-vehicle
20 collisions;

21 (II) the impacts of wildlife-vehicle
22 collisions; and

23 (III) the impacts of roads and
24 traffic on—

- 1 (aa) species listed as threat-
2 ened species or endangered spe-
3 cies under the Endangered Spe-
4 cies Act of 1973 (16 U.S.C. 1531
5 et seq.);
- 6 (bb) species identified by
7 States as species of greatest con-
8 servation need;
- 9 (cc) species identified in
10 State wildlife plans; and
- 11 (dd) medium and small ter-
12 restrial and aquatic species;
- 13 (ii) an economic evaluation of the
14 costs and benefits of installing highway in-
15 frastructure and other measures to miti-
16 gate damage to terrestrial and aquatic spe-
17 cies, including the effect on jobs, property
18 values, and economic growth to society, ad-
19 jacent communities, and landowners;
- 20 (iii) recommendations for preventing
21 wildlife-vehicle collisions, including rec-
22 ommended best practices, funding re-
23 sources, or other recommendations for ad-
24 dressing wildlife-vehicle collisions; and

1 (iv) guidance to develop, for each
2 State that agrees to participate, a vol-
3 untary joint statewide transportation and
4 wildlife action plan.

5 (C) PURPOSES.—The purpose of the guid-
6 ance described in subparagraph (B)(iv) shall
7 be—

8 (i) to address wildlife-vehicle colli-
9 sions; and

10 (ii) to improve habitat connectivity for
11 terrestrial and aquatic species;

12 (D) CONSULTATION.—The Secretary shall
13 develop the guidance described under subpara-
14 graph (B)(iv) in consultation with—

15 (i) Federal land management agen-
16 cies;

17 (ii) State departments of transpor-
18 tation;

19 (iii) State fish and wildlife agencies;
20 and

21 (iv) Tribal governments.

22 (b) STANDARDIZATION OF WILDLIFE COLLISION AND
23 CARCASS DATA.—

24 (1) STANDARDIZATION METHODOLOGY.—

1 (A) IN GENERAL.—The Secretary of
2 Transportation, acting through the Adminis-
3 trator of the Federal Highway Administration,
4 shall develop a quality standardized method-
5 ology for collecting and reporting spatially accu-
6 rate wildlife collision and carcass data for the
7 National Highway System, taking into consider-
8 ation the practicability of the methodology with
9 respect to technology and cost.

10 (B) METHODOLOGY.—In developing the
11 standardized methodology under subparagraph
12 (A), the Secretary shall—

13 (i) survey existing methodologies and
14 sources of data collection, including the
15 Fatality Analysis Reporting System, the
16 General Estimates System of the National
17 Automotive Sampling System, and the
18 Highway Safety Information System; and

19 (ii) to the extent practicable, identify
20 and correct limitations of such existing
21 methodologies and sources of data collec-
22 tion.

23 (C) CONSULTATION.—In developing the
24 standardized methodology under subparagraph
25 (A), the Secretary shall consult with—

- 1 (i) the Secretary of the Interior;
- 2 (ii) the Secretary of Agriculture, act-
- 3 ing through the Chief of the Forest Serv-
- 4 ice;
- 5 (iii) Tribal, State, and local transpor-
- 6 tation and wildlife authorities;
- 7 (iv) metropolitan planning organiza-
- 8 tions (as such term is defined in section
- 9 134(b) of title 23, United States Code);
- 10 (v) members of the American Associa-
- 11 tion of State Highway and Transportation
- 12 Officials;
- 13 (vi) members of the Association of
- 14 Fish and Wildlife Agencies;
- 15 (vii) experts in the field of wildlife-ve-
- 16 hicle collisions;
- 17 (viii) nongovernmental organizations;
- 18 and
- 19 (ix) other interested stakeholders, as
- 20 appropriate.

21 (2) STANDARDIZED NATIONAL DATA SYSTEM
22 WITH VOLUNTARY TEMPLATE IMPLEMENTATION.—
23 The Secretary shall—
24 (A) develop a template for State implemen-
25 tation of a standardized national wildlife colli-

1 sion and carcass data system for the National
2 Highway System that is based on the standard-
3 ized methodology developed under paragraph
4 (1); and

5 (B) encourage the voluntary implementa-
6 tion of the template developed under subpara-
7 graph (A) for States, metropolitan planning or-
8 ganizations, and additional relevant transpor-
9 tation stakeholders.

10 (3) REPORTS.—

11 (A) METHODOLOGY.—The Secretary shall
12 submit to Congress a report describing the de-
13 velopment of the standardized methodology re-
14 quired under paragraph (1) not later than—

15 (i) the date that is 18 months after
16 the date of enactment of this Act; and

17 (ii) the date that is 180 days after the
18 date on which the Secretary completes the
19 development of such standardized method-
20 ology.

21 (B) IMPLEMENTATION.—Not later than 3
22 years after the date of enactment of this Act,
23 the Secretary shall submit to Congress a report
24 describing—

1 (i) the status of the voluntary imple-
2 mentation of the standardized methodology
3 developed under paragraph (1) and the
4 template developed under paragraph
5 (2)(A);

6 (ii) whether the implementation of the
7 standardized methodology developed under
8 paragraph (1) and the template developed
9 under paragraph (2)(A) has impacted ef-
10 forts by States, units of local government,
11 and other entities—

12 (I) to reduce the number of wild-
13 life-vehicle collisions; and

14 (II) to improve habitat
15 connectivity;

16 (iii) the degree of the impact de-
17 scribed in clause (ii); and

18 (iv) the recommendations of the Sec-
19 retary, including recommendations for fur-
20 ther study aimed at reducing motorist col-
21 lisions involving wildlife and improving
22 habitat connectivity for terrestrial and
23 aquatic species on the National Highway
24 System, if any.

1 (c) NATIONAL THRESHOLD GUIDANCE.—The Sec-
2 retary of Transportation shall—

3 (1) establish guidance, to be carried out by
4 States on a voluntary basis, that contains a thresh-
5 old for determining whether a highway shall be eval-
6 uated for potential mitigation measures to reduce
7 wildlife-vehicle collisions and increase habitat
8 connectivity for terrestrial and aquatic species, tak-
9 ing into consideration—

10 (A) the number of wildlife-vehicle collisions
11 on the highway that pose a human safety risk;

12 (B) highway-related mortality and effects
13 of traffic on the highway on—

14 (i) species listed as endangered spe-
15 cies or threatened species under the En-
16 dangered Species Act of 1973 (16 U.S.C.
17 1531 et seq.);

18 (ii) species identified by a State as
19 species of greatest conservation need;

20 (iii) species identified in State wildlife
21 plans; and

22 (iv) medium and small terrestrial and
23 aquatic species; and

24 (C) habitat connectivity values for terres-
25 trial and aquatic species and the barrier effect

1 of the highway on the movements and migra-
2 tions of those species.

3 **SEC. 5108. RESEARCH ACTIVITIES.**

4 Section 330(g) of title 49, United States Code, is
5 amended by striking “each of fiscal years 2016 through
6 2020” and inserting “each of fiscal years 2022 through
7 2025”.

8 **Subtitle B—Technology**
9 **Deployment**

10 **SEC. 5201. TECHNOLOGY AND INNOVATION DEPLOYMENT**
11 **PROGRAM.**

12 Section 503(c) of title 23, United States Code, is
13 amended—

14 (1) in paragraph (1)—

15 (A) in subparagraph (D) by striking “;
16 and” and inserting a semicolon;

17 (B) in subparagraph (E) by striking the
18 period and inserting “; and”; and

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

20 “(F) reducing greenhouse gas emissions
21 and limiting the effects of climate change.”;

22 and

23 (2) in paragraph (2)(A) by striking the period
24 and inserting “and findings from the materials to

1 reduce greenhouse gas emissions program under
2 subsection (d).”.

3 **SEC. 5202. ACCELERATED IMPLEMENTATION AND DEPLOY-**
4 **MENT OF PAVEMENT TECHNOLOGIES.**

5 Section 503(c)(3) of title 23, United States Code, is
6 amended—

7 (1) in subparagraph (B)—

8 (A) in clause (v) by striking “; and” and
9 inserting a semicolon;

10 (B) in clause (vi) by striking the period
11 and inserting “; and”; and

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

13 “(vii) the deployment of innovative
14 pavement designs, materials, and practices
15 that reduce or sequester the amount of
16 greenhouse gas emissions generated during
17 the production of highway materials and
18 the construction of highways, with consid-
19 eration for findings from the materials to
20 reduce greenhouse gas emissions program
21 under subsection (d).”;

22 (2) in subparagraph (C) by striking “fiscal
23 years 2016 through 2020” and inserting “fiscal
24 years 2022 through 2025”; and

25 (3) in subparagraph (D)(ii)—

1 (A) in subclause (III) by striking “; and”
2 and inserting a semicolon;

3 (B) in subclause (IV) by striking the pe-
4 riod and inserting a semicolon; and

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

6 “(V) pavement monitoring and
7 data collection practices;

8 “(VI) pavement durability and
9 resilience;

10 “(VII) stormwater management;

11 “(VIII) impacts on vehicle effi-
12 ciency;

13 “(IX) the energy efficiency of the
14 production of paving materials and
15 the ability of paving materials to en-
16 hance the environment and promote
17 sustainability;

18 “(X) integration of renewable en-
19 ergy in pavement designs; and

20 “(XI) greenhouse gas emissions
21 reduction, including findings from the
22 materials to reduce greenhouse gas
23 emissions program under subsection
24 (d).”.

1 **SEC. 5203. FEDERAL HIGHWAY ADMINISTRATION EVERY**
2 **DAY COUNTS INITIATIVE.**

3 (a) IN GENERAL.—Chapter 5 of title 23, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“§ 520. Every Day Counts initiative**

7 “(a) IN GENERAL.—It is in the national interest for
8 the Department of Transportation, State departments of
9 transportation, and all other recipients of Federal surface
10 transportation funds—

11 “(1) to identify, accelerate, and deploy innova-
12 tion aimed at expediting project delivery;

13 “(2) enhancing the safety of the roadways of
14 the United States, and protecting the environment;

15 “(3) to ensure that the planning, design, engi-
16 neering, construction, and financing of transpor-
17 tation projects is done in an efficient and effective
18 manner;

19 “(4) to promote the rapid deployment of proven
20 solutions that provide greater accountability for pub-
21 lic investments and encourage greater private sector
22 involvement; and

23 “(5) to create a culture of innovation within the
24 highway community.

25 “(b) EVERY DAY COUNTS INITIATIVE.—To advance
26 the policy described in subsection (a), the Administrator

1 of the Federal Highway Administration shall continue the
2 Every Day Counts initiative to work with States, local
3 transportation agencies, and industry stakeholders to
4 identify and deploy proven innovative practices and prod-
5 ucts that—

6 “(1) accelerate innovation deployment;

7 “(2) expedite the project delivery process;

8 “(3) improve environmental sustainability;

9 “(4) enhance roadway safety;

10 “(5) reduce congestion; and

11 “(6) reduce greenhouse gas emissions.

12 “(c) CONSIDERATIONS.—In carrying out the Every
13 Day Counts initiative, the Administrator shall consider
14 any innovative practices and products in accordance with
15 subsections (a) and (b), including—

16 “(1) research results from the university trans-
17 portation centers program under section 5505 of
18 title 49; and

19 “(2) results from the materials to reduce green-
20 house gas emissions program in section 503(d).

21 “(d) INNOVATION DEPLOYMENT.—

22 “(1) IN GENERAL.—At least every 2 years, the
23 Administrator shall work collaboratively with stake-
24 holders to identify a new collection of innovations,
25 best practices, and data to be deployed to highway

1 stakeholders through case studies, outreach, and
2 demonstration projects.

3 “(2) REQUIREMENTS.—In identifying a collec-
4 tion described in paragraph (1), the Secretary shall
5 take into account market readiness, impacts, bene-
6 fits, and ease of adoption of the innovation or prac-
7 tice.

8 “(e) PUBLICATION.—Each collection identified under
9 subsection (d) shall be published by the Administrator on
10 a publicly available website.

11 “(f) FUNDING.—The Secretary may use funds made
12 available to carry out section 503(c) to carry out this sec-
13 tion.”.

14 (b) CLERICAL AMENDMENT.—The analysis for chap-
15 ter 5 of title 23, United States Code, is amended by add-
16 ing at the end the following new item:

“520. Every Day Counts initiative.”.

17 (c) REPEAL.—Section 1444 of the FAST Act (23
18 U.S.C. 101 note), and the item related to such section in
19 the table of contents in section 1(b) of such Act, are re-
20 pealed.

21 **Subtitle C—Emerging Technologies**

22 **SEC. 5301. SAFE, EFFICIENT MOBILITY THROUGH AD- 23 VANCED TECHNOLOGIES.**

24 Section 503(c)(4) of title 23, United States Code, is
25 amended—

1 (1) in subparagraph (A)—

2 (A) by striking “Not later than 6 months
3 after the date of enactment of this paragraph,
4 the” and inserting “The”;

5 (B) by striking “establish an advanced
6 transportation and congestion management
7 technologies deployment” and inserting “estab-
8 lish a safe, efficient mobility through advanced
9 technologies”;

10 (C) by inserting “mobility,” before “effi-
11 ciency,”; and

12 (D) by inserting “environmental impacts,”
13 after “system performance,”;

14 (2) in subparagraph (B)—

15 (A) by striking clause (i) and inserting the
16 following:

17 “(i) reduce costs, improve return on
18 investments, and improve person through-
19 put and mobility, including through the op-
20 timization of existing transportation capac-
21 ity;”;

22 (B) in clause (iv) by inserting “bicyclist
23 and” before “pedestrian”;

24 (C) in clause (vii) by striking “; or” and
25 inserting a semicolon;

1 (D) in clause (viii)—

2 (i) by striking “accelerate” and insert-
3 ing “prepare for”;

4 (ii) by striking “autonomous” and in-
5 serting “automated”; and

6 (iii) by striking the period and insert-
7 ing “; or”; and

8 (E) by adding at the end the following:

9 “(ix) reduce greenhouse gas emissions
10 and limit the effects of climate change.”;

11 (3) in subparagraph (C)—

12 (A) in clause (ii)(II)(aa) by striking “con-
13 gestion, and costs” and inserting “congestion
14 and delays, greenhouse gas emissions, and costs
15 incurred by road users”; and

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

17 “(iii) CONSIDERATIONS.—An applica-
18 tion submitted under this paragraph may
19 include a description of how the proposed
20 project would support the national goals
21 described in section 150(b), the achieve-
22 ment of metropolitan and statewide targets
23 established under section 150(d), or the
24 improvement of transportation system ac-

1 cess consistent with section 150(f), includ-
2 ing through—

3 “(I) the congestion and on-road
4 mobile-source emissions performance
5 measure established under section
6 150(c)(5); or

7 “(II) the greenhouse gas emis-
8 sions performance measure estab-
9 lished under section 150(c)(7).”;

10 (4) in subparagraph (D) by adding at the end
11 the following:

12 “(iv) **PRIORITIZATION.**—In awarding
13 a grant under this paragraph, the Sec-
14 retary shall prioritize projects that, in ac-
15 cordance with the criteria described in sub-
16 paragraph (B)—

17 “(I) improve person throughput
18 and mobility, including through the
19 optimization of existing transportation
20 capacity;

21 “(II) deliver environmental bene-
22 fits;

23 “(III) reduce the number and se-
24 verity of traffic accidents and increase

1 driver, passenger, and bicyclist and
2 pedestrian safety; or

3 “(IV) reduce greenhouse gas
4 emissions.

5 “(v) GRANT DISTRIBUTION.—The
6 Secretary shall award not fewer than 3
7 grants under this paragraph based on the
8 potential of the project to reduce the num-
9 ber and severity of traffic crashes and in-
10 crease, driver, passenger, and bicyclist and
11 pedestrian safety.”;

12 (5) in subparagraph (E)—

13 (A) in clause (vi)—

14 (i) by inserting “, vehicle-to-pedes-
15 trian,” after “vehicle-to-vehicle”; and

16 (ii) by inserting “automated vehicles,
17 systems to improve vulnerable road user
18 safety,” after “technologies associated
19 with” ; and

20 (B) in clause (ix) by inserting “, including
21 activities under section 5316 of title 49” after
22 “disabled individuals”;

23 (6) by striking subparagraph (G) and inserting
24 the following:

25 “(G) REPORTING.—

1 “(i) APPLICABILITY OF LAW.—The
2 program under this paragraph shall be
3 subject to the accountability and oversight
4 requirements in section 106(m).

5 “(ii) REPORT.—Not later than 1 year
6 after the date that the first grant is
7 awarded under this paragraph, and each
8 year thereafter, the Secretary shall make
9 available to the public on a website a re-
10 port that describes the effectiveness of
11 grant recipients in meeting their projected
12 deployment plans, including data provided
13 under subparagraph (F) on how the pro-
14 gram has—

15 “(I) reduced traffic-related fatali-
16 ties and injuries;

17 “(II) reduced traffic congestion
18 and improved travel time reliability;

19 “(III) reduced transportation-re-
20 lated emissions;

21 “(IV) optimized multimodal sys-
22 tem performance;

23 “(V) improved access to trans-
24 portation alternatives;

1 “(VI) provided the public with
2 access to real-time integrated traffic,
3 transit, and multimodal transpor-
4 tation information to make informed
5 travel decisions;

6 “(VII) provided cost savings to
7 transportation agencies, businesses,
8 and the traveling public; or

9 “(VIII) provided other benefits to
10 transportation users and the general
11 public.

12 “(iii) CONSIDERATIONS.—If applica-
13 ble, the Secretary shall ensure that the ac-
14 tivities described in subclauses (I) and (IV)
15 of clause (ii) reflect—

16 “(I) any information described in
17 subparagraph (C)(iii) that is included
18 by an applicant; or

19 “(II) the project prioritization
20 guidelines under subparagraph
21 (D)(iv).”;

22 (7) in subparagraph (I) by striking “(i) IN
23 GENERAL” and all that follows through “the Sec-
24 retary may set aside” and inserting “Of the

1 amounts made available to carry out this paragraph,
2 the Secretary may set aside”;

3 (8) in subparagraph (J) by striking the period
4 at the end and inserting “, except that the Federal
5 share of the cost of a project for which a grant is
6 awarded under this paragraph shall not exceed 80
7 percent.”;

8 (9) by striking subparagraph (M) and inserting
9 the following:

10 “(M) GRANT FLEXIBILITY.—If, by August
11 1 of each fiscal year, the Secretary determines
12 that there are not enough grant applications
13 that meet the requirements described in sub-
14 subparagraph (C) to carry out this paragraph for
15 a fiscal year, the Secretary shall transfer to the
16 technology and innovation deployment pro-
17 gram—

18 “(i) any of the funds reserved for the
19 fiscal year under subparagraph (I) that the
20 Secretary has not yet awarded under this
21 paragraph; and

22 “(ii) an amount of obligation limita-
23 tion equal to the amount of funds that the
24 Secretary transfers under subclause (I).”;

25 and

1 (10) in subparagraph (N)—

2 (A) in clause (i) by inserting “an urban-
3 ized area with” before “a population of”; and

4 (B) in clause (iii) by striking “a any” and
5 inserting “any”.

6 **SEC. 5302. INTELLIGENT TRANSPORTATION SYSTEMS PRO-**
7 **GRAM.**

8 (a) USE OF FUNDS FOR ITS ACTIVITIES.—Section
9 513(c)(1) of title 23, United States Code, is amended by
10 inserting “greenhouse gas emissions reduction,” before
11 “and congestion management”.

12 (b) GOALS AND PURPOSES.—Section 514(a) of title
13 23, United States Code, is amended—

14 (1) in paragraph (6) by striking “national
15 freight policy goals” and inserting “national
16 multimodal freight policy goals and activities de-
17 scribed in subtitle IX of title 49”;

18 (2) by redesignating paragraphs (4), (5), and
19 (6) as paragraphs (5), (6), and (7), respectively; and

20 (3) by inserting after paragraph (3) the fol-
21 lowing:

22 “(4) reduction of greenhouse gas emissions and
23 mitigation of the effects of climate change;”.

1 (c) GENERAL AUTHORITIES AND REQUIREMENTS.—

2 Section 515(h) of title 23, United States Code, is amend-
3 ed—

4 (1) in paragraph (2)—

5 (A) by striking “20 members” and insert-
6 ing “25 members”;

7 (B) in subparagraph (A) by striking
8 “State highway department” and inserting
9 “State department of transportation”;

10 (C) in subparagraph (B) by striking “local
11 highway department” and inserting “local de-
12 partment of transportation”;

13 (D) by striking subparagraphs (E), (F),
14 (G), (H), (I), and (J) and inserting the fol-
15 lowing:

16 “(E) a private sector representative of the
17 intelligent transportation systems industry;

18 “(F) a representative from an advocacy
19 group concerned with safety, including bicycle
20 and pedestrian interests;

21 “(G) a representative with expertise in
22 labor issues, including—

23 “(i) disruptions due to technology;
24 and

1 “(ii) opportunities and barriers re-
2 lated to transportation and the incorpora-
3 tion of emerging technology; and”;

4 (E) by redesignating subparagraph (K) as
5 subparagraph (H); and

6 (F) by striking subparagraph (L);

7 (2) in paragraph (3)—

8 (A) in subparagraph (A) by striking “sec-
9 tion 508” and inserting “section 6503 of title
10 49”;

11 (B) in subparagraph (B)—

12 (i) in clause (ii)—

13 (I) by inserting “in both urban
14 and rural areas” after “by users”;
15 and

16 (II) by striking “; and” and in-
17 serting a semicolon;

18 (ii) in clause (iii) by striking the pe-
19 riod and inserting “; and”; and

20 (iii) by adding at the end the fol-
21 lowing:

22 “(iv) assess how Federal transpor-
23 tation resources, including programs under
24 this title, are being used to advance intel-
25 ligent transportation systems.”; and

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

2 “(C) Convene not less frequently than
3 twice each year, either in person or remotely.”;

4 (3) in paragraph (4) by striking “May 1” and
5 inserting “April 1”; and

6 (4) in paragraph (5) by inserting “, except that
7 section 14 of such Act shall not apply” before the
8 period at the end.

9 (d) RESEARCH AND DEVELOPMENT.—Section 516(b)
10 of title 23, United States Code, is amended—

11 (1) by redesignating paragraphs (5), (6), and
12 (7) as paragraphs (6), (7), and (8), respectively; and

13 (2) by inserting after paragraph (4) the fol-
14 lowing:

15 “(5) demonstrate reductions in greenhouse gas
16 emissions;”.

17 **SEC. 5303. NATIONAL HIGHLY AUTOMATED VEHICLE AND**
18 **MOBILITY INNOVATION CLEARINGHOUSE.**

19 (a) IN GENERAL.—Chapter 55 of title 49, United
20 States Code, is amended by adding at the end the fol-
21 lowing:

22 **“§ 5507. National highly automated vehicle and mo-**
23 **bility innovation clearinghouse**

24 “(a) IN GENERAL.—The Secretary shall make a
25 grant to an institution of higher education engaged in re-

1 search on the secondary impacts of highly automated vehi-
2 cles to—

3 “(1) operate a national highly automated vehi-
4 cle and mobility innovation clearinghouse;

5 “(2) collect, conduct, and fund research on the
6 secondary impacts of highly automated vehicles and
7 mobility innovation;

8 “(3) make such research available on a public
9 website; and

10 “(4) conduct outreach and dissemination of the
11 information described in this subsection to assist
12 communities.

13 “(b) DEFINITIONS.—In this section:

14 “(1) HIGHLY AUTOMATED VEHICLE.—The term
15 ‘highly automated vehicle’ means a motor vehicle
16 that—

17 “(A) is capable of performing the entire
18 task of driving (including steering, accelerating
19 and decelerating, and reacting to external stim-
20 ulus) without human intervention; and

21 “(B) is designed to be operated exclusively
22 by a Level 4 or Level 5 automated driving sys-
23 tem for all trips according to the recommended
24 practice standards published on June 15, 2018,
25 by the Society of Automotive Engineers Inter-

1 national (J3016__201806) or equivalent stand-
2 ards adopted by the Secretary with respect to
3 automated motor vehicles.

4 “(2) MOBILITY INNOVATION.—The term ‘mobil-
5 ity innovation’ means an activity described in section
6 5316, including mobility on demand and mobility as
7 a service (as such terms are defined in such section).

8 “(3) INSTITUTION OF HIGHER EDUCATION .—
9 The term ‘institution of higher education’ has the
10 meaning given the term in section 101 of the Higher
11 Education Act of 1965 (20 U.S.C. 1001).

12 “(4) SECONDARY IMPACTS.—The term ‘sec-
13 ondary impacts’ means the impacts on land use,
14 urban design, transportation, real estate, accessi-
15 bility, municipal budgets, social equity, and the envi-
16 ronment.”.

17 (b) CLERICAL AMENDMENT.—The analysis for chap-
18 ter 55 of title 49, United States Code, is amended by add-
19 ing at the end the following:

“5507. National highly automated vehicle and mobility innovation clearing-
house.”.

20 (c) DEADLINE FOR CLEARINGHOUSE.—The Sec-
21 retary of Transportation shall ensure that the institution
22 of higher education that receives the grant described in
23 section 5507(a)(1) of title 49, United States Code, as
24 added by subsection (a), shall establish the national highly

1 automated vehicle clearinghouse described in such section
2 not later than 180 days after the date of enactment of
3 this Act.

4 **SEC. 5304. STUDY ON SAFE INTERACTIONS BETWEEN AUTO-**
5 **MATED VEHICLES AND ROAD USERS.**

6 (a) PURPOSE.—The purpose of this section shall be
7 to ensure that the increasing deployment of automated ve-
8 hicles does not jeopardize the safety of road users.

9 (b) STUDY.—

10 (1) ESTABLISHMENT.—Not later than 9
11 months after the date of enactment of this Act, the
12 Secretary of Transportation shall initiate a study on
13 the ability of automated vehicles to safely interact
14 with other road users.

15 (2) CONTENTS.—In carrying out the study
16 under paragraph (1), the Secretary shall—

17 (A) examine the ability of automated vehi-
18 cles to safely interact with general road users,
19 including vulnerable road users;

20 (B) identify barriers to improving the safe-
21 ty of interactions between automated vehicles
22 and general road users; and

23 (C) issue recommendations to improve the
24 safety of interactions between automated vehi-

1 cles and general road users, including, at a
2 minimum—

3 (i) technology advancements with the
4 potential to facilitate safer interactions be-
5 tween automated vehicles and general road
6 users given the safety considerations in
7 paragraph (3);

8 (ii) road user public awareness; and

9 (iii) improvements to transportation
10 planning and road design.

11 (3) CONSIDERATIONS.—In carrying out the
12 study under paragraph (1), the Secretary shall take
13 into consideration whether automated vehicles can
14 safely operate within the surface transportation sys-
15 tem, including—

16 (A) the degree to which ordinary human
17 behaviors make it difficult for an automated ve-
18 hicle to safely, reliably predict human actions;

19 (B) unique challenges for automated vehi-
20 cles in urban and rural areas;

21 (C) the degree to which an automated ve-
22 hicle is capable of uniformly recognizing and re-
23 sponding to individuals with disabilities and in-
24 dividuals of different sizes, ages, races, and
25 other varying characteristics;

1 (D) for bicyclist and pedestrian road
2 users—

3 (i) the varying and non-standardized
4 nature of bicyclist and pedestrian infra-
5 structure in different locations;

6 (ii) the close proximity to motor vehi-
7 cles within which bicyclists often operate,
8 including riding in unprotected bike lanes
9 and crossing lanes to make a left turn, and
10 the risk of such close proximity; and

11 (iii) roadways that lack marked bicy-
12 clist infrastructure, particularly in
13 midsized and rural areas, on which
14 bicyclists often operate; and

15 (E) depending on the level of automation
16 of the vehicle, the degree to which human inter-
17 vention remains necessary to safely operate an
18 automated vehicle to ensure the safety of gen-
19 eral road users in circumstances including—

20 (i) dangerous weather;

21 (ii) an electronic or system malfunc-
22 tion of the automated vehicle; and

23 (iii) a cybersecurity threat to the op-
24 eration of the vehicle.

1 (4) PUBLIC COMMENT.—Before conducting the
2 study under paragraph (1), the Secretary shall pro-
3 vide an opportunity for public comment on the study
4 proposal.

5 (c) WORKING GROUP.—

6 (1) ESTABLISHMENT.—Not later than 6
7 months after the date of enactment of this Act, the
8 Secretary of Transportation shall establish a work-
9 ing group to assist in the development of the study
10 and recommendations under subsection (b).

11 (2) MEMBERSHIP.—The working group estab-
12 lished under paragraph (1) shall include representa-
13 tion from—

14 (A) the National Highway Traffic Safety
15 Administration;

16 (B) State departments of transportation;

17 (C) local governments (other than metro-
18 politan planning organizations, as such term is
19 defined in section 134(b) of title 23, United
20 States Code);

21 (D) transit agencies;

22 (E) metropolitan planning organizations
23 (as such term is defined in section 134(b) of
24 title 23, United States Code);

25 (F) bicycle and pedestrian safety groups;

1 (G) highway and automobile safety groups;

2 (H) truck safety groups;

3 (I) law enforcement officers and first re-
4 sponders;

5 (J) motor carriers and independent owner-
6 operators;

7 (K) the road construction industry;

8 (L) labor organizations;

9 (M) academic experts on automated vehicle
10 technologies;

11 (N) manufacturers of both passenger and
12 commercial automated vehicles; and

13 (O) other industries and entities as the
14 Secretary determines appropriate.

15 (3) DUTIES.—The working group established
16 under paragraph (1) shall assist the Secretary by, at
17 a minimum—

18 (A) assisting in the development of the
19 scope of the study under subsection (b);

20 (B) reviewing the data and analysis from
21 such study;

22 (C) provide ongoing recommendations and
23 feedback to ensure that such study reflects the
24 contents described in paragraphs (2) and (3) of
25 subsection (b); and

1 (D) providing input to the Secretary on
2 recommendations required under subsection
3 (b)(2)(C).

4 (4) APPLICABILITY OF THE FEDERAL ADVISORY
5 COMMITTEE ACT.—The working group under this
6 subsection shall be subject to the Federal Advisory
7 Committee Act (5 U.S.C. App.), except that section
8 14 of such Act shall not apply.

9 (d) REPORT.—Not later than 2 years after the date
10 of enactment of this Act, the Secretary of Transportation
11 shall submit to the Committee on Transportation and In-
12 frastructure of the House of Representatives and the Com-
13 mittee on Commerce, Science, and Transportation of the
14 Senate, and make publicly available, the study initiated
15 under subsection (b), including recommendations for en-
16 suring that automated vehicles safely interact with general
17 road users.

18 (e) DEFINITIONS.—In this section:

19 (1) AUTOMATED VEHICLE.—The term “auto-
20 mated vehicle” means a motor vehicle equipped with
21 Level 3, Level 4, or Level 5 automated driving sys-
22 tems for all trips according to the recommended
23 practice standards published on June 15, 2018 by
24 the Society of Automotive Engineers International
25 (J3016__201806) or equivalent standards adopted

1 by the Secretary with respect to automated motor
2 vehicles.

3 (2) GENERAL ROAD USERS.—The term “gen-
4 eral road users” means—

5 (A) motor vehicles driven by individuals;

6 (B) bicyclists and pedestrians;

7 (C) motorecyclists;

8 (D) workers in roadside construction
9 zones;

10 (E) emergency response vehicles, including
11 first responders;

12 (F) vehicles providing local government
13 services, including street sweepers and waste
14 collection vehicles;

15 (G) law enforcement officers;

16 (H) personnel who manually direct traffic,
17 including crossing guards; and

18 (I) other road users that may interact with
19 automated vehicles, as determined by the Sec-
20 retary of Transportation.

21 (3) VULNERABLE ROAD USER.—The term “vul-
22 nerable road user” has the meaning given such term
23 in section 148(a) of title 23, United States Code.

1 **SEC. 5305. NONTRADITIONAL AND EMERGING TRANSPOR-**
2 **TATION TECHNOLOGY COUNCIL.**

3 (a) IN GENERAL.—Chapter 1 of title 49, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“§ 118. Nontraditional and Emerging Transportation**
7 **Technology Council**

8 “(a) ESTABLISHMENT.—The Secretary of Transpor-
9 tation shall establish a Nontraditional and Emerging
10 Transportation Technology Council (hereinafter referred
11 to as the ‘Council’) in accordance with this section.

12 “(b) MEMBERSHIP.—

13 “(1) IN GENERAL.—The Council shall be com-
14 posed of the following officers of the Department of
15 Transportation:

16 “(A) The Secretary of Transportation.

17 “(B) The Deputy Secretary of Transpor-
18 tation.

19 “(C) The Under Secretary of Transpor-
20 tation for Policy.

21 “(D) The General Counsel of the Depart-
22 ment of Transportation.

23 “(E) The Chief Information Officer of the
24 Department of Transportation.

25 “(F) The Assistant Secretary for Research
26 and Technology.

1 “(G) The Assistant Secretary for Budget
2 and Programs.

3 “(H) The Administrator of the Federal
4 Aviation Administration.

5 “(I) The Administrator of the Federal
6 Highway Administration.

7 “(J) The Administrator of the Federal
8 Motor Carrier Safety Administration.

9 “(K) The Administrator of the Federal
10 Railroad Administration.

11 “(L) The Administrator of the Federal
12 Transit Administration.

13 “(M) The Administrator of the Federal
14 Maritime Administration.

15 “(N) The Administrator of the National
16 Highway Traffic Safety Administration.

17 “(O) The Administrator of the Pipeline
18 and Hazardous Materials Safety Administra-
19 tion.

20 “(2) ADDITIONAL MEMBERS.—The Secretary
21 may designate additional members of the Depart-
22 ment to serve as at-large members of the Council.

23 “(3) CHAIR AND VICE CHAIR.—The Secretary
24 may designate officials to serve as the Chair and

1 Vice Chair of the Council and of any working groups
2 of the Council.

3 “(c) DUTIES.—The Council shall—

4 “(1) identify and resolve any jurisdictional or
5 regulatory gaps or inconsistencies associated with
6 nontraditional and emerging transportation tech-
7 nologies, modes, or projects pending or brought be-
8 fore the Department to eliminate, so far as prac-
9 ticable, impediments to the prompt and safe deploy-
10 ment of new and innovative transportation tech-
11 nology, including with respect to safety regulation
12 and oversight, environmental review, and funding
13 issues;

14 “(2) coordinate the Department’s internal over-
15 sight of nontraditional and emerging transportation
16 technologies, modes, or projects and engagement
17 with external stakeholders;

18 “(3) within applicable statutory authority other
19 than this paragraph, develop and establish depart-
20 ment-wide processes, solutions, and best practices
21 for identifying, managing and resolving issues re-
22 garding emerging transportation technologies,
23 modes, or projects pending or brought before the
24 Department; and

1 “(4) carry out such additional duties as the
2 Secretary may prescribe, to the extent consistent
3 with this title, including subsections (f)(2) and (g)
4 of section 106.”.

5 (b) CLERICAL AMENDMENT.—The analysis for chap-
6 ter 1 of title 49, United States Code, is amended by add-
7 ing at the end the following:

 “118. Nontraditional and Emerging Transportation Technology Council.”.

8 **SEC. 5306. HYPERLOOP TRANSPORTATION.**

9 (a) IN GENERAL.—Not later than 6 months after the
10 date of enactment of this Act, the Secretary of Transpor-
11 tation, acting through the Nontraditional and Emerging
12 Transportation Technology Council of the Department of
13 Transportation, shall issue guidance to provide a clear
14 regulatory framework for the safe deployment of hyperloop
15 transportation.

16 (b) ELEMENTS.—In developing the guidance under
17 subsection (a), the Council shall—

18 (1) consider safety, oversight, environmental,
19 project delivery, and other regulatory requirements
20 prescribed by various modal administrations in the
21 Department;

22 (2) clearly delineate between relevant authori-
23 ties with respect to hyperloop transportation in the
24 Department and provide project sponsors with a sin-

1 gle point of access to the Department to inquire
2 about projects, plans, and proposals;

3 (3) establish clear, coordinated procedures for
4 the regulation of hyperloop transportation projects;
5 and

6 (4) develop and establish department-wide proc-
7 esses, solutions, and best practices for identifying,
8 managing, and resolving matters regarding
9 hyperloop transportation subject to the Depart-
10 ment's jurisdiction.

11 **Subtitle D—Surface Transportation** 12 **Funding Pilot Programs**

13 **SEC. 5401. STATE SURFACE TRANSPORTATION SYSTEM** 14 **FUNDING PILOTS.**

15 Section 6020 of the FAST Act (23 U.S.C. 503 note)
16 is amended—

17 (1) by striking subsection (b) and inserting the
18 following:

19 “(b) **ELIGIBILITY.**—

20 “(1) **APPLICATION.**—To be eligible for a grant
21 under this section, a State or group of States shall
22 submit to the Secretary an application in such form
23 and containing such information as the Secretary
24 may require.

1 “(2) ELIGIBLE PROJECTS.—The Secretary may
2 provide grants to States under this section for the
3 following projects:

4 “(A) STATE PILOT PROJECTS.—A pilot
5 project to demonstrate a user-based alternative
6 revenue mechanism in a State that has received
7 not more than 1 grant under this section.

8 “(B) STATE IMPLEMENTATION
9 PROJECTS.—A project—

10 “(i) to implement a user-based alter-
11 native revenue mechanism that collects rev-
12 enue to be expended on projects for the
13 surface transportation system of the State;
14 and

15 “(ii) that is comprised of activities not
16 substantially similar in manner or scope to
17 activities previously carried out by the re-
18 cipient with a grant for a pilot project to
19 demonstrate such a mechanism under this
20 section, unless such activities are essential
21 to the implementation of a surface trans-
22 portation system funding alternative.”;

23 (2) in subsection (c)—

24 (A) in paragraph (1) by striking “2 or
25 more future”; and

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

2 “(6) To test solutions to ensure the privacy and
3 security of data collected for the purpose of imple-
4 menting a user-based alternative revenue mecha-
5 nism.”;

6 (3) in subsection (d) by striking “to test the de-
7 sign, acceptance, and implementation of a user-
8 based alternative revenue mechanism” and inserting
9 “to test the design and acceptance of, or implement,
10 a user-based alternative revenue mechanism”;

11 (4) in subsection (g) by striking “50 percent”
12 and inserting “80 percent”;

13 (5) in subsection (i)—

14 (A) in the heading by striking “BIENNIAL”
15 and inserting “ANNUAL”;

16 (B) by striking “2 years after the date of
17 enactment of this Act” and inserting “1 year
18 after the date of enactment of the INVEST in
19 America Act”;

20 (C) by striking “every 2 years thereafter”
21 and inserting “every year thereafter”; and

22 (D) by inserting “and containing a deter-
23 mination of the characteristics of the most suc-
24 cessful mechanisms with the highest potential

1 for future widespread deployment” before the
2 period at the end; and

3 (6) by striking subsections (j) and (k) and in-
4 serting the following:

5 “(j) FUNDING.—Of amounts made available to carry
6 out this section—

7 “(1) for fiscal year 2022, \$17,500,000 shall be
8 used to carry out projects under subsection
9 (b)(2)(A) and \$17,500,000 shall be used to carry
10 out projects under subsection (b)(2)(B);

11 “(2) for fiscal year 2023, \$15,000,000 shall be
12 used to carry out projects under subsection
13 (b)(2)(A) and \$20,000,000 shall be used to carry
14 out projects under subsection (b)(2)(B);

15 “(3) for fiscal year 2024, \$12,500,000 shall be
16 used to carry out projects under subsection
17 (b)(2)(A) and \$22,500,000 shall be used to carry
18 out projects under subsection (b)(2)(B); and

19 “(4) for fiscal year 2025, \$10,000,000 shall be
20 used to carry out projects under subsection
21 (b)(2)(A) and \$25,000,000 shall be used to carry
22 out projects under subsection (b)(2)(B).

23 “(k) FUNDING FLEXIBILITY.—Funds made available
24 in a fiscal year for making grants for projects under sub-
25 section (b)(2) that are not expended in such fiscal year

1 may be made available in the following fiscal year for
2 projects under such subsection or for the national surface
3 transportation system funding pilot under section 5402 of
4 the INVEST in America Act.”.

5 **SEC. 5402. NATIONAL SURFACE TRANSPORTATION SYSTEM**
6 **FUNDING PILOT.**

7 (a) ESTABLISHMENT.—

8 (1) IN GENERAL.—The Secretary of Transpor-
9 tation, in coordination with the Secretary of the
10 Treasury, shall establish a pilot program to dem-
11 onstrate a national motor vehicle per-mile user fee to
12 restore and maintain the long-term solvency of the
13 Highway Trust Fund and achieve and maintain a
14 state of good repair in the surface transportation
15 system.

16 (2) OBJECTIVES.—The objectives of the pilot
17 program are to—

18 (A) test the design, acceptance, implemen-
19 tation, and financial sustainability of a national
20 per-mile user fee;

21 (B) address the need for additional rev-
22 enue for surface transportation infrastructure
23 and a national per-mile user fee; and

1 (C) provide recommendations regarding
2 adoption and implementation of a national per-
3 mile user fee.

4 (b) PARAMETERS.—In carrying out the pilot program
5 established under subsection (a), the Secretary of Trans-
6 portation, in coordination with the Secretary of the Treas-
7 ury, shall—

8 (1) provide different methods that volunteer
9 participants can choose from to track motor vehicle
10 miles traveled;

11 (2) solicit volunteer participants from all 50
12 States and the District of Columbia;

13 (3) ensure an equitable geographic distribution
14 by population among volunteer participants;

15 (4) include commercial vehicles and passenger
16 motor vehicles in the pilot program; and

17 (5) use components of, and information from,
18 the States selected for the State surface transpor-
19 tation system funding pilot program under section
20 6020 of the FAST Act (23 U.S.C. 503 note).

21 (c) METHODS.—

22 (1) TOOLS.—In selecting the methods described
23 in subsection (b)(1), the Secretary of Transportation
24 shall coordinate with entities that voluntarily provide

1 to the Secretary for use in the program any of the
2 following vehicle-miles-traveled collection tools:

3 (A) Third-party on-board diagnostic
4 (OBD–II) devices.

5 (B) Smart phone applications.

6 (C) Telemetric data collected by auto-
7 makers.

8 (D) Motor vehicle data obtained by car in-
9 surance companies.

10 (E) Data from the States selected for the
11 State surface transportation system funding
12 pilot program under section 6020 of the FAST
13 Act (23 U.S.C. 503 note).

14 (F) Motor vehicle data obtained from fuel-
15 ing stations.

16 (G) Any other method that the Secretary
17 considers appropriate.

18 (2) COORDINATION.—

19 (A) SELECTION.—The Secretary shall de-
20 termine which methods under paragraph (1) are
21 selected for the pilot program.

22 (B) VOLUNTEER PARTICIPANTS.—In a
23 manner that the Secretary considers appro-
24 priate, the Secretary shall provide each selected
25 method to each volunteer participant.

1 (d) PER-MILE USER FEES.—For the purposes of the
2 pilot program established in subsection (a), the Secretary
3 of the Treasury shall establish on an annual basis—

4 (1) for passenger vehicles and light trucks, a
5 per-mile user fee that is equivalent to—

6 (A) the average annual taxes imposed by
7 sections 4041 and 4081 of the Internal Rev-
8 enue Code of 1986 with respect to gasoline or
9 any other fuel used in a motor vehicle (other
10 than aviation gasoline or diesel), divided by

11 (B) the total vehicle miles traveled by pas-
12 senger vehicles and light trucks; and

13 (2) for medium- and heavy-duty trucks, a per-
14 mile user fee that is equivalent to—

15 (A) the average annual taxes imposed by
16 sections 4041 and 4081 of such Code with re-
17 spect to diesel fuel, divided by

18 (B) the total vehicle miles traveled by
19 medium- and heavy-duty trucks.

20 Taxes shall only be taken into account under the
21 preceding sentence to the extent taken into account
22 in determining appropriations to the Highway Trust
23 Fund under section 9503(b) of such Code, and the
24 amount so determined shall be reduced to account

1 for transfers from such fund under paragraphs (3),
2 (4), and (5) of section 9503(c) of such Code.

3 (e) VOLUNTEER PARTICIPANTS.—The Secretary of
4 Transportation, in coordination with the Secretary of the
5 Treasury, shall—

6 (1) ensure, to the extent practicable, that an
7 appropriate number of volunteer participants partici-
8 pate in the pilot program; and

9 (2) issue policies to—

10 (A) protect the privacy of volunteer partici-
11 pants; and

12 (B) secure the data provided by volunteer
13 participants.

14 (f) PUBLIC AWARENESS CAMPAIGN.—The Secretary
15 of Transportation may carry out a public awareness cam-
16 paign to increase public awareness regarding a national
17 per-mile user fee, including distributing information re-
18 lated to the pilot program carried out under this section,
19 information from the State surface transportation system
20 funding pilot program under section 6020 of the FAST
21 Act (23 U.S.C. 503 note).

22 (g) REVENUE COLLECTION.—The Secretary of the
23 Treasury, in coordination with the Secretary of Transpor-
24 tation, shall establish a mechanism to collect per-mile user

1 fees established under subsection (d) from volunteer par-
2 ticipants. Such mechanism—

3 (1) may be adjusted as needed to address tech-
4 nical challenges; and

5 (2) may allow third-party vendors to collect the
6 per-mile user fees and forward such fees to the
7 Treasury.

8 (h) AGREEMENT.—The Secretary of Transportation
9 may enter into an agreement with a volunteer participant
10 containing such terms and conditions as the Secretary
11 considers necessary for participation in the pilot program.

12 (i) LIMITATION.—Any revenue collected through the
13 mechanism established in subsection (g) shall not be con-
14 sidered a toll under section 301 of title 23, United States
15 Code.

16 (j) HIGHWAY TRUST FUND.—The Secretary of the
17 Treasury shall ensure that any revenue collected under
18 subsection (f) is deposited into the Highway Trust Fund.

19 (k) REFUND.—Not more than 45 days after the end
20 of each calendar quarter in which a volunteer participant
21 has participated in the pilot program, the Secretary of the
22 Treasury shall calculate and issue an equivalent refund
23 to volunteer participants for applicable Federal motor fuel
24 taxes under section 4041 and section 4081 of the Internal

1 Revenue Code of 1986, the applicable battery tax under
2 section 4111 of such Code, or both, if applicable.

3 (l) REPORT TO CONGRESS.—Not later than 1 year
4 after the date on which volunteer participants begin par-
5 ticipating in the pilot program, and each year thereafter
6 for the duration of the pilot program, the Secretary of
7 Transportation and the Secretary of the Treasury shall
8 submit to the Committee on Transportation and Infra-
9 structure of the House of Representatives and the Com-
10 mittee on Environment and Public Works of the Senate
11 a report that includes an analysis of—

12 (1) whether the objectives described in sub-
13 section (a)(2) were achieved;

14 (2) how volunteer protections in subsection
15 (f)(2) were complied with; and

16 (3) whether per-mile user fees can maintain the
17 long-term solvency of the Highway Trust Fund and
18 achieve and maintain a state of good repair in the
19 surface transportation system.

20 (m) SUNSET.—The pilot program established under
21 this section shall expire on the date that is 4 years after
22 the date on which volunteer participants begin partici-
23 pating in such program.

24 (n) DEFINITIONS.—In this section, the following defi-
25 nitions apply:

1 (1) COMMERCIAL VEHICLE.—The term “com-
2 mercial vehicle” has the meaning given the term
3 commercial motor vehicle in section 31101 of title
4 49, United States Code.

5 (2) HIGHWAY TRUST FUND.—The term “High-
6 way Trust Fund” means the Highway Trust Fund
7 established under section 9503 of the Internal Rev-
8 enue Code of 1986.

9 (3) LIGHT TRUCK.—The term “light truck” has
10 the meaning given the term in section 523.2 of title
11 49, Code of Federal Regulations.

12 (4) MEDIUM- AND HEAVY-DUTY TRUCK.—The
13 term “medium- and heavy-duty truck” has the
14 meaning given the term “commercial medium- and
15 heavy-duty on-highway vehicle” in section 32901(a)
16 of title 49, United States Code.

17 (5) PER-MILE USER FEE.—The term “per-mile
18 user fee” means a revenue mechanism that—

19 (A) is applied to road users operating
20 motor vehicles on the surface transportation
21 system; and

22 (B) is based on the number of vehicle miles
23 traveled by an individual road user.

24 (6) VOLUNTEER PARTICIPANT.—The term “vol-
25 unteer participant” means—

1 (A) an owner or lessee of an individual pri-
2 vate motor vehicle who volunteers to participate
3 in the pilot program;

4 (B) a commercial vehicle operator who vol-
5 unteers to participate in the pilot program; or

6 (C) an owner of a motor vehicle fleet who
7 volunteers to participate in the pilot program.

8 **Subtitle E—Miscellaneous**

9 **SEC. 5501. ERGONOMIC SEATING WORKING GROUP.**

10 (a) IN GENERAL.—

11 (1) ESTABLISHMENT.—Not later than 180 days
12 after the date of enactment of this Act, the Sec-
13 retary of Transportation shall convene a working
14 group to examine the seating standards for commer-
15 cial drivers.

16 (2) MEMBERS.—At a minimum, the working
17 group shall include—

18 (A) seat manufacturers;

19 (B) commercial vehicle manufacturers;

20 (C) transit vehicle manufacturers;

21 (D) labor representatives for the trucking
22 industry;

23 (E) representatives from organizations en-
24 gaged in collective bargaining on behalf of tran-
25 sit workers in not fewer than 3 States; and

1 (F) musculoskeletal health experts.

2 (b) OBJECTIVES.—The Secretary shall pursue the
3 following objectives through the working group:

4 (1) To identify health issues, including mus-
5 culoskeletal health issues, that afflict commercial
6 drivers due to sitting for long periods of time while
7 on duty.

8 (2) To identify research topics for further devel-
9 opment and best practices to improve seating.

10 (3) To determine ways to incorporate improved
11 seating into manufacturing standards for public
12 transit vehicles and commercial vehicles.

13 (c) REPORT.—

14 (1) SUBMISSION.—Not later than 18 months
15 after the date of enactment of this Act, the working
16 group shall submit to the Secretary, the Committee
17 on Transportation and Infrastructure of the House
18 of Representatives, and the Committee on Banking,
19 Housing, and Urban Affairs and the Committee on
20 Commerce, Science, and Transportation of the Sen-
21 ate a report on the findings of the working group
22 under this section and any recommendations for the
23 adoption of better ergonomic seating for commercial
24 drivers.

1 (B) in paragraph (2)(A) by striking “or
2 section 6314(b)”.

3 **SEC. 5503. REPORTS.**

4 Section 308(e)(1) of title 49, United States Code, is
5 amended by inserting “, including public ferry systems,”
6 after “mass transportation systems”.

7 **TITLE VI—MULTIMODAL**
8 **TRANSPORTATION**

9 **SEC. 6001. NATIONAL MULTIMODAL FREIGHT POLICY.**

10 Section 70101(b) of title 49, United States Code, is
11 amended—

12 (1) in paragraph (2) by inserting “in rural and
13 urban areas” after “freight transportation”;

14 (2) in paragraph (7)—

15 (A) in subparagraph (B) by striking “;
16 and” and inserting a semicolon;

17 (B) by redesignating subparagraph (C) as
18 subparagraph (D); and

19 (C) by inserting after subparagraph (B)
20 the following:

21 “(C) travel within population centers;
22 and”;

23 (3) in paragraph (9) by striking “; and” and in-
24 serting the following: “including—

25 “(A) greenhouse gas emissions;

1 “(B) local air pollution;

2 “(C) minimizing, capturing, or treating
3 stormwater runoff or other adverse impacts to
4 water quality; and

5 “(D) wildlife habitat loss;”;

6 (4) by redesignating paragraph (10) as para-
7 graph (11); and

8 (5) by inserting after paragraph (9) the fol-
9 lowing:

10 “(10) to decrease any adverse impact of freight
11 transportation on communities located near freight
12 facilities or freight corridors; and”.

13 **SEC. 6002. NATIONAL FREIGHT STRATEGIC PLAN.**

14 Section 70102(c) of title 49, United States Code, is
15 amended by striking “shall” and all that follows through
16 the end and inserting the following: “shall—

17 “(1) update the plan and publish the updated
18 plan on the public website of the Department of
19 Transportation; and

20 “(2) include in the update described in para-
21 graph (1)—

22 “(A) each item described in subsection (b);

23 and

24 “(B) best practices to reduce the adverse
25 environmental impacts of freight-related—

- 1 “(i) greenhouse gas emissions;
2 “(ii) local air pollution;
3 “(iii) stormwater runoff or other ad-
4 verse impacts to water quality; and
5 “(iv) wildlife habitat loss.”.

6 **SEC. 6003. NATIONAL MULTIMODAL FREIGHT NETWORK.**

7 Section 70103 of title 49, United States Code, is
8 amended—

9 (1) in subsection (b)(2)(C) by striking “of the
10 United States that have” and inserting the fol-
11 lowing: “of the United States that—

12 “(i) have a total annual value of cargo
13 of at least \$1,000,000,000, as identified by
14 United States Customs and Border Protec-
15 tion and reported by the Bureau of the
16 Census; or

17 “(ii) have”;

18 (2) in subsection (c)—

19 (A) in paragraph (1) by striking “Not
20 later than 1 year after the date of enactment of
21 this section,” and inserting the following:

22 “(A) REPORT TO CONGRESS.—Not later
23 than 30 days after the date of enactment of the
24 INVEST in America Act, the Secretary shall
25 submit to the Committee on Transportation and

1 Infrastructure of the House of Representatives
2 and the Committee on Commerce, Science, and
3 Transportation of the Senate a report detailing
4 a plan to designate a final National Multimodal
5 Freight Network, including a detailed summary
6 of the resources within the Office of the Sec-
7 retary that will be dedicated to carrying out
8 such plan.

9 “(B) DESIGNATION OF NATIONAL
10 MULTIMODAL FREIGHT NETWORK.—Not later
11 than 60 days after the submission of the report
12 described in subparagraph (A),”;

13 (B) in paragraph (3)(C)—

14 (i) by inserting “and metropolitan
15 planning organizations” after “States”;

16 and

17 (ii) by striking “paragraph (4)” and
18 inserting “paragraphs (4) and (5)”;

19 (C) in paragraph (4)—

20 (i) in the header by inserting “AND
21 METROPOLITAN PLANNING ORGANIZATION”
22 after “STATE”;

23 (ii) by redesignating subparagraph
24 (D) as subparagraph (E); and

1 (iii) by striking subparagraph (C) and
2 inserting the following:

3 “(C) CRITICAL URBAN FREIGHT FACILI-
4 TIES AND CORRIDORS.—

5 “(i) AREA WITH A POPULATION OF
6 OVER 500,000.—In an urbanized area with
7 a population of 500,000 or more individ-
8 uals, the representative metropolitan plan-
9 ning organization, in consultation with the
10 State, may designate a freight facility or
11 corridor within the borders of the State as
12 a critical urban freight facility or corridor.

13 “(ii) AREA WITH A POPULATION OF
14 LESS THAN 500,000.—In an urbanized area
15 with a population of less than 500,000 in-
16 dividuals, the State, in consultation with
17 the representative metropolitan planning
18 organization, may designate a freight facil-
19 ity or corridor within the borders of the
20 State as a critical urban freight corridor.

21 “(iii) DESIGNATION.—A designation
22 may be made under subparagraph (i) or
23 (ii) if the facility or corridor is in an ur-
24 banized area, regardless of population, and
25 such facility or corridor—

1 “(I) provides access to the pri-
2 mary highway freight system, the
3 Interstate system, or an intermodal
4 freight facility;

5 “(II) is located within a corridor
6 of a route on the primary highway
7 freight system and provides an alter-
8 native option important to goods
9 movement;

10 “(III) serves a major freight gen-
11 erator, logistics center, or manufac-
12 turing and warehouse industrial land;

13 “(IV) connects to an inter-
14 national port of entry;

15 “(V) provides access to a signifi-
16 cant air, rail, water, or other freight
17 facility in the State; or

18 “(VI) is important to the move-
19 ment of freight within the region, as
20 determined by the metropolitan plan-
21 ning organization or the State.

22 “(D) LIMITATION.—A State may propose
23 additional designations to the National
24 Multimodal Freight Network in the State in an
25 amount that is—

1 “(i) for a highway project, not more
2 than 20 percent of the total mileage des-
3 ignated by the Under Secretary in the
4 State; and

5 “(ii) for a non-highway project, using
6 a limitation determined by the Under Sec-
7 retary.”; and

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

9 “(5) REQUIRED NETWORK COMPONENTS.—In
10 designating or redesignating the National
11 Multimodal Freight Network, the Under Secretary
12 shall ensure that the National Multimodal Freight
13 Network includes the components described in sub-
14 section (b)(2).”.

15 **SEC. 6004. STATE FREIGHT ADVISORY COMMITTEES.**

16 Section 70201(a) of title 49, United States Code, is
17 amended by striking “and local governments” and insert-
18 ing “local governments, metropolitan planning organiza-
19 tions, and the departments with responsibility for environ-
20 mental protection and air quality of the State”.

21 **SEC. 6005. STATE FREIGHT PLANS.**

22 Section 70202(b) of title 49, United States Code, is
23 amended—

24 (1) in paragraph (3)(A) by inserting “and
25 urban” after “rural”;

1 (2) in paragraph (9) by striking “; and” and in-
2 serting a semicolon;

3 (3) by redesignating paragraph (10) as para-
4 graph (12); and

5 (4) by inserting after paragraph (9) the fol-
6 lowing:

7 “(10) strategies and goals to decrease freight-
8 related—

9 “(A) greenhouse gas emissions;

10 “(B) local air pollution;

11 “(C) stormwater runoff or other adverse
12 impacts to water quality; and

13 “(D) wildlife habitat loss;

14 “(11) strategies and goals to decrease any ad-
15 verse impact of freight transportation on commu-
16 nities located near freight facilities or freight cor-
17 ridors; and”.

18 **SEC. 6006. STUDY OF FREIGHT TRANSPORTATION FEE.**

19 (a) **STUDY.**—Not later than 90 days after the date
20 of enactment of this Act, the Secretary of Transportation,
21 in consultation with the Secretary of the Treasury and the
22 Commissioner of the Internal Revenue Service, shall es-
23 tablish a joint task force to study the establishment and
24 administration of a fee on multimodal freight surface
25 transportation services.

1 (b) CONTENTS.—The study required under sub-
2 section (a) shall include the following:

3 (1) An estimation of the revenue that a fee of
4 up to 1 percent on freight transportation services
5 would raise.

6 (2) An identification of the entities that would
7 be subject to such a fee paid by the owners or sup-
8 pliers of cargo.

9 (3) An analysis of the administrative capacity
10 of Federal agencies and freight industry participants
11 to collect such a fee and ensure compliance with fee
12 requirements.

13 (4) Policy options to prevent avoidance of such
14 a fee, including diversion of freight services to for-
15 eign countries.

16 (c) REPORT.—Not later than 1 year after the date
17 of enactment of this Act, the Secretary of Transportation
18 shall submit to the Committee on Transportation and In-
19 frastructure and the Committee on Ways and Means of
20 the House of Representatives and the Committee on Envi-
21 ronment and Public Works and the Committee on Finance
22 of the Senate the study required under subsection (a).

1 **SEC. 6007. NATIONAL SURFACE TRANSPORTATION AND IN-**
2 **NOVATIVE FINANCE BUREAU.**

3 Section 116 of title 49, United States Code, is
4 amended—

5 (1) in subsection (b) by striking paragraph (1)
6 and inserting the following:

7 “(1) to provide assistance and communicate
8 best practices and financing and funding opportuni-
9 ties to eligible entities for the programs referred to
10 in subsection (d)(1), including by—

11 “(A) conducting proactive outreach to com-
12 munities located outside of metropolitan or
13 micropolitan statistical areas (as such areas are
14 defined by the Office of Management and
15 Budget); and

16 “(B) coordinating with the Office of Rural
17 Development of the Department of Agriculture,
18 the Office of Community Revitalization of the
19 Environmental Protection Agency, and any
20 other agencies that provide technical assistance
21 for rural communities, as determined by the
22 Executive Director;”;

23 (2) by redesignating subsection (j) as sub-
24 section (k); and

25 (3) by inserting after subsection (i) the fol-
26 lowing:

1 “(j) ANNUAL PROGRESS REPORT.—Not later than 1
2 year after the date of enactment of this subsection, and
3 annually thereafter, the Executive Director shall submit
4 to the Committee on Transportation and Infrastructure
5 of the House of Representatives and the Committee on
6 Environment and Public Works of the Senate a report de-
7 tailing—

8 “(1) the use of funds authorized under section
9 605(f) of title 23; and

10 “(2) the progress of the Bureau in carrying out
11 the purposes described in subsection (b).”.

12 **SEC. 6008. LOCAL HIRE.**

13 (a) ESTABLISHMENT.—The Secretary of Transpor-
14 tation shall immediately reinstate the local labor hiring
15 pilot program containing the contracting initiative estab-
16 lished by the Secretary and published in the Federal Reg-
17 ister on March 6, 2015 (80 Fed. Reg. 12257), under the
18 same terms, conditions, and requirements as so published.

19 (b) DURATION.—The Secretary shall continue the
20 local labor hiring pilot program reinstated under this sec-
21 tion through September 30, 2025.

1 **TITLE VII—TRANSPORTATION**
2 **INFRASTRUCTURE FINANCE**
3 **AND INNOVATION ACT**

4 **SEC. 7001. TRANSPORTATION INFRASTRUCTURE FINANCE**
5 **AND INNOVATION ACT.**

6 (a) CREDITWORTHINESS.—Section 602(a)(2) of title
7 23, United States Code, is amended—

8 (1) in subparagraph (A)(iv)—

9 (A) by striking “a rating” and inserting
10 “an investment grade rating”; and

11 (B) by striking “\$75,000,000” and insert-
12 ing “\$150,000,000”; and

13 (2) in subparagraph (B)—

14 (A) by striking “the senior debt” and in-
15 serting “senior debt”; and

16 (B) by striking “credit instrument is for
17 an amount less than \$75,000,000” and insert-
18 ing “total amount of other senior debt and the
19 Federal credit instrument is less than
20 \$150,000,000”.

21 (b) NON-FEDERAL SHARE.—Section 603(b) of title
22 23, United States Code, is amended by striking paragraph
23 (8) and inserting the following:

24 “(8) NON-FEDERAL SHARE.—Notwithstanding
25 paragraph (9) and section 117(j)(2), the proceeds of

1 a secured loan under the TIFIA program shall be
2 considered to be part of the non-Federal share of
3 project costs required under this title or chapter 53
4 of title 49, if the loan is repayable from non-Federal
5 funds.”.

6 (c) EXEMPTION OF FUNDS FROM TIFIA FEDERAL
7 SHARE REQUIREMENT.—Section 603(b)(9) of title 23,
8 United States Code, is amended by adding at the end the
9 following:

10 “(C) TERRITORIES.—Funds provided for a
11 territory under section 165(c) shall not be con-
12 sidered Federal assistance for purposes of sub-
13 paragraph (A).”.

14 (d) STREAMLINED APPLICATION PROCESS.—Section
15 603(f) of title 23, United States Code, is amended by add-
16 ing at the end the following:

17 “(3) ADDITIONAL TERMS FOR EXPEDITED DE-
18 CISIONS.—

19 “(A) IN GENERAL.—Not later than 120
20 days after the date of enactment of this para-
21 graph, the Secretary shall implement an expe-
22 dited decision timeline for public agency bor-
23 rowers seeking secured loans that meet—

24 “(i) the terms under paragraph (2);

25 and

1 “(ii) the additional criteria described
2 in subparagraph (B).

3 “(B) ADDITIONAL CRITERIA.—The addi-
4 tional criteria referred to in subparagraph
5 (A)(ii) are the following:

6 “(i) The secured loan is made on
7 terms and conditions that substantially
8 conform to the conventional terms and
9 conditions established by the National Sur-
10 face Transportation Innovative Finance
11 Bureau.

12 “(ii) The secured loan is rated in the
13 A category or higher.

14 “(iii) The TIFIA program share of el-
15 igible project costs is 33 percent or less.

16 “(iv) The applicant demonstrates a
17 reasonable expectation that the contracting
18 process for the project can commence by
19 not later than 90 days after the date on
20 which a Federal credit instrument is obli-
21 gated for the project under the TIFIA pro-
22 gram.

23 “(v) The project has received a cat-
24 egorical exclusion, a finding of no signifi-
25 cant impact, or a record of decision under

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

3 “(C) WRITTEN NOTICE.—The Secretary
4 shall provide to an applicant seeking a secured
5 loan under the expedited decision process under
6 this paragraph a written notice informing the
7 applicant whether the Secretary has approved
8 or disapproved the application by not later than
9 180 days after the date on which the Secretary
10 submits to the applicant a letter indicating that
11 the National Surface Transportation Innovative
12 Finance Bureau has commenced the credit-
13 worthiness review of the project.”.

14 (e) ASSISTANCE TO SMALL PROJECTS.—Section
15 605(f)(1) of title 23, United States Code, is amended by
16 striking “\$2,000,000” and inserting “\$3,000,000”.

17 (f) APPLICATION PROCESS REPORT.—Section
18 609(b)(2)(A) of title 23, United States Code, is amend-
19 ed—

20 (1) in clause (iv) by striking “and”;

21 (2) in clause (v) by striking the period at the
22 end and inserting “; and”; and

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

24 “(vi) whether the project is located in
25 a metropolitan statistical area,

1 micropolitan statistical area, or neither (as
2 such areas are defined by the Office of
3 Management and Budget).”.

4 (g) STATUS REPORTS.—Section 609 of title 23,
5 United States Code, is amended by adding at the end the
6 following:

7 “(c) STATUS REPORTS.—

8 “(1) IN GENERAL.—The Secretary shall publish
9 on the website for the TIFIA program—

10 “(A) on a monthly basis, a current status
11 report on all submitted letters of interest and
12 applications received for assistance under the
13 TIFIA program; and

14 “(B) on a quarterly basis, a current status
15 report on all approved applications for assist-
16 ance under the TIFIA program.

17 “(2) INCLUSIONS.—Each monthly and quar-
18 terly status report under paragraph (1) shall in-
19 clude, at a minimum, with respect to each project in-
20 cluded in the status report—

21 “(A) the name of the party submitting the
22 letter of interest or application;

23 “(B) the name of the project;

24 “(C) the date on which the letter of inter-
25 est or application was received;

1 “(D) the estimated project eligible costs;
2 “(E) the type of credit assistance sought;
3 and
4 “(F) the anticipated fiscal year and quar-
5 ter for closing of the credit assistance.”.

6 **DIVISION C—HAZARDOUS**
7 **MATERIALS TRANSPORTATION**

8 **SEC. 8001. SHORT TITLE.**

9 This division may be cited as the “Improving Haz-
10 ardous Materials Safety Act of 2020”.

11 **TITLE I—AUTHORIZATIONS**

12 **SEC. 8101. AUTHORIZATION OF APPROPRIATIONS.**

13 Section 5128 of title 49, United States Code, is
14 amended—

15 (1) in subsection (a) by striking paragraphs (1)
16 through (5) and inserting the following:

17 “(1) \$67,000,000 for fiscal year 2021;

18 “(2) \$68,000,000 for fiscal year 2022;

19 “(3) \$69,000,000 for fiscal year 2023;

20 “(4) \$71,000,000 for fiscal year 2024; and

21 “(5) \$72,000,000 for fiscal year 2025;”;

22 (2) in subsection (b)—

23 (A) by striking “fiscal years 2016 through
24 2020” and inserting “fiscal years 2021 through
25 2025”; and

1 (B) by striking “\$21,988,000” and insert-
2 ing “\$24,025,000”;

3 (3) in subsection (c) by striking “\$4,000,000
4 for each of fiscal years 2016 through 2020” and in-
5 serting “\$5,000,000 for each of fiscal years 2021
6 through 2025”;

7 (4) in subsection (d) by striking “\$1,000,000
8 for each of fiscal years 2016 through 2020” and in-
9 serting “\$4,000,000 for each of fiscal years 2021
10 through 2025”;

11 (5) by redesignating subsection (e) as sub-
12 section (f); and

13 (6) by inserting after subsection (d) the fol-
14 lowing:

15 “(e) ASSISTANCE WITH LOCAL EMERGENCY RE-
16 SPONDER TRAINING GRANTS.—From the Hazardous Ma-
17 terials Emergency Preparedness Fund established under
18 section 5116(h), the Secretary may expend \$1,800,000 for
19 each of fiscal years 2021 through 2025 to carry out the
20 grant program under section 5107(j).”.

1 **TITLE II—HAZARDOUS MATE-**
2 **RIALS SAFETY AND IMPROVE-**
3 **MENT**

4 **SEC. 8201. REPEAL OF CERTAIN REQUIREMENTS RELATED**
5 **TO LITHIUM CELLS AND BATTERIES.**

6 (a) REPEAL.—Section 828 of the FAA Modernization
7 and Reform Act of 2012 (49 U.S.C. 44701 note), and the
8 item relating to such section in the table of contents in
9 section 1(b) of such Act, are repealed.

10 (b) CONFORMING AMENDMENTS.—Section 333 of the
11 FAA Reauthorization Act of 2018 (49 U.S.C. 44701 note)
12 is amended—

13 (1) in subsection (a)—

14 (A) in paragraph (1)—

15 (i) by striking “(A) IN GENERAL.—”

16 and all that follows through “the Sec-
17 retary” and inserting “The Secretary”;

18 and

19 (ii) by striking subparagraph (B); and

20 (B) in paragraph (2) by striking “Pursu-
21 ant to section 828 of the FAA Modernization
22 and Reform Act of 2012 (49 U.S.C. 44701
23 note), the Secretary” and inserting “The Sec-
24 retary”;

1 (2) by striking paragraph (4) of subsection (b);

2 and

3 (3) by striking paragraph (1) of subsection (h)

4 and inserting the following:

5 “(1) ICAO TECHNICAL INSTRUCTIONS.—The
6 term ‘ICAO Technical Instructions’ means the Inter-
7 national Civil Aviation Organization Technical In-
8 structions for the Safe Transport of Dangerous
9 Goods by Air.”.

10 **SEC. 8202. TRANSPORTATION OF LIQUEFIED NATURAL GAS**
11 **BY RAIL TANK CAR.**

12 (a) EVALUATION.—Not later than 90 days after the
13 date of enactment of this Act, the Administrator of the
14 Federal Railroad Administration, in coordination with the
15 Administrator of the Pipeline and Hazardous Materials
16 Safety Administration, shall initiate an evaluation of the
17 safety, security, and environmental risks of transporting
18 liquefied natural gas by rail.

19 (b) TESTING.—In conducting the evaluation under
20 subsection (a), the Administrator of the Federal Railroad
21 Administration shall—

22 (1) perform physical testing of rail tank cars,
23 including, at a minimum, the DOT–113 specifica-
24 tion, to evaluate the performance of such rail tank
25 cars in the event of an accident or derailment, in-

1 including evaluation of the extent to which design and
2 construction features such as steel thickness and
3 valve protections prevent or mitigate the release of
4 liquefied natural gas;

5 (2) analyze multiple release scenarios, including
6 derailments, front-end collisions, rear-end collisions,
7 side-impact collisions, grade-crossing collisions,
8 punctures, and impact of an incendiary device, at a
9 minimum of 3 speeds of travel with a sufficient
10 range of speeds to evaluate the safety, security, and
11 environmental risks posed under real-world oper-
12 ating conditions; and

13 (3) examine the effects of exposure to climate
14 conditions across rail networks, including tempera-
15 ture, humidity, and any other factors that the Ad-
16 ministrator of the Federal Railroad Administration
17 determines could influence performance of rail tank
18 cars and components of such rail tank cars.

19 (c) OTHER FACTORS TO CONSIDER.—In conducting
20 the evaluation under subsection (a), the Administrator of
21 the Federal Railroad Administration shall evaluate the im-
22 pact of a discharge of liquefied natural gas from a rail
23 tank car on public safety and the environment, and con-
24 sider—

1 (1) the benefits of route restrictions, speed re-
2 strictions, enhanced brake requirements, personnel
3 requirements, rail tank car technological require-
4 ments, and other operating controls;

5 (2) the advisability of consist restrictions, in-
6 cluding limitations on the arrangement and quantity
7 of rail tank cars carrying liquefied natural gas in
8 any given consist;

9 (3) the identification of potential impact areas,
10 and the number of homes and structures potentially
11 endangered by a discharge in rural, suburban, and
12 urban environments;

13 (4) the impact of discharge on the environment,
14 including air quality impacts;

15 (5) the benefits of advanced notification to the
16 Department of Transportation, State Emergency
17 Response Commissions, and Tribal Emergency Re-
18 sponse Commissions of routes for moving liquefied
19 natural gas by rail tank car;

20 (6) how first responders respond to an incident,
21 including the extent to which specialized equipment
22 or training would be required and the cost to com-
23 munities for acquiring any necessary equipment or
24 training;

1 (7) whether thermal radiation could occur from
2 a discharge;

3 (8) an evaluation of the rail tank car authorized
4 by the Secretary of Transportation for liquefied nat-
5 ural gas or similar cryogenic liquids, and a deter-
6 mination of whether specific safety enhancements or
7 new standards are necessary to ensure the safety of
8 rail transport of liquefied natural gas; and

9 (9) the risks posed by the transportation of liq-
10 uefied natural gas by International Organization for
11 Standardization containers authorized by the Fed-
12 eral Railroad Administration.

13 (d) REPORT.—Not later than 2 years after the date
14 of enactment of this Act, the Secretary of Transportation
15 shall submit to the Committee on Transportation and In-
16 frastructure of the House of Representatives and the Com-
17 mittee on Commerce, Science, and Transportation of the
18 Senate, and make available to the public—

19 (1) a report based on the evaluation and testing
20 conducted under subsections (a) and (b), which shall
21 include the results of the evaluation and testing and
22 recommendations for mitigating or eliminating the
23 safety, security, environmental, and other risks of an
24 accident or incident involving the transportation of
25 liquefied natural gas by rail; and

1 (2) a complete list of all research related to the
2 transportation of liquefied natural gas by rail con-
3 ducted by the Federal Railroad Administration, the
4 Pipeline and Hazardous Materials Safety Adminis-
5 tration, or any other entity of the Federal Govern-
6 ment since 2010 that includes, for each research
7 item—

8 (A) the title of any reports or studies pro-
9 duced with respect to the research;

10 (B) the agency, entity, or organization per-
11 forming the research;

12 (C) the names of all authors and co-au-
13 thors of any report or study produced with re-
14 spect to the research; and

15 (D) the date any related report was pub-
16 lished or is expected to publish.

17 (e) DATA COLLECTION.—The Administrator of the
18 Federal Railroad Administration and the Administrator of
19 the Pipeline and Hazardous Materials Safety Administra-
20 tion shall collect any relevant data or records necessary
21 to complete the evaluation required by subsection (a).

22 (f) GAO REPORT.—After the evaluation required by
23 subsection (a) has been completed, the Comptroller Gen-
24 eral of the United States shall conduct an independent
25 evaluation to verify that the Federal Railroad Administra-

1 tion and the Pipeline and Hazardous Materials Safety Ad-
2 ministration complied with the requirements of this Act,
3 and transmit to the Committee on Transportation and In-
4 frastructure of the House of Representatives and the Com-
5 mittee on Commerce, Science, and Transportation of the
6 Senate a report on the findings of such independent eval-
7 uation.

8 (g) CONGRESSIONAL REVIEW REQUIREMENTS.—

9 (1) REVIEW PERIOD DEFINED.—In this sub-
10 section, the term “review period” means the period
11 beginning on the date of enactment of this Act and
12 ending on the earlier of—

13 (A) the date that is 1 year after the date
14 of completion of the report under subsection (f);
15 or

16 (B) the date that is 4 years after the date
17 of enactment of this Act.

18 (2) CONGRESSIONAL AUTHORITY.—The Sec-
19 retary of Transportation—

20 (A) may not issue any regulation author-
21 izing the transportation of liquefied natural gas
22 by rail tank car or authorize such transpor-
23 tation through issuance of a special permit or
24 approval before the conclusion of the review pe-
25 riod; and

1 (B) shall rescind any special permit or ap-
2 proval for the transportation of liquefied nat-
3 ural gas by rail tank car issued before the date
4 of enactment of this Act.

5 **SEC. 8203. HAZARDOUS MATERIALS TRAINING REQUIRE-**
6 **MENTS AND GRANTS.**

7 Section 5107 of title 49, United States Code, is
8 amended by adding at the end the following:

9 “(j) ASSISTANCE WITH LOCAL EMERGENCY RE-
10 SPONDER TRAINING.—The Secretary shall make grants to
11 nonprofit organizations to develop hazardous materials re-
12 sponse training for emergency responders, including re-
13 sponse activities for the transportation of crude oil, eth-
14 anol, and other flammable liquids by rail (consistent with
15 National Fire Protection Association standards), and to
16 make such training available electronically or in person.”.

17 **SEC. 8204. STUDY ON HAZARDOUS MATERIALS TRANS-**
18 **PORTED BY COMMERCIAL MOTOR VEHICLES**
19 **ON HIGHWAY-RAIL GRADE CROSSINGS.**

20 (a) STUDY.—

21 (1) IN GENERAL.—The Secretary of Transpor-
22 tation shall conduct a study to evaluate the overall
23 safety of the requirement that commercial motor ve-
24 hicles come to a full stop at highway-rail grade

1 crossings described in section 392.10 of title 49,
2 Code of Federal Regulations.

3 (2) CONTENTS.—The study required under
4 paragraph (1) shall—

5 (A) collect and analyze data on the fre-
6 quency and severity of rear-end collisions that
7 occur when commercial motor vehicles trans-
8 porting hazardous materials are stopped at
9 grade crossings;

10 (B) assess the extent to which such re-
11 quirement reduces instances of truck-train colli-
12 sions;

13 (C) evaluate the overall safety of such re-
14 quirement; and

15 (D) recommend whether to remove such
16 requirement.

17 (b) REPORT.—Not later than 1 year after the date
18 of enactment of this Act, the Secretary shall submit to
19 the Committee on Transportation and Infrastructure of
20 the House of Representatives and the Committee on Com-
21 merce, Science, and Transportation of the Senate a report
22 detailing the findings of the study under subsection (a)
23 and the Secretary's planned course of action regarding the
24 requirement described in section 392.10 of title 49, Code
25 of Federal Regulations.

1 (c) COMMERCIAL MOTOR VEHICLE DEFINED.—In
2 this section, the term “commercial motor vehicle” has the
3 meaning given such term in section 13102 of title 49,
4 United States Code.

5 **DIVISION D—RAIL**

6 **SEC. 9001. SHORT TITLE.**

7 This division may be cited as the “Transforming Rail
8 by Accelerating Investment Nationwide Act” or the
9 “TRAIN Act”.

10 **TITLE I—AUTHORIZATIONS**

11 **SEC. 9101. AUTHORIZATION OF APPROPRIATIONS.**

12 (a) AUTHORIZATION OF GRANTS TO AMTRAK.—

13 (1) NORTHEAST CORRIDOR.—There are author-
14 ized to be appropriated to the Secretary for the use
15 of Amtrak for activities associated with the North-
16 east Corridor the following amounts:

17 (A) For fiscal year 2021, \$2,900,000,000.

18 (B) For fiscal year 2022, \$2,700,000,000.

19 (C) For fiscal year 2023, \$2,500,000,000.

20 (D) For fiscal year 2024, \$2,500,000,000.

21 (E) For fiscal year 2025, \$2,500,000,000.

22 (2) NATIONAL NETWORK.—There are author-
23 ized to be appropriated to the Secretary for the use
24 of Amtrak for activities associated with the National
25 Network the following amounts:

1 (A) For fiscal year 2021, \$3,600,000,000.

2 (B) For fiscal year 2022, \$3,400,000,000.

3 (C) For fiscal year 2023, \$3,200,000,000.

4 (D) For fiscal year 2024, \$3,000,000,000.

5 (E) For fiscal year 2025, \$3,000,000,000.

6 (b) PROJECT MANAGEMENT OVERSIGHT.—The Sec-
7 retary may withhold up to \$15,000,000 from the amounts
8 made available under subsection (a) for the costs of man-
9 agement oversight of Amtrak.

10 (c) AMTRAK COMMON BENEFIT COSTS FOR STATE-
11 SUPPORTED ROUTES.—For any fiscal year in which funds
12 are made available under subsection (a)(2) in excess of
13 the amounts authorized for fiscal year 2020 under section
14 11101(b) of the FAST Act (114–94), Amtrak shall use
15 up to \$400,000,000 of the excess funds to defray the share
16 of operating costs of Amtrak’s national assets (as such
17 term is defined in section 24320(c)(5) of title 49, United
18 States Code) that is allocated to the State-supported serv-
19 ices.

20 (d) STATE-SUPPORTED ROUTE COMMITTEE.—Of the
21 funds made available under subsection (a)(2), the Sec-
22 retary may make available up to \$3,000,000 for each fis-
23 cal year for the State-Supported Route Committee estab-
24 lished under section 24712 of title 49, United States Code.

1 (e) NORTHEAST CORRIDOR COMMISSION.—Of the
2 funds made available under subsection (a)(1), the Sec-
3 retary may make available up to \$6,000,000 for each fis-
4 cal year for the Northeast Corridor Commission estab-
5 lished under section 24905 of title 49, United States Code.

6 (f) AUTHORIZATION OF APPROPRIATIONS FOR AM-
7 TRAK OFFICE OF INSPECTOR GENERAL.—There are au-
8 thorized to be appropriated to the Office of Inspector Gen-
9 eral of Amtrak the following amounts:

10 (1) For fiscal year 2021, \$26,500,000.

11 (2) For fiscal year 2022, \$27,000,000.

12 (3) For fiscal year 2023, \$27,500,000.

13 (4) For fiscal year 2024, \$28,000,000.

14 (5) For fiscal year 2025, \$28,500,000.

15 (g) PASSENGER RAIL IMPROVEMENT, MODERNIZA-
16 TION, AND ENHANCEMENT GRANTS.—There are author-
17 ized to be appropriated to the Secretary to carry out sec-
18 tion 22906 of title 49, United States Code, the following
19 amounts:

20 (1) For fiscal year 2021, \$3,800,000,000.

21 (2) For fiscal year 2022, \$3,800,000,000.

22 (3) For fiscal year 2023, \$3,800,000,000.

23 (4) For fiscal year 2024, \$3,800,000,000.

24 (5) For fiscal year 2025, \$3,800,000,000.

1 (h) CONSOLIDATED RAIL INFRASTRUCTURE AND
2 SAFETY IMPROVEMENTS.—

3 (1) IN GENERAL.—There are authorized to be
4 appropriated to the Secretary to carry out section
5 22907 of title 49, United States Code, the following
6 amounts:

7 (A) For fiscal year 2021, \$1,400,000,000.

8 (B) For fiscal year 2022, \$1,400,000,000.

9 (C) For fiscal year 2023, \$1,400,000,000.

10 (D) For fiscal year 2024, \$1,400,000,000.

11 (E) For fiscal year 2025, \$1,400,000,000.

12 (2) PROJECT MANAGEMENT OVERSIGHT.—The
13 Secretary may withhold up to 1 percent from the
14 amount appropriated under paragraph (1) for the
15 costs of project management oversight of grants car-
16 ried out under section 22907 of title 49, United
17 States Code.

18 (i) RAILROAD REHABILITATION AND IMPROVEMENT
19 FINANCING.—

20 (1) IN GENERAL.—There are authorized to be
21 appropriated to the Secretary for payment of credit
22 risk premiums in accordance with section 9104 of
23 this division and section 502 of the Railroad Revital-
24 ization and Regulatory Reform Act of 1976 (45
25 U.S.C. 822) \$30,000,000 for each of fiscal years

1 2021 through 2025, to remain available until ex-
2 pended.

3 (2) REFUND OF PREMIUM.—There are author-
4 ized to be appropriated to the Secretary
5 \$70,000,000 to repay the credit risk premium under
6 section 502 of the Railroad Revitalization and Regu-
7 latory Reform Act of 1976 (45 U.S.C. 822) in ac-
8 cordance with section 9104.

9 (j) RESTORATION AND ENHANCEMENT GRANTS.—

10 (1) IN GENERAL.—There are authorized to be
11 appropriated to the Secretary to carry out section
12 22908 of title 49, United States Code, \$20,000,000
13 for each of fiscal years 2021 through 2025.

14 (2) PROJECT MANAGEMENT OVERSIGHT.—The
15 Secretary may withhold up to 1 percent from the
16 amount appropriated under paragraph (1) for the
17 costs of project management oversight of grants car-
18 ried out under section 22908 of title 49, United
19 States Code.

20 (k) GRADE CROSSING SEPARATION GRANTS.—

21 (1) IN GENERAL.—There are authorized to be
22 appropriated to the Secretary to carry out section
23 20171 of title 49, United States Code, (as added by
24 section 9551 of this Act) the following amounts:

25 (1) For fiscal year 2021, \$450,000,000.

1 (2) For fiscal year 2022, \$475,000,000.

2 (3) For fiscal year 2023, \$500,000,000.

3 (4) For fiscal year 2024, \$525,000,000.

4 (5) For fiscal year 2025, \$550,000,000.

5 (2) PROJECT MANAGEMENT OVERSIGHT.—The
6 Secretary may withhold up to 1 percent from the
7 amount appropriated under paragraph (1) for the
8 costs of project management oversight of grants car-
9 ried out under section 20171 of title 49, United
10 States Code.

11 (l) RAIL SAFETY PUBLIC AWARENESS GRANTS.—Of
12 the amounts made available under subsection (k), the Sec-
13 retary shall make available \$5,000,000 for each of fiscal
14 years 2021 through 2025 to carry out section 20172 of
15 title 49, United States Code, (as added by section 9552
16 of this Act).

17 (m) AUTHORIZATION OF APPROPRIATIONS TO THE
18 FEDERAL RAILROAD ADMINISTRATION.—Section 20117
19 of title 49, United States Code, is amended to read as
20 follows:

21 **“§ 20117. Authorization of appropriations**

22 “(a) SAFETY AND OPERATIONS.—

23 “(1) IN GENERAL.—There are authorized to be
24 appropriated to the Secretary of Transportation for
25 the operations of the Federal Railroad Administra-

1 tion and to carry out railroad safety activities au-
2 thorized or delegated to the Administrator—

3 “(A) \$229,000,000 for fiscal year 2021.

4 “(B) \$231,000,000 for fiscal year 2022;

5 “(C) \$233,000,000 for fiscal year 2023;

6 “(D) \$235,000,000 for fiscal year 2024;

7 and

8 “(E) \$237,000,000 for fiscal year 2025.

9 “(2) AUTOMATED TRACK INSPECTION PROGRAM
10 AND DATA ANALYSIS.—From the funds made avail-
11 able under paragraph (1) for each of fiscal years
12 2021 through 2025, not more than \$17,000,000
13 may be expended for the Automated Track Inspec-
14 tion Program and data analysis related to track in-
15 spection. Such funds shall remain available until ex-
16 pended.

17 “(3) STATE PARTICIPATION GRANTS.—Amounts
18 made available under paragraph (1) for grants
19 under section 20105(e) shall remain available until
20 expended.

21 “(4) SHORT LINE SAFETY.—From funds made
22 available under paragraph (1), the Secretary may
23 expend not more than \$4,000,000—

1 “(A) for grants to improve safety practices
2 and training for Class II and Class III freight
3 railroads; and

4 “(B) to develop safety management sys-
5 tems for Class II and Class III freight railroads
6 through safety culture assessments, training
7 and education, outreach activities, and technical
8 assistance.

9 “(b) RAILROAD RESEARCH AND DEVELOPMENT.—

10 “(1) AUTHORIZATION OF APPROPRIATIONS.—

11 There are authorized to be appropriated to the Sec-
12 retary of Transportation for necessary expenses for
13 carrying out railroad research and development ac-
14 tivities the following amounts which shall remain
15 available until expended:

16 “(A) \$42,000,000 for fiscal year 2021.

17 “(B) \$44,000,000 for fiscal year 2022.

18 “(C) \$46,000,000 for fiscal year 2023.

19 “(D) \$48,000,000 for fiscal year 2024.

20 “(E) \$50,000,000 for fiscal year 2025.

21 “(2) STUDY ON LNG BY RAIL.—From the
22 amounts made available for fiscal years 2021
23 through 2025 under paragraph (1), the Secretary
24 shall expend not less than \$6,000,000 and not more
25 than \$8,000,000 to carry out the evaluation of

1 transporting liquefied natural gas by rail under sec-
2 tion 10204.

3 “(3) STUDY ON SAFETY CULTURE ASSESS-
4 MENTS.—From the amounts made available for fis-
5 cal year 2021 under paragraph (1), the Secretary
6 shall expend such sums as are necessary to carry out
7 the study on safety culture assessments under sec-
8 tion 9517 of the TRAIN Act.”.

9 (n) FATIGUE REDUCTION PILOT PROJECTS.—There
10 are authorized to be appropriated to the Secretary for
11 costs associated with carrying out section 21109(e) of title
12 49, United States Code, \$200,000 to remain available
13 until expended.

14 **SEC. 9102. PASSENGER RAIL IMPROVEMENT, MODERNIZA-**
15 **TION, AND EXPANSION GRANTS.**

16 (a) IN GENERAL.—Section 22906 of title 49, United
17 States Code, is amended to read as follows:

18 **“§ 22906. Passenger rail improvement, modernization,**
19 **and expansion grants**

20 “(a) ESTABLISHMENT.—The Secretary of Transpor-
21 tation shall establish a program to make grants for capital
22 projects that improve the state of good repair, operational
23 performance, or growth of intercity rail passenger trans-
24 portation.

25 “(b) PROJECT SELECTION CRITERIA.—

1 “(1) IN GENERAL.—Capital projects eligible for
2 a grant under this section include—

3 “(A) a project to replace, rehabilitate, or
4 repair a major infrastructure asset used for
5 providing passenger rail service to bring such
6 infrastructure asset into a state of good repair;

7 “(B) a project to improve passenger rail
8 performance, including congestion mitigation,
9 reliability improvements, achievement on-time
10 performance standards established under sec-
11 tion 207 of the Rail Safety Improvement Act of
12 2008 (49 U.S.C. 24101 note), reduced trip
13 times, increased train frequencies, higher oper-
14 ating speeds, electrification, and other improve-
15 ments, as determined by the Secretary; and

16 “(C) a project to repair, rehabilitate, re-
17 place, or build infrastructure to expand or es-
18 tablish intercity rail passenger transportation
19 and facilities, including high-speed rail.

20 “(2) REQUIREMENTS.—To be eligible for a
21 grant under this section, an applicant shall have, or
22 provide documentation of a credible plan to
23 achieve—

24 “(A) the legal, financial, and technical ca-
25 pacity to carry out the project;

1 “(B) satisfactory continuing control over
2 the use of the equipment or facilities that are
3 the subject of the project; and

4 “(C) an agreement in place for mainte-
5 nance of such equipment or facilities.

6 “(3) PRIORITY.—In selecting an applicant for a
7 grant under this section, the Secretary shall give
8 preference to capital projects that—

9 “(A) are supported by multiple States or
10 are included in a regional planning process; and

11 “(B) achieve environmental benefits such
12 as a reduction in greenhouse gas emissions or
13 an improvement in local air quality.

14 “(4) ADDITIONAL CONSIDERATIONS.—In select-
15 ing an applicant for a grant under this section, the
16 Secretary shall consider—

17 “(A) the cost-benefit analysis of the pro-
18 posed project, including anticipated public bene-
19 fits relative to the costs of the proposed project,
20 including—

21 “(i) effects on system and service per-
22 formance;

23 “(ii) effects on safety, competitive-
24 ness, reliability, trip or transit time, and
25 resilience;

1 “(iii) impacts on the overall transpor-
2 tation system, including efficiencies from
3 improved integration with other modes of
4 transportation or benefits associated with
5 achieving modal shifts; and

6 “(iv) the ability to meet existing or
7 anticipated passenger or service demand;

8 “(B) the applicant’s past performance in
9 developing and delivering similar projects;

10 “(C) if applicable, the consistency of the
11 project with planning guidance and documents
12 set forth by the Secretary or required by law;
13 and

14 “(D) if applicable, agreements between all
15 stakeholders necessary for the successful deliv-
16 ery of the project.

17 “(c) NORTHEAST CORRIDOR PROJECTS.—Of the
18 funds made available to carry out this section, not less
19 than 40 percent shall be made available for projects in-
20 cluded in the Northeast Corridor investment plan required
21 under section 24904.

22 “(d) NATIONAL PROJECTS.—Of the funds made
23 available to carry out this section, not less than 40 percent
24 shall be made available for—

25 “(1) projects on the National Network;

1 “(2) high-speed rail projects; and

2 “(3) the establishment of new passenger rail
3 corridors not located on the Northeast Corridor.

4 “(e) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

5 “(1) TOTAL PROJECT COST ESTIMATE.—The
6 Secretary shall estimate the total cost of a project
7 under this section based on the best available infor-
8 mation, including engineering studies, studies of eco-
9 nomic feasibility, environmental analyses, and infor-
10 mation on the expected use of equipment or facili-
11 ties.

12 “(2) FEDERAL SHARE.—The Federal share of
13 total costs for a project under this section shall not
14 exceed 90 percent.

15 “(3) TREATMENT OF REVENUE.—Applicants
16 may use ticket and other revenues generated from
17 operations and other sources to satisfy the non-Fed-
18 eral share requirements.

19 “(f) LETTERS OF INTENT.—

20 “(1) IN GENERAL.—The Secretary shall, to the
21 maximum extent practicable, issue a letter of intent
22 to a recipient of a grant under this section that—

23 “(A) announces an intention to obligate,
24 for a major capital project under this section,
25 an amount that is not more than the amount

1 stipulated as the financial participation of the
2 Secretary in the project; and

3 “(B) states that the contingent commit-
4 ment—

5 “(i) is not an obligation of the Fed-
6 eral Government; and

7 “(ii) is subject to the availability of
8 appropriations for grants under this sec-
9 tion and subject to Federal laws in force or
10 enacted after the date of the contingent
11 commitment.

12 “(2) CONGRESSIONAL NOTIFICATION.—

13 “(A) IN GENERAL.—Not later than 3 days
14 before issuing a letter of intent under para-
15 graph (1), the Secretary shall submit written
16 notification to—

17 “(i) the Committee on Transportation
18 and Infrastructure of the House of Rep-
19 resentatives;

20 “(ii) the Committee on Appropriations
21 of the House of Representatives;

22 “(iii) the Committee on Appropria-
23 tions of the Senate; and

24 “(iv) the Committee on Commerce,
25 Science, and Transportation of the Senate.

1 “(B) CONTENTS.—The notification sub-
2 mitted under subparagraph (A) shall include—

3 “(i) a copy of the letter of intent;

4 “(ii) the criteria used under sub-
5 section (b) for selecting the project for a
6 grant; and

7 “(iii) a description of how the project
8 meets such criteria.

9 “(g) APPROPRIATIONS REQUIRED.—An obligation or
10 administrative commitment may be made under this sec-
11 tion only when amounts are appropriated for such pur-
12 pose.

13 “(h) GRANT ADMINISTRATION.—The Secretary may
14 withhold up to 1 percent of the total amount made avail-
15 able to carry out this section for program oversight and
16 management, including providing technical assistance and
17 project planning guidance.

18 “(i) REGIONAL PLANNING GUIDANCE.—The Sec-
19 retary may withhold up to half a percent of the total
20 amount made available to carry out this section to facili-
21 tate and provide guidance for regional planning processes.

22 “(j) AVAILABILITY.—Amounts made available to
23 carry out this section shall remain available until ex-
24 pended.

1 “(k) GRANT CONDITIONS.—Except as specifically
2 provided in this section, the use of any amounts appro-
3 priated for grants under this section shall be subject to
4 the grant conditions under section 22905, except that the
5 domestic buying preferences of section 24305(f) shall
6 apply to grants provided to Amtrak in lieu of the require-
7 ments of section 22905(a).

8 “(l) DEFINITIONS.—In this section:

9 “(1) APPLICANT.—The term ‘applicant’
10 means—

11 “(A) a State;

12 “(B) a group of States;

13 “(C) an Interstate Compact;

14 “(D) a public agency or publicly chartered
15 authority established by 1 or more States;

16 “(E) a political subdivision of a State; or

17 “(F) Amtrak, acting on its own behalf or
18 under a cooperative agreement with 1 or more
19 States.

20 “(2) CAPITAL PROJECT.—The term ‘capital
21 project’ means—

22 “(A) acquisition, construction, replace-
23 ment, rehabilitation, or repair of major infra-
24 structure assets or equipment that benefit
25 intercity rail passenger transportation, includ-

1 ing tunnels, bridges, stations, track, electrifica-
2 tion, grade crossings, passenger rolling stock,
3 and other assets, as determined by the Sec-
4 retary;

5 “(B) projects that ensure service can be
6 maintained while existing assets are rehabili-
7 tated or replaced; and

8 “(C) project planning, development, de-
9 sign, and environmental analysis related to
10 projects under subsections (A) and (B).

11 “(3) INTERCITY RAIL PASSENGER TRANSPOR-
12 TATION.—The term ‘intercity rail passenger trans-
13 portation’ has the meaning given such term in sec-
14 tion 24102.

15 “(4) HIGH-SPEED RAIL.—The term ‘high-speed
16 rail’ has the meaning given such term in section
17 26106(b).

18 “(5) NORTHEAST CORRIDOR.—The term
19 ‘Northeast Corridor’ has the meaning given such
20 term in section 24102.

21 “(6) NATIONAL NETWORK.—The term ‘Na-
22 tional Network’ has the meaning given such term in
23 section 24102.

24 “(7) STATE.—The term ‘State’ means each of
25 the 50 States and the District of Columbia.”.

1 (b) CLERICAL AMENDMENT.—The item related to
2 section 22906 in the analysis for chapter 229 of title 49,
3 United States Code, is amended to read as follows:

“22906. Passenger rail improvement, modernization, and expansion grants.”.

4 **SEC. 9103. CONSOLIDATED RAIL INFRASTRUCTURE AND**
5 **SAFETY IMPROVEMENT GRANTS.**

6 Section 22907 of title 49, United States Code, is
7 amended—

8 (1) in subsection (b) by adding at the end the
9 following:

10 “(12) A commuter authority (as such term is
11 defined in section 24102).”;

12 (2) in subsection (c)—

13 (A) in paragraph (1) by inserting “, main-
14 tenance, and upgrades” after “Deployment”;

15 (B) in paragraph (3) by inserting “or safe-
16 ty” after “address congestion”;

17 (C) in paragraph (4) by striking “identi-
18 fied by the Secretary” and all that follows
19 through “rail transportation” and inserting “to
20 reduce congestion, improve service, or facilitate
21 ridership growth in intercity rail passenger
22 transportation and commuter rail passenger
23 transportation (as such term is defined in sec-
24 tion 24102)”;

1 (D) in paragraph (5) by inserting “or to
2 establish new quiet zones” before the period at
3 the end; and

4 (E) in paragraph (9) by inserting “or com-
5 muter rail passenger transportation (as such
6 term is defined in section 24102)” after “be-
7 tween intercity rail passenger transportation”;

8 (3) in subsection (e) by striking paragraph (1)
9 and inserting the following:

10 “(1) IN GENERAL.—In selecting a recipient of
11 a grant for an eligible project, the Secretary shall
12 give preference to—

13 “(A) projects that will maximize the net
14 benefits of the funds made available for use
15 under this section, considering the cost-benefit
16 analysis of the proposed project, including an-
17 ticipated public benefits relative to the costs of
18 the proposed project and factoring in the other
19 considerations described in paragraph (2); and

20 “(B) projects that benefit a station that—

21 “(i) serves Amtrak and commuter rail;

22 “(ii) is listed amongst the 25 stations
23 with highest ridership in the most recent
24 Amtrak Company Profile; and

1 “(iii) has support from both Amtrak
2 and the provider of commuter rail pas-
3 senger transportation servicing the sta-
4 tion.”;

5 (4) in subsection (g)(1) by striking “25 per-
6 cent” and inserting “15 percent”;

7 (5) in subsection (l) by striking “Secretary
8 shall” and inserting “Secretary may”;

9 (6) by redesignating subsections (i), (j), (k),
10 and (l) as subsections (k), (l), (m), and (n), respec-
11 tively; and

12 (7) by inserting after subsection (h) the fol-
13 lowing:

14 “(i) LARGE PROJECTS.—Of the amounts made avail-
15 able under this section, at least 50 percent shall be for
16 projects that have total project costs of greater than
17 \$100,000,000.

18 “(j) COMMUTER RAIL.—

19 “(1) ADMINISTRATION OF FUNDS.—The
20 amounts awarded under this section for commuter
21 rail passenger transportation projects shall be trans-
22 ferred by the Secretary, after selection, to the Fed-
23 eral Transit Administration for administration of
24 funds in accordance with chapter 53.

25 “(2) GRANT CONDITION.—

1 “(A) IN GENERAL.—As a condition of re-
2 ceiving a grant under this section that is used
3 to acquire, construct, or improve railroad right-
4 of-way or facilities, any employee covered by the
5 Railway Labor Act (45 U.S.C. 151 et seq.) and
6 the Railroad Retirement Act of 1974 (45
7 U.S.C. 231 et seq.) who is adversely affected by
8 actions taken in connection with the project fi-
9 nanced in whole or in part by such grant shall
10 be covered by employee protective arrangements
11 established under section 22905(e).

12 “(B) APPLICATION OF PROTECTIVE AR-
13 RANGEMENT.—The grant recipient and the suc-
14 cessors, assigns, and contractors of such recipi-
15 ent shall be bound by the protective arrange-
16 ments required under subparagraph (A). Such
17 recipient shall be responsible for the implemen-
18 tation of such arrangement and for the obliga-
19 tions under such arrangement, but may arrange
20 for another entity to take initial responsibility
21 for compliance with the conditions of such ar-
22 rangement.

23 “(3) APPLICATION OF LAW.—Subsections (g)
24 and (f)(1) of section 22905 shall not apply to grants

1 awarded under this section for commuter rail pas-
2 senger transportation projects.”.

3 **SEC. 9104. RAILROAD REHABILITATION AND IMPROVE-**
4 **MENT FINANCING.**

5 Section 502 of the Railroad Revitalization and Regu-
6 latory Reform Act of 1976 (45 U.S.C. 822) is amended—

7 (1) in subsection (b)—

8 (A) in paragraph (1)—

9 (i) in subparagraph (A) by inserting
10 “civil works such as cuts and fills, stations,
11 tunnels,” after “components of track,”;
12 and

13 (ii) in subparagraph (D) by inserting
14 “, permitting,” after “reimburse plan-
15 ning”; and

16 (B) by striking paragraph (3);

17 (2) in subsection (f)—

18 (A) in paragraph (3) by adding at the end
19 the following:

20 “(D) A projection of freight or passenger
21 demand for the project based on regionally de-
22 veloped economic forecasts, including projec-
23 tions of any modal diversion resulting from the
24 project.”; and

25 (B) in paragraph (4)—

1 (i) by striking “Credit risk premiums”
2 and inserting “(A) TIMING OF PAY-
3 MENT.—Credit risk premiums”; and

4 (ii) by adding at the end the fol-
5 lowing:

6 “(B) PAYMENT OF CREDIT RISK PRE-
7 MIUMS.—

8 “(i) IN GENERAL.—In granting assist-
9 ance under this section, the Secretary may
10 pay credit risk premiums required under
11 paragraph (3) for entities described in
12 paragraphs (1) through (3) of subsection
13 (a), in whole or in part, with respect to a
14 loan or loan guarantee.

15 “(ii) SET-ASIDE.—Of the amounts
16 made available for payments for a fiscal
17 year under clause (i), the Secretary shall
18 reserve \$25,000,000 for payments for pas-
19 senger rail projects, to remain available
20 until expended.

21 “(C) REFUND OF PREMIUM.—The Sec-
22 retary shall repay the credit risk premium of
23 each loan in cohort 3, as defined by the memo-
24 randum to the Office of Management and
25 Budget of the Department of Transportation

1 dated November 5, 2018, with interest accrued
2 thereon, not later than 60 days after the date
3 on which all obligations attached to each such
4 loan have been satisfied. For each such loan for
5 which obligations have been satisfied as of the
6 date of enactment of the TRAIN Act, the Sec-
7 retary shall repay the credit risk premium of
8 each such loan, with interest accrued thereon,
9 not later than 60 days after the date of the en-
10 actment of such Act.”; and

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

12 “(n) NON-FEDERAL SHARE.—The proceeds of a loan
13 provided under this section may be used as the non-Fed-
14 eral share of project costs under this title or chapter 53
15 of title 49 if such loan is repayable from non-Federal
16 funds.”.

17 **SEC. 9105. BUY AMERICA.**

18 Section 22905(a) of title 49, United States Code, is
19 amended—

20 (1) in paragraph (2)—

21 (A) in subparagraph (B) by adding “or” at
22 the end;

23 (B) by striking subparagraph (C); and

24 (C) by redesignating subparagraph (D) as
25 subparagraph (C);

1 (2) by striking paragraph (4) and inserting the
2 following:

3 “(4)(A) If the Secretary receives a request for
4 a waiver under paragraph (2), the Secretary shall
5 provide notice of and an opportunity for public com-
6 ment on the request at least 30 days before making
7 a finding based on the request.

8 “(B) A notice provided under subparagraph (A)
9 shall—

10 “(i) include the information available to
11 the Secretary concerning the request, including
12 whether the request is being made under sub-
13 paragraph (A), (B), or (C) of paragraph (2);
14 and

15 “(ii) be provided by electronic means, in-
16 cluding on the official public website of the De-
17 partment of Transportation.”;

18 (3) in paragraph (5)—

19 (A) by striking “2012” and inserting
20 “2020, and each year thereafter”; and

21 (B) by inserting “during the preceding fis-
22 cal year” before the period; and

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

24 “(12) The requirements of this subsection apply
25 to all contracts for a project carried out within the

1 scope of the applicable finding, determination, or de-
2 cisions under the National Environmental Policy Act
3 of 1969 (42 U.S.C. 4321 et seq.), regardless of the
4 funding source for activities carried out pursuant to
5 such contracts, if at least 1 contract for the project
6 is funded with amounts made available to carry out
7 a provision specified in paragraph (1).”.

8 **SEC. 9106. RAIL NETWORK CLIMATE CHANGE VULNER-**
9 **ABILITY ASSESSMENT.**

10 (a) IN GENERAL.—The Secretary of Transportation
11 shall sponsor a study by the National Academies to con-
12 duct an assessment of the potential impacts of climate
13 change on the national rail network.

14 (b) ASSESSMENT.—At a minimum, the assessment
15 conducted pursuant to subsection (a) shall—

16 (1) cover the entire freight and intercity pas-
17 senger rail network of the United States;

18 (2) evaluate risk to the network over 5-, 30-,
19 and 50-year outlooks;

20 (3) examine and describe potential effects of cli-
21 mate change and extreme weather events on pas-
22 senger and freight rail infrastructure, trackage, and
23 facilities, including facilities owned by rail shippers;

1 (4) identify and categorize the assets described
2 in paragraph (3) by vulnerability level and geo-
3 graphic area; and

4 (5) recommend strategies or measures to miti-
5 gate any adverse impacts of climate change, includ-
6 ing emergency preparedness measures and resiliency
7 best practices for infrastructure planning.

8 (c) REPORT.—Not later than 18 months after the
9 date of enactment of this Act, the Secretary shall submit
10 to the Committee on Transportation and Infrastructure
11 of the House of Representatives and the Committee on
12 Commerce, Science, and Transportation of the Senate a
13 report containing the findings of the assessment conducted
14 pursuant to subsection (a).

15 (d) FURTHER COORDINATION.—The Secretary shall
16 make the report publicly available on the website of the
17 Department of Transportation and communicate the re-
18 sults of the assessment with stakeholders.

19 (e) REGULATORY AUTHORITY.—If the Secretary
20 finds in the report required under subsection (c) that reg-
21 ulatory measures are warranted and such measures are
22 otherwise under the existing authority of the Secretary,
23 the Secretary may issue such regulations as are necessary
24 to implement such measures.

1 (f) FUNDING.—From the amounts made available for
2 fiscal year 2021 under section 20117(a) of title 49, United
3 States Code, the Secretary shall expend not less than
4 \$1,000,000 to carry out the study required under subpara-
5 graph (a).

6 **TITLE II—AMTRAK REFORMS**

7 **SEC. 9201. AMTRAK FINDINGS, MISSION, AND GOALS.**

8 Section 24101 of title 49, United States Code, is
9 amended—

10 (1) in subsection (a)—

11 (A) in paragraph (1)—

12 (i) by striking “, to the extent its
13 budget allows,”; and

14 (ii) by striking “between crowded
15 urban areas and in other areas of” and in-
16 serting “throughout”;

17 (B) in paragraph (2) by striking the period
18 and inserting “, thereby providing additional
19 capacity for the traveling public and widespread
20 air quality benefits.”;

21 (C) in paragraph (4)—

22 (i) by striking “greater” and inserting
23 “high”; and

24 (ii) by striking “to Amtrak to achieve
25 a performance level sufficient to justify ex-

1 pending public money” and inserting “in
2 order to meet the passenger rail needs of
3 the United States”;

4 (D) in paragraph (5)—

5 (i) by inserting “intercity and” after
6 “efficient”; and

7 (ii) by striking “the energy conserva-
8 tion and self-sufficiency” and inserting
9 “addressing climate change, energy con-
10 servation, and self-sufficiency”; and

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

12 “(9) Long-distance passenger rail is an impor-
13 tant part of the national transportation system.

14 “(10) Investments in intercity and commuter
15 rail passenger transportation support jobs that pro-
16 vide a pathway to the middle class.”;

17 (2) in subsection (b) by striking “The” and all
18 that follows through “consistent” and inserting
19 “The mission of Amtrak is to provide a safe, effi-
20 cient, and high-quality national passenger rail sys-
21 tem, consistent”;

22 (3) in subsection (c)—

23 (A) by striking paragraph (1) and insert-
24 ing the following:

1 “(1) use its best business judgment in acting to
2 maximize the benefits of public funding;”;

3 (B) in paragraph (2)—

4 (i) by striking “minimize Government
5 subsidies by encouraging” and inserting
6 “work with”; and

7 (ii) by striking the semicolon and in-
8 serting “and improvements to service;”;

9 (C) by striking paragraph (3) and insert-
10 ing the following:

11 “(3) manage the passenger rail network in the
12 interest of public transportation needs, including
13 current and future Amtrak passengers;”;

14 (D) in paragraph (7) by striking “encour-
15 age” and inserting “work with”;

16 (E) in paragraph (11) by striking “and”
17 the last place it appears; and

18 (F) by striking paragraph (12) and insert-
19 ing the following:

20 “(12) utilize and manage resources with a long-
21 term perspective, including sound investments that
22 take into account the overall lifecycle costs of an
23 asset;

24 “(13) ensure that service is accessible and ac-
25 commodating to passengers with disabilities; and

1 “(14) maximize the benefits Amtrak generates
2 for the United States by creating quality jobs and
3 supporting the domestic workforce.”; and

4 (4) by striking subsection (d).

5 **SEC. 9202. AMTRAK STATUS.**

6 Section 24301(a) of title 49, United States Code, is
7 amended—

8 (1) in paragraph (1) by striking “20102(2)”
9 and inserting “20102”; and

10 (2) in paragraph (2) by inserting “serving the
11 public interest in reliable passenger rail service”
12 after “for-profit corporation”.

13 **SEC. 9203. BOARD OF DIRECTORS.**

14 Section 24302 of title 49, United States Code, is
15 amended—

16 (1) in subsection (a)—

17 (A) in paragraph (1)—

18 (i) by striking subparagraph (C) and
19 inserting the following:

20 “(C) 8 individuals appointed by the Presi-
21 dent of the United States, by and with the ad-
22 vice and consent of the Senate, with a record of
23 support for national passenger rail service, gen-
24 eral business and financial experience, and

1 transportation qualifications or expertise. Of
2 the individuals appointed—

3 “(i) 1 shall be a Mayor or Governor of
4 a location served by a regularly scheduled
5 Amtrak service on the Northeast Corridor;

6 “(ii) 1 shall be a Mayor or Governor
7 of a location served by a regularly sched-
8 uled Amtrak service that is not on the
9 Northeast Corridor;

10 “(iii) 1 shall be a labor representative
11 of Amtrak employees; and

12 “(iv) 2 shall be individuals with a his-
13 tory of regular Amtrak ridership and an
14 understanding of the concerns of rail pas-
15 sengers.”;

16 (B) in paragraph (2) by inserting “users of
17 Amtrak, including the elderly and individuals
18 with disabilities, and” after “and balanced rep-
19 resentation of”;

20 (C) in paragraph (3) by adding at the end
21 the following: “A member of the Board ap-
22 pointed under clause (i) or (ii) of paragraph
23 (1)(C) shall serve for a term of 5 years or until
24 such member leaves the elected office such

1 member occupied at the time such member was
2 appointed, whichever is first.”; and

3 (D) by striking paragraph (5) and insert-
4 ing the following:

5 “(5) The Secretary and any Governor of a
6 State may be represented at a Board meeting by a
7 designee.”;

8 (2) in subsection (b)—

9 (A) by striking “PAY AND EXPENSES” and
10 inserting “DUTIES, PAY, AND EXPENSES”; and

11 (B) by inserting “Each director must con-
12 sider the well-being of current and future Am-
13 trak passengers, and the public interest in sus-
14 tainable national passenger rail service.” before
15 “Each director not employed by the United
16 States Government or Amtrak”; and

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

18 “(g) GOVERNOR DEFINED.—In this section, the term
19 ‘Governor’ means the Governor of a State or the Mayor
20 of the District of Columbia and includes the designee of
21 the Governor.”.

22 **SEC. 9204. AMTRAK PREFERENCE ENFORCEMENT.**

23 (a) IN GENERAL.—Section 24308(c) of title 49,
24 United States Code, is amended by adding at the end the
25 following: “Notwithstanding section 24103(a) and section

1 24308(f), Amtrak shall have the right to bring an action
2 for equitable or other relief in the United States District
3 Court for the District of Columbia to enforce the pref-
4 erence rights granted under this subsection.”.

5 (b) CONFORMING AMENDMENT.—Section 24103 of
6 title 49, United States Code, is amended by inserting “and
7 section 24308(c)” before “, only the Attorney General”.

8 **SEC. 9205. USE OF FACILITIES AND PROVIDING SERVICES**
9 **TO AMTRAK.**

10 Section 24308(e) of title 49, United States Code, is
11 amended—

12 (1) by striking paragraph (1) and inserting the
13 following:

14 “(1)(A) When a rail carrier does not agree to
15 allow Amtrak to operate additional trains over any
16 rail line of the carrier on which Amtrak is operating
17 or seeks to operate, Amtrak may submit an applica-
18 tion to the Board for an order requiring the carrier
19 to allow for the operation of the requested trains.
20 Within 90 days of receipt of such application, the
21 Board shall determine whether the additional trains
22 would unreasonably impair freight transportation
23 and—

24 “(i) for a determination that such trains
25 do not unreasonably impair freight transpor-

1 tation, order the rail carrier to allow for the op-
2 eration of such trains on a schedule established
3 by the Board; or

4 “(ii) for a determination that such trains
5 do unreasonably impair freight transportation,
6 initiate a proceeding to determine any addi-
7 tional infrastructure investments required by,
8 or on behalf of, Amtrak.

9 “(B) If Amtrak seeks to resume operation of a
10 train that Amtrak operated during the 5-year period
11 preceding an application described in subparagraph
12 (A), the Board shall apply a presumption that the
13 resumed operation of such train will not unreason-
14 ably impair freight transportation unless the Board
15 finds that there are substantially changed cir-
16 cumstances.”;

17 (2) in paragraph (2)—

18 (A) by striking “The Board shall consider”
19 and inserting “The Board shall”;

20 (B) by striking subparagraph (A) and in-
21 serting the following:

22 “(A) in making the determination under para-
23 graph (1), take into account any infrastructure in-
24 vestments proposed in Amtrak’s application, with
25 the rail carrier having the burden of demonstrating

1 that the additional trains will unreasonably impair
2 the freight transportation; and”;

3 (C) in subparagraph (B) by inserting “con-
4 sider investments described in subparagraph
5 (A) and” after “times,”; and

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

7 “(4) In a proceeding initiated by the Board
8 under paragraph (1)(B), the Board shall solicit the
9 views of the parties and require the parties to pro-
10 vide any necessary data or information. Not later
11 than 180 days after the date on which the Board
12 makes a determination under paragraph (1)(B), the
13 Board shall issue an order requiring the rail carrier
14 to allow for the operation of the requested trains
15 conditioned upon additional infrastructure or other
16 investments needed to mitigate the unreasonable in-
17 terference. In determining the necessary level of ad-
18 ditional infrastructure or other investments, the
19 Board shall use any criteria, assumptions, and proc-
20 esses it considers appropriate.

21 “(5) The provisions of this subsection shall be
22 in addition to any other statutory or contractual
23 remedies Amtrak may have to obtain the right to op-
24 erate the additional trains.”.

1 **SEC. 9206. PROHIBITION ON MANDATORY ARBITRATION.**

2 (a) IN GENERAL.—Section 28103 of title 49, United
3 States Code, is amended—

4 (1) by redesignating subsection (e) as sub-
5 section (f); and

6 (2) by inserting after subsection (d) the fol-
7 lowing:

8 “(e) PROHIBITION ON CHOICE-OF-FORUM CLAUSE.—

9 “(1) IN GENERAL.—Amtrak may not impose a
10 choice-of-forum clause that attempts to preclude a
11 passenger, or a person who purchases a ticket for
12 rail transportation on behalf of a passenger, from
13 bringing a claim against Amtrak in any court of
14 competent jurisdiction, including a court within the
15 jurisdiction of the residence of such passenger in the
16 United States (provided that Amtrak does business
17 within that jurisdiction).

18 “(2) COURT OF COMPETENT JURISDICTION.—

19 Under this subsection, a court of competent jurisdic-
20 tion may not include an arbitration forum.”.

21 (b) EFFECTIVE DATE.—This section, and the amend-
22 ments made by this section, shall apply to any claim that
23 arises on or after the date of enactment of this Act.

24 **SEC. 9207. AMTRAK ADA ASSESSMENT.**

25 (a) ASSESSMENT.—Amtrak shall conduct an assess-
26 ment and review of all Amtrak policies, procedures, proto-

1 cols, and guidelines for compliance with the requirements
2 of the Americans With Disabilities Act of 1990 (42 U.S.C.
3 12101 et seq.).

4 (b) REPORT.—Not later than 180 days after the date
5 of enactment of this Act, Amtrak shall submit to the Com-
6 mittee on Transportation and Infrastructure of the House
7 of Representatives and the Committee on Commerce,
8 Science, and Transportation of the Senate a report on the
9 results of the assessment conducted under subsection (a).

10 (c) CONTENTS.—The report required under sub-
11 section (b) shall include—

12 (1) a summary of the policies, procedures, pro-
13 tocols, and guidelines reviewed;

14 (2) any necessary changes to such policies, pro-
15 cedures, protocols, and guidelines to ensure compli-
16 ance with the Americans With Disabilities Act of
17 1990 (42 U.S.C. 12101 et seq.), including full com-
18 pliance under such Act for Amtrak stations and fa-
19 cilities and consideration of the needs of individuals
20 with disabilities when procuring rolling stock; and

21 (3) an implementation plan and timeline for
22 making any such necessary changes.

23 (d) ENGAGEMENT.—Amtrak is encouraged to engage
24 with a range of advocates for individuals with disabilities
25 during the assessment conducted under subsection (a),

1 and develop an ongoing and standardized process for en-
2 gagement with advocates for individuals with disabilities.

3 (e) PERIODIC EVALUATION.—At least once every 2
4 years, Amtrak shall review and update, as necessary, Am-
5 trak policies, procedures, protocols, and guidelines to en-
6 sure compliance with the Americans With Disabilities Act
7 of 1990 (42 U.S.C. 12101 et seq.).

8 **SEC. 9208. PROHIBITION ON SMOKING ON AMTRAK TRAINS.**

9 (a) IN GENERAL.—Chapter 243 of title 49, United
10 States Code, is amended by adding at the end the fol-
11 lowing:

12 **“§ 24323. Prohibition on smoking on Amtrak trains**

13 “(a) PROHIBITION.—Beginning on the date of enact-
14 ment of the TRAIN Act, Amtrak shall prohibit smoking
15 on board Amtrak trains.

16 “(b) ELECTRONIC CIGARETTES.—

17 “(1) INCLUSION.—The use of an electronic cig-
18 arette shall be treated as smoking for purposes of
19 this section.

20 “(2) ELECTRONIC CIGARETTE DEFINED.—In
21 this section, the term ‘electronic cigarette’ means a
22 device that delivers nicotine or other substances to
23 a user of the device in the form of a vapor that is
24 inhaled to simulate the experience of smoking.”.

1 (b) CONFORMING AMENDMENT.—The analysis for
2 chapter 243 of title 49, United States Code, is amended
3 by adding at the end the following:

“24323. Prohibition on smoking on Amtrak trains.”.

4 **SEC. 9209. STATE-SUPPORTED ROUTES OPERATED BY AM-**
5 **TRAK.**

6 Section 24712 of title 49, United States Code, is
7 amended—

8 (1) in subsection (a)—

9 (A) in paragraph (3)(C) by striking “the
10 vote” and inserting “the votes”;

11 (B) in paragraph (4) by striking the first
12 sentence and inserting “The Committee shall
13 define and periodically update the rules and
14 procedures governing the Committee’s pro-
15 ceedings.”; and

16 (C) in paragraph (6)—

17 (i) by striking subparagraph (B) and
18 inserting the following:

19 “(B) PROCEDURES.—The rules and proce-
20 dures implemented under paragraph (4) shall
21 include—

22 “(i) procedures for changing the cost
23 allocation methodology, notwithstanding
24 section 209(b) of the Passenger Rail In-

1 investment and Improvement Act (49 U.S.C.
2 24101 note); and

3 “(ii) procedures or broad guidelines
4 for conducting financial planning, includ-
5 ing operating and capital forecasting, re-
6 porting, and data sharing and govern-
7 ance.”;

8 (ii) in subparagraph (C)—

9 (I) in clause (i) by striking
10 “and” at the end;

11 (II) in clause (ii) by striking the
12 period at the end and inserting “;
13 and”;

14 (III) by adding at the end the
15 following:

16 “(iii) promote increased efficiency in
17 Amtrak’s operating and capital activities.”;

18 and

19 (iii) by adding at the end the fol-
20 lowing:

21 “(D) ANNUAL REVIEW.—Not later than
22 June 30 of each year, the Committee shall pre-
23 pare an evaluation of the cost allocation meth-
24 odology and procedures under subparagraph
25 (B) and transmit such evaluation to the Com-

1 committee on Transportation and Infrastructure of
2 the House of Representatives and the Com-
3 mittee on Commerce, Science, and Transpor-
4 tation of the Senate.”;

5 (2) in subsection (b)—

6 (A) by inserting “and to the Committee”
7 before “, as well as the planning”; and

8 (B) by inserting before the period at the
9 end the following: “and the Committee. Not
10 later than 180 days after the date of enactment
11 of the TRAIN Act, the Committee shall develop
12 a report that contains the general ledger data
13 and operating statistics from Amtrak’s account-
14 ing systems used to calculate payments to
15 States. Amtrak shall provide to the States and
16 the Committee the report for the prior month
17 not later than 30 days after the last day of
18 each month”;

19 (3) in subsection (e) by inserting “, including
20 incentives to increase revenue, reduce costs, finalize
21 contracts by the beginning of the fiscal year, and re-
22 quire States to promptly make payments for services
23 delivered” before the period;

24 (4) in subsection (f)—

25 (A) in paragraph (1)—

1 (i) by inserting “and annually review
2 and update, as necessary,” after “shall de-
3 velop”; and

4 (ii) by inserting before “The Com-
5 mittee may consult” the following: “The
6 statement shall include a list of capital
7 projects, including infrastructure, fleet,
8 station, and facility initiatives, needed to
9 support the growth of State-supported
10 routes.”;

11 (B) in paragraph (2) by striking “Not
12 later than 2 years” and all that follows through
13 “transmit the statement” and inserting “The
14 Committee shall transmit, not later than March
15 31 of each year, the most recent annual update
16 to the statement”; and

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

18 “(3) SENSE OF CONGRESS.—It is the sense of
19 Congress that the Committee shall be the forum
20 where Amtrak and States collaborate on the plan-
21 ning, improvement, and development of corridor
22 routes across the National Network. The Committee
23 shall identify obstacles to passenger rail growth and
24 identify solutions to overcome such obstacles.”;

1 (5) by redesignating subsections (g) and (h) as
2 subsections (j) and (k), respectively; and

3 (6) by inserting after subsection (f) the fol-
4 lowing:

5 “(g) NEW STATE-SUPPORTED ROUTES.—

6 “(1) CONSULTATION.—In developing a new
7 State-supported route, Amtrak shall consult with the
8 following:

9 “(A) The State or States and local munici-
10 palities where such new service would operate.

11 “(B) Commuter authorities and regional
12 transportation authorities (as such terms are
13 defined in section 24102) in the areas that
14 would be served by the planned route.

15 “(C) Host railroads.

16 “(D) Administrator of the Federal Rail-
17 road Administration.

18 “(E) Other stakeholders, as appropriate.

19 “(2) STATE COMMITMENTS.—Notwithstanding
20 any other provision of law, before beginning con-
21 struction necessary for, or beginning operation of, a
22 State-supported route that is initiated on or after
23 the date of enactment of the TRAIN Act, Amtrak
24 shall enter into a memorandum of understanding, or
25 otherwise secure an agreement, with the State in

1 which such route will operate for sharing ongoing
2 fully allocated operating costs and capital costs in
3 accordance with—

4 “(A) the cost allocation methodology de-
5 scribed under subsection (a); or

6 “(B) the alternative cost allocation sched-
7 ule described in paragraph (3).

8 “(3) ALTERNATIVE COST ALLOCATION.—Under
9 the alternative cost allocation schedule described in
10 this paragraph, with respect to costs not covered by
11 revenues for the operation of the new State-sup-
12 ported route, Amtrak shall pay—

13 “(A) the share Amtrak otherwise would
14 have paid under the cost allocation methodology
15 under subsection (a); and

16 “(B) a percentage of the share that the
17 State otherwise would have paid under the cost
18 allocation methodology under subsection (a) ac-
19 cording to the following:

20 “(i) Amtrak shall pay up to 100 per-
21 cent of the capital costs necessary to ini-
22 tiate a new State-supported route, includ-
23 ing planning and development, design, and
24 environmental analysis, prior to beginning
25 operations on the new route.

1 “(ii) For the first 2 years of oper-
2 ation, Amtrak shall pay for 100 percent of
3 operating costs and capital costs.

4 “(iii) For the third year of operation,
5 Amtrak shall pay 90 percent of operating
6 costs and capital costs and the State shall
7 pay the remainder.

8 “(iv) For the fourth year of operation,
9 Amtrak shall pay 80 percent of operating
10 costs and capital costs and the State shall
11 pay the remainder

12 “(v) For the fifth year of operation,
13 Amtrak shall pay 50 percent of operating
14 costs and capital costs and the State shall
15 pay the remainder.

16 “(vi) For the sixth year of operation
17 and thereafter, operating costs and capital
18 costs shall be allocated in accordance with
19 the cost allocation methodology described
20 under subsection (a), as applicable.

21 “(4) APPLICATION OF TERMS.—In this sub-
22 section, the terms ‘capital cost’ and ‘operating cost’
23 shall apply in the same manner as such terms apply
24 under the cost allocation methodology developed
25 under subsection (a).

1 “(h) COST ALLOCATION METHODOLOGY AND IMPLE-
2 MENTATION REPORT.—

3 “(1) IN GENERAL.—Not later than 18 months
4 after the date of enactment of the TRAIN Act, the
5 Committee shall submit to the Committee on Trans-
6 portation and Infrastructure of the House of Rep-
7 resentatives and the Committee on Commerce,
8 Science, and Transportation of the Senate a report
9 assessing potential improvements to the cost alloca-
10 tion methodology required and approved under sec-
11 tion 209 of the Passenger Rail Investment and Im-
12 provement Act of 2008 (49 U.S.C. 24101 note).

13 “(2) REPORT CONTENTS.—The report required
14 under paragraph (1) shall—

15 “(A) identify improvements to the cost al-
16 location methodology that would promote—

17 “(i) transparency of route and train
18 costs and revenues;

19 “(ii) facilitation of service and net-
20 work growth;

21 “(iii) improved services for the trav-
22 eling public;

23 “(iv) maintenance or achievement of
24 labor collective bargaining agreements;

25 “(v) increased revenues; and

1 “(vi) reduced costs;

2 “(B) describe the various contracting ap-
3 proaches used in State-supported services be-
4 tween States and Amtrak, including the meth-
5 od, amount, and timeliness of payments for
6 each State-supported service;

7 “(C) evaluate the potential benefits and
8 feasibility, including identifying any necessary
9 statutory changes, of implementing a service
10 pricing model for State-supported routes in lieu
11 of a cost allocation methodology and how such
12 a service pricing model would advance the pri-
13 orities described in subparagraph (A); and

14 “(D) summarize share of costs from the
15 cost allocation methodology that are—

16 “(i) assigned;

17 “(ii) allocated regionally or locally;

18 and

19 “(iii) allocated nationally.

20 “(3) UPDATE TO THE METHODOLOGY.—Not
21 later than 2 years after the implementation of the
22 TRAIN Act, the Committee shall update the meth-
23 odology, if necessary, based on the findings of the
24 report required under paragraph (1).

1 “(i) IDENTIFICATION OF STATE-SUPPORTED ROUTE
2 CHANGES.—Amtrak shall provide an update in the annual
3 grant request under section 24319 of planned or proposed
4 changes to State-supported routes, including the introduc-
5 tion of new State-supported routes. In identifying routes
6 to be included in such request, Amtrak shall—

7 “(1) identify the timeframe in which such
8 changes could take effect and whether Amtrak has
9 entered into a commitment with a State under sub-
10 section (g)(2); and

11 “(2) consult with the Committee and any addi-
12 tional States in which proposed routes may operate,
13 not less than 120 days before the annual grant re-
14 quest is transmitted to the Secretary.”.

15 **SEC. 9210. AMTRAK POLICE DEPARTMENT.**

16 (a) IN GENERAL.—Not later than 90 days after the
17 date of enactment of this Act, the Comptroller General
18 of the United States shall initiate a study of the workforce
19 planning process of the Amtrak Police Department and
20 the deployment of personnel and resources of the Depart-
21 ment.

22 (b) CONSULTATION.—In carrying out the study
23 under this section, the Comptroller General shall consult
24 with the Amtrak Police Department Labor Committee,
25 law enforcement and public safety experts, and entities

1 providing passenger rail service comparable to Amtrak,
2 and any other relevant entities, as determined by the
3 Comptroller General.

4 (c) CONTENTS OF STUDY.—The study under this sec-
5 tion shall—

6 (1) review and determine whether the workforce
7 planning process used to allocate Amtrak Police De-
8 partment personnel, including contractors, ade-
9 quately meets the safety and security needs of the
10 Amtrak network, including considering whether the
11 planning process—

12 (A) identifies critical positions, skills, and
13 competencies necessary for ensuring the safety
14 and security of the Amtrak network;

15 (B) analyzes employment levels of sworn
16 and civilian personnel, including patrol officers,
17 necessary for ensuring the safety and security
18 of the Amtrak network;

19 (C) analyzes workforce gaps and develops
20 strategies to address any such gaps;

21 (D) considers the risks identified by Am-
22 trak's triannual risk assessments;

23 (E) considers variables, including ridership
24 levels, miles of right-of-way, crime data, and
25 workload, that comparable passenger rail sys-

1 tems consider in the development of the work-
2 force plans of such systems;

3 (F) includes collaboration or coordination
4 with local, State, tribal, and Federal agencies,
5 and public transportation agencies to support
6 the safety and security of the Amtrak network;
7 and

8 (G) sets goals and performance metrics for
9 the Department and monitors and evaluates the
10 Department's progress toward such goals and
11 metrics; and

12 (2) assess and evaluate whether the deployment
13 of Amtrak Police Department personnel and con-
14 tractors as of March 1, 2020, adequately mitigates
15 risks and ensures the safety and security of Amtrak
16 passengers, employees, trains, stations, facilities,
17 and other infrastructure, including—

18 (A) whether there is an adequate number
19 of civilian and sworn personnel deployed across
20 the Department's 6 geographic divisions, in-
21 cluding patrol officers, detectives, canine units,
22 special operations unit, strategic operations, in-
23 telligence, corporate security, Office of Profes-
24 sional Responsibilities, and Office of Chief of
25 Police;

1 (B) whether patrol officers have an ade-
2 quate presence on trains and route segments,
3 and in stations, facilities, and other infrastruc-
4 ture;

5 (C) whether Amtrak Police Department
6 personnel have the tools and resources, includ-
7 ing vehicles, communication devices, and weap-
8 ons, necessary for performing their responsibil-
9 ities; and

10 (D) the locations and positions occupied by
11 Amtrak Police Department contractors and the
12 adequacy of their training.

13 (d) REPORT.—Not later than 18 months after the
14 date of enactment of this Act, the Comptroller General
15 shall submit to the Committee on Transportation and In-
16 frastructure of the House of Representatives and the Com-
17 mittee on Commerce, Science, and Transportation of the
18 Senate a report on the results of study. Such report shall
19 include recommendations for improving the workforce
20 planning process and the deployment of Amtrak Police
21 Department personnel and resources.

22 **SEC. 9211. AMTRAK FOOD AND BEVERAGE.**

23 (a) AMTRAK FOOD AND BEVERAGE.—Section 24321
24 of title 49, United States Code, is amended to read as
25 follows:

1 **“§ 24321. Amtrak food and beverage**

2 “(a) ENSURING ACCESS TO FOOD AND BEVERAGE
3 SERVICES.—

4 “(1) ACCESS TO SERVICES.—On all long-dis-
5 tance routes, Amtrak shall ensure that all pas-
6 sengers who travel overnight on such route shall
7 have access to the food and beverage service that is
8 provided to sleeping car passengers on such route.

9 “(2) STATUTORY CONSTRUCTION.—Nothing in
10 this subsection shall be construed to limit the au-
11 thority of Amtrak to charge passengers for any food
12 and beverage services.

13 “(b) FOOD AND BEVERAGE WORKFORCE.—

14 “(1) WORKFORCE REQUIREMENT.—Amtrak
15 shall ensure that any individual onboard a train who
16 prepares food and beverages is an Amtrak employee.

17 “(2) SAVINGS CLAUSE.—No Amtrak employee
18 holding a position as of the date of enactment of the
19 TRAIN Act may be involuntarily separated because
20 of any action taken by Amtrak to implement this
21 section, including any employees who are furloughed
22 as a result of the COVID–19 pandemic.

23 “(c) SAVINGS CLAUSE.—Amtrak shall ensure that no
24 Amtrak employee holding a position as of the date of en-
25 actment of the Passenger Rail Reform and Investment Act
26 of 2015 is involuntarily separated because of the develop-

1 ment and implementation of the plan required by the
2 amendments made by section 11207 of such Act.”.

3 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

4 (1) ANALYSIS.—The item related to section
5 24321 in the analysis for chapter 243 of title 49,
6 United States Code, is amended to read as follows:

“24321. Amtrak food and beverage.”.

7 (2) AMTRAK AUTHORITY.—Section 24305(c)(4)
8 of title 49, United States Code, is amended by strik-
9 ing “only if revenues from the services each year at
10 least equal the cost of providing the services”.

11 (3) CONTRACTING OUT.—Section 121(e) of the
12 Amtrak Reform and Accountability Act of 1997 (49
13 U.S.C. 24312 note; 111 Stat. 2574) is amended by
14 striking “, other than work related to food and bev-
15 erage service,”.

16 (c) AMTRAK FOOD AND BEVERAGE WORKING
17 GROUP.—

18 (1) ESTABLISHMENT.—Not later than 90 days
19 after the date of enactment of this Act, Amtrak shall
20 establish a working group (in this subsection re-
21 ferred to as the “Working Group”) to provide rec-
22 ommendations on Amtrak onboard food and bev-
23 erage services.

24 (2) MEMBERSHIP.—The Working Group shall
25 consist of individuals representing—

- 1 (A) Amtrak;
- 2 (B) the labor organizations representing
- 3 Amtrak employees who prepare or provide on-
- 4 board food and beverage services; and
- 5 (C) nonprofit organizations representing
- 6 Amtrak passengers.

7 (3) RECOMMENDATIONS.—

8 (A) IN GENERAL.—The Working Group

9 shall develop recommendations to increase rid-

10 ership and improve customer satisfaction by—

11 (i) promoting collaboration and en-

12 gagement between Amtrak, Amtrak pas-

13 sengers, and Amtrak employees preparing

14 or providing onboard food and beverage

15 services, prior to Amtrak implementing

16 changes to onboard food and beverage

17 services;

18 (ii) improving onboard food and bev-

19 erage services; and

20 (iii) improving solicitation, reception,

21 and consideration of passenger feedback

22 regarding onboard food and beverage serv-

23 ices.

1 (B) CONSIDERATIONS.—In developing the
2 recommendations under subparagraph (A), the
3 Working Group shall consider—

4 (i) the healthfulness of onboard food
5 and beverages offered, including the ability
6 of passengers to address dietary restric-
7 tions;

8 (ii) the preparation and delivery of on-
9 board food and beverages;

10 (iii) the differing needs of passengers
11 traveling on long-distance routes, State-
12 supported routes, and the Northeast Cor-
13 ridor;

14 (iv) Amtrak passenger survey data
15 about the food and beverages offered on
16 Amtrak trains; and

17 (v) any other issue the Working
18 Group determines appropriate.

19 (4) REPORTS.—

20 (A) INITIAL REPORT.—Not later than 1
21 year after the date on which the Working
22 Group is established, the Working Group shall
23 submit to the Board of Directors of Amtrak,
24 the Committee on Transportation and Infra-
25 structure of the House of Representatives, and

1 the Committee on Commerce, Science, and
2 Transportation of the Senate a report con-
3 taining the recommendations developed under
4 paragraph (3).

5 (B) SUBSEQUENT REPORT.—Not later
6 than 30 days after the date on which the Work-
7 ing Group submits the report required under
8 subparagraph (A), Amtrak shall submit to the
9 Committee on Transportation and Infrastruc-
10 ture of the House of Representatives and the
11 Committee on Commerce, Science, and Trans-
12 portation of the Senate a report on whether
13 Amtrak agrees with the recommendations of the
14 Working Group and describing any plans to im-
15 plement such recommendations.

16 (5) PROHIBITION ON FOOD AND BEVERAGE
17 SERVICE CHANGES.—During the period beginning on
18 the date of enactment of this Act and ending 30
19 days after the date on which Amtrak submits the re-
20 port required under paragraph (4)(B), Amtrak may
21 not make changes to onboard food and beverage
22 services, except that Amtrak shall reverse any
23 changes to onboard food and beverage service made
24 in response to the COVID–19 pandemic as Amtrak
25 service is restored.

1 (6) **TERMINATION.**—The Working Group shall
2 terminate on the date on which Amtrak submits the
3 report required under paragraph (4)(B), except that
4 Amtrak may extend such date by up to 1 year if
5 Amtrak determines that the Working Group is bene-
6 ficial to Amtrak in making decisions related to on-
7 board food and beverage services. If Amtrak extends
8 such date, Amtrak shall include notification of the
9 extension in the report required under paragraph
10 (4)(B).

11 (7) **NONAPPLICABILITY OF FEDERAL ADVISORY**
12 **COMMITTEE ACT.**—The Federal Advisory Committee
13 Act (5 U.S.C. App) does not apply to the Working
14 Group established under this section.

15 (8) **LONG-DISTANCE ROUTE; NORTHEAST COR-**
16 **RIDOR; AND STATE-SUPPORTED ROUTE DEFINED.**—
17 In this subsection, the terms “long-distance route”,
18 “Northeast Corridor”, and “State-supported route”
19 have the meaning given those terms in section
20 24102 of title 49, United States Code.

21 **SEC. 9212. CLARIFICATION ON AMTRAK CONTRACTING**
22 **OUT.**

23 Section 121 of the Amtrak Reform and Account-
24 ability Act of 1997 (49 U.S.C. 24312 note; 111 Stat.

1 2574) is amended by striking subsection (d) and inserting
2 the following:

3 “(d) FURLOUGHED WORK.—Amtrak may not con-
4 tract out work within the scope of work performed by an
5 employee in a bargaining unit covered by a collective bar-
6 gaining agreement entered into between Amtrak and an
7 organization representing Amtrak employees during the
8 period of time such employee has been laid off and has
9 not been recalled to perform such work.

10 “(e) AGREEMENT PROHIBITIONS ON CONTRACTING
11 OUT.—This section does not authorize Amtrak to contract
12 out work if the contracting out is prohibited by a collective
13 bargaining agreement entered into between Amtrak and
14 an organization representing Amtrak employees.”.

15 **SEC. 9213. AMTRAK STAFFING.**

16 Section 24312 of title 49, United States Code, is
17 amended by adding at the end the following:

18 “(c) CALL CENTER STAFFING.—

19 “(1) OUTSOURCING.—Amtrak may not renew
20 or enter into a contract to outsource call center cus-
21 tomer service work on behalf of Amtrak, including
22 through a business process outsourcing group.

23 “(2) TRAINING.—Amtrak shall make available
24 training programs to any Amtrak call center em-

1 ployee carrying out customer service activities using
2 telephone or internet platforms.

3 “(d) STATION AGENT STAFFING.—

4 “(1) IN GENERAL.—Beginning on the date that
5 is 1 year after the date of enactment of the TRAIN
6 Act, Amtrak shall ensure that at least 1 Amtrak
7 ticket agent is employed at each station building—

8 “(A) that Amtrak owns, or operates service
9 through, as part of a passenger service route;
10 and

11 “(B) for which the number of passengers
12 boarding or deboarding an Amtrak vehicle in
13 fiscal year 2019 was an average of at least 40
14 passengers per day over all days in which the
15 station was serviced by Amtrak, regardless of
16 the number of Amtrak vehicles servicing the
17 station per day.

18 “(2) EXCEPTION.—This subsection does not
19 apply to any station building in which a commuter
20 rail ticket agent has the authority to sell Amtrak
21 tickets.”.

22 **SEC. 9214. SPECIAL TRANSPORTATION.**

23 Section 24307(a) of title 49, United States Code, is
24 amended—

1 (1) in the matter preceding paragraph (1) by
2 striking “for the following:” and inserting “of at
3 least a 20 percent discount on full-price rail fares
4 for, at a minimum—”;

5 (2) in paragraph (1) by striking the period at
6 the end and inserting a semicolon; and

7 (3) by striking paragraph (2) and inserting the
8 following:

9 “(2) individuals of 12 years of age or younger;

10 “(3) individuals with a disability, as such term
11 is defined in section 3 of the Americans with Dis-
12 abilities Act of 1990 (42 U.S.C. 12102);

13 “(4) members of the Armed Forces on active
14 duty (as those terms are defined in section 101 of
15 title 10) and their spouses and dependents with valid
16 identification;

17 “(5) veterans (as that term is defined in section
18 101 of title 38) with valid identification; and

19 “(6) individuals attending federally-accredited
20 postsecondary education institutions with valid stu-
21 dent identification cards.”.

22 **SEC. 9215. DISASTER AND EMERGENCY RELIEF PROGRAM.**

23 (a) IN GENERAL.—Chapter 243 of title 49, United
24 States Code, is amended by adding at the end the fol-
25 lowing:

1 **“§ 24323. Disaster and emergency relief program**

2 “(a) IN GENERAL.—The Secretary of Transportation
3 may make grants to Amtrak for—

4 “(1) capital projects to repair, reconstruct, or
5 replace equipment, infrastructure, stations, and
6 other facilities that the Secretary determines are in
7 danger of suffering serious damage, or have suffered
8 serious damage, as a result of an emergency event;

9 “(2) offset revenue lost as a result of such an
10 event; and

11 “(3) support continued operations following
12 emergency events.

13 “(b) COORDINATION OF EMERGENCY FUNDS.—
14 Funds made available to carry out this section shall be
15 in addition to any other funds available and shall not af-
16 fect the ability of Amtrak to use any other funds otherwise
17 authorized by law.

18 “(c) GRANT CONDITIONS.—Grants made under this
19 subsection (a) shall be subject to such terms and condi-
20 tions as the Secretary determines necessary.

21 “(d) DEFINITION OF EMERGENCY EVENT.—In this
22 section, the term ‘emergency event’ has the meaning given
23 such term in section 20103.”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 243 of title 49, United States Code, is amended by
3 adding at the end the following:

“24323. Disaster and emergency relief program.”.

4 **SEC. 9216. RECREATIONAL TRAIL ACCESS.**

5 Section 24315 of title 49, United States Code, is
6 amended by adding at the end the following:

7 “(i) RECREATIONAL TRAIL ACCESS.—At least 30
8 days before implementing a new policy, structure, or oper-
9 ation that affects recreational trail access, Amtrak shall
10 submit to the Committee on Transportation and Infra-
11 structure of the House of Representatives and the Com-
12 mittee on Environment and Public Works of the Senate
13 a report on such policy, structure, or operation and rec-
14 reational trail access affected. Such report shall include
15 Amtrak’s plans to mitigate the impact to such recreational
16 trail access.”.

17 **TITLE III—INTERCITY**
18 **PASSENGER RAIL POLICY**

19 **SEC. 9301. NORTHEAST CORRIDOR COMMISSION.**

20 Section 24905 of title 49, United States Code, is
21 amended—

22 (1) in subsection (a)(1)—

23 (A) in subparagraph (A) by striking
24 “members” and inserting “4 members”;

1 (B) in subparagraph (B) by striking
2 “members” and inserting “5 members”; and

3 (C) in subparagraph (D) by striking “and
4 commuter railroad carriers using the Northeast
5 Corridor selected by the Secretary” and insert-
6 ing “railroad carriers and commuter authorities
7 using the Northeast Corridor, as determined by
8 the Commission”;

9 (2) by striking paragraph (2) of subsection (a)
10 and inserting the following:

11 “(2) At least 2 of the members described in
12 paragraph (1)(B) shall be career appointees, as such
13 term is defined in section 3132(a) of title 5.”;

14 (3) in subsection (b)(3)(B)—

15 (A) in clause (i) by inserting “, including
16 ridership trends,” before “along the Northeast
17 Corridor”;

18 (B) in clause (ii) by striking “capital in-
19 vestment plan described in section 24904.” and
20 inserting “first year of the capital investment
21 plan described in section 24904; and”;

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

23 “(iii) progress in assessing and elimi-
24 nating the state-of-good-repair backlog.”;

25 (4) in subsection (c)—

1 (A) by striking “(1) DEVELOPMENT” and
2 all that follows through “standardized policy”
3 and inserting the following:

4 “(1) POLICY.—The Commission shall—

5 “(A) maintain and update, as appropriate,
6 the ‘Northeast Corridor Commuter and Inter-
7 city Rail Cost Allocation Policy’ approved on
8 September 17, 2015,”;

9 (B) in paragraph (1)—

10 (i) in subparagraph (B) by striking “a
11 proposed timetable for implementing” and
12 inserting “timetables for implementing and
13 maintaining”;

14 (ii) in subparagraph (C) by striking
15 “the policy and the timetable” and insert-
16 ing “updates to the policy and the time-
17 tables”; and

18 (iii) by striking subparagraph (D) and
19 inserting the following:

20 “(D) support the efforts of the members of
21 the Commission to implement the policy in ac-
22 cordance with such timetables; and”;

23 (C) in paragraph (2)—

24 (i) by striking the first sentence and
25 inserting “In accordance with the time-

1 table developed in paragraph (1), Amtrak
2 and commuter authorities on the North-
3 east Corridor shall implement the policy
4 developed under paragraph (1) in agree-
5 ments for usage of facilities or services.”;

6 (ii) by striking “fail to implement
7 such new agreements” and inserting “fail
8 to implement the policy”; and

9 (iii) by striking “paragraph (1)(A), as
10 applicable” and inserting “paragraph (1)”;

11 and

12 (D) in paragraph (4) by striking “public
13 authorities providing commuter rail passenger
14 transportation” and inserting “commuter au-
15 thorities”;

16 (5) by striking subsection (d);

17 (6) by redesignating subsection (e) as sub-
18 section (d); and

19 (7) in paragraph (1)(D) of subsection (d) (as
20 redesignated by paragraph (6)) by striking “com-
21 muter rail agencies” and inserting “commuter au-
22 thorities”.

23 **SEC. 9302. NORTHEAST CORRIDOR PLANNING.**

24 (a) IN GENERAL.—Section 24904 of title 49, United
25 States Code, is amended—

1 (1) by redesignating subsection (e) as sub-
2 section (f);

3 (2) by striking subsection (c);

4 (3) by redesignating subsections (a) and (b) as
5 subsections (b) and (c), respectively;

6 (4) by inserting before subsection (b), as so re-
7 designated, the following:

8 “(a) STRATEGIC DEVELOPMENT PLAN.—

9 “(1) REQUIREMENT.—Not later than December
10 31, 2021, the Northeast Corridor Commission estab-
11 lished under section 24905 (referred to in this sec-
12 tion as the ‘Commission’) shall submit to Congress
13 a strategic development plan that identifies key
14 state-of-good-repair, capacity expansion, and capital
15 improvement projects planned for the Northeast
16 Corridor, to upgrade aging infrastructure and im-
17 prove the reliability, capacity, connectivity, perform-
18 ance, and resiliency of passenger rail service on the
19 Northeast Corridor.

20 “(2) CONTENTS.—The strategic development
21 plan required under paragraph (1) shall—

22 “(A) provide a coordinated and consensus-
23 based plan covering a period of 15 years;

24 “(B) identify service objectives and capital
25 investments needs;

1 “(C) provide a delivery-constrained strat-
2 egy that identifies capital investment phasing,
3 an evaluation of workforce needs, and strategies
4 for managing resources and mitigating con-
5 struction impacts on operations;

6 “(D) include a financial strategy that iden-
7 tifies funding needs and potential sources and
8 includes an economic impact analysis; and

9 “(E) be updated at least every 5 years.”;
10 (5) in subsection (b) (as redesignated by para-
11 graph (3))—

12 (A) by striking “Not later than” and all
13 that follows through “shall” and inserting “Not
14 later than November 1 of each year, the Com-
15 mission shall”;

16 (B) in paragraph (1)(A) by striking “a
17 capital investment plan” and inserting “an an-
18 nual capital investment plan”;

19 (C) in paragraph (2)—

20 (i) in subparagraph (A) by striking
21 “and network optimization”;

22 (ii) in subparagraph (B) by striking
23 “and service”;

1 (iii) in subparagraph (C) by striking
2 “first fiscal year after the date on which”
3 and inserting “fiscal year during which”;

4 (iv) in subparagraph (D) by striking
5 “identify, prioritize,” and all that follows
6 through “and consider” and inserting
7 “document the projects and programs
8 being undertaken to achieve the service
9 outcomes identified in the Northeast Cor-
10 ridor strategic development plan, once
11 available, and the asset condition needs
12 identified in the Northeast Corridor asset
13 management plans and consider”; and

14 (v) in subparagraph (E)(i) by striking
15 “normalized capital replacement and”; and

16 (D) in paragraph (3)(B) by striking “ex-
17 pected allocated shares of costs” and inserting
18 “status of cost sharing agreements”;

19 (6) in subsection (c) (as redesignated by para-
20 graph (3)) by striking “may be spent only on” and
21 all that follows through the end and inserting “may
22 be spent only on capital projects and programs con-
23 tained in the Commission’s capital investment plan
24 from the previous year.”; and

1 (7) by striking subsections (d) and (e) and in-
2 serting the following:

3 “(d) REVIEW AND COORDINATION.—The Commis-
4 sion shall gather information from Amtrak, the States in
5 which the Northeast Corridor is located, and commuter
6 rail authorities to support development of the capital in-
7 vestment plan. The Commission may specify a format and
8 other criteria for the information submitted. Submissions
9 to the plan from Amtrak, States in which the Northeast
10 Corridor are located, and commuter rail authorities shall
11 be provided to the Commission in a manner that allows
12 for a reasonable period of review by, and coordination
13 with, affected agencies.

14 “(e) NORTHEAST CORRIDOR ASSET MANAGE-
15 MENT.—

16 “(1) CONTENTS.—With regard to existing in-
17 frastructure, Amtrak and other infrastructure own-
18 ers that provide or support intercity rail passenger
19 transportation on the Northeast Corridor shall de-
20 velop an asset management system, and use and up-
21 date such system as necessary, to develop submis-
22 sions to the Northeast Corridor capital investment
23 plan described in subsection (b). Such system
24 shall—

1 “(A) be consistent with the Federal Tran-
2 sit Administration process, as authorized under
3 section 5326, when implemented; and

4 “(B) include, at a minimum—

5 “(i) an inventory of all capital assets
6 owned by the developer of the plan;

7 “(ii) an assessment of asset condition;

8 “(iii) a description of the resources
9 and processes necessary to bring or main-
10 tain those assets in a state of good repair;
11 and

12 “(iv) a description of changes in asset
13 condition since the previous version of the
14 plan.”.

15 (b) CONFORMING AMENDMENTS.—

16 (1) ACCOUNTS.—Section 24317(d)(1) of title
17 49, United States Code, is amended—

18 (A) in subparagraph (B) by striking
19 “24904(a)(2)(E)” and inserting
20 “24904(b)(2)(E)”; and

21 (B) in subparagraph (F) by striking
22 “24904(b)” and inserting “24904(c)”.

23 (2) FEDERAL-STATE PARTNERSHIP FOR STATE
24 OF GOOD REPAIR.—Section 24911(e)(2) of title 49,

1 United States Code, is amended by striking
2 “24904(a)” and inserting “24904(b)”.

3 **SEC. 9303. PROTECTIVE ARRANGEMENTS.**

4 Section 22905 of title 49, United States Code, is
5 amended—

6 (1) in subsection (c)(2)(B) by striking “that are
7 equivalent to the protective arrangements established
8 under section 504 of the Railroad Revitalization and
9 Regulatory Reform Act of 1976 (45 U.S.C. 836)”
10 and inserting “established by the Secretary under
11 subsection (e)(1)”;

12 (2) by redesignating subsections (e) and (f) as
13 subsections (f) and (g), respectively; and

14 (3) by inserting after subsection (d) the fol-
15 lowing:

16 “(e) EQUIVALENT EMPLOYEE PROTECTIONS.—

17 “(1) ESTABLISHMENT.—Not later than 90 days
18 after the date of enactment of this subsection, the
19 Administrator of the Federal Railroad Administra-
20 tion shall establish protective arrangements equiva-
21 lent to those established under section 504 of the
22 Railroad Revitalization and Regulatory Reform Act
23 of 1976 (45 U.S.C. 836), and require such protec-
24 tive arrangements to apply to employees described

1 under subsection (c)(2)(B) and as required under
2 subsection (l) of section 22907.

3 “(2) PUBLICATION.—The Administrator shall
4 make available on a publicly available website the
5 protective arrangements established under para-
6 graph (1).”.

7 **SEC. 9304. HIGH-SPEED RAIL FUNDS.**

8 (a) IN GENERAL.—Notwithstanding any other provi-
9 sion of law and not later than 90 days after the date of
10 enactment of this Act, the Secretary of Transportation
11 shall reinstate any cooperative agreement terminated after
12 January 1, 2019 that was originally entered into under
13 the heading “Capital Assistance for High Speed Rail Cor-
14 ridors and Intercity Passenger Rail Service” in the De-
15 partment of Transportation Appropriations Act, 2010
16 (Public Law 111–117).

17 (b) INCLUSION.—The reinstatement under subsection
18 (a) shall include the obligation to such agreement of all
19 of the funds obligated to such agreement as of the date
20 of termination of such agreement.

1 **TITLE IV—COMMUTER RAIL**
2 **POLICY**

3 **SEC. 9401. SURFACE TRANSPORTATION BOARD MEDIATION**
4 **OF TRACKAGE USE REQUESTS.**

5 Section 28502 of title 49, United States Code, is
6 amended to read as follows:

7 **“§ 28502. Surface Transportation Board mediation of**
8 **trackage use requests**

9 “A rail carrier shall provide good faith consideration
10 to a reasonable request from a provider of commuter rail
11 passenger transportation for access to trackage and provi-
12 sion of related services. If, after a reasonable period of
13 negotiation, a public transportation authority cannot
14 reach agreement with a rail carrier to use trackage of, and
15 have related services provided by, the rail carrier for pur-
16 poses of commuter rail passenger transportation, the pub-
17 lic transportation authority or the rail carrier may apply
18 to the Board for nonbinding mediation. The Board shall
19 conduct the nonbinding mediation in accordance with the
20 mediation process of section 1109.4 of title 49, Code of
21 Federal Regulations, as in effect on the date of enactment
22 of the TRAIN Act.”.

1 **SEC. 9402. SURFACE TRANSPORTATION BOARD MEDIATION**
2 **OF RIGHTS-OF-WAY USE REQUESTS.**

3 Section 28503 of title 49, United States Code, is
4 amended to read as follows:

5 **“§ 28503. Surface Transportation Board mediation of**
6 **rights-of-way use requests**

7 “A rail carrier shall provide good faith consideration
8 to a reasonable request from a provider of commuter rail
9 passenger transportation for access to rail right-of-way for
10 the construction and operation of a segregated fixed guide-
11 way facility. If, after a reasonable period of negotiation,
12 a public transportation authority cannot reach agreement
13 with a rail carrier to acquire an interest in a railroad
14 right-of-way for the construction and operation of a seg-
15 regated fixed guideway facility to provide commuter rail
16 passenger transportation, the public transportation au-
17 thority or the rail carrier may apply to the Board for non-
18 binding mediation. The Board shall conduct the non-
19 binding mediation in accordance with the mediation proc-
20 ess of section 1109.4 of title 49, Code of Federal Regula-
21 tions, as in effect on the date of enactment of the TRAIN
22 Act.”.

1 **TITLE V—RAIL SAFETY**
2 **Subtitle A—Passenger and Freight**
3 **Safety**

4 **SEC. 9501. NATIONAL ACADEMIES STUDY ON SAFETY IM-**
5 **PACT OF TRAINS LONGER THAN 7,500 FEET.**

6 (a) STUDY.—The Secretary of Transportation shall
7 seek to enter into an agreement with the National Acad-
8 emies to conduct a study and issue to the Committee on
9 Transportation and Infrastructure of the House of Rep-
10 resentatives and the Committee on Commerce, Science,
11 and Transportation of the Senate a report on the safety
12 impacts of freight trains longer than 7,500 feet.

13 (b) CONTENTS.—The study conducted pursuant to
14 subsection (a) shall include—

15 (1) an examination of any potential risks of the
16 operation of such trains and recommendations on
17 mitigation of such risks;

18 (2) among other safety factors with respect to
19 such trains, an evaluation of—

20 (A) any increased risk of loss of commu-
21 nications between the end of train device and
22 the locomotive cab, including communications
23 over differing terrains and conditions;

24 (B) any increased risk of loss of commu-
25 nications between crewmembers, including com-

1 munications over differing terrains and condi-
2 tions;

3 (C) any increased risk of derailments, in-
4 cluding risks associated with in-train compres-
5 sive forces and slack action or other safety risks
6 in the operations of such trains in differing ter-
7 rains and conditions;

8 (D) safety risks associated with the deploy-
9 ment of multiple distributed power units in the
10 consists of such trains; and

11 (E) impacts of the length of trains on
12 braking and locomotive performance and track
13 wear and tear; and

14 (3) an evaluation of whether additional engineer
15 and conductor training is required for safely oper-
16 ating such trains.

17 (c) REPORT.—Not later than 18 months after the
18 date of enactment of this Act, the Secretary shall submit
19 to the Committee on Transportation and Infrastructure
20 of the House of Representatives and the Committee on
21 Commerce, Science, and Transportation of the Senate a
22 report on the results of the study.

23 (d) FUNDING.—From the amounts made available
24 for fiscal year 2021 to carry out section 20117(a) of title
25 49, United States Code, the Secretary shall expend not

1 less than \$1,000,000 and not more than \$2,000,000 to
2 carry out the study required under subsection (a).

3 **SEC. 9502. GAO STUDY ON CHANGES IN FREIGHT RAILROAD**
4 **OPERATING AND SCHEDULING PRACTICES.**

5 (a) STUDY.—The Comptroller General of the United
6 States shall study the impact on freight rail shippers, Am-
7 trak, commuter railroads, railroad employees, and other
8 affected parties of changes in freight railroad operating
9 and scheduling practices as a result of the implementation
10 of the precision scheduled railroading model.

11 (b) CONTENTS.—At minimum, the study shall exam-
12 ine—

13 (1) the impacts of the operation of longer
14 trains;

15 (2) safety impacts of reduction in workforce, in-
16 cluding occupational injury rates, impacts to inspec-
17 tion frequencies and repair quality, and changes in
18 workforce demands;

19 (3) the elimination or downsizing of yards, re-
20 pair facilities, and other operational facilities;

21 (4) increases in demurrage or accessorial
22 charges or other costs to shippers;

23 (5) capital expenditures for rail infrastructure;
24 and

1 (6) the effect of changes to dispatching prac-
2 tices and locations of dispatching centers on—

3 (A) the on-time performance of passenger
4 trains, and

5 (B) the quality and reliability of service to
6 freight shippers.

7 (c) REPORT.—Not later than 1 year after the date
8 of enactment of this Act, the Comptroller General shall
9 submit to the Committee on Transportation and Infra-
10 structure of the House of Representatives and the Com-
11 mittee on Commerce, Science, and Transportation of the
12 Senate a report summarizing the study and the results
13 of such study, including recommendations for addressing
14 any negative impacts of precision scheduled railroading on
15 freight shippers or passenger railroads.

16 **SEC. 9503. FRA SAFETY REPORTING.**

17 (a) IN GENERAL.—Section 20901 of title 49, United
18 States Code, is amended by inserting “(including the train
19 length, the number of crew members on board the train,
20 and the duties of such crew members)” after “reported
21 accident or incident”.

22 (b) REGULATIONS.—Not later than 180 days after
23 the date of enactment of this Act, the Secretary of Trans-
24 portation shall issue such regulations as are necessary to
25 carry out the amendment made by subsection (a).

1 **SEC. 9504. WAIVER NOTICE REQUIREMENTS.**

2 Section 20103(d) of title 49, United States Code, is
3 amended to read as follows:

4 “(d) NONEMERGENCY WAIVERS.—

5 “(1) IN GENERAL.—The Secretary may waive
6 compliance with any part of a regulation prescribed
7 or order issued under this chapter if the waiver is
8 in the public interest and consistent with railroad
9 safety.

10 “(2) NOTICE REQUIRED.—The Secretary
11 shall—

12 “(A) provide timely public notice of any re-
13 quest for a waiver under this subsection;

14 “(B) make the application for such waiver
15 and any related underlying data available to in-
16 terested parties;

17 “(C) provide the public with notice and a
18 reasonable opportunity to comment on a pro-
19 posed waiver under this subsection before mak-
20 ing a final decision; and

21 “(D) make public the reasons for granting
22 a waiver under this subsection.

23 “(3) INFORMATION PROTECTION.—Nothing in
24 this subsection shall be construed to require the re-
25 lease of information protected by law from public
26 disclosure.”.

1 **SEC. 9505. NOTICE OF FRA COMPREHENSIVE SAFETY AS-**
2 **SESSMENTS.**

3 (a) INITIAL NOTICE.—Not later than 10 business
4 days after the Federal Railroad Administration initiates
5 a comprehensive safety assessment of an entity providing
6 regularly scheduled intercity or commuter rail passenger
7 transportation, the Federal Railroad Administration shall
8 notify in electronic format the Committee on Transpor-
9 tation and Infrastructure of the House of Representatives
10 and the Committee on Commerce, Science, and Transpor-
11 tation of the Senate, and each member of Congress rep-
12 resenting a State in which the service that is the subject
13 of the assessment being conducted is located, of the initi-
14 ation of such assessment.

15 (b) FINDINGS.—Not later than 90 days after comple-
16 tion of a comprehensive safety assessment described in
17 subsection (a), the Federal Railroad Administration shall
18 transmit in electronic format to the Committee on Trans-
19 portation and Infrastructure of the House of Representa-
20 tives and the Committee on Commerce, Science, and
21 Transportation of the Senate, and to each member of Con-
22 gress representing a State in which the service that is the
23 subject of the assessment being conducted is located, the
24 findings of such assessment, including identified defects
25 and any recommendations.

1 (c) DEFINITION OF COMPREHENSIVE SAFETY AS-
2 SESSMENT.—In this section, the term “comprehensive
3 safety assessment” means a focused review of the safety-
4 related processes and procedures, compliance with safety
5 regulations and requirements, and overall safety culture
6 of an entity providing regularly scheduled intercity or com-
7 muter rail passenger transportation.

8 **SEC. 9506. FRA ACCIDENT AND INCIDENT INVESTIGATIONS.**

9 Section 20902 of title 49, United States Code, is
10 amended—

11 (1) in subsection (b) by striking “subpena” and
12 inserting “subpoena”; and

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

14 “(d) GATHERING INFORMATION AND TECHNICAL
15 EXPERTISE.—

16 “(1) IN GENERAL.—The Secretary shall create
17 a standard process for investigators to use during
18 accident and incident investigations conducted under
19 this section for determining when it is appropriate
20 to, and how to—

21 “(A) gather information about an accident
22 or incident under investigation from railroad
23 carriers, contractors or employees of railroad
24 carriers or representatives of employees of rail-

1 road carriers, and others, as determined rel-
2 evant by the Secretary; and

3 “(B) consult with railroad carriers, con-
4 tractors or employees of railroad carriers or
5 representatives of employees of railroad car-
6 riers, and others, as determined relevant by the
7 Secretary, for technical expertise on the facts of
8 the accident or incident under investigation.

9 “(2) CONFIDENTIALITY.—In developing the
10 process under paragraph (1), the Secretary shall fac-
11 tor in ways to maintain the confidentiality of any en-
12 tity identified under paragraph (1) if—

13 “(A) such entity requests confidentiality;

14 “(B) such entity was not involved in the
15 accident or incident; and

16 “(C) maintaining such entity’s confiden-
17 tiality does not adversely affect an investigation
18 of the Federal Railroad Administration.

19 “(3) APPLICATION OF LAW.—This subsection
20 shall not apply to any investigation carried out by
21 the National Transportation Safety Board.”.

22 **SEC. 9507. RAIL SAFETY IMPROVEMENTS.**

23 (a) FEDERAL RAILROAD ADMINISTRATION REQUIRE-
24 MENTS.—Not later than 18 months after the date of en-

1 actment of this Act, the Secretary of Transportation shall
2 carry out the following:

3 (1) Complete a study on how signage can be
4 used to improve safety in the rail industry that in-
5 cludes—

6 (A) a review of how signs used for other
7 modes of transportation may be effectively used
8 in the rail industry;

9 (B) a review of how signs used in the rail-
10 road industry differ; and

11 (C) an analysis of whether a uniform sys-
12 tem for speed signs across the United States
13 rail system would benefit the railroad industry
14 and improve safety.

15 (2) Reevaluate seat securement mechanisms
16 and the susceptibility of such mechanisms to inad-
17 vertent rotation, and identify a means to prevent the
18 failure of such mechanisms to maintain seat secure-
19 ment.

20 (3) Conduct research to evaluate the causes of
21 passenger injuries in passenger railcar derailments
22 and overturns and evaluate potential methods for
23 mitigating such injuries.

24 (4) Based on the research conducted under
25 paragraph (3), develop occupant protection stand-

1 ards for passenger railcars that will mitigate pas-
2 senger injuries likely to occur during derailments
3 and overturns.

4 (5) Develop policies for the safe use of child
5 seats to prevent uncontrolled or unexpected move-
6 ments in intercity passenger trains from disrupting
7 the secure position of such seats.

8 (b) REQUIREMENTS FOR AMTRAK.—Not later than
9 18 months after the date of enactment of this Act, Amtrak
10 shall—

11 (1) ensure operating crewmembers demonstrate
12 proficiency, under daylight and nighttime conditions,
13 on the physical characteristics of a territory by using
14 all resources available, including in-cab instruments,
15 observation rides, throttle time, signage, signals, and
16 landmarks;

17 (2) ensure the proficiency required under para-
18 graph (1) is demonstrated on written examinations;

19 (3) revise classroom and road training pro-
20 grams to ensure that operating crews fully under-
21 stand all locomotive operating characteristics,
22 alarms, and the appropriate response to abnormal
23 conditions;

24 (4) require that all engineers undergo simulator
25 training before operating new or unfamiliar equip-

1 ment (at a minimum, experience and respond prop-
2 erly to all alarms), and when possible, undergo simu-
3 lator training to experience normal and abnormal
4 conditions on new territory before operating in rev-
5 enue service on such new territory;

6 (5) ensure that simulator training specified in
7 paragraph (4) supplements the hours engineers
8 spend training on new equipment before becoming
9 certified on such equipment and performing runs on
10 new territory before becoming qualified on such ter-
11 ritory;

12 (6) implement a formal, systematic approach to
13 developing training and qualification programs to
14 identify the most effective strategies for preparing
15 crewmembers to safely operate new equipment on
16 new territories;

17 (7) work with host railroads and States that
18 own infrastructure over which Amtrak operates to
19 complete a comprehensive assessment of the terri-
20 tories to ensure that necessary wayside signs and
21 plaques are identified, highly noticeable, and strate-
22 gically located to provide operating crews the infor-
23 mation needed to safely operate trains;

24 (8) update the safety review process to ensure
25 that all operating documents are up to date and ac-

1 curate before initiating new or revised revenue oper-
2 ations;

3 (9) incorporate all prerevenue service planning,
4 construction, and route verification work into the
5 scope of a corporate-wide system safety plan, includ-
6 ing through rules and policies, risk assessment anal-
7 yses, safety assurances, and safety promotions; and
8 (10) conduct risk assessments on all new or up-
9 graded services that occur on Amtrak-owned terri-
10 tory, host railroads, or in States that own infra-
11 structure over which Amtrak operates.

12 (c) REPORT.—Not later than 18 months after the
13 date of enactment of this Act, the Secretary and Amtrak
14 shall submit to the Committee on Transportation and In-
15 frastructure of the House of Representatives and the Com-
16 mittee on Commerce, Science, and Transportation of the
17 Senate a report on their progress on meeting the require-
18 ments under subsections (a) and (b), respectively, includ-
19 ing a description of all completed elements of the require-
20 ments.

21 **SEC. 9508. ANNUAL REVIEW OF SPEED LIMIT ACTION**
22 **PLANS.**

23 Section 11406 of the FAST Act (Public Law 114–
24 94) is amended—

1 (1) in subsection (c) by inserting “or subsection
2 (d)(2)” after “subsection (b)”;

3 (2) by redesignating subsections (d) through (f)
4 as subsections (e) through (g), respectively;

5 (3) by inserting after subsection (c) the fol-
6 lowing:

7 “(d) PERIODIC REVIEWS AND UPDATES.—Each rail-
8 road carrier that files an action plan under subsection (b)
9 shall—

10 “(1) not later than 1 year after the date of en-
11 actment of the TRAIN Act, and annually thereafter,
12 review such plan to ensure the effectiveness of ac-
13 tions taken to enable warning and enforcement of
14 the maximum authorized speed for passenger trains
15 at each location identified under subsection (b)(1);
16 and

17 “(2) not later than 90 days prior to imple-
18 menting any operational or territorial operating
19 change, including initiating a new service or route,
20 submit to the Secretary a revised action plan that
21 addresses such operational or territorial operating
22 change.”; and

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

24 “(h) PROHIBITION.—No new intercity rail passenger
25 transportation or commuter rail passenger service may

1 begin operation unless the railroad carrier providing such
2 service is in compliance with this section.”.

3 **SEC. 9509. FREIGHT TRAIN CREW SIZE SAFETY STANDARDS.**

4 (a) IN GENERAL.—Subchapter II of chapter 201 of
5 title 49, United States Code, is amended by adding at the
6 end the following:

7 **“§ 20169. Freight train crew size safety standards**

8 “(a) MINIMUM CREW SIZE.—No freight train may be
9 operated unless such train has a crew of at least 1 appro-
10 priately qualified and certified conductor and 1 appro-
11 priately qualified and certified engineer.

12 “(b) EXCEPTIONS.—Except as provided in subsection
13 (d), the prohibition in subsection (a) shall not apply in
14 the following circumstances:

15 “(1) Train operations within a rail yard or ter-
16 minal area or on auxiliary or industry tracks.

17 “(2) A train operated—

18 “(A) by a railroad carrier that has fewer
19 than 400,000 total employee work hours annu-
20 ally and less than \$20,000,000 annual revenue;

21 “(B) at a speed of not more than 25 miles
22 per hour; and

23 “(C) on a track with an average track
24 grade of less than 2 percent for any segment of
25 track that is at least 2 continuous miles.

1 “(3) Locomotives performing assistance to a
2 train that has incurred mechanical failure or lacks
3 the power to traverse difficult terrain, including
4 traveling to or from the location where assistance is
5 provided.

6 “(4) Locomotives that—

7 “(A) are not attached to any equipment or
8 attached only to a caboose; and

9 “(B) do not travel farther than 30 miles
10 from a rail yard.

11 “(5) Train operations staffed with fewer than a
12 2-person crew at least 1 year prior to the date of en-
13 actment of this section, if the Secretary determines
14 that the operation achieves an equivalent level of
15 safety.

16 “(c) TRAINS INELIGIBLE FOR EXCEPTION.—The ex-
17 ceptions under subsection (b) may not be applied to—

18 “(1) a train transporting 1 or more loaded cars
19 carrying material toxic by inhalation, as defined in
20 section 171.8 of title 49, Code of Federal Regula-
21 tions;

22 “(2) a train carrying 20 or more loaded tank
23 cars of a Class 2 material or a Class 3 flammable
24 liquid in a continuous block or a single train car-
25 rying 35 or more loaded tank cars of a Class 2 ma-

1 terial or a Class 3 flammable liquid throughout the
2 train consist; and

3 “(3) a train with a total length of 7,500 feet or
4 greater.

5 “(d) WAIVER.—A railroad carrier may seek a waiver
6 of the requirements of this section pursuant to section
7 20103(d).”.

8 (b) CLERICAL AMENDMENT.—The analysis for sub-
9 chapter II of chapter 201 of title 49, United States Code,
10 is amended by adding at the end the following:

 “20169. Freight train crew size safety standards.”.

11 **SEC. 9510. SAFE CROSS BORDER OPERATIONS.**

12 (a) IN GENERAL.—Section 416 title IV of division
13 A of the Rail Safety Improvement Act of 2008 (49 U.S.C.
14 20107 note) is amended—

15 (1) by striking “Mechanical and brake” and in-
16 serting “(a) IN GENERAL.—Mechanical and brake”;
17 and

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

19 “(b) WAIVER.—The Secretary may not grant any
20 waiver or waiver modification that provides for the ability
21 to perform mechanical or brake inspections of rail cars
22 in Mexico in lieu of complying with the certification re-
23 quirements of this section.”.

24 (b) SAFETY STANDARDS FOR CERTAIN RAIL
25 CREWS.—

1 (1) IN GENERAL.—Title IV of division A of the
2 Rail Safety Improvement Act of 2008 (Public Law
3 110–432) is amended by adding at the end the fol-
4 lowing:

5 **“SEC. 421. SAFETY STANDARDS FOR CERTAIN RAIL CREWS.**

6 “(a) IN GENERAL.—The Secretary of Transportation
7 may not permit covered rail employees to enter the United
8 States to perform train or dispatching service unless the
9 Secretary certifies that—

10 “(1) Mexico has adopted and is enforcing safety
11 standards for covered rail employees that are equiva-
12 lent to, or greater than, those applicable to railroad
13 employees whose primary reporting point is in the
14 United States, including qualification and certifi-
15 cation requirements under parts 240 and 242 of title
16 49, Code of Federal Regulations;

17 “(2) covered rail employees are subject to the
18 alcohol and drug testing requirements in part 219 of
19 title 49, Code of Federal Regulations, including the
20 requirements of subparts F, G, and H of such part,
21 to the same extent as such requirements apply to
22 railroad employees whose primary reporting point is
23 in the United States and who are subject to such
24 part;

1 “(3) covered rail employees are subject to hours
2 of service requirements under section 21103 of title
3 49, United States Code, at all times any such em-
4 ployee is on duty, regardless of location;

5 “(4) covered rail employees are subject to the
6 motor vehicle driving record evaluation requirements
7 in section 240.115 of title 49, Code of Federal Reg-
8 ulations, to the same extent as such requirements
9 apply to railroad employees whose primary reporting
10 point is in the United States and are subject to such
11 section, and that such evaluation includes driving
12 records from the same country as the employee’s
13 primary reporting point; and

14 “(5) the Federal Railroad Administration is
15 permitted to perform onsite inspections of rail facili-
16 ties in Mexico to ensure compliance with paragraphs
17 (1) and (2).

18 “(b) NOTICE REQUIRED.—

19 “(1) IN GENERAL.—Not later than 5 days after
20 the date on which the Secretary certifies each of the
21 requirements under paragraphs (1) through (5) of
22 subsection (a), the Secretary shall publish in the
23 Federal Register—

24 “(A) notice of each such certification; and

1 “(B) documentation supporting each such
2 certification.

3 “(2) PUBLIC COMMENT.—To ensure compliance
4 with the requirements of this section and any other
5 applicable safety requirements, the Secretary shall—

6 “(A) allow for public comment on the no-
7 tice required under paragraph (1); and

8 “(B) hold a public hearing on such notice.

9 “(3) CONGRESSIONAL NOTICE.—On the date on
10 which each publication required under paragraph (1)
11 is published in the Federal Register, the Secretary
12 shall notify the Committee on Transportation and
13 Infrastructure of the House of Representatives and
14 the Committee on Commerce, Science, and Trans-
15 portation of the Senate of such publication.

16 “(c) DRUG AND ALCOHOL TESTING.—

17 “(1) NONAPPLICATION OF EXEMPTION.—For
18 purposes of compliance with subsection (a)(2), the
19 exemption contained in part 219.3(d)(2) of title 49,
20 Code of Federal Regulations, shall not apply.

21 “(2) AUDIT BY OFFICE OF DRUG AND ALCOHOL
22 COMPLIANCE.—To ensure compliance with the drug
23 and alcohol testing programs described in subsection
24 (a)(2), the Office of Drug and Alcohol Compliance
25 in the Department of Transportation shall conduct

1 an annual audit of such programs and recommend
2 enforcement actions as needed.

3 “(d) DEFINITION OF COVERED RAIL EMPLOYEE.—
4 In this section, the term ‘covered rail employee’ means a
5 railroad employee whose primary reporting point is in
6 Mexico.”.

7 (2) CLERICAL AMENDMENT.—The table of con-
8 tents in section 1(b) of the Rail Safety Improvement
9 Act of 2008 (Public Law 110–432), is amended by
10 inserting after the item relating to section 420 the
11 following:

“Sec. 421. Safety standards for certain rail crews.”.

12 **SEC. 9511. YARDMASTERS HOURS OF SERVICE.**

13 (a) LIMITATIONS ON DUTY HOURS OF YARDMASTER
14 EMPLOYEES.—Section 21103 of title 49, United States
15 Code, is amended—

16 (1) in the section heading by inserting “**AND**
17 **YARDMASTER EMPLOYEES**” after “**TRAIN EM-**
18 **PLOYEES**”;

19 (2) by inserting “or yardmaster employee” after
20 “train employee” each place it appears; and

21 (3) in subsection (e) by inserting “or
22 yardmaster employee’s” after “During a train em-
23 ployee’s”.

24 (b) DEFINITIONS.—Section 21101 of title 49, United
25 States Code, is amended—

1 **SEC. 9513. ANNUAL REPORT ON PTC SYSTEM FAILURES.**

2 Section 20157 of title 49, United States Code, is
3 amended by adding at the end the following:

4 “(m) ANNUAL REPORT OF SYSTEM FAILURES.—Not
5 later than April 16 of each calendar year following the
6 date of an implementation deadline under subsection
7 (a)(1), each railroad shall submit to the Secretary a report
8 containing the number of positive train control system fail-
9 ures, separated by each major hardware category, that oc-
10 curred during the previous calendar year.”.

11 **SEC. 9514. FATIGUE REDUCTION PILOT PROJECTS.**

12 (a) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that—

14 (1) maintaining the highest level of safety
15 across the nation’s railroad network is of critical im-
16 portance;

17 (2) ensuring the safety of rail transportation re-
18 quires the full attention of all workers engaged in
19 safety-critical functions;

20 (3) fatigue degrades an individual’s ability to
21 stay awake, alert, and attentive to the demands of
22 safe job performance;

23 (4) the cognitive impairments to railroad work-
24 ers that result from fatigue can cause dangerous sit-
25 uations that put workers and communities at risk;

1 (5) the Rail Safety Improvement Act of 2008
2 mandated that the Federal Railroad Administration
3 conduct two pilot projects to analyze specific prac-
4 tices that may be used to reduce fatigue in employ-
5 ees and as of the date of enactment of this Act, nei-
6 ther pilot project has commenced; and

7 (6) the Federal Railroad Administration should
8 coordinate with the industry and the workforce to
9 commence and complete the fatigue pilot projects
10 mandated in 2008.

11 (b) PILOT PROJECTS.—Section 21109(e) of title 49,
12 United States Code, is amended—

13 (1) by striking “Not later than 2 years after
14 the date of enactment of the Rail Safety Improve-
15 ment Act of 2008” and inserting “Not later than 1
16 year after the date of enactment of the TRAIN
17 Act”; and

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

19 “(3) COORDINATION.—The pilot projects re-
20 quired under subparagraph (1) shall be developed
21 and evaluated in coordination with the labor organi-
22 zation representing the class or craft of employees
23 impacted by the pilot projects.”.

24 (c) REIMBURSEMENT.—The Secretary of Transpor-
25 tation may reimburse railroads participating in the pilot

1 projects under 21109(e) of title 49, United States Code,
2 a share of the costs associated with the pilot projects, as
3 determined by the Secretary.

4 (d) REPORT.—

5 (1) IN GENERAL.—If the pilot projects required
6 under section 21109(e) of title 49, United States
7 Code, have not commenced on the date that is 1
8 year after the date of enactment of this Act, the
9 Secretary shall, not later than 1 year and 30 days
10 after the date of enactment of this Act, transmit to
11 the Committee on Transportation and Infrastructure
12 of the House of Representatives and the Committee
13 on Commerce, Science, and Transportation of the
14 Senate a report describing—

15 (A) the status of the pilot projects;

16 (B) actions the Federal Railroad Adminis-
17 tration has taken to commence the pilot
18 projects, including efforts to recruit participant
19 railroads;

20 (C) any challenges impacting the com-
21 mencement of the pilot projects; and

22 (D) any other details associated with the
23 development of the pilot projects that affect the
24 progress toward meeting the mandate of such
25 section.

1 **SEC. 9515. ASSAULT PREVENTION AND RESPONSE PLANS.**

2 (a) AMENDMENT.—Subchapter II of chapter 201 of
3 title 49, United States Code, as amended by this division,
4 is further amended by adding at the end the following:

5 **“§ 20170. Assault prevention and response plans**

6 “(a) IN GENERAL.—Not later than 180 days after
7 the date of enactment of the TRAIN Act, any entity that
8 provides regularly scheduled intercity or commuter rail
9 passenger transportation shall submit to the Secretary of
10 Transportation for review and approval an assault preven-
11 tion and response plan (in this section referred to as the
12 ‘Plan’) to address transportation assaults.

13 “(b) CONTENTS OF PLAN.—The Plan required under
14 subsection (a) shall include—

15 “(1) procedures that—

16 “(A) facilitate the reporting of a transpor-
17 tation assault, including the notification of on-
18 site personnel, rail law enforcement, and local
19 law enforcement;

20 “(B) personnel should follow up on the re-
21 porting of a transportation assault, including
22 actions to protect affected individuals from con-
23 tinued assault;

24 “(C) may be taken to remove the pas-
25 senger or personnel who has committed a trans-
26 portation assault from the train or related area

1 or facility as soon as practicable when appro-
2 priate;

3 “(D) include protections and safe reporting
4 practices for passengers who may have been as-
5 saulted by personnel; and

6 “(E) may limit or prohibit, to the extent
7 practicable, future travel with the entity de-
8 scribed in subsection (a) by any passenger or
9 personnel who commits a transportation assault
10 against personnel or passengers;

11 “(2) a policy that ensures an employee who is
12 a victim or witness of a transportation assault may
13 participate in the prosecution of a criminal offense
14 of such assault without any adverse effect on the vic-
15 tim’s or witnesses’ employment status; and

16 “(3) a process and timeline for conducting an
17 annual review and update of the Plan.

18 “(c) NOTICE TO PASSENGERS.—An entity described
19 under subsection (a) shall display onboard trains and in
20 boarding areas, as appropriate, a notice stating the enti-
21 ty’s abilities to restrict future travel under subsection
22 (b)(1)(E).

23 “(d) PERSONNEL TRAINING.—An entity described
24 under subsection (a) shall provide initial and annual train-

1 ing for all personnel on the contents of the Plan, including
2 training regarding—

3 “(1) the procedures described in subsection (b);

4 “(2) methods for responding to hostile situa-
5 tions, including de-escalation training; and

6 “(3) rights and responsibilities of personnel
7 with respect to a transportation assault on them-
8 selves, other personnel, or passengers.

9 “(e) PERSONNEL PARTICIPATION.—The Plan re-
10 quired under subsection (a) shall be developed and imple-
11 mented with the direct participation of personnel, and, as
12 applicable, labor organizations representing personnel.

13 “(f) REPORTING.—

14 “(1) INCIDENT NOTIFICATION.—

15 “(A) IN GENERAL.—Not later than 10
16 days after a transportation assault incident, the
17 applicable entity described in subsection (a)
18 shall notify personnel employed at the location
19 in which the incident occurred. In the case of
20 an incident on a vehicle, such entity shall notify
21 personnel regularly scheduled to carry out em-
22 ployment activities on the service route on
23 which the incident occurred.

1 “(B) CONTENT OF INCIDENT REPORT.—

2 The notification required under paragraph (1)
3 shall—

4 “(i) include a summary of the inci-
5 dent; and

6 “(ii) be written in a manner that pro-
7 tects the confidentiality of individuals in-
8 volved in the incident.

9 “(2) ANNUAL REPORT.—For each calendar
10 year, each entity with respect to which a transpor-
11 tation assault incident has been reported during
12 such year shall submit to the Secretary report that
13 describes—

14 “(A) the number of assault incidents re-
15 ported to the entity, including—

16 “(i) the number of incidents com-
17 mitted against passengers; and

18 “(ii) the number of incidents com-
19 mitted against personnel; and

20 “(B) the number of assault incidents re-
21 ported to rail or local law enforcement by per-
22 sonnel of the entity.

23 “(3) PUBLICATION.—The Secretary shall make
24 available to the public on the primary website of the

1 Federal Railroad Administration the data collected
2 under paragraph (2).

3 “(4) DATA PROTECTION.—Data made available
4 under this subsection shall be made available in a
5 manner that protects the confidentiality of individ-
6 uals involved in transportation assault incidents.

7 “(g) DEFINITION OF TRANSPORTATION ASSAULT.—
8 In this section, the term ‘transportation assault’ means
9 the occurrence, or reasonably suspected occurrence, of an
10 act that—

11 “(1) constitutes assault;

12 “(2) is committed by a passenger or member of
13 personnel of an entity that provides regularly sched-
14 uled intercity or commuter rail passenger transpor-
15 tation against another passenger or member of per-
16 sonnel of such entity; and

17 “(3) takes place—

18 “(A) within a vehicle of such entity; or

19 “(B) in an area in which passengers are
20 entering or exiting a vehicle described in sub-
21 paragraph (A); or

22 “(C) a station or facility where such entity
23 operates, regardless of ownership of the station
24 or facility.”.

1 (b) CONFORMING AMENDMENT.—The analysis for
2 subchapter II of chapter 201 of title 49, United States
3 Code, as amended by this division, is further amended by
4 adding at the end the following:

“20170. Assault prevention and response plan.”.

5 **SEC. 9516. CRITICAL INCIDENT STRESS PLANS.**

6 The Secretary of Transportation shall issue such reg-
7 ulations as are necessary to amend part 272 of title 49,
8 Code of Federal Regulations, to ensure that—

9 (1) the coverage of a critical incident stress
10 plan under section 272.7 of such part includes em-
11 ployees of commuter railroads and intercity pas-
12 senger railroads, as such terms are defined in sec-
13 tion 272.9 of such part, who directly interact with
14 passengers; and

15 (2) assault and the witnessing of an assault
16 against an employee or train passenger is included
17 in the definition of critical incident under section
18 272.9 of such part.

19 **SEC. 9517. STUDY ON SAFETY CULTURE ASSESSMENTS.**

20 (a) IN GENERAL.—The Administrator of the Federal
21 Railroad Administration shall conduct a study on the fea-
22 sibility of expanding railroad safety culture assessments
23 and training to include assessments and training for work-
24 ers employed by tourist railroads, passenger railroads, and
25 commuter railroads.

1 (b) CONTENTS OF STUDY.—The study required
2 under subsection (a) shall include—

3 (1) an analysis on the need for the expansion;

4 (2) the resources required to carry out the addi-
5 tional assessments and training; and

6 (3) other potential safety challenges the initia-
7 tive could address.

8 (c) REPORT.—The Federal Railroad Administration
9 shall submit to the Committee on Transportation and In-
10 frastructure of the House of Representatives and the Com-
11 mittee on Commerce, Science, and Transportation of the
12 Senate a report on the results of the study conducted
13 under subsection (a).

14 **Subtitle B—Grade Crossing Safety**

15 **SEC. 9551. GRADE CROSSING SEPARATION GRANT.**

16 (a) IN GENERAL.—Subchapter II of chapter 201 of
17 title 49, United States Code, as amended by this division,
18 is further amended by adding at the end the following:

19 **“§ 20171. Grade crossing separation grants**

20 “(a) GENERAL AUTHORITY.—The Secretary of
21 Transportation shall make grants under this section to eli-
22 gible entities to assist in financing the cost of highway-
23 rail grade separation projects.

24 “(b) APPLICATION REQUIREMENTS.—To be eligible
25 for a grant under this section, an eligible entity shall sub-

1 mit to the Secretary an application in such form, in such
2 manner, and containing such information as the Secretary
3 may require, including—

4 “(1) an agreement between the entity that owns
5 or controls the right-of-way and the applicant ad-
6 dressing access to right-of-way throughout the
7 project; and

8 “(2) a cost-sharing agreement with the funding
9 amounts that the entity that owns or controls the
10 right-of-way shall contribute to the project, which
11 shall be not less than 10 percent of the total project
12 cost.

13 “(c) ELIGIBLE PROJECTS.—The following projects
14 are eligible to receive a grant under this section:

15 “(1) Installation, repair, or improvement of
16 grade crossing separations.

17 “(2) Grade crossing elimination incidental to el-
18 igible grade crossing separation projects.

19 “(3) Project planning, development, and envi-
20 ronmental work related to a project described in
21 paragraph (1) or (2).

22 “(d) PROJECT SELECTION CRITERIA.—

23 “(1) LARGE PROJECTS.—Of amounts made
24 available to carry out this section, not more than 50

1 percent shall be available for projects with total
2 costs of \$100,000,000 or greater.

3 “(2) CONSIDERATIONS.—In awarding grants
4 under this section, the Secretary—

5 “(A) shall give priority to projects that
6 maximize the safety benefits of Federal fund-
7 ing; and

8 “(B) may evaluate applications on the
9 safety profile of the existing crossing, 10-year
10 history of accidents at such crossing, inclusion
11 of the proposed project on a grade crossing
12 safety action plan, average automobile traffic,
13 freight train traffic, average daily number of
14 crossing closures, and proximity of community
15 resources, including schools, hospitals, fire sta-
16 tions, police stations, and emergency medical
17 service facilities.

18 “(e) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

19 “(1) TOTAL PROJECT COSTS.—The Secretary
20 shall estimate the total costs of a project under this
21 section based on the best available information, in-
22 cluding any available engineering studies, studies of
23 economic feasibility, environmental analysis, and in-
24 formation on the expected use of equipment or facili-
25 ties.

1 “(2) FEDERAL SHARE.—

2 “(A) PROJECTS OVER \$40,000,000.—For
3 projects exceeding \$40,000,000 in total project
4 costs, the Federal share under this section for
5 such project shall not exceed 65 percent.

6 “(B) PROJECTS UNDER \$40,000,000.—For
7 projects not exceeding \$40,000,000 in total
8 project costs, the Federal share under this sec-
9 tion for such project shall not exceed 85 per-
10 cent.

11 “(f) GRANT CONDITIONS.—An eligible entity may not
12 receive a grant for a project under this section unless such
13 project is in compliance with section 22905, except that
14 22905(b) shall only apply to a person that conducts rail
15 operations.

16 “(g) DEFINITIONS.—In this section:

17 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
18 tity’ means—

19 “(A) a State;

20 “(B) a public agency or publicly chartered
21 authority;

22 “(C) a metropolitan planning organization;

23 “(D) a political subdivision of a State; and

24 “(E) a Tribal government.

1 “(2) METROPOLITAN PLANNING ORGANIZA-
2 TION.—The term ‘metropolitan planning organiza-
3 tion’ has the meaning given such term in section
4 134(b) of title 23.

5 “(3) STATE.—The term ‘State’ means a State
6 of the United States or the District of Columbia.”.

7 (b) CLERICAL AMENDMENT.—The analysis for sub-
8 chapter II of chapter 201 of title 49, United States Code,
9 as amended by this division, is further amended by adding
10 at the end the following:

 “20171. Grade crossing separation grants.”.

11 **SEC. 9552. RAIL SAFETY PUBLIC AWARENESS GRANT.**

12 (a) IN GENERAL.—Subchapter II of chapter 201 of
13 title 49, United States Code, as amended by this division,
14 is further amended by adding at the end the following:

15 **“§ 20172. Rail safety public awareness grants**

16 “(a) GRANT.—The Administrator of the Federal
17 Railroad Administration shall make grants to eligible enti-
18 ties to carry out public information and education pro-
19 grams to help prevent and reduce rail-related pedestrian,
20 motor vehicle, and other accidents, incidents, injuries, and
21 fatalities, and to improve awareness along railroad rights-
22 of-way and at railway-highway grade crossings.

23 “(b) APPLICATION.—To be eligible to receive a grant
24 under this section, an eligible entity shall submit to the
25 Administrator an application in such form, in such man-

1 ner, and containing such information as the Secretary may
2 require.

3 “(c) CONTENTS.—Programs eligible for a grant
4 under this section—

5 “(1) shall include, as appropriate—

6 “(A) development, placement, and dissemi-
7 nation of public service announcements in ap-
8 propriate media;

9 “(B) school presentations, driver safety
10 education, materials, and public awareness cam-
11 paigns; and

12 “(C) disseminating information to the pub-
13 lic on how to identify and report to the appro-
14 priate authorities unsafe or malfunctioning
15 highway-rail grade crossings; and

16 “(2) may include targeted and sustained out-
17 reach in communities at greatest risk to develop
18 measures to reduce such risk.

19 “(d) COORDINATION.—Eligible entities shall coordi-
20 nate program activities with local communities, law en-
21 forcement and emergency responders, and rail carriers, as
22 appropriate, and ensure consistency with State highway-
23 rail grade crossing action plans required under section
24 11401(b) of the FAST Act (49 U.S.C. 22501 note) and
25 the report titled ‘National Strategy to Prevent Tres-

1 passing on Railroad Property’ issued by the Federal Rail-
2 road Administration in October 2018.

3 “(e) PRIORITIZATION.—In awarding grants under
4 this section, the Administrator shall give priority to appli-
5 cations for programs that—

6 “(1) are nationally recognized;

7 “(2) are targeted at schools in close proximity
8 to railroad rights-of-way;

9 “(3) partner with nearby railroad carriers; or

10 “(4) focus on communities with a recorded his-
11 tory of repeated grade crossing accidents.

12 “(f) DEFINITIONS.—In this section:

13 “(1) ELIGIBLE ENTITY.—the term ‘eligible enti-
14 ty’ means—

15 “(A) a nonprofit organization;

16 “(B) a State;

17 “(C) a political subdivision of a State; and

18 “(D) a law enforcement agency or emer-
19 gency response organization.

20 “(2) STATE.—The term ‘State’ means a State
21 of the United States or the District of Columbia.”.

22 (b) CLERICAL AMENDMENT.—The analysis for sub-
23 chapter II of chapter 201 of title 49, United States Code,
24 as amended by this division, is further amended by adding
25 at the end the following:

“20172. Rail safety public awareness grants.”.

1 **SEC. 9553. ESTABLISHMENT OF 10-MINUTE TIME LIMIT FOR**
2 **BLOCKING PUBLIC GRADE CROSSINGS.**

3 (a) IN GENERAL.—Subchapter II of chapter 201 of
4 title 49, United States Code, as amended by this division,
5 is further amended by adding at the end the following:

6 **“§ 20173. Time limit for blocking a rail crossing**

7 “(a) TIME LIMIT.—A train, locomotive, railroad car,
8 or other rail equipment is prohibited from blocking a
9 crossing for more than 10 minutes, unless the train, loco-
10 motive, or other equipment is directly delayed by—

11 “(1) a casualty or serious injury;

12 “(2) an accident;

13 “(3) a track obstruction;

14 “(4) an act of God; or

15 “(5) a derailment or a major equipment failure
16 that prevents the train from advancing.

17 “(b) CIVIL PENALTY.—The Secretary of Transpor-
18 tation may issue civil penalties for violations of subsection
19 (a) in accordance with section 21301.

20 “(c) DELEGATION.—The Secretary may delegate en-
21 forcement actions under subsection (b) to States either
22 through a State inspector certified by the Federal Rail-
23 road Administration, or other law enforcement officials as
24 designated by the States and approved by the Administra-
25 tion. The Secretary shall issue guidance or regulations not
26 later than 1 year after the date of enactment on the cri-

1 teria and process for States to gain approval under this
2 section.

3 “(d) APPLICATION TO AMTRAK AND COMMUTER
4 RAILROADS.—This section shall not apply to Amtrak or
5 commuter authorities, including Amtrak and commuter
6 authorities’ operations run or dispatched by a Class I rail-
7 road.

8 “(e) DEFINITIONS.—In this section:

9 “(1) CROSSING.—The term ‘crossing’ means a
10 location within a State in which a public highway,
11 road, or street, including associated sidewalks and
12 pathways, crosses 1 or more railroad tracks either at
13 grade or grade-separated.

14 “(2) BLOCKED CROSSING.—The term ‘blocked
15 crossing’ means a circumstance in which a train, lo-
16 comotive, railroad car, or other rail equipment is
17 stopped or is standing in a manner that obstructs
18 public travel at a crossing.”.

19 (b) CLERICAL AMENDMENT.—The analysis for sub-
20 chapter II of chapter 201 of title 49, United States Code,
21 is further amended by adding at the end the following new
22 item:

“20173. Time limit for blocking a rail crossing.”.

1 **SEC. 9554. NATIONAL STRATEGY TO ADDRESS BLOCKED**
2 **CROSSINGS.**

3 (a) IN GENERAL.—Not later than 18 months after
4 the date of enactment of this Act, the Secretary of Trans-
5 portation shall submit to the Committee on Transpor-
6 tation and Infrastructure of the House of Representatives
7 and the Committee on Commerce, Science, and Transpor-
8 tation of the Senate, and make publicly available on the
9 website of the Department of Transportation, a report
10 containing a national strategy to address blocked cross-
11 ings.

12 (b) PUBLIC LAW 116–94.—The strategy required
13 under subsection (a) shall incorporate the recommenda-
14 tions and briefing described in the report accompanying
15 the Department of Transportation Appropriations Act,
16 2020 (Public Law 116–94) with respect to the amounts
17 provided under the heading “Federal Railroad Adminis-
18 tration—Safety and Operations”.

19 (c) REPORT CONTENTS.—The strategy required
20 under subsection (a) shall include an analysis of the fol-
21 lowing topics, including any specific legislative or regu-
22 latory recommendations:

23 (1) How best to engage the public, representa-
24 tives of labor organizations representing railroad em-
25 ployees, law enforcement officers, highway traffic of-
26 ficials, or other employees of a public agency acting

1 in an official capacity to identify and address
2 blocked crossings.

3 (2) How technology and positive train control
4 system data can be used to identify and address in-
5 stances of blocked crossings.

6 (3) How to identify and address instances of
7 blocked crossings at crossings with passive or no
8 warning devices.

9 (4) How best to use the data collected under a
10 webpage established by the Secretary for the public
11 and law enforcement to report instances of blocked
12 crossings, including whether such data should be
13 verified by each rail carrier or incorporated into the
14 national crossing inventory established under section
15 20160 of title 49, United States Code.

16 (d) UPDATING STRATEGY.—The Secretary shall
17 evaluate the strategy developed under this section not less
18 than every 5 years, and update it as needed.

19 (e) DEFINITIONS.—In this section:

20 (1) BLOCKED CROSSING.—The term “blocked
21 crossing” means a circumstance in which a train, lo-
22 comotive, railroad car, or other rail equipment is
23 stopped or is standing in a manner that obstructs
24 public travel at a crossing.

1 (2) POSITIVE TRAIN CONTROL SYSTEM.—The
2 term “positive train control system” has the mean-
3 ing given the term in section 20157(i) of title 49,
4 United States Code.

5 **SEC. 9555. RAILROAD POINT OF CONTACT FOR BLOCKED**
6 **CROSSING MATTERS.**

7 Section 20152 of title 49, United States Code, is
8 amended—

9 (1) in subsection (a)—

10 (A) in paragraph (1)—

11 (i) in subparagraph (C) by striking
12 “or” at the end;

13 (ii) by redesignating subparagraph
14 (D) as subparagraph (E); and

15 (iii) by inserting the following after
16 subparagraph (C):

17 “(D) blocked crossings; or”;

18 (B) in paragraph (4)—

19 (i) by striking “paragraph (1)(C) or
20 (D)” and inserting “subparagraph (C),
21 (D), or (E) of paragraph (1)”; and

22 (ii) by striking “and” at the end;

23 (C) in paragraph (5) by striking the period
24 at the end and inserting “; and” ; and

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

1 “(6) promptly inform the Secretary if the num-
2 ber required to be established under subsection (a)
3 has changed and report the new number to the Sec-
4 retary.”; and

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

6 “(c) PUBLICATION OF TELEPHONE NUMBERS.—The
7 Secretary shall make any telephone number established
8 under subsection (a) publicly available on the website of
9 the Department of Transportation.”.