

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO H.R. 2**  
**OFFERED BY M .**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Investing in a New Vision for the Environment and Surface Transportation in America Act” or the “INVEST in America Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 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

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- 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.
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- 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

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- Sec. 1502. Tribal transportation program.
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- Sec. 1507. Alternative contracting methods.
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Subtitle F—Additional Provisions

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Sec. 8202. Transportation of liquefied natural gas by rail tank car.

Sec. 8203. Hazardous materials training requirements and grants.

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Sec. 9001. Short title.

TITLE I—AUTHORIZATIONS

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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.

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Sec. 9106. Rail network climate change vulnerability assessment.

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- Sec. 9205. Use of facilities and providing services to Amtrak.
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### TITLE IV—COMMUTER RAIL POLICY

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- Sec. 9403. Chicago Union Station improvement plans.

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- Sec. 9502. GAO study on changes in freight railroad operating and scheduling practices.
- Sec. 9503. FRA safety reporting.
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- Sec. 9505. Notice of FRA comprehensive safety assessments.
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Sec. 9553. Establishment of 10-minute time limit for blocking public grade crossings.

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

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

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

9 (1) IN GENERAL.—Except as otherwise pro-  
10 vided in this division, the requirements, authorities,  
11 conditions, eligibilities, limitations, and other provi-  
12 sions authorized under the covered laws, which  
13 would otherwise expire on or cease to apply after  
14 September 30, 2020, are incorporated by reference  
15 and shall continue in effect through September 30,  
16 2021.

17 (2) AUTHORIZATION OF APPROPRIATIONS.—

18 (A) HIGHWAY TRUST FUND.—

19 (i) HIGHWAY ACCOUNT.—

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



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

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

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

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

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

11                (B) GENERAL FUND.—

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

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

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

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

14          (4) OBLIGATION LIMITATION.—

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

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

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

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

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

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

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

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

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

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

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

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

21 (8) Title 23, United States Code.

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

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

2 (a) ADDITIONAL AMOUNTS.—

3 (1) AUTHORIZATION OF APPROPRIATIONS.—

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

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

14 (2) OBLIGATION CEILING.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

5 (4) STATE FUNDS.—

6 (A) DISTRIBUTION.—

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

13 (ii) SUBALLOCATION.—

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

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

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

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

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

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

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

14 (cc) other areas of the State.

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

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

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

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

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

5 (I) the State department of  
6 transportation;

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

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

11 (5) TRIBAL FUNDS.—

12 (A) TREATMENT.—

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

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

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

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

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

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

12 (A) TREATMENT.—

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

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

24 (B) USE OF FUNDS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (1) SUBALLOCATED AMOUNTS.—

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

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

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

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

8                           (I) a local transportation agency;

9                           or

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

12           (B) OBLIGATION AUTHORITY.—

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

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

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

8 (II) the ratio that—

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6           (D) PUBLICATION AND METHODOLOGY.—

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

12          (E) REPEAT APPLICATIONS.—

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

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

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

1 application criteria described in this  
2 paragraph.

3 (ii) SUPPLEMENTARY APPLICATION.—

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

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

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

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

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

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

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

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

11 (c) FEDERAL SHARE.—

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

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

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

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

3 (d) ADMINISTRATIVE EXPENSES.—

4 (1) SELF-CERTIFICATION AND AUDIT.—

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

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

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

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

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

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

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

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

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

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

18 (A) American Samoa.

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

21 (C) Guam.

22 (D) The United States Virgin Islands.

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

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

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

4 (a) ADDITIONAL AMOUNTS.—

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (3) OVERSIGHT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (A) the full funding grant agreement;

14 (B) the approval into project engineering;

15 or

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

18 (d) FEDERAL SHARE.—

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

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

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

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

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

17               (1) IN GENERAL.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 **SEC. 106. DEFINITIONS.**

4 In this division, the following definitions apply:

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

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

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

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

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

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

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

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

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

1           (3) the date of enactment of a provision added  
2       to law by an amendment made by this division; or  
3           (4) the date of enactment of the INVEST in  
4       America Act added to law by an amendment made  
5       by this division,  
6 shall be treated as a reference to October 1, 2021.

7                   **TITLE I—FEDERAL-AID**  
8                   **HIGHWAYS**  
9       **Subtitle A—Authorizations and**  
10       **Program Conditions**

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

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

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

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

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

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

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

8 and

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

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

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

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

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

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

4 (B) FEDERAL LANDS TRANSPORTATION  
5 PROGRAM.—

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

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

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

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

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

1 (C) FEDERAL LANDS ACCESS PROGRAM.—

2 For the Federal lands access program under  
3 section 204 of title 23, United States Code,  
4 \$345,000,000 for each of fiscal years 2022  
5 through 2025.

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

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

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

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

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

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

22 and

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

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



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

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

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

12 (b) ADDITIONAL PROGRAMS.—

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

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

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

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

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

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

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

13 (c) DISADVANTAGED BUSINESS ENTERPRISES.—

14 (1) FINDINGS.—Congress finds that—

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

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

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

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

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

1 discrimination in surface transportation-related  
2 business.

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

5 (A) SMALL BUSINESS CONCERN.—

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

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

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

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

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

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

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

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

23                       (i) women;

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

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

7 (5) UNIFORM CERTIFICATION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 23           (1) \$62,163,350,954 for fiscal year 2022;  
24           (2) \$63,125,354,776 for fiscal year 2023;  
25           (3) \$64,350,443,712 for fiscal year 2024; and



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

2 (b) EXCEPTIONS.—The limitations under subsection

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

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

5 (2) section 147 of the Surface Transportation

6 Assistance Act of 1978 (23 U.S.C. 144 note; 92

7 Stat. 2714);

8 (3) section 9 of the Federal-Aid Highway Act

9 of 1981 (95 Stat. 1701);

10 (4) subsections (b) and (j) of section 131 of the

11 Surface Transportation Assistance Act of 1982 (96

12 Stat. 2119);

13 (5) subsections (b) and (c) of section 149 of the

14 Surface Transportation and Uniform Relocation As-

15 sistance Act of 1987 (101 Stat. 198);

16 (6) sections 1103 through 1108 of the Inter-

17 modal Surface Transportation Efficiency Act of

18 1991 (Public Law 102–240);

19 (7) section 157 of title 23, United States Code

20 (as in effect on June 8, 1998);

21 (8) section 105 of title 23, United States Code

22 (as in effect for fiscal years 1998 through 2004, but

23 only in an amount equal to \$639,000,000 for each

24 of those fiscal years);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (3) shall determine the proportion that—

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

25 (B) the total of—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (e) SPECIAL LIMITATION.—

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

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

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

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

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

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

11 (f) LOP-OFF.—

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

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

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



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

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

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

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

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

14 (1) in subsection (a)—

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

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

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

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

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

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

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

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

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

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

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

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

16               “(A) is used to transport—

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

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

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

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

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

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

9 “(22) NATURAL INFRASTRUCTURE.—

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

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

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

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

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

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

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

8 “(27) PROTECTIVE FEATURE.—

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

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

18 “(i) raising roadway grades;

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

22 “(iii) stabilizing slide areas;

23 “(iv) stabilizing slopes;

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

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

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

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

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

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

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

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

24 “(31) RESILIENCE.—

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

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

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

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

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

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

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

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

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

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

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

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

7 (2) in subsection (b)—

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

10 (B) in paragraph (3)—

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

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

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

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

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

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



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

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

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

11 **SEC. 1104. APPORTIONMENT.**

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

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

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

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

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

19           and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 “(6) METROPOLITAN PLANNING.—

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

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

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

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

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

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

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

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

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

4 “(7) RAILWAY CROSSINGS.—

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

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

12 “(C) STATE SHARE.—

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

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

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

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

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

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

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

20 “(c) CALCULATION OF AMOUNTS.—

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

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

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

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

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

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

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

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

6           (3) in subsection (d)(1)(A)—

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

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

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

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

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

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

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

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



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

3 “(6) metropolitan planning under section 134;

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

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

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

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

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

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

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

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

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

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

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

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

11 (2) in subsection (c)—

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

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

15 “(4) SPECIAL RULE.—

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

22 “(i) determine the ratio that—

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

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

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

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

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

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

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

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

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

7 (3) in subsection (e)—

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

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

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

16 **SEC. 1106. TRANSPARENCY.**

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

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

22 “(1) REQUIREMENT.—

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

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

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

8 “(2) PROJECT DATA.—

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

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

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

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

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

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

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

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

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

11 “(3) STATE DATA.—

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

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

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

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

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

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

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

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

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

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

20 “(A) ACTIVE PROJECT.—

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



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

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

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

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

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

19                 (1) in subsection (g)—

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

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

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

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

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

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

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

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

3 (2) in subsection (h)(3)—

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

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

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

13 “(k) MEGAPROJECTS.—

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

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

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

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

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

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

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

13 “(2) PEER REVIEW GROUP.—

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

25 “(B) MEMBERSHIP.—

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

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

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

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

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

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

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

1                   determined by the Secretary, to the scope,  
2                   schedule, or budget of the megaproject, re-  
3                   view the scope, schedule, and budget of the  
4                   megaproject, including planning, engineer-  
5                   ing, financing, and any other elements de-  
6                   termined appropriate by the Secretary; and  
7                   “(iii) submit to the Secretary, Con-  
8                   gress, and such recipient a report on the  
9                   findings of each review under clause (ii).

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

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

19                  “(1) SPECIAL EXPERIMENTAL PROJECTS.—

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

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

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

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

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

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

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

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

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

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

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

9                   “(i) project needs and benefits; and

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (1) in subsection (a)—

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

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

21 (2) in subsection (b)—

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

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

9 (3) in subsection (c)(1)—

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

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

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

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

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

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

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

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

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

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

5 “(2) DESIGN FLEXIBILITY.—

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

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

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

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

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

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

1 “(s) CONTEXT SENSITIVE DESIGN.—

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

10 “(2) POLICIES OR PROCEDURES.—

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

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

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

1 “(3) GUIDANCE.—

2 “(A) IN GENERAL.—

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2 and

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

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

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

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

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

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

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

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

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

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

5 **SEC. 1110. TOLLING.**

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

9 (1) in subsection (a)—

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

12 “(1) IN GENERAL.—

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

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

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

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

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

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

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

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

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

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

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

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

20 “(B) AGREEMENT TO TOLL.—

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

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

3                   “(ii) APPLICABILITY.—

4                   “(I) IN GENERAL.—The require-  
5                   ments of this subparagraph shall  
6                   apply to—

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

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

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

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

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

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

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

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

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

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

19          “(D) CONSIDERATION OF IMPACTS.—

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



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

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

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

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

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

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

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

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

25 “(E) CONGESTION PRICING.—

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

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

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

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

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

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

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

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

1 “(iv) DETERMINATION.—

2 “(I) DEGRADED OPERATION.—

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

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

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

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

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

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

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

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

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

1 or cordon into compliance with this  
2 subparagraph.

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

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

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

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

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

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

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

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

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

3           (B) in paragraph (3)—

4                 (i) in subparagraph (A)—

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

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

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

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

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



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

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

6 “(B) TRANSPARENCY.—

7 “(i) ANNUAL AUDIT.—

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

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

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

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

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

7 (D) in paragraph (9)—

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

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

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

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

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

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

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

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

10          “(C) INITIAL CONSTRUCTION.—

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

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

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

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

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

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

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

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

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

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

24 (d) SAVINGS CLAUSE.—

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

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

9                   (A) operating;

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

11                   (C) in the construction phase.

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

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

15                   (1) in subsection (b)—

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

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

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

25                   (3) in subsection (e)—

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

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

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

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

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

14 (4) in subsection (f)—

15 (A) in paragraph (1)—

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

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

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

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

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

4 (1) in subsection (a)—

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

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

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

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

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

16 (4) in subsection (d)—

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

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

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

24 “(h) WAIVER PROCEDURE.—

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

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

4 “(2) PUBLIC NOTIFICATION AND COMMENT.—

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

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

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

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

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



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

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

6 “(i) REVIEW OF NATIONWIDE WAIVERS.—

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

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

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

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

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

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

17       (b) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

25           (2) in subsection (d)—

1 (A) in paragraph (1)(A) by striking “or  
2 freight movement on the National Highway  
3 System” and inserting “freight movement, envi-  
4 ronmental sustainability, transportation system  
5 access, or combating climate change”;

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

8 (C) in paragraph (2)—

9 (i) in subparagraph (G)—

10 (I) in clause (i) by inserting  
11 “and” at the end;

12 (II) in clause (ii) by striking “;  
13 and” and inserting a period; and

14 (III) by striking clause (iii);

15 (ii) in subparagraph (I) by inserting  
16 “, including the installation of safety bar-  
17 riers and nets on bridges on the National  
18 Highway System” after “National High-  
19 way System”; and

20 (iii) by adding at the end the fol-  
21 lowing:

22 “(Q) Projects on or off the National High-  
23 way System to reduce greenhouse gas emissions  
24 that are eligible under section 171, including

1 the installation of electric vehicle charging in-  
2 frastructure.

3 “(R) Projects on or off the National High-  
4 way System to enhance resilience of a transpor-  
5 tation facility, including protective features.

6 “(S) Projects and strategies to reduce ve-  
7 hicle-caused wildlife mortality related to, or to  
8 restore and maintain connectivity among terres-  
9 trial or aquatic habitats affected by, a transpor-  
10 tation facility otherwise eligible for assistance  
11 under this section.

12 “(T) Projects on or off the National High-  
13 way System to improve an evacuation route eli-  
14 gible under section 124(b)(1)(C); and”; and

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

16 “(3) a project that is otherwise eligible under  
17 this subsection to construct new capacity for single  
18 occupancy passenger vehicles only if the State—

19 “(A) has demonstrated progress in achiev-  
20 ing a state of good repair, as defined in the  
21 State’s asset management plan, on the National  
22 Highway System; and

23 “(B) demonstrates that the project—

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

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

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

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

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

15 (3) in subsection (e)—

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

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

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

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

3 (a) PREDISASTER MITIGATION PROGRAM.—

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

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

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

13 “(b) ELIGIBLE ACTIVITIES.—

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

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

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

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

1 “(i) improve the capacity or operation  
2 of such evacuation route through—

3 “(I) communications and intel-  
4 ligent transportation system equip-  
5 ment and infrastructure;

6 “(II) counterflow measures; and

7 “(III) shoulders; and

8 “(ii) relocate such evacuation route or  
9 provide a reasonable alternative to such  
10 evacuation route to address the risk of a  
11 covered event.

12 “(2) INFRASTRUCTURE RESILIENCE AND ADAP-  
13 TATION.—No funds shall be obligated to a project  
14 under this section unless the project meets each of  
15 the following criteria:

16 “(A) The project is designed to ensure re-  
17 silience over the anticipated service life of the  
18 surface transportation infrastructure asset.

19 “(B) The project is identified in the metro-  
20 politan or statewide transportation improve-  
21 ment program as a project to address resilience  
22 vulnerabilities, consistent with section  
23 134(j)(3)(E) or 135(g)(5)(B)(iii).

24 “(C) For a project in a flood plain, the  
25 project sponsor considers hydrologic and hy-



1           draulic data and methods that integrate current  
2           and projected changes in flooding based on cli-  
3           mate science over the anticipated service life of  
4           the surface transportation infrastructure asset  
5           and future forecasted land use changes.

6           “(3) PRIORITIZATION OF PROJECTS.—A State  
7           shall develop a process to prioritize projects under  
8           this section based on the degree to which the pro-  
9           posed project would—

10                   “(A) be cost effective;

11                   “(B) reduce the risk of disruption to a sur-  
12           face transportation infrastructure asset consid-  
13           ered critical to support population centers,  
14           freight movement, economic activity, evacu-  
15           ation, recovery, or national security functions;  
16           and

17                   “(C) ease disruptions to vulnerable, at-  
18           risk, or transit-dependant populations.

19           “(c) GUIDANCE.—The Secretary shall provide guid-  
20           ance to States to assist with the implementation of para-  
21           graphs (2) and (3) of subsection (b).

22           “(d) DEFINITIONS.—In this section:

23                   “(1) COVERED EVENT.—The term ‘covered  
24           event’ means a climate change effect (including sea

1 level rise), an extreme event, seismic activity, or any  
2 other natural disaster (including a wildfire).

3 “(2) SURFACE TRANSPORTATION INFRASTRUC-  
4 TURE ASSET.—The term ‘surface transportation in-  
5 frastructure asset’ means a facility eligible for as-  
6 sistance under this title or chapter 53 of title 49.”.

7 (2) CONFORMING AMENDMENT.—The analysis  
8 for chapter 1 of title 23, United States Code, is  
9 amended by inserting after the item relating to sec-  
10 tion 123 the following:

“124. Predisaster mitigation program.”.

11 (b) METROPOLITAN TRANSPORTATION PLANNING.—

12 (1) AMENDMENTS TO TITLE 23.—

13 (A) CLIMATE CHANGE AND RESILIENCE.—

14 Section 134(i)(2) of title 23, United States  
15 Code, is amended by adding at the end the fol-  
16 lowing:

17 “(I) CLIMATE CHANGE AND RESILIENCE.—

18 “(i) IN GENERAL.—The transpor-  
19 tation planning process shall assess strate-  
20 gies to reduce the climate change impacts  
21 of the surface transportation system and  
22 conduct a vulnerability assessment to iden-  
23 tify opportunities to enhance the resilience  
24 of the surface transportation system and

1 ensure the efficient use of Federal re-  
2 sources.

3 “(ii) CLIMATE CHANGE MITIGATION  
4 AND IMPACTS.—A long-range transpor-  
5 tation plan shall—

6 “(I) identify investments and  
7 strategies to reduce transportation-re-  
8 lated sources of greenhouse gas emis-  
9 sions per capita;

10 “(II) identify investments and  
11 strategies to manage transportation  
12 demand and increase the rates of pub-  
13 lic transportation ridership, walking,  
14 bicycling, and carpools; and

15 “(III) recommend zoning and  
16 other land use policies that would sup-  
17 port infill, transit-oriented develop-  
18 ment, and mixed use development.

19 “(iii) VULNERABILITY ASSESSMENT.—  
20 A long-range transportation plan shall in-  
21 corporate a vulnerability assessment that—

22 “(I) includes a risk-based assess-  
23 ment of vulnerabilities of critical  
24 transportation assets and systems to

1 covered events (as such term is de-  
2 fined in section 124);

3 “(II) considers, as applicable, the  
4 risk management analysis in the  
5 State’s asset management plan devel-  
6 oped pursuant to section 119, and the  
7 State’s evaluation of reasonable alter-  
8 natives to repeatedly damaged facili-  
9 ties conducted under part 667 of title  
10 23, Code of Federal Regulations;

11 “(III) identifies evacuation  
12 routes, assesses the ability of any  
13 such routes to provide safe passage  
14 for evacuation and emergency re-  
15 sponse during an emergency event,  
16 and identifies any improvements or  
17 redundant facilities necessary to ade-  
18 quately facilitate safe passage;

19 “(IV) describes the metropolitan  
20 planning organization’s adaptation  
21 and resilience improvement strategies  
22 that will inform the transportation in-  
23 vestment decisions of the metropolitan  
24 planning organization; and

1                   “(V) is consistent with and com-  
2                   plementary of the State and local  
3                   mitigation plans required under sec-  
4                   tion 322 of the Robert T. Stafford  
5                   Disaster Relief and Emergency Assist-  
6                   ance Act (42 U.S.C. 5165).

7                   “(iv) CONSULTATION.—The assess-  
8                   ment described in this subparagraph shall  
9                   be developed in consultation with, as ap-  
10                  propriate, State, local, and Tribal officials  
11                  responsible for land use, housing, resil-  
12                  ience, hazard mitigation, and emergency  
13                  management.”.

14                  (B) RESILIENCE PROJECTS.—Section  
15                  134(j)(3) of title 23, United States Code, is  
16                  amended by adding at the end the following:

17                  “(E) RESILIENCE PROJECTS.—The TIP  
18                  shall—

19                         “(i) identify projects that address the  
20                         vulnerabilities identified by the assessment  
21                         in subsection (i)(2)(I)(iii); and

22                         “(ii) describe how each project identi-  
23                         fied under clause (i) would improve the re-  
24                         silience of the transportation system.”.

25                  (2) AMENDMENTS TO TITLE 49.—

1 (A) CLIMATE CHANGE AND RESILIENCE.—  
2 Section 5303(i)(2) of title 49, United States  
3 Code, is amended by adding at the end the fol-  
4 lowing:

5 “(I) CLIMATE CHANGE AND RESILIENCE.—

6 “(i) IN GENERAL.—The transpor-  
7 tation planning process shall assess strate-  
8 gies to reduce the climate change impacts  
9 of the surface transportation system and  
10 conduct a vulnerability assessment to iden-  
11 tify opportunities to enhance the resilience  
12 of the surface transportation system and  
13 ensure the efficient use of Federal re-  
14 sources.

15 “(ii) CLIMATE CHANGE MITIGATION  
16 AND IMPACTS.—A long-range transpor-  
17 tation plan shall—

18 “(I) identify investments and  
19 strategies to reduce transportation-re-  
20 lated sources of greenhouse gas emis-  
21 sions per capita;

22 “(II) identify investments and  
23 strategies to manage transportation  
24 demand and increase the rates of pub-

1           lic transportation ridership, walking,  
2           bicycling, and carpools; and

3                   “(III) recommend zoning and  
4           other land use policies that would sup-  
5           port infill, transit-oriented develop-  
6           ment, and mixed use development.

7                   “(iii) VULNERABILITY ASSESSMENT.—  
8           A long-range transportation plan shall in-  
9           corporate a vulnerability assessment that—

10                   “(I) includes a risk-based assess-  
11           ment of vulnerabilities of critical  
12           transportation assets and systems to  
13           covered events (as such term is de-  
14           fined in section 124 of title 23);

15                   “(II) considers, as applicable, the  
16           risk management analysis in the  
17           State’s asset management plan devel-  
18           oped pursuant to section 119 of title  
19           23, and the State’s evaluation of rea-  
20           sonable alternatives to repeatedly  
21           damaged facilities conducted under  
22           part 667 of title 23, Code of Federal  
23           Regulations;

24                   “(III) identifies evacuation  
25           routes, assesses the ability of any

1 such routes to provide safe passage  
2 for evacuation and emergency re-  
3 sponse during an emergency event,  
4 and identifies any improvements or  
5 redundant facilities necessary to ade-  
6 quately facilitate safe passage;

7 “(IV) describes the metropolitan  
8 planning organization’s adaptation  
9 and resilience improvement strategies  
10 that will inform the transportation in-  
11 vestment decisions of the metropolitan  
12 planning organization; and

13 “(V) is consistent with and com-  
14 plementary of the State and local  
15 mitigation plans required under sec-  
16 tion 322 of the Robert T. Stafford  
17 Disaster Relief and Emergency Assist-  
18 ance Act (42 U.S.C. 5165).

19 “(iv) CONSULTATION.—The assess-  
20 ment described in this subparagraph shall  
21 be developed in consultation, as appro-  
22 priate, with State, local, and Tribal offi-  
23 cials responsible for land use, housing, re-  
24 silience, hazard mitigation, and emergency  
25 management.”.



1 (B) RESILIENCE PROJECTS.—Section  
2 5303(j)(3) of title 49, United States Code, is  
3 amended by adding at the end the following:

4 “(E) RESILIENCE PROJECTS.—The TIP  
5 shall—

6 “(i) identify projects that address the  
7 vulnerabilities identified by the assessment  
8 in subsection (i)(2)(I)(iii); and

9 “(ii) describe how each project identi-  
10 fied under clause (i) would improve the re-  
11 silience of the transportation system.”.

12 (c) STATEWIDE AND NONMETROPOLITAN PLAN-  
13 NING.—

14 (1) AMENDMENTS TO TITLE 23.—

15 (A) CLIMATE CHANGE AND RESILIENCE.—  
16 Section 135(f) of title 23, United States Code,  
17 is amended by adding at the end the following:

18 “(10) CLIMATE CHANGE AND RESILIENCE.—

19 “(A) IN GENERAL.—The transportation  
20 planning process shall assess strategies to re-  
21 duce the climate change impacts of the surface  
22 transportation system and conduct a vulner-  
23 ability assessment to identify opportunities to  
24 enhance the resilience of the surface transpor-

1           tation system and ensure the efficient use of  
2           Federal resources.

3           “(B) CLIMATE CHANGE MITIGATION AND  
4           IMPACTS.—A long-range transportation plan  
5           shall—

6                   “(i) identify investments and strate-  
7                   gies to reduce transportation-related  
8                   sources of greenhouse gas emissions per  
9                   capita;

10                   “(ii) identify investments and strate-  
11                   gies to manage transportation demand and  
12                   increase the rates of public transportation  
13                   ridership, walking, bicycling, and carpools;  
14                   and

15                   “(iii) recommend zoning and other  
16                   land use policies that would support infill,  
17                   transit-oriented development, and mixed  
18                   use development.

19           “(C) VULNERABILITY ASSESSMENT.—A  
20           long-range transportation plan shall incorporate  
21           a vulnerability assessment that—

22                   “(i) includes a risk-based assessment  
23                   of vulnerabilities of critical transportation  
24                   assets and systems to covered events (as  
25                   such term is defined in section 124);

1 “(ii) considers, as applicable, the risk  
2 management analysis in the State’s asset  
3 management plan developed pursuant to  
4 section 119, and the State’s evaluation of  
5 reasonable alternatives to repeatedly dam-  
6 aged facilities conducted under part 667 of  
7 title 23, Code of Federal Regulations;

8 “(iii) identifies evacuation routes, as-  
9 sesses the ability of any such routes to pro-  
10 vide safe passage for evacuation and emer-  
11 gency response during an emergency event,  
12 and identifies any improvements or redun-  
13 dant facilities necessary to adequately fa-  
14 cilitate safe passage;

15 “(iv) describes the States’s adaptation  
16 and resilience improvement strategies that  
17 will inform the transportation investment  
18 decisions of the State; and

19 “(v) is consistent with and com-  
20 plementary of the State and local mitiga-  
21 tion plans required under section 322 of  
22 the Robert T. Stafford Disaster Relief and  
23 Emergency Assistance Act (42 U.S.C.  
24 5165).

1           “(D) CONSULTATION.—The assessment  
2           described in this subparagraph shall be devel-  
3           oped in consultation with, as appropriate, State,  
4           local, and Tribal officials responsible for land  
5           use, housing, resilience, hazard mitigation, and  
6           emergency management.”.

7           (B) RESILIENCE PROJECTS.—Section  
8           135(g)(5)(B) of title 23, United States Code, is  
9           amended by adding at the end the following:

10           “(iii) RESILIENCE PROJECTS.—The  
11           STIP shall—

12                   “(I) identify projects that ad-  
13                   dress the vulnerabilities identified by  
14                   the assessment in subsection  
15                   (i)(10)(B); and

16                   “(II) describe how each project  
17                   identified under subclause (I) would  
18                   improve the resilience of the transpor-  
19                   tation system.”.

20           (2) AMENDMENTS TO TITLE 49.—

21           (A) CLIMATE CHANGE AND RESILIENCE.—  
22           Section 5304(f) of title 49, United States Code,  
23           is amended by adding at the end the following:  
24           “(10) CLIMATE CHANGE AND RESILIENCE.—

1           “(A) IN GENERAL.—The transportation  
2           planning process shall assess strategies to re-  
3           duce the climate change impacts of the surface  
4           transportation system and conduct a vulner-  
5           ability assessment to identify opportunities to  
6           enhance the resilience of the surface transpor-  
7           tation system and ensure the efficient use of  
8           Federal resources.

9           “(B) CLIMATE CHANGE MITIGATION AND  
10          IMPACTS.—A long-range transportation plan  
11          shall—

12               “(i) identify investments and strate-  
13               gies to reduce transportation-related  
14               sources of greenhouse gas emissions per  
15               capita;

16               “(ii) identify investments and strate-  
17               gies to manage transportation demand and  
18               increase the rates of public transportation  
19               ridership, walking, bicycling, and carpool;  
20               and

21               “(iii) recommend zoning and other  
22               land use policies that would support infill,  
23               transit-oriented development, and mixed  
24               use development.

1           “(C) VULNERABILITY ASSESSMENT.—A  
2           long-range transportation plan shall incorporate  
3           a vulnerability assessment that—

4                   “(i) includes a risk-based assessment  
5                   of vulnerabilities of critical transportation  
6                   assets and systems to covered events (as  
7                   such term is defined in section 124 of title  
8                   23);

9                   “(ii) considers, as applicable, the risk  
10                  management analysis in the State’s asset  
11                  management plan developed pursuant to  
12                  section 119 of title 23, and the State’s  
13                  evaluation of reasonable alternatives to re-  
14                  peatedly damaged facilities conducted  
15                  under part 667 of title 23, Code of Federal  
16                  Regulations;

17                  “(iii) identifies evacuation routes, as-  
18                  sesses the ability of any such routes to pro-  
19                  vide safe passage for evacuation and emer-  
20                  gency response during an emergency event,  
21                  and identifies any improvements or redun-  
22                  dant facilities necessary to adequately fa-  
23                  cilitate safe passage;

24                  “(iv) describes the State’s adaptation  
25                  and resilience improvement strategies that

1 will inform the transportation investment  
2 decisions of the State; and

3 “(v) is consistent with and com-  
4 plementary of the State and local mitiga-  
5 tion plans required under section 322 of  
6 the Robert T. Stafford Disaster Relief and  
7 Emergency Assistance Act (42 U.S.C.  
8 5165).

9 “(D) CONSULTATION.—The assessment  
10 described in this subparagraph shall be devel-  
11 oped in consultation with, as appropriate, State,  
12 local, and Tribal officials responsible for land  
13 use, housing, resilience, hazard mitigation, and  
14 emergency management.”.

15 (B) RESILIENCE PROJECTS.—Section  
16 5304(g)(5)(B) of title 49, United States Code,  
17 is amended by adding at the end the following:

18 “(iii) RESILIENCE PROJECTS.—The  
19 STIP shall—

20 “(I) identify projects that ad-  
21 dress the vulnerabilities identified by  
22 the assessment in subsection  
23 (i)(10)(B); and

24 “(II) describe how each project  
25 identified under subclause (I) would

1 improve the resilience of the transpor-  
2 tation system.”.

3 **SEC. 1203. EMERGENCY RELIEF.**

4 (a) IN GENERAL.—Section 125 of title 23, United  
5 States Code, is amended—

6 (1) in subsection (a)(1) by inserting “wildfire,”  
7 after “severe storm,”;

8 (2) by striking subsection (b);

9 (3) in subsection (c)(2)(A) by striking “in any  
10 1 fiscal year commencing after September 30,  
11 1980,” and inserting “in any fiscal year”;

12 (4) in subsection (d)—

13 (A) in paragraph (3)(C) by striking “sub-  
14 section (e)(1)” and inserting “subsection (g)”;

15 (B) by redesignating paragraph (3) as  
16 paragraph (4); and

17 (C) by striking paragraphs (1) and (2) and  
18 inserting the following:

19 “(1) IN GENERAL.—The Secretary may expend  
20 funds from the emergency fund authorized by this  
21 section only for the repair or reconstruction of high-  
22 ways on Federal-aid highways in accordance with  
23 this chapter.

24 “(2) RESTRICTIONS.—



1           “(A) IN GENERAL.—No funds shall be ex-  
2           pended from the emergency fund authorized by  
3           this section unless—

4                   “(i) an emergency has been declared  
5                   by the Governor of the State with concur-  
6                   rence by the Secretary, unless the Presi-  
7                   dent has declared the emergency to be a  
8                   major disaster for the purposes of the Rob-  
9                   ert T. Stafford Disaster Relief and Emer-  
10                  gency Assistance Act (42 U.S.C. 5121 et  
11                  seq.) for which concurrence of the Sec-  
12                  retary is not required; and

13                  “(ii) the Secretary has received an ap-  
14                  plication from the State transportation de-  
15                  partment that includes a comprehensive  
16                  list of all eligible project sites and repair  
17                  costs by not later than 2 years after the  
18                  natural disaster or catastrophic failure.

19           “(B) COST LIMITATION.—The total cost of  
20           a project funded under this section may not ex-  
21           ceed the cost of repair or reconstruction of a  
22           comparable facility unless the Secretary deter-  
23           mines that the project incorporates economi-  
24           cally justified betterments, including protective  
25           features to increase the resilience of the facility.

1 “(3) SPECIAL RULE FOR BRIDGE PROJECTS.—

2 In no case shall funds be used under this section for  
3 the repair or reconstruction of a bridge—

4 “(A) that has been permanently closed to  
5 all vehicular traffic by the State or responsible  
6 local official because of imminent danger of col-  
7 lapse due to a structural deficiency or physical  
8 deterioration; or

9 “(B) if a construction phase of a replace-  
10 ment structure is included in the approved  
11 statewide transportation improvement program  
12 at the time of an event described in subsection  
13 (a).”;

14 (5) in subsection (e)—

15 (A) by striking paragraph (1);

16 (B) in paragraph (2) by striking “sub-  
17 section (d)(1)” and inserting “subsection  
18 (c)(1)”; and

19 (C) by redesignating paragraphs (2) and  
20 (3), as amended, as paragraphs (1) and (2), re-  
21 spectively;

22 (6) by redesignating subsections (c) through  
23 (g), as amended, as subsections (b) through (f), re-  
24 spectively; and

25 (7) by adding at the end the following:

1 “(g) IMPOSITION OF DEADLINE.—

2 “(1) IN GENERAL.—Notwithstanding any other  
3 provision of law, the Secretary may not require any  
4 project funded under this section to advance to the  
5 construction obligation stage before the date that is  
6 the last day of the sixth fiscal year after the later  
7 of—

8 “(A) the date on which the Governor de-  
9 clared the emergency, as described in subsection  
10 (d)(2)(A)(i); or

11 “(B) the date on which the President de-  
12 clared the emergency to be a major disaster, as  
13 described in such subsection.

14 “(2) EXTENSION OF DEADLINE.—If the Sec-  
15 retary imposes a deadline for advancement to the  
16 construction obligation stage pursuant to paragraph  
17 (1), the Secretary may, upon the request of the Gov-  
18 ernor of the State, issue an extension of not more  
19 than 1 year to complete such advancement, and may  
20 issue additional extensions after the expiration of  
21 any extension, if the Secretary determines the Gov-  
22 ernor of the State has provided suitable justification  
23 to warrant such an extension.

24 “(h) DEFINITIONS.—In this section:

1           “(1) COMPARABLE FACILITY.—The term ‘com-  
2       parable facility’ means a facility that meets the cur-  
3       rent geometric and construction standards required  
4       for the types and volume of traffic that the facility  
5       will carry over its design life.

6           “(2) CONSTRUCTION PHASE.—The term ‘con-  
7       struction phase’ means the phase of physical con-  
8       struction of a highway or bridge facility that is sepa-  
9       rate from any other identified phases, such as plan-  
10      ning, design, or right-of-way phases, in the State  
11      transportation improvement program.

12          “(3) OPEN TO PUBLIC TRAVEL.—The term  
13      ‘open to public travel’ means with respect to a road,  
14      that, except during scheduled periods, extreme  
15      weather conditions, or emergencies, the road—

16               “(A) is maintained;

17               “(B) is open to the general public; and

18               “(C) can accommodate travel by a stand-  
19      ard passenger vehicle, without restrictive gates  
20      or prohibitive signs or regulations, other than  
21      for general traffic control or restrictions based  
22      on size, weight, or class of registration.

23          “(4) STANDARD PASSENGER VEHICLE.—The  
24      term ‘standard passenger vehicle’ means a vehicle  
25      with 6 inches of clearance from the lowest point of

1 the frame, body, suspension, or differential to the  
2 ground.”.

3 (b) CONFORMING AMENDMENTS.—

4 (1) FEDERAL LANDS AND TRIBAL TRANSPORTATION PROGRAMS.—Section 201(c)(8)(A) of title  
5 TATION PROGRAMS.—Section 201(c)(8)(A) of title  
6 23, United States Code, is amended by striking  
7 “section 125(e)” and inserting “section 125(g)”.

8 (2) TRIBAL TRANSPORTATION PROGRAM.—Section  
9 tion 202(b)(6)(A) of title 23, United States Code, is  
10 amended by striking “section 125(e)” and inserting  
11 “section 125(d)”.

12 (c) REPEAL.—Section 668.105(h) of title 23, Code  
13 of Federal Regulations, is repealed.

14 **SEC. 1204. RAILWAY CROSSINGS.**

15 (a) IN GENERAL.—Section 130 of title 23, United  
16 States Code, is amended—

17 (1) in the section heading by striking “**Rail-**  
18 **way-highway crossings**” and inserting “**Rail-**  
19 **way crossings**”;

20 (2) in subsection (a)—

21 (A) by striking “Subject to section 120  
22 and subsection (b) of this section, the entire”  
23 and inserting “IN GENERAL.—The”;

24 (B) by striking “then the entire” and in-  
25 serting “the”; and

1 (C) by striking “, subject to section 120  
2 and subsection (b) of this section,”;

3 (3) by amending subsection (b) to read as fol-  
4 lows:

5 “(b) CLASSIFICATION.—

6 “(1) IN GENERAL.—The construction of  
7 projects for the elimination of hazards at railway  
8 crossings represents a benefit to the railroad. The  
9 Secretary shall classify the various types of projects  
10 involved in the elimination of hazards of railway-  
11 highway crossings, and shall set for each such classi-  
12 fication a percentage of the total project cost that  
13 represent the benefit to the railroad or railroads for  
14 the purpose of determining the railroad’s share of  
15 the total project cost. The Secretary shall determine  
16 the appropriate classification of each project.

17 “(2) NONCASH CONTRIBUTIONS.—

18 “(A) IN GENERAL.—Not more than 5 per-  
19 cent of the cost share described in paragraph  
20 (1) may be attributable to noncash contribu-  
21 tions of materials and labor furnished by the  
22 railroad in connection with the construction of  
23 such project.

24 “(B) REQUIREMENT.—The requirements  
25 under section 200.306 and 200.403(g) of title

1           2, Code of Federal Regulations (or successor  
2           regulations), shall apply to any noncash con-  
3           tributions under this subsection.

4           “(3) TOTAL PROJECT COST.—For the purposes  
5           of this subsection, the determination of the rail-  
6           road’s share of the total project cost shall include  
7           environment, design, right-of-way, utility accommo-  
8           dation, and construction phases of the project.”;

9           (4) in subsection (c)—

10           (A) by striking “Any railroad involved”  
11           and inserting “BENEFIT.—Any railroad in-  
12           volved”;

13           (B) by striking “the net benefit” and in-  
14           serting “the cost associated with the benefit”;  
15           and

16           (C) by striking “Such payment may con-  
17           sist in whole or in part of materials and labor  
18           furnished by the railroad in connection with the  
19           construction of such project.”;

20           (5) by striking subsection (e) and inserting the  
21           following:

22           “(e) RAILWAY CROSSINGS.—

23           “(1) ELIGIBLE ACTIVITIES.—Funds appor-  
24           tioned to a State under section 104(b)(7) may be ob-  
25           ligated for the following:

1           “(A) The elimination of hazards at rail-  
2           way-highway crossings, including technology or  
3           protective upgrades.

4           “(B) Construction (including installation  
5           and replacement) of protective devices at rail-  
6           way-highway crossings.

7           “(C) Infrastructure and noninfrastructure  
8           projects and strategies to prevent or reduce sui-  
9           cide or trespasser fatalities and injuries along  
10          railroad rights-of-way and at or near railway-  
11          highway crossings.

12          “(D) Projects to mitigate any degradation  
13          in the level of access from a highway-grade  
14          crossing closure.

15          “(E) Bicycle and pedestrian railway grade  
16          crossing improvements, including underpasses  
17          and overpasses.

18          “(F) Projects eligible under section  
19          22907(c)(5) of title 49, provided that amounts  
20          obligated under this subparagraph—

21                 “(i) shall be administered by the Sec-  
22                 retary in accordance with such section as  
23                 if such amounts were made available to  
24                 carry out such section; and



1                   “(ii) may be used to pay up to 90 per-  
2                   cent of the non-Federal share of the cost  
3                   of a project carried out under such section.

4                   “(2) SPECIAL RULE.—If a State demonstrates  
5                   to the satisfaction of the Secretary that the State  
6                   has met all its needs for installation of protective de-  
7                   vices at railway-highway crossings, the State may  
8                   use funds made available by this section for other  
9                   highway safety improvement program purposes.”;

10                  (6) by striking subsection (f) and inserting the  
11                  following:

12                  “(f) FEDERAL SHARE.—Notwithstanding section  
13                  120, the Federal share payable on account of any project  
14                  financed with funds made available to carry out subsection  
15                  (e) shall be up to 90 percent of the cost thereof.”;

16                  (7) by striking subsection (g) and inserting the  
17                  following:

18                  “(g) REPORT.—

19                         “(1) STATE REPORT.—

20                                 “(A) IN GENERAL.—Not later than 2 years  
21                                 after the date of enactment of the INVEST in  
22                                 America Act, and at least biennially thereafter,  
23                                 each State shall submit to the Secretary a re-  
24                                 port on the progress being made to implement  
25                                 the railway crossings program authorized by

1           this section and the effectiveness of such im-  
2           provements.

3           “(B) CONTENTS.—Each State report  
4           under subparagraph (A) shall contain an as-  
5           sessment of the costs of the various treatments  
6           employed and subsequent accident experience at  
7           improved locations.

8           “(2) DEPARTMENTAL REPORT.—

9           “(A) IN GENERAL.—Not later than 180  
10          days after the deadline for the submission of a  
11          report under paragraph (1)(A), the Secretary  
12          shall publish on the website of the Department  
13          of Transportation a report on the progress  
14          being made by the State in implementing  
15          projects to improve railway-highway crossings.

16          “(B) CONTENTS.—The report under sub-  
17          paragraph (A) shall include—

18                 “(i) the number of projects under-  
19                 taken;

20                 “(ii) distribution of such projects by  
21                 cost range, road system, nature of treat-  
22                 ment, and subsequent accident experience  
23                 at improved locations;

24                 “(iii) an analysis and evaluation of  
25                 each State program;

1 “(iv) the identification of any State  
2 found not to be in compliance with the  
3 schedule of improvements required by sub-  
4 section (d); and

5 “(v) recommendations for future im-  
6 plementation of the railway crossings pro-  
7 gram.”;

8 (8) in subsection (j)—

9 (A) in the heading by inserting “AND PE-  
10 DESTRIAN” after “BICYCLE”; and

11 (B) by inserting “and pedestrian” after  
12 “bicycle”; and

13 (9) in subsection (l)—

14 (A) in paragraph (1) by striking “Not  
15 later than” and all that follows through “each  
16 State” and inserting “Not later than 6 months  
17 after a new railway crossing becomes oper-  
18 ational, each State”; and

19 (B) in paragraph (2) by striking “On a  
20 periodic” and all that follows through “every  
21 year thereafter” and inserting “On or before  
22 September 30 of each year”.

23 (b) CLERICAL AMENDMENT.—The analysis for chap-  
24 ter 1 of title 23, United States Code, is amended by

1 amending the item relating to section 130 to read as fol-  
2 lows:

“130. Railway crossings.”.

3 (c) GAO STUDY.—Not later than 2 years after the  
4 date of enactment of this Act, the Comptroller General  
5 of the United States shall submit to Congress a report  
6 that includes an analysis of the effectiveness of the railway  
7 crossing program under section 130 of title 23, United  
8 States Code.

9 (d) SENSE OF CONGRESS RELATING TO TRESPASSER  
10 DEATHS ALONG RAILROAD RIGHTS-OF-WAY.—It is the  
11 sense of Congress that the Department of Transportation  
12 should, where feasible, coordinate departmental efforts to  
13 prevent or reduce trespasser deaths along railroad rights-  
14 of-way and at or near railway-highway crossings.

15 **SEC. 1205. SURFACE TRANSPORTATION PROGRAM.**

16 (a) IN GENERAL.—Section 133 of title 23, United  
17 States Code, is amended—

18 (1) in the heading by striking “**block grant**”;

19 (2) in subsection (a) by striking “block grant”;

20 (3) in subsection (b)—

21 (A) by striking “block grant”;

22 (B) in paragraph (4) by striking “railway-  
23 highway grade crossings” and inserting  
24 “projects eligible under section 130 and instal-  
25 lation of safety barriers and nets on bridges”;

1 (C) in paragraph (6)—

2 (i) by striking “Recreational” and in-  
3 serting “Transportation alternatives  
4 projects eligible under subsection (h), rec-  
5 reational”; and

6 (ii) by striking “1404 of SAFETEA-  
7 LU (23 U.S.C. 402 note)” and inserting  
8 “211”; and

9 (D) by adding at the end the following:

10 “(16) Protective features (including natural in-  
11 frastructure) to enhance the resilience of a transpor-  
12 tation facility otherwise eligible for assistance under  
13 this section.

14 “(17) Projects to reduce greenhouse gas emis-  
15 sions eligible under section 171, including the instal-  
16 lation of electric vehicle charging infrastructure.

17 “(18) Projects and strategies to reduce vehicle-  
18 caused wildlife mortality related to, or to restore and  
19 maintain connectivity among terrestrial or aquatic  
20 habitats affected by, a transportation facility other-  
21 wise eligible for assistance under this section.

22 “(19) A surface transportation project carried  
23 out in accordance with the national travel and tour-  
24 ism infrastructure strategic plan under section  
25 1431(e) of the FAST Act (49 U.S.C. 301 note).”;

1 (4) in subsection (c)—

2 (A) by striking “block grant” and inserting  
3 “program”;

4 (B) by striking paragraph (3) and insert-  
5 ing the following:

6 “(3) for a project described in—

7 “(A) subsection (h); or

8 “(B) section 101(a)(29), as in effect on  
9 the day before the date of enactment of the  
10 FAST Act;”;

11 (C) by redesignating paragraph (4) as  
12 paragraph (5); and

13 (D) by inserting after paragraph (3) the  
14 following:

15 “(4) for a project described in section 5308 of  
16 title 49; and”;

17 (5) in subsection (d)—

18 (A) in paragraph (1)—

19 (i) by inserting “each fiscal year”  
20 after “apportioned to a State”;

21 (ii) by striking “the reservation of”  
22 and inserting “setting aside”; and

23 (iii) in subparagraph (A)—

1 (I) by striking “the percentage  
2 specified in paragraph (6) for a fiscal  
3 year” and inserting “55 percent”;

4 (II) in clause (i) by striking “of  
5 over” and inserting “greater than”;  
6 and

7 (III) by striking clauses (ii) and  
8 (iii) and inserting the following:

9 “(ii) in urbanized areas of the State  
10 with an urbanized area population greater  
11 than 49,999 and less than 200,001;

12 “(iii) in urban areas of the State with  
13 a population greater than 4,999 and less  
14 than 50,000; and

15 “(iv) in other areas of the State with  
16 a population less than 5,000; and”;

17 (B) by striking paragraph (3) and insert-  
18 ing the following:

19 “(3) LOCAL COORDINATION AND CONSULTA-  
20 TION.—

21 “(A) COORDINATION WITH METROPOLITAN  
22 PLANNING ORGANIZATIONS.—For purposes of  
23 paragraph (1)(A)(ii), a State shall—

24 “(i) establish a process to coordinate  
25 with all metropolitan planning organiza-

1           tions in the State that represent an urban-  
2           ized area described in such paragraph; and  
3           “(ii) describe how funds described  
4           under paragraph (1)(A)(ii) will be allo-  
5           cated equitably among such urbanized  
6           areas during the period of fiscal years  
7           2022 through 2025.

8           “(B) JOINT RESPONSIBILITY.—Each State  
9           and the Secretary shall jointly ensure compli-  
10          ance with subparagraph (A).

11          “(C) CONSULTATION WITH REGIONAL  
12          TRANSPORTATION PLANNING ORGANIZA-  
13          TIONS.—For purposes of clauses (iii) and (iv)  
14          of paragraph (1)(A), before obligating funding  
15          attributed to an area with a population less  
16          than 50,000, a State shall consult with the re-  
17          gional transportation planning organizations  
18          that represent the area, if any.”;

19          (C) in the heading for paragraph (4) by  
20          striking “OVER 200,000” and inserting “GREAT-  
21          ER THAN 200,000”;

22          (D) by striking paragraph (6) and insert-  
23          ing the following:

24          “(6) TECHNICAL ASSISTANCE.—



1           “(A) IN GENERAL.—The State and all  
2           metropolitan planning organizations in the  
3           State that represent an urbanized area with a  
4           population of greater than 200,000 shall jointly  
5           establish a program to improve the ability of  
6           applicants to deliver projects under this sub-  
7           section in an efficient and expeditious manner  
8           and reduce the period of time between the selec-  
9           tion of the project and the obligation of funds  
10          for the project by providing—

11                 “(i) technical assistance and training  
12                 to applicants for projects under this sub-  
13                 section; and

14                 “(ii) funding for 1 or more full-time  
15                 State employee positions to administer this  
16                 subsection.

17          “(B) ELIGIBLE FUNDS.—To carry out this  
18          paragraph—

19                 “(i) a State shall set aside an amount  
20                 equal to 1 percent of the funds available  
21                 under paragraph (1)(A)(i); and

22                 “(ii) at the request of an eligible met-  
23                 ropolitan planning organization, the State  
24                 and metropolitan planning organization

1                   may jointly agree to use additional funds  
2                   available under paragraph (1)(A)(i).

3                   “(C) USE OF FUNDS.—Amounts used  
4                   under this paragraph may be expended—

5                   “(i) directly by the State; or

6                   “(ii) through contracts with State  
7                   agencies, private entities, or nonprofit or-  
8                   ganizations.”;

9                   (6) in subsection (e)(1)—

10                  (A) by striking “over 200,000” and insert-  
11                  ing “greater than 200,000”; and

12                  (B) by striking “2016 through 2020” and  
13                  inserting “2022 through 2025”;

14                  (7) by striking subsection (f) and inserting the  
15                  following:

16                  “(f) BRIDGES NOT ON FEDERAL-AID HIGHWAYS.—

17                  “(1) DEFINITION OF OFF-SYSTEM BRIDGE.—In  
18                  this subsection, the term ‘off-system bridge’ means  
19                  a bridge located on a public road, other than a  
20                  bridge on a Federal-aid highway.

21                  “(2) SPECIAL RULE.—

22                  “(A) SET ASIDE.—Of the amounts appor-  
23                  tioned to a State for each fiscal year under this  
24                  section other than the amounts described in  
25                  subparagraph (C), the State shall obligate for

1 activities described in subsection (b)(2) (as in  
2 effect on the day before the date of enactment  
3 of the FAST Act) for off-system bridges an  
4 amount that is not less than 20 percent of the  
5 amounts available to such State under this sec-  
6 tion in fiscal year 2020, not including the  
7 amounts described in subparagraph (C).

8 “(B) REDUCTION OF EXPENDITURES.—  
9 The Secretary, after consultation with State  
10 and local officials, may reduce the requirement  
11 for expenditures for off-system bridges under  
12 subparagraph (A) with respect to the State if  
13 the Secretary determines that the State has in-  
14 adequate needs to justify the expenditure.

15 “(C) LIMITATIONS.—The following  
16 amounts shall not be used for the purposes of  
17 meeting the requirements of subparagraph (A):

18 “(i) Amounts described in section  
19 133(d)(1)(A).

20 “(ii) Amounts set aside under section  
21 133(h).

22 “(iii) Amounts described in section  
23 505(a).

24 “(3) CREDIT FOR BRIDGES NOT ON FEDERAL-  
25 AID HIGHWAYS.—Notwithstanding any other provi-

1 sion of law, with respect to any project not on a  
2 Federal-aid highway for the replacement of a bridge  
3 or rehabilitation of a bridge that is wholly funded  
4 from State and local sources, is eligible for Federal  
5 funds under this section, is certified by the State to  
6 have been carried out in accordance with all stand-  
7 ards applicable to such projects under this section,  
8 and is determined by the Secretary upon completion  
9 to be no longer a deficient bridge—

10 “(A) any amount expended after the date  
11 of enactment of this subsection from State and  
12 local sources for the project in excess of 20 per-  
13 cent of the cost of construction of the project  
14 may be credited to the non-Federal share of the  
15 cost of other bridge projects in the State that  
16 are eligible for Federal funds under this sec-  
17 tion; and

18 “(B) that crediting shall be conducted in  
19 accordance with procedures established by the  
20 Secretary.”; and

21 (8) in subsection (g)(1)—

22 (A) by striking “subsection (d)(1)(A)(ii)  
23 for each of fiscal years 2016 through 2020”  
24 and inserting “subsection (d)(1)(A)(iv) for each  
25 fiscal year”;

1 (B) by inserting “rural” after “functionally  
2 classified as”; and

3 (C) by inserting “or on critical rural  
4 freight corridors designated under section  
5 167(e)” after “minor collectors”.

6 (b) CLERICAL AMENDMENT.—The analysis for chap-  
7 ter 1 of title 23, United States Code, is amended by strik-  
8 ing the item relating to section 133 and inserting the fol-  
9 lowing:

“133. Surface transportation program.”.

10 (c) CONFORMING AMENDMENTS.—

11 (1) ADVANCE ACQUISITION OF REAL PROP-  
12 erty.—Section 108(c) of title 23, United States  
13 Code, is amended—

14 (A) in paragraph (2)(A) by striking “block  
15 grant”; and

16 (B) in paragraph (3) by striking “block  
17 grant”.

18 (2) NONDISCRIMINATION.—Section 140(b) of  
19 title 23, United States Code, is amended by striking  
20 “block grant”.

21 (3) PUBLIC TRANSPORTATION.—Section  
22 142(e)(2) of title 23, United States Code, is amend-  
23 ed by striking “block grant”.

24 (4) HIGHWAY USE TAX EVASION PROJECTS.—  
25 Section 143(b)(8) of title 23, United States Code, is

1 amended in the heading by striking “BLOCK  
2 GRANT”.

3 (5) CONGESTION MITIGATION AND AIR QUALITY  
4 IMPROVEMENT PROGRAM.—Section 149(d) of title  
5 23, United States Code, is amended—

6 (A) in paragraph (1)(B) by striking “block  
7 grant”; and

8 (B) in paragraph (2)(A) by striking “block  
9 grant”.

10 (6) TERRITORIAL AND PUERTO RICO HIGHWAY  
11 PROGRAM.—Section 165 of title 23, United States  
12 Code, is amended—

13 (A) in subsection (b)(2)(A)(ii) by striking  
14 “block grant” each time such term appears;  
15 and

16 (B) in subsection (c)(6)(A)(i) by striking  
17 “block grant”.

18 (7) MAGNETIC LEVITATION TRANSPORTATION  
19 TECHNOLOGY DEPLOYMENT PROGRAM.—Section  
20 322(h)(3) of title 23, United States Code, is amend-  
21 ed by striking “block grant”.

22 (8) TRAINING AND EDUCATION.—Section  
23 504(a)(4) of title 23, United States Code, is amend-  
24 ed by striking “block grant”.

1 **SEC. 1206. TRANSPORTATION ALTERNATIVES PROGRAM.**

2 Section 133(h) of title 23, United States Code, is  
3 amended to read as follows:

4 “(h) TRANSPORTATION ALTERNATIVES PROGRAM  
5 SET-ASIDE.—

6 “(1) SET ASIDE.—For each fiscal year, of the  
7 total funds apportioned to all States under section  
8 104(b)(2) for a fiscal year, the Secretary shall set  
9 aside an amount such that—

10 “(A) the Secretary sets aside a total  
11 amount under this subsection for a fiscal year  
12 equal to 10 percent of such total funds; and

13 “(B) the State’s share of the amount set  
14 aside under subparagraph (A) is determined by  
15 multiplying the amount set aside under sub-  
16 paragraph (A) by the ratio that—

17 “(i) the amount apportioned to the  
18 State for the transportation enhancement  
19 program for fiscal year 2009 under section  
20 133(d)(2), as in effect on the day before  
21 the date of enactment of MAP-21; bears  
22 to

23 “(ii) the total amount of funds appor-  
24 tioned to all States for the transportation  
25 enhancements program for fiscal year  
26 2009.

1 “(2) ALLOCATION WITHIN A STATE.—

2 “(A) IN GENERAL.—Except as provided in  
3 subparagraph (B), funds set aside for a State  
4 under paragraph (1) shall be obligated within  
5 that State in the manner described in sub-  
6 sections (d) and (e), except that, for purposes  
7 of this paragraph (after funds are made avail-  
8 able under paragraph (5))—

9 “(i) for each fiscal year, the percent-  
10 age referred to in paragraph (1)(A) of sub-  
11 section (d) shall be deemed to be 66 per-  
12 cent; and

13 “(ii) paragraph (3) of subsection (d)  
14 shall not apply.

15 “(B) LOCAL CONTROL.—

16 “(i) IN GENERAL.—A State may make  
17 available up to 100 percent of the funds  
18 set aside under paragraph (1) to the enti-  
19 ties described in subclause (I) if the State  
20 submits to the Secretary, and the Sec-  
21 retary approves, a plan that describes—

22 “(I) how such funds shall be  
23 made available to metropolitan plan-  
24 ning organizations, regional transpor-  
25 tation planning organizations, coun-



1 ties, or other regional transportation  
2 authorities;

3 “(II) how the entities described  
4 in subclause (I) shall select projects  
5 for funding and how such entities  
6 shall report selected projects to the  
7 State;

8 “(III) the legal, financial, and  
9 technical capacity of such entities; and

10 “(IV) the procedures in place to  
11 ensure such entities comply with the  
12 requirements of this title.

13 “(ii) REQUIREMENT.—A State that  
14 makes funding available under a plan ap-  
15 proved under this subparagraph shall make  
16 available an equivalent amount of obliga-  
17 tion authority to an entity described in  
18 clause (i)(I) to whom funds are made  
19 available under this subparagraph.

20 “(3) ELIGIBLE PROJECTS.—Funds set aside  
21 under this subsection may be obligated for any of  
22 the following projects or activities:

23 “(A) Construction, planning, and design of  
24 on-road and off-road trail facilities for pedes-  
25 trians, bicyclists, and other nonmotorized forms

1 of transportation, including sidewalks, bicycle  
2 infrastructure, pedestrian and bicycle signals,  
3 traffic calming techniques, lighting and other  
4 safety-related infrastructure, and transportation  
5 projects to achieve compliance with the Ameri-  
6 cans with Disabilities Act of 1990 (42 U.S.C.  
7 12101 et seq.).

8 “(B) Construction, planning, and design of  
9 infrastructure-related projects and systems that  
10 will provide safe routes for nondrivers, includ-  
11 ing children, older adults, and individuals with  
12 disabilities to access daily needs.

13 “(C) Conversion and use of abandoned  
14 railroad corridors for trails for pedestrians,  
15 bicyclists, or other nonmotorized transportation  
16 users.

17 “(D) Construction of turnouts, overlooks,  
18 and viewing areas.

19 “(E) Community improvement activities,  
20 including—

21 “(i) inventory, control, or removal of  
22 outdoor advertising;

23 “(ii) historic preservation and reha-  
24 bilitation of historic transportation facili-  
25 ties;

1                   “(iii) vegetation management prac-  
2                   tices in transportation rights-of-way to im-  
3                   prove roadway safety, prevent against  
4                   invasive species, and provide erosion con-  
5                   trol; and

6                   “(iv) archaeological activities relating  
7                   to impacts from implementation of a trans-  
8                   portation project eligible under this title.

9                   “(F) Any environmental mitigation activ-  
10                  ity, including pollution prevention and pollution  
11                  abatement activities and mitigation to address  
12                  stormwater management, control, and water  
13                  pollution prevention or abatement related to  
14                  highway construction or due to highway runoff,  
15                  including activities described in sections 328(a)  
16                  and 329.

17                  “(G) Projects and strategies to reduce ve-  
18                  hicle-caused wildlife mortality related to, or to  
19                  restore and maintain connectivity among terres-  
20                  trial or aquatic habitats affected by, a transpor-  
21                  tation facility otherwise eligible for assistance  
22                  under this subsection.

23                  “(H) The recreational trails program  
24                  under section 206.

1           “(I) The safe routes to school program  
2           under section 211.

3           “(J) Activities in furtherance of a vulner-  
4           able road user assessment described in section  
5           148.

6           “(K) Any other projects or activities de-  
7           scribed in section 101(a)(29) or section 213, as  
8           such sections were in effect on the day before  
9           the date of enactment of the FAST Act (Public  
10          Law 114–94).

11          “(4) ACCESS TO FUNDS.—

12           “(A) IN GENERAL.—A State, metropolitan  
13           planning organization required to obligate funds  
14           in accordance with paragraph (2)(A), or an en-  
15           tity required to obligate funds in accordance  
16           with paragraph (2)(B) shall develop a competi-  
17           tive process to allow eligible entities to submit  
18           projects for funding that achieve the objectives  
19           of this subsection. A metropolitan planning or-  
20           ganization for an area described in subsection  
21           (d)(1)(A)(i) shall select projects under such  
22           process in consultation with the relevant State.

23           “(B) ELIGIBLE ENTITY DEFINED.—In this  
24           paragraph, the term ‘eligible entity’ means—

25           “(i) a local government;

1 “(ii) a regional transportation author-  
2 ity;

3 “(iii) a transit agency;

4 “(iv) a natural resource or public land  
5 agency;

6 “(v) a school district, local education  
7 agency, or school;

8 “(vi) a tribal government;

9 “(vii) a metropolitan planning organi-  
10 zation that serves an urbanized area with  
11 a population of 200,000 or fewer;

12 “(viii) a nonprofit organization car-  
13 rying out activities related to transpor-  
14 tation;

15 “(ix) any other local or regional gov-  
16 ernmental entity with responsibility for or  
17 oversight of transportation or recreational  
18 trails (other than a metropolitan planning  
19 organization that serves an urbanized area  
20 with a population of over 200,000 or a  
21 State agency) that the State determines to  
22 be eligible, consistent with the goals of this  
23 subsection; and

24 “(x) a State, at the request of any en-  
25 tity listed in clauses (i) through (ix).

1           “(5) CONTINUATION OF CERTAIN REC-  
2 REATIONAL TRAILS PROJECTS.—

3           “(A) IN GENERAL.—For each fiscal year, a  
4 State shall—

5           “(i) obligate an amount of funds set  
6 aside under this subsection equal to 175  
7 percent of the amount of the funds appor-  
8 tioned to the State for fiscal year 2009  
9 under section 104(h)(2), as in effect on the  
10 day before the date of enactment of MAP-  
11 21, for projects relating to recreational  
12 trails under section 206;

13           “(ii) return 1 percent of the funds de-  
14 scribed in clause (i) to the Secretary for  
15 the administration of such program; and

16           “(iii) comply with the provisions of  
17 the administration of the recreational trails  
18 program under section 206, including the  
19 use of apportioned funds described in sub-  
20 section (d)(3)(A) of such section.

21           “(B) STATE FLEXIBILITY.—A State may  
22 opt out of the recreational trails program under  
23 this paragraph if the Governor of the State no-  
24 tifies the Secretary not later than 30 days prior

1 to the date on which an apportionment is made  
2 under section 104 for any fiscal year.

3 “(6) IMPROVING ACCESSIBILITY AND EFFI-  
4 CIENCY.—

5 “(A) IN GENERAL.—A State may use an  
6 amount equal to not more than 5 percent of the  
7 funds set aside for the State under this sub-  
8 section, after allocating funds in accordance  
9 with paragraph (2)(A), to improve the ability of  
10 applicants to access funding for projects under  
11 this subsection in an efficient and expeditious  
12 manner by providing—

13 “(i) to applicants for projects under  
14 this subsection application assistance, tech-  
15 nical assistance, and assistance in reducing  
16 the period of time between the selection of  
17 the project and the obligation of funds for  
18 the project; and

19 “(ii) funding for 1 or more full-time  
20 State employee positions to administer this  
21 subsection.

22 “(B) USE OF FUNDS.—Amounts used  
23 under subparagraph (A) may be expended—

24 “(i) directly by the State; or

1 “(ii) through contracts with State  
2 agencies, private entities, or nonprofit enti-  
3 ties.

4 “(7) FEDERAL SHARE.—

5 “(A) FLEXIBLE MATCH.—

6 “(i) IN GENERAL.—Notwithstanding  
7 section 120—

8 “(I) the non-Federal share for a  
9 project under this subsection may be  
10 calculated on a project, multiple-  
11 project, or program basis; and

12 “(II) the Federal share of the  
13 cost of an individual project in this  
14 subsection may be up to 100 percent.

15 “(ii) AGGREGATE NON-FEDERAL  
16 SHARE.—The average annual non-Federal  
17 share of the total cost of all projects for  
18 which funds are obligated under this sub-  
19 section in a State for a fiscal year shall be  
20 not less than the non-Federal share au-  
21 thorized for the State under section  
22 120(b).

23 “(iii) REQUIREMENT.—This subpara-  
24 graph shall only apply to a State if such  
25 State has adequate financial controls, as



1 certified by the Secretary, to account for  
2 the average annual non-Federal share  
3 under this subparagraph.

4 “(B) SAFETY PROJECTS.—Notwith-  
5 standing section 120, funds made available to  
6 carry out section 148 may be credited toward  
7 the non-Federal share of the costs of a project  
8 under this subsection if the project—

9 “(i) is a project described in section  
10 148(e)(1); and

11 “(ii) is consistent with the State stra-  
12 tegic highway safety plan (as defined in  
13 section 148(a)).

14 “(8) FLEXIBILITY.—

15 “(A) STATE AUTHORITY.—

16 “(i) IN GENERAL.—A State may use  
17 not more than 50 percent of the funds set  
18 aside under this subsection that are avail-  
19 able for obligation in any area of the State  
20 (suballocated consistent with the require-  
21 ments of subsection (d)(1)(B)) for any  
22 purpose eligible under subsection (b).

23 “(ii) RESTRICTION.—Funds may be  
24 used as described in clause (i) only if the  
25 State demonstrates to the Secretary—

1                   “(I) that the State held a com-  
2                   petition in compliance with the re-  
3                   quirements of this subsection in such  
4                   form as the Secretary determines ap-  
5                   propriate;

6                   “(II) that the State offered tech-  
7                   nical assistance to all eligible entities  
8                   and provided such assistance upon re-  
9                   quest by an eligible entity; and

10                  “(III) that there were not suffi-  
11                  cient suitable applications from eligi-  
12                  ble entities to use the funds described  
13                  in clause (i).

14                  “(B) MPO AUTHORITY.—

15                  “(i) IN GENERAL.—A metropolitan  
16                  planning organization that represents an  
17                  urbanized area with a population of great-  
18                  er than 200,000 may use not more than  
19                  50 percent of the funds set aside under  
20                  this subsection for an urbanized area de-  
21                  scribed in subsection (d)(1)(A)(i) for any  
22                  purpose eligible under subsection (b).

23                  “(ii) RESTRICTION.—Funds may be  
24                  used as described in clause (i) only if the

1 Secretary certifies that the metropolitan  
2 planning organization—

3 “(I) held a competition in compli-  
4 ance with the requirements of this  
5 subsection in such form as the Sec-  
6 retary determines appropriate; and

7 “(II) demonstrates that there  
8 were not sufficient suitable applica-  
9 tions from eligible entities to use the  
10 funds described in clause (i).

11 “(9) ANNUAL REPORTS.—

12 “(A) IN GENERAL.—Each State or metro-  
13 politan planning organization responsible for  
14 carrying out the requirements of this subsection  
15 shall submit to the Secretary an annual report  
16 that describes—

17 “(i) the number of project applica-  
18 tions received for each fiscal year, includ-  
19 ing—

20 “(I) the aggregate cost of the  
21 projects for which applications are re-  
22 ceived; and

23 “(II) the types of projects to be  
24 carried out, expressed as percentages

1 of the total apportionment of the  
2 State under this subsection; and

3 “(ii) the list of each project selected  
4 for funding for each fiscal year, including  
5 specifying the fiscal year for which the  
6 project was selected, the fiscal year in  
7 which the project is anticipated to be fund-  
8 ed, the recipient, the location, the type,  
9 and a brief description.

10 “(B) PUBLIC AVAILABILITY.—The Sec-  
11 retary shall make available to the public, in a  
12 user-friendly format on the website of the De-  
13 partment of Transportation, a copy of each an-  
14 nual report submitted under subparagraph  
15 (A).”.

16 **SEC. 1207. BRIDGE INVESTMENT.**

17 (a) IN GENERAL.—Section 144 of title 23, United  
18 States Code, is amended—

19 (1) in the section heading by striking “**Na-**  
20 **tional bridge and tunnel inventory and**  
21 **inspection standards**” and inserting  
22 “**Bridges and tunnels**”;

23 (2) in subsection (a)(1)(B) by striking “defi-  
24 cient”;

1           (3) in subsection (b)(5) by striking “struc-  
2           turally deficient bridge” and inserting “bridge classi-  
3           fied as in poor condition”;

4           (4) in subsection (d)—

5                 (A) in paragraph (2) by striking “Not  
6                 later than 2 years after the date of enactment  
7                 of the MAP-21, each” and inserting “Each”;  
8                 and

9                 (B) by striking paragraph (4);  
10            (5) in subsection (j)—

11                 (A) in paragraph (2) by inserting “, 124,”  
12                 after “section 119”;

13                 (B) in paragraph (3)(A) by inserting “,  
14                 124,” after “section 119”; and

15                 (C) in paragraph (5) by striking “financial  
16                 characteristics” and all that follows through the  
17                 end and inserting “Federal share.”; and

18            (6) by adding at the end the following:

19            “(1) HIGHWAY BRIDGE REPLACEMENT AND REHA-  
20            BILITATION.—

21                 “(1) GOALS.—The goals of this subsection shall  
22                 be to—

23                         “(A) support the achievement of a state of  
24                         good repair for the Nation’s bridges;

1           “(B) improve the safety, efficiency, and re-  
2           liability of the movement of people and freight  
3           over bridges; and

4           “(C) improve the condition of bridges in  
5           the United States by reducing—

6                   “(i) the number of bridges—

7                           “(I) in poor condition; or

8                           “(II) in fair condition and at risk  
9                   of falling into poor condition;

10                   “(ii) the total person miles traveled  
11           over bridges—

12                           “(I) in poor condition; or

13                           “(II) in fair condition and at risk  
14                   of falling into poor condition;

15                   “(iii) the number of bridges that—

16                           “(I) do not meet current geo-  
17                   metric design standards; or

18                           “(II) cannot meet the load and  
19                   traffic requirements typical of the re-  
20                   gional transportation network; and

21                   “(iv) the total person miles traveled  
22           over bridges that—

23                           “(I) do not meet current geo-  
24                   metric design standards; or

1 “(II) cannot meet the load and  
2 traffic requirements typical of the re-  
3 gional transportation network.

4 “(2) BRIDGES ON PUBLIC ROADS.—

5 “(A) MINIMUM BRIDGE INVESTMENT.—  
6 Excluding the amounts described in subpara-  
7 graph (C), of the total funds apportioned to a  
8 State under paragraphs (1) and (2) of section  
9 104(b) for fiscal years 2022 to 2025, a State  
10 shall obligate not less than 20 percent for  
11 projects described in subparagraph (E).

12 “(B) PROGRAM FLEXIBILITY.—A State re-  
13 quired to obligate funds under subparagraph  
14 (A) may use any combination of funds appor-  
15 tioned to a State under paragraphs (1) and (2)  
16 of section 104(b).

17 “(C) LIMITATION.—Amounts described  
18 below may not be used for the purposes of cal-  
19 culating or meeting the minimum bridge invest-  
20 ment requirement under subparagraph (A)—

21 “(i) amounts described in section  
22 133(d)(1)(A);

23 “(ii) amounts set aside under section  
24 133(h); and

1 “(iii) amounts described in section  
2 505(a).

3 “(D) RULE OF CONSTRUCTION.—Nothing  
4 in this section shall be construed to prohibit the  
5 expenditure of funds described in subparagraph  
6 (C) for bridge projects eligible under such sec-  
7 tion.

8 “(E) ELIGIBLE PROJECTS.—Funds re-  
9 quired to be obligated in accordance with para-  
10 graph (2)(A) may be obligated for projects or  
11 activities that—

12 “(i) are otherwise eligible under either  
13 section 119 or section 133, as applicable;

14 “(ii) support the achievement of per-  
15 formance targets of the State established  
16 under section 150 or provide support for  
17 the condition and performance of bridges  
18 on public roads within the State; and

19 “(iii) remove a bridge classified as in  
20 poor condition in order to improve commu-  
21 nity connectivity, or replace, reconstruct,  
22 rehabilitate, preserve, or protect a bridge  
23 included on the national bridge inventory  
24 authorized by subsection (b), including  
25 through—



1 “(I) seismic retrofits;

2 “(II) systematic preventive main-  
3 tenance;

4 “(III) installation of scour coun-  
5 termeasures;

6 “(IV) the use of innovative mate-  
7 rials that extend the service life of the  
8 bridge and reduce preservation costs,  
9 as compared to conventionally de-  
10 signed and constructed bridges;

11 “(V) the use of nontraditional  
12 production techniques, including fac-  
13 tory prefabrication;

14 “(VI) painting for purposes of  
15 bridge protection;

16 “(VII) application of calcium  
17 magnesium acetate, sodium acetate/  
18 formate, or other environmentally ac-  
19 ceptable, minimally corrosive anti-  
20 icing and deicing compositions;

21 “(VIII) corrosion control;

22 “(IX) construction of protective  
23 features (including natural infrastruc-  
24 ture) alone or in combination with  
25 other activities eligible under this

1 paragraph to enhance resilience of a  
2 bridge;

3 “(X) bridge security counter-  
4 measures;

5 “(XI) impact protection meas-  
6 ures for bridges;

7 “(XII) inspection and evaluation  
8 of bridges; and

9 “(XIII) training for bridge in-  
10 spectors consistent with subsection (i).

11 “(F) BUNDLES OF PROJECTS.—A State  
12 may use a bundle of projects as described in  
13 subsection (j) to satisfy the requirements of  
14 subparagraph (A), if each project in the bundle  
15 is otherwise eligible under subparagraph (E).

16 “(G) FLEXIBILITY.—The Secretary may,  
17 at the request of a State, reduce the required  
18 obligation under subparagraph (A) if—

19 “(i) the reduction is consistent with a  
20 State’s asset management plan for the Na-  
21 tional Highway System;

22 “(ii) the reduction will not limit a  
23 State’s ability to meet its performance tar-  
24 gets under section 150 or to improve the

1 condition and performance of bridges on  
2 public roads within the State; and

3 “(iii) the State demonstrates that it  
4 has inadequate needs to justify the expend-  
5 iture.

6 “(H) BRIDGE INVESTMENT REPORT.—The  
7 Secretary shall annually publish on the website  
8 of the Department of Transportation a bridge  
9 investment report that includes—

10 “(i) the total Federal funding obli-  
11 gated for bridge projects in the most re-  
12 cent fiscal year, on a State-by-State basis  
13 and broken out by Federal program;

14 “(ii) the total Federal funding obli-  
15 gated, on a State-by-State basis and bro-  
16 ken out by Federal program, for bridge  
17 projects carried out pursuant to the min-  
18 imum bridge investment requirements  
19 under subparagraph (A);

20 “(iii) the progress made by each State  
21 toward meeting the minimum bridge in-  
22 vestment requirement under subparagraph  
23 (A) for such State, both cumulatively and  
24 for the most recent fiscal year;

25 “(iv) a summary of—

1 “(I) each request made under  
2 subparagraph (G) by a State for a re-  
3 duction in the minimum bridge invest-  
4 ment requirement under subpara-  
5 graph (A); and

6 “(II) for each request described  
7 in subclause (I) that is granted by the  
8 Secretary—

9 “(aa) the percentage and  
10 dollar amount of the reduction;  
11 and

12 “(bb) an explanation of how  
13 the State met each of the criteria  
14 described in subparagraph (G);  
15 and

16 “(v) a summary of—

17 “(I) each request made by a  
18 State for a reduction in the obligation  
19 requirements under section 133(f);  
20 and

21 “(II) for each request that is  
22 granted by the Secretary—

23 “(aa) the percentage and  
24 dollar amount of the reduction;  
25 and

1 “(bb) an explanation of how  
2 the Secretary made the deter-  
3 mination under section  
4 133(f)(2)(B).

5 “(I) OFF-SYSTEM BRIDGES.—A State may  
6 apply amounts obligated under this subsection  
7 or section 133(f)(2)(A) to the obligation re-  
8 quirements of both this subsection and section  
9 133(f).

10 “(J) NHS PENALTY.—A State may apply  
11 amounts obligated under this subsection or sec-  
12 tion 119(f)(2) to the obligation requirements of  
13 both this subsection and section 119(f)(2).

14 “(K) COMPLIANCE.—If a State fails to  
15 satisfy the requirements of subparagraph (A)  
16 by the end of fiscal year 2025, the Secretary  
17 may subject the State to appropriate program  
18 sanctions under section 1.36 of title 23, Code of  
19 Federal Regulations (or successor regula-  
20 tions).”.

21 (b) CLERICAL AMENDMENT.—The analysis for chap-  
22 ter 1 of title 23, United States Code, is amended by strik-  
23 ing the item relating to section 144 and inserting the fol-  
24 lowing:

“144. Bridges and tunnels.”.

1 **SEC. 1208. CONSTRUCTION OF FERRY BOATS AND FERRY**  
2 **TERMINAL FACILITIES.**

3 Section 147 of title 23, United States Code, is  
4 amended—

5 (1) by striking subsection (h); and

6 (2) by redesignating subsections (i) and (j) as  
7 subsections (h) and (i), respectively.

8 **SEC. 1209. HIGHWAY SAFETY IMPROVEMENT PROGRAM.**

9 (a) IN GENERAL.—Section 148 of title 23, United  
10 States Code, is amended—

11 (1) in subsection (a)—

12 (A) in paragraph (4)(B)—

13 (i) by striking “only includes a  
14 project” and inserting “includes a  
15 project”;

16 (ii) in clause (xiii) by inserting “, in-  
17 cluding the development of a vulnerable  
18 road user safety assessment or a vision  
19 zero plan under section 1601 of the IN-  
20 VEST in America Act” after “safety plan-  
21 ning”;

22 (iii) by amending clause (xviii) to read  
23 as follows:

24 “(xviii) Safe routes to school infra-  
25 structure-related projects eligible under  
26 section 211.”;

1 (iv) in clause (xxvi) by inserting “or  
2 leading pedestrian intervals” after “hybrid  
3 beacons”; and

4 (v) by striking clause (xxviii) and in-  
5 serting the following:

6 “(xxviii) A pedestrian security feature  
7 designed to slow or stop a motor vehicle.

8 “(xxix) Installation of infrastructure  
9 improvements, including sidewalks, cross-  
10 walks, signage, and bus stop shelters or  
11 protected waiting areas.”;

12 (B) in paragraph (11)—

13 (i) in subparagraph (A)—

14 (I) in clause (ix) by striking  
15 “and” at the end;

16 (II) by redesignating clause (x)  
17 as clause (xi); and

18 (III) by inserting after clause (ix)  
19 the following:

20 “(x) State or local representatives of  
21 educational agencies to address safe routes  
22 to school and schoolbus safety; and”;

23 (ii) in subparagraph (E) by inserting  
24 “Tribal,” after “State,”;

1 (iii) by redesignating subparagraphs  
2 (G), (H), and (I) as subparagraphs (H),  
3 (I), and (J), respectively; and

4 (iv) by inserting after subparagraph  
5 (F) the following:

6 “(G) includes a vulnerable road user safety  
7 assessment described under paragraph (16);”;

8 (C) by redesignating paragraphs (10),  
9 (11), and (12) as paragraphs (12), (13), and  
10 (14), respectively;

11 (D) by inserting after paragraph (9) the  
12 following:

13 “(10) SAFE SYSTEM APPROACH.—The term  
14 ‘safe system approach’ means a roadway design that  
15 emphasizes minimizing the risk of injury or fatality  
16 to road users and that—

17 “(A) takes into consideration the possi-  
18 bility and likelihood of human error;

19 “(B) accommodates human injury toler-  
20 ance by taking into consideration likely crash  
21 types, resulting impact forces, and the human  
22 body’s ability to withstand such forces; and

23 “(C) takes into consideration vulnerable  
24 road users.

25 “(11) SPECIFIED SAFETY PROJECT.—



1           “(A) IN GENERAL.—The term ‘specified  
2           safety project’ means a project carried out for  
3           the purpose of safety under any other section of  
4           this title that is consistent with the State stra-  
5           tegic highway safety plan.

6           “(B) INCLUSION.—The term ‘specified  
7           safety project’ includes a project that—

8                   “(i) promotes public awareness and  
9                   informs the public regarding highway safe-  
10                  ty matters (including safety for motorcy-  
11                  clists, bicyclists, pedestrians, individuals  
12                  with disabilities, and other road users);

13                  “(ii) facilitates enforcement of traffic  
14                  safety laws;

15                  “(iii) provides infrastructure and in-  
16                  frastructure-related equipment to support  
17                  emergency services;

18                  “(iv) conducts safety-related research  
19                  to evaluate experimental safety counter-  
20                  measures or equipment; or

21                  “(v) supports safe routes to school  
22                  noninfrastructure-related activities de-  
23                  scribed under section 211(e)(2).”; and

24           (E) by adding at the end the following:

1           “(15) VULNERABLE ROAD USER.—The term  
2           ‘vulnerable road user’ means a nonmotorist—

3                   “(A) with a fatality analysis reporting sys-  
4           tem person attribute code that is included in  
5           the definition of the term ‘number of non-mo-  
6           torized fatalities’ in section 490.205 of title 23,  
7           Code of Federal Regulations (or successor regu-  
8           lation); or

9                   “(B) described in the term ‘number of  
10          non-motorized serious injuries’ in such section.

11          “(16) VULNERABLE ROAD USER SAFETY AS-  
12          SESSMENT.—The term ‘vulnerable road user safety  
13          assessment’ means an assessment of the safety per-  
14          formance of the State with respect to vulnerable  
15          road users and the plan of the State to improve the  
16          safety of vulnerable road users described in sub-  
17          section (l).”;

18          (2) in subsection (c)—

19                  (A) in paragraph (1) by striking “(a)(11)”  
20          and inserting “(a)(13)”; and

21                  (B) in paragraph (2)—

22                          (i) in subparagraph (A)(vi) by insert-  
23          ing “, consistent with the vulnerable road  
24          user safety assessment” after “non-  
25          motorized crashes”;

1 (ii) in subparagraph (B)(i)—

2 (I) by inserting “, consistent with  
3 a safe system approach,” after “iden-  
4 tify”;

5 (II) by inserting “excessive de-  
6 sign speeds and speed limits,” after  
7 “crossing needs,”; and

8 (III) by striking “motorists (in-  
9 cluding motorcycleists), bicyclists, pe-  
10 destrians, and other highway users”  
11 and inserting “road users”; and

12 (iii) in subparagraph (D)(iii) by strik-  
13 ing “motorists (including motorcycleists),  
14 bicyclists, pedestrians, persons with disabil-  
15 ities, and other highway users” and insert-  
16 ing “road users”;

17 (3) in subsection (d)—

18 (A) in paragraph (1)—

19 (i) in subparagraph (A) by striking  
20 “Not later than 1 year after the date of  
21 enactment of the MAP-21, the” and in-  
22 serting “The”; and

23 (ii) in subparagraph (B)—

24 (I) in clause (iv) by inserting  
25 “and serious injury” after “fatality”;

1 (II) in clause (vii) by striking “;  
2 and” and inserting a semicolon;

3 (III) by redesignating clause  
4 (viii) as clause (ix); and

5 (IV) by inserting after clause  
6 (vii) the following:

7 “(viii) the findings of a vulnerable  
8 road user safety assessment of the State;  
9 and”; and

10 (B) in paragraph (2)(B)(i) by striking  
11 “subsection (a)(11)” and inserting “subsection  
12 (a)(13)”;  
13 (4) in subsection (e)—

14 (A) in paragraph (1)(C) by striking “,  
15 without regard to whether the project is in-  
16 cluded in an applicable State strategic highway  
17 safety plan”; and

18 (B) by adding at the end the following:

19 “(3) FLEXIBLE FUNDING FOR SPECIFIED SAFE-  
20 TY PROJECTS.—

21 “(A) IN GENERAL.—To advance the imple-  
22 mentation of a State strategic highway safety  
23 plan, a State may use not more than 10 percent  
24 of the amounts apportioned to the State under

1 section 104(b)(3) for a fiscal year to carry out  
2 specified safety projects.

3 “(B) RULE OF STATUTORY CONSTRUC-  
4 TION.—Nothing in this paragraph shall be con-  
5 strued to require a State to revise any State  
6 process, plan, or program in effect on the date  
7 of enactment of this paragraph.

8 “(C) EFFECT OF PARAGRAPH.—

9 “(i) REQUIREMENTS.—A project  
10 funded under this paragraph shall be sub-  
11 ject to all requirements under this section  
12 that apply to a highway safety improve-  
13 ment project.

14 “(ii) OTHER APPORTIONED PRO-  
15 GRAMS.—Subparagraph (A) shall not apply  
16 to amounts that may be obligated for non-  
17 infrastructure projects apportioned under  
18 any other paragraph of section 104(b).”;

19 (5) in subsection (g)—

20 (A) by amending paragraph (1) to read as  
21 follows:

22 “(1) HIGH-RISK RURAL ROAD SAFETY.—

23 “(A) IN GENERAL.—If a State determines  
24 that the fatality rate on rural roads in such  
25 State for the most recent 2-year period for

1           which data are available exceeds the median fa-  
2           tality rate for rural roads among all States,  
3           that State shall be required to—

4                   “(i) obligate over the 2 fiscal years  
5                   following the fiscal year in which such de-  
6                   termination is made for projects on high-  
7                   risk rural roads an amount not less than  
8                   7.5 percent of the amounts apportioned to  
9                   the State under section 104(b)(3) for fiscal  
10                  year 2020; and

11                   “(ii) include, in the subsequent update  
12                   to the State strategic highway safety plan,  
13                   strategies to reduce the fatality rate.

14                  “(B) SOURCE OF FUNDS.—Any amounts  
15                  obligated under subparagraph (A) shall be from  
16                  amounts described under section 133(d)(1)(B).

17                  “(C) ANNUAL DETERMINATION.—The de-  
18                  termination described under subparagraph (A)  
19                  shall be made on an annual basis.

20                  “(D) CONSULTATION.—In carrying out a  
21                  project with an amount obligated under sub-  
22                  paragraph (A), a State shall consult with, as  
23                  applicable, local governments, metropolitan  
24                  planning organizations, and regional transpor-  
25                  tation planning organizations.”;

1 (B) in paragraph (2)—

2 (i) in the heading by striking “DRIV-  
3 ERS” and inserting “ROAD USERS”; and

4 (ii) by striking “address the increases  
5 in” and inserting “reduce”; and

6 (C) by adding at the end the following:

7 “(3) VULNERABLE ROAD USER SAFETY.—

8 “(A) IN GENERAL.—Beginning 2 years  
9 after the date of enactment of the INVEST in  
10 America Act, if a State determines that the  
11 number of vulnerable road user fatalities and  
12 serious injuries per capita in such State over  
13 the most recent 2-year period for which data  
14 are available exceeds the median number of  
15 such fatalities and serious injuries per capita  
16 among all States, that State shall be required  
17 to obligate over the 2 fiscal years following the  
18 fiscal year in which such determination is made  
19 an amount that is not less than 50 percent of  
20 the amount set aside in such State under sec-  
21 tion 133(h)(1) for fiscal year 2020 for projects  
22 identified in the program of projects described  
23 in subsection (l)(2)(C).

1           “(B) SOURCE OF FUNDS.—Any amounts  
2           obligated under subparagraph (A) shall be from  
3           amounts described in section 133(d)(1)(B).

4           “(C) ANNUAL DETERMINATION.—The de-  
5           termination described under subparagraph (A)  
6           shall be made on an annual basis.”;

7           (6) in subsection (h)(1)(A) by inserting “, in-  
8           cluding any efforts to reduce vehicle speed” after  
9           “under this section”; and

10          (7) by adding at the end the following:

11          “(1) VULNERABLE ROAD USER SAFETY ASSESS-  
12          MENT.—

13               “(1) IN GENERAL.—Not later than 2 years  
14               after date of enactment of the INVEST in America  
15               Act, each State shall create a vulnerable road user  
16               safety assessment.

17               “(2) CONTENTS.—A vulnerable road user safety  
18               assessment required under paragraph (1) shall in-  
19               clude—

20                       “(A) a description of the location within  
21                       the State of each vulnerable road user fatality  
22                       and serious injury and the design speed of the  
23                       roadway at any such location;

24                       “(B) a description of any corridors identi-  
25                       fied by a State that pose a high risk of a vul-



1           nerable road user fatality or serious injury and  
2           the design speeds of such corridors; and

3           “(C) a program of projects or strategies to  
4           reduce safety risks to vulnerable road users in  
5           corridors identified under subparagraph (B).

6           “(3) ANALYSIS.—In creating a vulnerable road  
7           user safety assessment under this subsection, a  
8           State shall assess the last 5 years of available data.

9           “(4) REQUIREMENTS.—In creating a vulnerable  
10          road user safety assessment under this subsection, a  
11          State shall—

12               “(A) take into consideration a safe system  
13               approach; and

14               “(B) consult with local governments, met-  
15               ropolitan planning organizations, and regional  
16               transportation planning organizations that rep-  
17               resent a high-risk area identified under para-  
18               graph (2)(B).

19           “(5) UPDATE.—A State shall update a vulner-  
20           able road user safety assessment on the same sched-  
21           ule as the State updates the State strategic highway  
22           safety plan.

23           “(6) TRANSPORTATION SYSTEM ACCESS.—The  
24           program of projects developed under paragraph

1       (2)(C) may not degrade transportation system ac-  
2       cess for vulnerable road users.”.

3       (b) TECHNICAL AMENDMENT.—Section 148 of title  
4   23, United States Code, is amended—

5           (1) in the heading for subsection (a)(8) by  
6       striking “ROAD USERS” and inserting “ROAD  
7       USER”; and

8           (2) in subsection (i)(2)(D) by striking “safety  
9       safety” and inserting “safety”.

10       (c) HIGH-RISK RURAL ROADS.—

11           (1) STUDY.—Not later than 2 years after the  
12       date of enactment of this Act, the Secretary of  
13       Transportation shall update the study described in  
14       paragraph (1) of section 1112(b) of MAP–21 (23  
15       U.S.C. 148 note).

16           (2) PUBLICATION OF REPORT.—Not later than  
17       2 years after the date of enactment of this Act, the  
18       Secretary shall publish on the website of the Depart-  
19       ment of Transportation an updated report of the re-  
20       port described in paragraph (2) of section 1112(b)  
21       of MAP–21 (23 U.S.C. 148 note).

22           (3) BEST PRACTICES MANUAL.—Not later than  
23       180 days after the date of submission of the report  
24       described in paragraph (2), the Secretary shall up-

1 date the best practices manual described in section  
2 1112(b)(3) of MAP-21 (23 U.S.C. 148 note).

3 **SEC. 1210. CONGESTION MITIGATION AND AIR QUALITY IM-**  
4 **PROVEMENT PROGRAM.**

5 Section 149 of title 23, United States Code, is  
6 amended—

7 (1) in subsection (b)—

8 (A) in paragraph (1)(A)(ii) by striking  
9 “subsection (h)” and inserting “subsection (i)”;

10 (B) in paragraph (7) by inserting “shared  
11 micromobility (including bikesharing and shared  
12 scooter systems),” after “carsharing,”;

13 (C) in paragraph (8)(B) by striking “; or”  
14 and inserting a semicolon;

15 (D) in paragraph (9) by striking the period  
16 and inserting “; or”; and

17 (E) by adding at the end the following:

18 “(10) if the project or program mitigates sea-  
19 sonal or temporary traffic congestion from long-haul  
20 travel or tourism.”;

21 (2) in subsection (c)—

22 (A) in paragraph (2)—

23 (i) in the heading by inserting “, HY-  
24 DROGEN VEHICLE,” after “ELECTRIC VE-  
25 HICLE”;

1 (ii) by inserting “hydrogen or” after  
2 “charging stations or”; and

3 (iii) by inserting “, hydrogen-pow-  
4 ered,” after “battery powered”; and

5 (B) in paragraph (3) by inserting “, and is  
6 consistent with section 166” after “travel  
7 times”; and

8 (3) by striking subsection (m) and inserting the  
9 following:

10 “(m) OPERATING ASSISTANCE.—

11 “(1) PROJECTS.—A State may obligate funds  
12 apportioned under section 104(b)(4) in an area of  
13 such State that is otherwise eligible for obligations  
14 of such funds for operating costs under chapter 53  
15 of title 49 or on a system for which CMAQ funding  
16 was made available, obligated, or expended in fiscal  
17 year 2012, or, notwithstanding subsection (b), on a  
18 State-supported Amtrak route with a cost-sharing  
19 agreement under section 209 of the Passenger Rail  
20 Investment and Improvement Act of 2008 or alter-  
21 native cost allocation under section 24712(g)(3) of  
22 title 49.

23 “(2) TIME LIMITATION.—In determining the  
24 amount of time for which a State may obligate funds  
25 under paragraph (1) for operating assistance for an

1 area of a State or on a system, the Secretary shall  
2 allow such obligations to occur, in such area or on  
3 such system—

4 “(A) with a time limitation of not less than  
5 3 years; and

6 “(B) in the case of projects that dem-  
7 onstrate continued net air quality benefits be-  
8 yond 3 years, as determined annually by the  
9 Secretary in consultation with the Adminis-  
10 trator of the Environmental Protection Agency,  
11 with no imposed time limitation.”.

12 **SEC. 1211. ELECTRIC VEHICLE CHARGING STATIONS.**

13 (a) ELECTRIC VEHICLE CHARGING STATIONS.—  
14 Chapter 1 of title 23, United States Code, is amended by  
15 inserting after section 154 the following new section:

16 **“§ 155. Electric vehicle charging stations**

17 “(a) IN GENERAL.—Any electric vehicle charging in-  
18 frastructure funded under this title shall be subject to the  
19 requirements of this section.

20 “(b) INTEROPERABILITY.—

21 “(1) IN GENERAL.—Electric vehicle charging  
22 stations funded under this title shall provide, at a  
23 minimum, two of the following charging connector  
24 types at the location:

25 “(A) CCS.

1 “(B) CHAdeMO.

2 “(C) An alternative connector that meets  
3 applicable industry safety standards

4 “(2) SAVINGS CLAUSE.—Nothing in this sub-  
5 section shall prevent the use of charging types other  
6 than the connectors described in paragraph (1) if, at  
7 a minimum, such connectors meet applicable indus-  
8 try safety standards and are compatible with a ma-  
9 jority of electric vehicles in operation.

10 “(c) OPEN ACCESS TO PAYMENT.—Electric vehicle  
11 charging stations shall provide payment methods available  
12 to all members of the public to ensure secure, convenient,  
13 and equal access and shall not be limited by membership  
14 to a particular payment provider.

15 “(d) TREATMENT OF PROJECTS.—Notwithstanding  
16 any other provision of law, any project to install electric  
17 vehicle charging infrastructure shall be treated as if the  
18 project is located on a Federal-aid highway.”.

19 (b) CLERICAL AMENDMENT.—The analysis for chap-  
20 ter 1 of title 23, United States Code, is amended by insert-  
21 ing after the item relating to section 154 the following  
22 new item:

“155. Electric vehicle charging stations.”.

23 (c) ELECTRIC VEHICLE CHARGING SIGNAGE.—The  
24 Secretary of Transportation shall update the Manual on  
25 Uniform Traffic Control Devices to—

1           (1) ensure uniformity in providing road users  
2           direction to electric charging stations that are open  
3           to the public; and

4           (2) allow the use of Specific Service signs for  
5           electric vehicle charging station providers.

6 **SEC. 1212. NATIONAL HIGHWAY FREIGHT PROGRAM.**

7           Section 167 of title 23, United States Code, is  
8           amended—

9           (1) in subsection (b)—

10                   (A) in paragraph (6) by striking “; and”  
11                   and inserting a semicolon; and

12                   (B) by striking paragraph (7) and insert-  
13                   ing the following:

14                   “(7) to reduce the environmental impacts of  
15                   freight movement on the National Highway Freight  
16                   Network, including—

17                           “(A) greenhouse gas emissions;

18                           “(B) local air pollution;

19                           “(C) minimizing, capturing, or treating  
20                   stormwater runoff and addressing other adverse  
21                   impacts to water quality; and

22                           “(D) wildlife habitat loss; and

23                   “(8) to decrease any adverse impact of freight  
24                   transportation on communities located near freight  
25                   facilities or freight corridors.”;

1           (2) in subsection (e) by adding at the end the  
2       following:

3           “(3) ADDITIONAL MILEAGE.—Notwithstanding  
4       paragraph (2), a State that has designated at least  
5       90 percent of its maximum mileage described in  
6       paragraph (2) may designate up to an additional  
7       150 miles of critical rural freight corridors.”;

8           (3) in subsection (f) by adding at the end the  
9       following:

10          “(5) ADDITIONAL MILEAGE.—Notwithstanding  
11       paragraph (4), a State that has designated at least  
12       90 percent of its maximum mileage described in  
13       paragraph (4) may designate up to an additional 75  
14       miles of critical urban freight corridors under para-  
15       graphs (1) and (2).”;

16          (4) in subsection (h) by striking “Not later  
17       than” and all that follows through “shall prepare”  
18       and inserting “As part of the report required under  
19       section 503(b)(8), the Administrator shall biennially  
20       prepare”;

21          (5) in subsection (i)—

22                (A) by striking paragraphs (2) and (3);

23                (B) by amending paragraph (4) to read as  
24       follows:



1           “(4) FREIGHT PLANNING.—Notwithstanding  
2           any other provision of law, a State may not obligate  
3           funds apportioned to the State under section  
4           104(b)(5) unless the State has developed, updated,  
5           or amended, as applicable, a freight plan in accord-  
6           ance with section 70202 of title 49.”;

7                       (C) in paragraph (5)—

8                       (i) by striking subparagraph (B) and  
9                       inserting the following:

10                      “(B) LIMITATION.—The Federal share of  
11                      a project described in subparagraph (C)(xxiii)  
12                      shall fund only elements of such project that  
13                      provide public benefits.”; and

14                      (ii) in subparagraph (C)—

15                      (I) in clause (iii) by inserting  
16                      “and freight management and oper-  
17                      ations systems” after “freight trans-  
18                      portation systems”; and

19                      (II) by amending clause (xxiii) to  
20                      read as follows:

21                      “(xxiii) Freight intermodal or freight  
22                      rail projects, including—

23                      “(I) projects within the bound-  
24                      aries of public or private freight rail  
25                      or water facilities (including ports);

1 “(II) projects that provide sur-  
2 face transportation infrastructure nec-  
3 essary to facilitate direct intermodal  
4 interchange, transfer, and access into  
5 or out of the facility; and

6 “(III) any other surface trans-  
7 portation project to improve the flow  
8 of freight into or out of a facility de-  
9 scribed in subclause (I) or (II).”;

10 (D) in paragraph (6) by striking “para-  
11 graph (5)” and inserting “paragraph (3)”; and

12 (E) by redesignating paragraphs (4), (5),  
13 (6), and (7) as paragraphs (2), (3), (4), and  
14 (5), respectively; and

15 (6) in subsection (k)(1)(A)(ii) by striking  
16 “ports-of entry” and inserting “ports-of-entry”.

17 **SEC. 1213. CARBON POLLUTION REDUCTION.**

18 (a) IN GENERAL.—Chapter 1 of title 23, United  
19 States Code, is amended by adding at the end the fol-  
20 lowing:

21 **“§ 171. Carbon pollution reduction**

22 “(a) ESTABLISHMENT.—The Secretary shall estab-  
23 lish a carbon pollution reduction program to support the  
24 reduction of greenhouse gas emissions from the surface  
25 transportation system.

1       “(b) ELIGIBLE PROJECTS.—A project is eligible for  
2 funding under this section if such project—

3               “(1) is expected to yield a significant reduction  
4 in greenhouse gas emissions from the surface trans-  
5 portation system;

6               “(2) will help a State meet the greenhouse gas  
7 emissions performance targets established under sec-  
8 tion 150(c)(7); and

9               “(3) is—

10               “(A) eligible for assistance under this title  
11 or under chapter 53 of title 49; or

12               “(B) a capital project, as such term is de-  
13 fined in section 22906 of title 49, to improve  
14 intercity rail passenger transportation, provided  
15 that the project will yield a significant reduction  
16 in single occupant vehicle trips and improve  
17 mobility on public roads.

18       “(c) GUIDANCE.—The Secretary shall issue guidance  
19 on methods of determining the reduction of single occu-  
20 pant vehicle trips and improvement of mobility on public  
21 roads as those factors relate to intercity rail passenger  
22 transportation projects under subsection (b)(4).

23       “(d) OPERATING EXPENSES.—A State may use not  
24 more than 10 percent of the funds provided under section

1 104(b)(9) for the operating expenses of public transpor-  
2 tation and passenger rail transportation projects.

3 “(e) SINGLE-OCCUPANCY VEHICLE HIGHWAY FA-  
4 CILITIES.—None of the funds provided under this section  
5 may be used for a project that will result in the construc-  
6 tion of new capacity available to single occupant vehicles  
7 unless the project consists of a high occupancy vehicle fa-  
8 cility and is consistent with section 166.

9 “(f) EVALUATION.—

10 “(1) IN GENERAL.—The Secretary shall annu-  
11 ally evaluate the progress of each State in carrying  
12 out the program under this section by comparing the  
13 percent change in carbon dioxide emissions per cap-  
14 ita on public roads in the State calculated as—

15 “(A) the annual carbon dioxide emissions  
16 per capita on public roads in the State for the  
17 most recent year for which there is data; di-  
18 vided by

19 “(B) the average annual carbon dioxide  
20 emissions per capita on public roads in the  
21 State in calendar years 2015 through 2019.

22 “(2) MEASURES.—In conducting the evaluation  
23 under paragraph (1), the Secretary shall—

24 “(A) prior to the effective date of the  
25 greenhouse gas performance measures under

1           section 150(c)(7), use such data as are avail-  
2           able, which may include data on motor fuels  
3           usage published by the Federal Highway Ad-  
4           ministration and information on emissions fac-  
5           tors or coefficients published by the Energy In-  
6           formation Administration of the Department of  
7           Energy; and

8           “(B) following the effective date of the  
9           greenhouse gas performance measures under  
10          section 150(c)(7), use such measures.

11          “(g) PROGRESS REPORT.—The Secretary shall annu-  
12          ally issue a carbon pollution reduction progress report, to  
13          be made publicly available on the website of the Depart-  
14          ment of Transportation, that includes—

15               “(1) the results of the evaluation under sub-  
16          section (f) for each State; and

17               “(2) a ranking of all the States by the criteria  
18          under subsection (f), with the States that, for the  
19          year covered by such report, have the largest per-  
20          centage reduction in annual carbon dioxide emissions  
21          per capita on public roads being ranked the highest.

22          “(h) HIGH-PERFORMING STATES.—

23               “(1) DESIGNATION.—For purposes of this sec-  
24          tion, each State that is 1 of the 15 highest ranked  
25          States, as determined under subsection (g)(2), and

1       that achieves a reduction in carbon dioxide emissions  
2       per capita on public roads, as determined by the  
3       evaluation in subsection (f), shall be designated as a  
4       high-performing State for the following fiscal year.

5           “(2) USE OF FUNDS.—For each State that is  
6       designated as a high-performing State under para-  
7       graph (1)—

8           “(A) notwithstanding section 120, the  
9       State may use funds made available under this  
10      title to pay the non-Federal share of a project  
11      under this section during any year for which  
12      such State is designated as a high-performing  
13      State; and

14          “(B) notwithstanding section 126, the  
15      State may transfer up to 50 percent of funds  
16      apportioned under section 104(b)(9) to the pro-  
17      gram under section 104(b)(2) in any year for  
18      which such State is designated as a high-per-  
19      forming State.

20          “(3) TRANSFER.—For each State that is 1 of  
21      the 15 lowest ranked States, as determined under  
22      subsection (g)(2), the Secretary shall transfer 10  
23      percent of the amount apportioned to the State  
24      under section 104(b)(2) in the fiscal year following  
25      the year in which the State is so ranked, not includ-

1       ing amounts set aside under section 133(d)(1)(A)  
2       and under section 133(h) or 505(a), to the appor-  
3       tionment of the State under section 104(b)(9).

4           “(4) LIMITATION.—The Secretary shall not  
5       conduct a transfer under paragraph (3)—

6           “(A) until the first fiscal year following the  
7       effective date of greenhouse gas performance  
8       measures under section 150(c)(7); and

9           “(B) with respect to a State in any fiscal  
10      year following the year in which such State  
11      achieves a reduction in carbon dioxide emissions  
12      per capita on public roads in such year as de-  
13      termined by the evaluation under subsection (f).

14      “(i) REPORT.—Not later than 2 years after the date  
15      of enactment of this section and periodically thereafter,  
16      the Secretary, in consultation with the Administrator of  
17      the Environmental Protection Agency, shall issue a re-  
18      port—

19           “(1) detailing, based on the best available  
20      science, what types of projects eligible for assistance  
21      under this section are expected to provide the most  
22      significant greenhouse gas emissions reductions from  
23      the surface transportation sector; and

24           “(2) detailing, based on the best available  
25      science, what types of projects eligible for assistance

1 under this section are not expected to provide sig-  
2 nificant greenhouse gas emissions reductions from  
3 the surface transportation sector.”.

4 (b) CLERICAL AMENDMENT.—The analysis for chap-  
5 ter 1 of title 23, United States Code, is amended by add-  
6 ing at the end the following new item:

“171. Carbon pollution reduction.”.

7 (c) APPLICABILITY.—Subsection (b)(2) of section  
8 171 of title 23, United States Code, as added by this sec-  
9 tion, shall apply to a State beginning on the first fiscal  
10 year following the fiscal year in which the State sets green-  
11 house gas performance targets under section 150(d) of  
12 title 23, United States Code.

13 **SEC. 1214. RECREATIONAL TRAILS.**

14 Section 206 of title 23, United States Code, is  
15 amended by adding at the end the following:

16 “(j) USE OF OTHER APPORTIONED FUNDS.—Funds  
17 apportioned to a State under section 104(b) that are obli-  
18 gated for recreational trails and related projects shall be  
19 administered as if such funds were made available for pur-  
20 poses described under this section.”.

21 **SEC. 1215. SAFE ROUTES TO SCHOOL PROGRAM.**

22 (a) IN GENERAL.—Chapter 2 of title 23, United  
23 States Code, is amended by inserting after section 210 the  
24 following:



1   **“§ 211. Safe routes to school program**

2           “(a) PROGRAM.—The Secretary shall carry out a safe  
3 routes to school program for the benefit of children in pri-  
4 mary, middle, and high schools.

5           “(b) PURPOSES.—The purposes of the program shall  
6 be—

7               “(1) to enable and encourage children, includ-  
8 ing those with disabilities, to walk and bicycle to  
9 school;

10              “(2) to make bicycling and walking to school a  
11 safer and more appealing transportation alternative,  
12 thereby encouraging a healthy and active lifestyle  
13 from an early age; and

14              “(3) to facilitate the planning, development,  
15 and implementation of projects and activities that  
16 will improve safety and reduce traffic, fuel consump-  
17 tion, and air pollution in the vicinity of schools.

18           “(c) USE OF FUNDS.—Amounts apportioned to a  
19 State under paragraphs (2) and (3) of section 104(b) may  
20 be used to carry out projects, programs, and other activi-  
21 ties under this section.

22           “(d) ELIGIBLE ENTITIES.—Projects, programs, and  
23 activities funded under this section may be carried out by  
24 eligible entities described under section 133(h)(4)(B) that  
25 demonstrate an ability to meet the requirements of this  
26 section.

1 “(e) ELIGIBLE PROJECTS AND ACTIVITIES.—

2 “(1) INFRASTRUCTURE-RELATED PROJECTS.—

3 “(A) IN GENERAL.—A State may obligate  
4 funds under this section for the planning, de-  
5 sign, and construction of infrastructure-related  
6 projects that will substantially improve the abil-  
7 ity of students to walk and bicycle to school, in-  
8 cluding sidewalk improvements, traffic calming  
9 and speed reduction improvements, pedestrian  
10 and bicycle crossing improvements, on-street bi-  
11 cycle facilities, off-street bicycle and pedestrian  
12 facilities, secure bicycle parking facilities, and  
13 traffic diversion improvements in the vicinity of  
14 schools.

15 “(B) LOCATION OF PROJECTS.—Infra-  
16 structure-related projects under subparagraph  
17 (A) may be carried out on any public road or  
18 any bicycle or pedestrian pathway or trail in the  
19 vicinity of schools.

20 “(2) NONINFRASTRUCTURE-RELATED ACTIVI-  
21 TIES.—In addition to projects described in para-  
22 graph (1), a State may obligate funds under this  
23 section for noninfrastructure-related activities to en-  
24 courage walking and bicycling to school, including—

1                   “(A) public awareness campaigns and out-  
2 reach to press and community leaders;

3                   “(B) traffic education and enforcement in  
4 the vicinity of schools;

5                   “(C) student sessions on bicycle and pedes-  
6 trian safety, health, and environment;

7                   “(D) programs that address personal safe-  
8 ty; and

9                   “(E) funding for training, volunteers, and  
10 managers of safe routes to school programs.

11                  “(3) SAFE ROUTES TO SCHOOL COORDI-  
12 NATOR.—Each State receiving an apportionment  
13 under paragraphs (2) and (3) of section 104(b) shall  
14 use a sufficient amount of the apportionment to  
15 fund a full-time position of coordinator of the  
16 State’s safe routes to school program.

17                  “(f) FEDERAL SHARE.—The Federal share of the  
18 cost of a project, program, or activity under this section  
19 shall be 100 percent.

20                  “(g) CLEARINGHOUSE.—

21                   “(1) IN GENERAL.—The Secretary shall main-  
22 tain a national safe routes to school clearinghouse  
23 to—

24                   “(A) develop information and educational  
25 programs on safe routes to school; and

1                   “(B) provide technical assistance and dis-  
2                   seminate techniques and strategies used for  
3                   successful safe routes to school programs.

4                   “(2) FUNDING.—The Secretary shall carry out  
5                   this subsection using amounts authorized to be ap-  
6                   propriated for administrative expenses under section  
7                   104(a).

8                   “(h) TREATMENT OF PROJECTS.—Notwithstanding  
9                   any other provision of law, projects carried out under this  
10                  section shall be treated as projects on a Federal-aid high-  
11                  way under chapter 1 of this title.

12                  “(i) DEFINITIONS.—In this section, the following  
13                  definitions apply:

14                   “(1) IN THE VICINITY OF SCHOOLS.—The term  
15                   ‘in the vicinity of schools’ means, with respect to a  
16                   school, the area within bicycling and walking dis-  
17                   tance of the school (approximately 2 miles).

18                   “(2) PRIMARY, MIDDLE, AND HIGH SCHOOLS.—  
19                   The term ‘primary, middle, and high schools’ means  
20                   schools providing education from kindergarten  
21                   through twelfth grade.”.

22                  (b) TECHNICAL AND CONFORMING AMENDMENTS.—

23                   (1) REPEAL.—Section 1404 of SAFETEA-LU  
24                   (Public Law 109–59; 119 Stat. 1228–1230), and

1 the item relating to such section in the table of con-  
2 tents in section 1(b) of such Act, are repealed.

3 (2) ANALYSIS.—The analysis for chapter 2 of  
4 title 23, United States Code, is amended by insert-  
5 ing after the item relating to section 210 the fol-  
6 lowing:

“211. Safe routes to school program.”.

7 **SEC. 1216. BICYCLE TRANSPORTATION AND PEDESTRIAN**  
8 **WALKWAYS.**

9 Section 217 of title 23, United States Code, is  
10 amended—

11 (1) in subsection (d)—

12 (A) by striking “104(b)(3)” and inserting  
13 “104(b)(4)”; and

14 (B) by striking “a position” and inserting  
15 “one or more positions”;

16 (2) in subsection (e) by striking “bicycles” and  
17 inserting “pedestrians or bicyclists” each place such  
18 term appears; and

19 (3) in subsection (j) by striking paragraph (2)  
20 and inserting the following:

21 “(2) ELECTRIC BICYCLE.—The term ‘electric  
22 bicycle’ means any bicycle, tricycle, or other motor-  
23 ized conveyance—

24 “(A) with a low-powered electric motor  
25 weighing under 100 pounds;

1 “(B) with a top motor-powered speed not  
2 in excess of 20 miles per hour; and

3 “(C) that can safely share a bicycle trans-  
4 portation facility with other users of such facil-  
5 ity.”.

6 **Subtitle C—Project-Level**  
7 **Investments**

8 **SEC. 1301. PROJECTS OF NATIONAL AND REGIONAL SIG-**  
9 **NIFICANCE.**

10 (a) IN GENERAL.—Section 117 of title 23, United  
11 States Code, is amended to read as follows:

12 **“§ 117. Projects of national and regional significance**

13 “(a) ESTABLISHMENT.—The Secretary shall estab-  
14 lish a projects of national and regional significance pro-  
15 gram under which the Secretary may make grants to, and  
16 establish multiyear grant agreements with, eligible entities  
17 in accordance with this section.

18 “(b) APPLICATIONS.—To be eligible for a grant  
19 under this section, an eligible entity shall submit to the  
20 Secretary an application in such form, in such manner,  
21 and containing such information as the Secretary may re-  
22 quire.

23 “(c) GRANT AMOUNTS AND PROJECT COSTS.—

24 “(1) IN GENERAL.—Each grant made under  
25 this section—

1                   “(A) shall be in an amount that is at least  
2                   \$25,000,000; and

3                   “(B) shall be for a project that has eligible  
4                   project costs that are reasonably anticipated to  
5                   equal or exceed the lesser of—

6                   “(i) \$100,000,000; or

7                   “(ii) in the case of a project—

8                   “(I) located in 1 State, 30 per-  
9                   cent of the amount apportioned under  
10                  this chapter to the State in the most  
11                  recently completed fiscal year; or

12                  “(II) located in more than 1  
13                  State, 50 percent of the amount ap-  
14                  portioned under this chapter to the  
15                  participating State with the largest  
16                  apportionment under this chapter in  
17                  the most recently completed fiscal  
18                  year.

19                  “(2) LARGE PROJECTS.—For a project that has  
20                  eligible project costs that are reasonably anticipated  
21                  to equal or exceed \$500,000,000, a grant made  
22                  under this section—

23                  “(A) shall be in an amount sufficient to  
24                  fully fund the project, or in the case of a public  
25                  transportation project, a minimum operable

1 segment, in combination with other funding  
2 sources, including non-Federal financial com-  
3 mitment, identified in the application; and

4 “(B) may be awarded pursuant to the  
5 process under subsection (d), as necessary  
6 based on the amount of the grant.

7 “(d) MULTIYEAR GRANT AGREEMENTS FOR LARGE  
8 PROJECTS.—

9 “(1) IN GENERAL.—A large project that re-  
10 ceives a grant under this section may be carried out  
11 through a multiyear grant agreement in accordance  
12 with this subsection.

13 “(2) REQUIREMENTS.—A multiyear grant  
14 agreement for a large project shall—

15 “(A) establish the terms of participation by  
16 the Federal Government in the project;

17 “(B) establish the amount of Federal fi-  
18 nancial assistance for the project;

19 “(C) establish a schedule of anticipated  
20 Federal obligations for the project that provides  
21 for obligation of the full grant amount by not  
22 later than 4 fiscal years after the fiscal year in  
23 which the initial amount is provided; and



1           “(D) determine the period of time for com-  
2           pleting the project, even if such period extends  
3           beyond the period of an authorization.

4           “(3) SPECIAL RULES.—

5           “(A) IN GENERAL.—A multiyear grant  
6           agreement under this subsection—

7                   “(i) shall obligate an amount of avail-  
8                   able budget authority specified in law; and

9                   “(ii) may include a commitment, con-  
10                  tingent on amounts to be specified in law  
11                  in advance for commitments under this  
12                  paragraph, to obligate an additional  
13                  amount from future available budget au-  
14                  thority specified in law.

15           “(B) CONTINGENT COMMITMENT.—A con-  
16           tingent commitment under this subsection is  
17           not an obligation of the Federal Government  
18           under section 1501 of title 31.

19           “(C) INTEREST AND OTHER FINANCING  
20           COSTS.—

21                   “(i) IN GENERAL.—Interest and other  
22                   financing costs of carrying out a part of  
23                   the project within a reasonable time shall  
24                   be considered a cost of carrying out the  
25                   project under a multiyear grant agreement,

1                   except that eligible costs may not be more  
2                   than the cost of the most favorable financ-  
3                   ing terms reasonably available for the  
4                   project at the time of borrowing.

5                   “(ii) CERTIFICATION.—The applicant  
6                   shall certify to the Secretary that the ap-  
7                   plicant has shown reasonable diligence in  
8                   seeking the most favorable financing  
9                   terms.

10                  “(4) ADVANCE PAYMENT.—An eligible entity  
11                  carrying out a large project under a multiyear grant  
12                  agreement—

13                         “(A) may use funds made available to the  
14                         eligible entity under this title or title 49 for eli-  
15                         gible project costs of the large project; and

16                         “(B) shall be reimbursed, at the option of  
17                         the eligible entity, for such expenditures from  
18                         the amount made available under the multiyear  
19                         grant agreement for the project in that fiscal  
20                         year or a subsequent fiscal year.

21                  “(e) ELIGIBLE PROJECTS.—

22                         “(1) IN GENERAL.—The Secretary may make a  
23                         grant under this section only for a project that is a  
24                         project eligible for assistance under this title or  
25                         chapter 53 of title 49 and is—

1           “(A) a bridge project carried out on the  
2           National Highway System;

3           “(B) a project to improve person through-  
4           put that is—

5                 “(i) a highway project carried out on  
6                 the National Highway System;

7                 “(ii) a public transportation project;  
8                 or

9                 “(iii) a capital project, as such term is  
10                defined in section 22906 of title 49, to im-  
11                prove intercity rail passenger transpor-  
12                tation; or

13           “(C) a project to improve freight through-  
14           put that is—

15                 “(i) a highway freight project carried  
16                 out on the National Highway Freight Net-  
17                 work established under section 167 or on  
18                 the National Highway System;

19                 “(ii) a freight intermodal, freight rail,  
20                 or railway-highway grade crossing or grade  
21                 separation project; or

22                 “(iii) within the boundaries of a public  
23                 or private freight rail, water (including  
24                 ports), or intermodal facility and that is a  
25                 surface        transportation        infrastructure

1 project necessary to facilitate direct inter-  
2 modal interchange, transfer, or access into  
3 or out of the facility.

4 “(2) LIMITATION.—

5 “(A) CERTAIN FREIGHT PROJECTS.—  
6 Projects described in clauses (ii) and (iii) of  
7 paragraph (1)(C) may receive a grant under  
8 this section only if—

9 “(i) the project will make a significant  
10 improvement to the movement of freight  
11 on the National Highway System; and

12 “(ii) the Federal share of the project  
13 funds only elements of the project that  
14 provide public benefits.

15 “(B) CERTAIN PROJECTS FOR PERSON  
16 THROUGHPUT.—Projects described in clauses  
17 (ii) and (iii) of paragraph (1)(B) may receive a  
18 grant under this section only if the project will  
19 make a significant improvement in mobility on  
20 public roads.

21 “(f) ELIGIBLE PROJECT COSTS.—An eligible entity  
22 receiving a grant under this section may use such grant  
23 for—

24 “(1) development phase activities, including  
25 planning, feasibility analysis, revenue forecasting,

1 environmental review, preliminary engineering and  
2 design work, and other preconstruction activities;  
3 and

4 “(2) construction, reconstruction, rehabilitation,  
5 acquisition of real property (including land related  
6 to the project and improvements to the land), envi-  
7 ronmental mitigation, construction contingencies, ac-  
8 quisition of equipment, and operational improve-  
9 ments directly related to improving system perform-  
10 ance.

11 “(g) PROJECT REQUIREMENTS.—The Secretary may  
12 select a project described under this section for funding  
13 under this section only if the Secretary determines that  
14 the project—

15 “(1) generates significant regional or national  
16 economic, mobility, safety, resilience, or environ-  
17 mental benefits;

18 “(2) is cost effective;

19 “(3) is based on the results of preliminary engi-  
20 neering;

21 “(4) has secured or will secure acceptable levels  
22 of non-Federal financial commitments, including—

23 “(A) 1 or more stable and dependable  
24 sources of funding and financing to construct,  
25 maintain, and operate the project; and

1 “(B) contingency amounts to cover unan-  
2 ticipated cost increases;

3 “(5) cannot be easily and efficiently completed  
4 without additional Federal funding or financial as-  
5 sistance available to the project sponsor, beyond ex-  
6 isting Federal apportionments; and

7 “(6) is reasonably expected to begin construc-  
8 tion not later than 18 months after the date of obli-  
9 gation of funds for the project.

10 “(h) MERIT CRITERIA AND CONSIDERATIONS.—

11 “(1) MERIT CRITERIA.—In awarding a grant  
12 under this section, the Secretary shall evaluate the  
13 following merit criteria:

14 “(A) The extent to which the project sup-  
15 ports achieving a state of good repair.

16 “(B) The level of benefits the project is ex-  
17 pected to generate, including—

18 “(i) the costs avoided by the preven-  
19 tion of closure or reduced use of the asset  
20 to be improved by the project;

21 “(ii) reductions in maintenance costs  
22 over the life of the asset;

23 “(iii) safety benefits, including the re-  
24 duction of accidents and related costs;

1 “(iv) improved person or freight  
2 throughput, including congestion reduction  
3 and reliability improvements;

4 “(v) national and regional economic  
5 benefits;

6 “(vi) resilience benefits;

7 “(vii) environmental benefits, includ-  
8 ing reduction in greenhouse gas emissions  
9 and air quality benefits; and

10 “(viii) benefits to all users of the  
11 project, including pedestrian, bicycle, non-  
12 vehicular, railroad, and public transpor-  
13 tation users.

14 “(C) How the benefits compare to the  
15 costs of the project.

16 “(D) The average number of people or vol-  
17 ume of freight, as applicable, supported by the  
18 project, including visitors based on travel and  
19 tourism.

20 “(2) ADDITIONAL CONSIDERATIONS.—In  
21 awarding a grant under this section, the Secretary  
22 shall also consider the following:

23 “(A) Whether the project serves low-in-  
24 come residents of low-income communities, in-

1 including areas of persistent poverty, while not  
2 displacing such residents.

3 “(B) Whether the project uses innovative  
4 technologies, innovative design and construction  
5 techniques, or pavement materials that dem-  
6 onstrate reductions in greenhouse gas emissions  
7 through sequestration or innovative manufac-  
8 turing processes and, if so, the degree to which  
9 such technologies, techniques, or materials are  
10 used.

11 “(C) Whether the project improves  
12 connectivity between modes of transportation  
13 moving people or goods in the Nation or region.

14 “(D) Whether the project provides new or  
15 improved connections between at least 2 metro-  
16 politan areas with a population of at least  
17 500,000.

18 “(i) PROJECT SELECTION.—

19 “(1) EVALUATION.—To evaluate applications  
20 for funding under this section, the Secretary shall—

21 “(A) determine whether a project is eligible  
22 for a grant under this section;

23 “(B) evaluate, through a methodology that  
24 is discernible and transparent to the public,



1           how each application addresses the merit cri-  
2           teria pursuant to subsection (h);

3           “(C) assign a quality rating for each merit  
4           criteria for each application based on the eval-  
5           uation in subparagraph (B);

6           “(D) ensure that applications receive final  
7           consideration by the Secretary to receive an  
8           award under this section only on the basis of  
9           such quality ratings and that the Secretary  
10          gives final consideration only to applications  
11          that meet the minimally acceptable level for  
12          each of the merit criteria; and

13          “(E) award grants only to projects rated  
14          highly under the evaluation and rating process.

15          “(2)       CONSIDERATIONS       FOR       LARGE  
16          PROJECTS.—In awarding a grant for a large project,  
17          the Secretary shall—

18               “(A) consider the amount of funds avail-  
19               able in future fiscal years for the program  
20               under this section; and

21               “(B) assume the availability of funds in fu-  
22               ture fiscal years for the program that extend  
23               beyond the period of authorization based on the  
24               amount made available for the program in the  
25               last fiscal year of the period of authorization.

1           “(3) GEOGRAPHIC DISTRIBUTION.—In awarding  
2           grants under this section, the Secretary shall ensure  
3           geographic diversity and a balance between rural  
4           and urban communities among grant recipients over  
5           fiscal years 2022 through 2025.

6           “(4) PUBLICATION OF METHODOLOGY.—

7                   “(A) IN GENERAL.—Prior to the issuance  
8                   of any notice of funding opportunity for grants  
9                   under this section, the Secretary shall publish  
10                  and make publicly available on the Depart-  
11                  ment’s website—

12                           “(i) a detailed explanation of the  
13                           merit criteria developed under subsection  
14                           (h);

15                           “(ii) a description of the evaluation  
16                           process under this subsection; and

17                           “(iii) how the Secretary shall deter-  
18                           mine whether a project satisfies each of  
19                           the requirements under subsection (g).

20           “(B) UPDATES.—The Secretary shall up-  
21           date and make publicly available on the website  
22           of the Department of Transportation such in-  
23           formation at any time a revision to the informa-  
24           tion described in subparagraph (A) is made.

1                   “(C) INFORMATION REQUIRED.—The Sec-  
2                   retary shall include in the published notice of  
3                   funding opportunity for a grant under this sec-  
4                   tion detailed information on the rating method-  
5                   ology and merit criteria to be used to evaluate  
6                   applications, or a reference to the information  
7                   on the website of the Department of Transpor-  
8                   tation, as required by subparagraph (A).

9                   “(j) FEDERAL SHARE.—

10                  “(1) IN GENERAL.—The Federal share of the  
11                  cost of a project carried out with a grant under this  
12                  section may not exceed 60 percent.

13                  “(2) MAXIMUM FEDERAL INVOLVEMENT.—Fed-  
14                  eral assistance other than a grant under this section  
15                  may be used to satisfy the non-Federal share of the  
16                  cost of a project for which such a grant is made, ex-  
17                  cept that the total Federal assistance provided for a  
18                  project receiving a grant under this section may not  
19                  exceed 80 percent of the total project cost.

20                  “(k) TREATMENT OF PROJECTS.—

21                  “(1) FEDERAL REQUIREMENTS.—The Secretary  
22                  shall, with respect to a project funded by a grant  
23                  under this section, apply—

24                         “(A) the requirements of this title to a  
25                         highway project;

1           “(B) the requirements of chapter 53 of  
2 title 49 to a public transportation project; and

3           “(C) the requirements of section 22905 of  
4 title 49 to a passenger rail or freight rail  
5 project.

6           “(2) MULTIMODAL PROJECTS.—

7           “(A) IN GENERAL.—Except as otherwise  
8 provided in this paragraph, if an eligible project  
9 is a multimodal project, the Secretary shall—

10           “(i) determine the predominant modal  
11 component of the project; and

12           “(ii) apply the applicable requirements  
13 of such predominant modal component to  
14 the project.

15           “(B) EXCEPTIONS.—

16           “(i) PASSENGER OR FREIGHT RAIL  
17 COMPONENT.—For any passenger or  
18 freight rail component of a project, the re-  
19 quirements of section 22907(j)(2) of title  
20 49 shall apply.

21           “(ii) PUBLIC TRANSPORTATION COM-  
22 PONENT.—For any public transportation  
23 component of a project, the requirements  
24 of section 5333 of title 49 shall apply.

1           “(C) BUY AMERICA.—In applying the Buy  
2           American requirements under section 313 of  
3           this title and sections 5320, 22905(a), and  
4           24305(f) of title 49 to a multimodal project  
5           under this paragraph, the Secretary shall—

6                   “(i) consider the various modal com-  
7                   ponents of the project; and

8                   “(ii) seek to maximize domestic jobs.

9           “(3) FEDERAL-AID HIGHWAY REQUIRE-  
10          MENTS.—Notwithstanding any other provision of  
11          this subsection, the Secretary shall require recipients  
12          of grants under this section to comply with sub-  
13          section (a) of section 113 with respect to public  
14          transportation projects, passenger rail projects, and  
15          freight rail projects, in the same manner that recipi-  
16          ents of grants are required to comply with such sub-  
17          section for construction work performed on highway  
18          projects on Federal-aid highways.

19          “(l) TIFIA PROGRAM.—At the request of an eligible  
20          entity under this section, the Secretary may use amounts  
21          awarded to the entity to pay subsidy and administrative  
22          costs necessary to provide the entity Federal credit assist-  
23          ance under chapter 6 with respect to the project for which  
24          the grant was awarded.

1       “(m) ADMINISTRATION.—Of the amounts made  
2 available to carry out this section, the Secretary may use  
3 up to \$5,000,000 for the costs of administering the pro-  
4 gram under this section.

5       “(n) TECHNICAL ASSISTANCE.—Of the amounts  
6 made available to carry out this section, the Secretary may  
7 reserve up to \$5,000,000 to provide technical assistance  
8 to eligible entities.

9       “(o) CONGRESSIONAL REVIEW.—

10           “(1) NOTIFICATION.—Not less than 60 days be-  
11 fore making an award under this section, the Sec-  
12 retary shall submit to the Committee on Transpor-  
13 tation and Infrastructure of the House of Represent-  
14 atives and the Committee on Environment and Pub-  
15 lic Works, the Committee on Banking, Housing, and  
16 Urban Affairs, and the Committee on Commerce,  
17 Science, and Transportation of the Senate—

18           “(A) a list of all applications determined to  
19 be eligible for a grant by the Secretary;

20           “(B) the quality ratings assigned to each  
21 application pursuant to subsection (i);

22           “(C) a list of applications that received  
23 final consideration by the Secretary to receive  
24 an award under this section;

1           “(D) each application proposed to be se-  
2           lected for a grant award;

3           “(E) proposed grant amounts, including  
4           for each new multiyear grant agreement, the  
5           proposed payout schedule for the project; and

6           “(F) an analysis of the impacts of any  
7           large projects proposed to be selected on exist-  
8           ing commitments and anticipated funding levels  
9           for the next 4 fiscal years, based on information  
10          available to the Secretary at the time of the re-  
11          port.

12          “(2) COMMITTEE REVIEW.—Before the last day  
13          of the 60-day period described in paragraph (1),  
14          each Committee described in paragraph (1) shall re-  
15          view the Secretary’s list of proposed projects.

16          “(3) CONGRESSIONAL DISAPPROVAL.—The Sec-  
17          retary may not make a grant or any other obligation  
18          or commitment to fund a project under this section  
19          if a joint resolution is enacted disapproving funding  
20          for the project before the last day of the 60-day pe-  
21          riod described in paragraph (1).

22          “(p) TRANSPARENCY.—

23          “(1) IN GENERAL.—Not later than 30 days  
24          after awarding a grant for a project under this sec-  
25          tion, the Secretary shall send to all applicants, and

1 publish on the website of the Department of Trans-  
2 portation—

3 “(A) a summary of each application made  
4 to the program for the grant application period;  
5 and

6 “(B) the evaluation and justification for  
7 the project selection, including ratings assigned  
8 to all applications and a list of applications that  
9 received final consideration by the Secretary to  
10 receive an award under this section, for the  
11 grant application period.

12 “(2) BRIEFING.—The Secretary shall provide,  
13 at the request of a grant applicant under this sec-  
14 tion, the opportunity to receive a briefing to explain  
15 any reasons the grant applicant was not awarded a  
16 grant.

17 “(q) DEFINITIONS.—In this section:

18 “(1) AREAS OF PERSISTENT POVERTY.—The  
19 term ‘areas of persistent poverty’ has the meaning  
20 given such term in section 172(l).

21 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-  
22 tity’ means—

23 “(A) a State or a group of States;



1 “(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 “(G) a territory; and

15 “(H) 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 AND COMMUNITY SETASIDES.—

8           “(1) IN GENERAL.—The Secretary shall re-  
9           serve—

10           “(A) not less than 25 percent of the  
11           amounts made available to carry out this sec-  
12           tion for projects located in rural areas; and

13           “(B) not less than 25 percent of the  
14           amounts made available to carry out this sec-  
15           tion for projects located in urbanized areas with  
16           a population greater than 49,999 individuals  
17           and fewer than 200,001 individuals.

18           “(2) DEFINITION OF RURAL AREA.—In this  
19           subsection, the term ‘rural area’ means all areas of  
20           a State not included in urbanized areas.

21           “(3) EXCESS FUNDING.—If the Secretary de-  
22           termines that there are insufficient qualified appli-  
23           cants to use the funds set aside under this sub-  
24           section, the Secretary may use such funds for grants  
25           for any projects eligible under this section.

1       “(f) EVALUATION.—To evaluate applications under  
2 this section, the Secretary shall—

3           “(1) develop a process to objectively evaluate  
4 applications on the benefits of the project proposed  
5 in such application—

6           “(A) to transportation safety, including re-  
7 ductions in traffic fatalities and serious injuries;

8           “(B) to state of good repair, including im-  
9 proved condition of bridges and pavements;

10          “(C) to transportation system access, in-  
11 cluding improved access to jobs and services;  
12 and

13          “(D) in reducing greenhouse gas emis-  
14 sions;

15          “(2) develop a rating system to assign a nu-  
16 meric value to each application, based on each of the  
17 criteria described in paragraph (1);

18          “(3) for each application submitted, compare  
19 the total benefits of the proposed project, as deter-  
20 mined by the rating system developed under para-  
21 graph (2), with the costs of such project, and rank  
22 each application based on the results of the compari-  
23 son; and

24          “(4) ensure that only such applications that are  
25 ranked highly based on the results of the comparison

1       conducted under paragraph (3) are considered to re-  
2       ceive a grant under this section.

3       “(g) WEIGHTING.—In establishing the evaluation  
4       process under subsection (f), the Secretary may assign dif-  
5       ferent weights to the criteria described in subsection (f)(1)  
6       based on project type, population served by a project, and  
7       other context-sensitive considerations, provided that—

8               “(1) each application is rated on all criteria de-  
9       scribed in subsection (f)(1); and

10              “(2) each application has the same possible  
11       minimum and maximum rating, regardless of any  
12       differences in the weighting of criteria.

13       “(h) TRANSPARENCY.—

14              “(1) PUBLICLY AVAILABLE INFORMATION.—  
15       Prior to the issuance of any notice of funding oppor-  
16       tunity under this section, the Secretary shall make  
17       publicly available on the website of the Department  
18       of Transportation a detailed explanation of the eval-  
19       uation and rating process developed under sub-  
20       section (f), including any differences in the  
21       weighting of criteria pursuant to subsection (g), if  
22       applicable, and update such website for each revision  
23       of the evaluation and rating process.

24              “(2) NOTIFICATIONS TO CONGRESS.—The Sec-  
25       retary shall submit to the Committee on Transpor-

1       tation and Infrastructure of the House of Represent-  
2       atives, the Committee on Environment and Public  
3       Works of the Senate, the Committee on Banking,  
4       Housing, and Urban Affairs of the Senate, and the  
5       Committee on Commerce, Science, and Transpor-  
6       tation of the Senate the following written notifica-  
7       tions:

8               “(A) A notification when the Secretary  
9       publishes or updates the information required  
10      under paragraph (1).

11              “(B) Not later than 30 days prior to the  
12      date on which the Secretary awards a grant  
13      under this section, a notification that in-  
14      cludes—

15                      “(i) the ratings of each application  
16      submitted pursuant to subsection (f)(2);

17                      “(ii) the ranking of each application  
18      submitted pursuant to subsection (f)(3);  
19      and

20                      “(iii) a list of all applications that re-  
21      ceive final consideration by the Secretary  
22      to receive an award under this section pur-  
23      suant to subsection (f)(4).

24              “(C) Not later than 3 business days prior  
25      to the date on which the Secretary announces

1           the award of a grant under this section, a noti-  
2           fication describing each grant to be awarded,  
3           including the amount and the recipient.

4           “(i) TECHNICAL ASSISTANCE.—Of the amounts  
5   made available to carry out this section, the Secretary may  
6   reserve up to \$3,000,000 to provide technical assistance  
7   to eligible entities.

8           “(j) ADMINISTRATION.—Of the amounts made avail-  
9   able to carry out this section, the Secretary may reserve  
10   up to \$5,000,000 for the administrative costs of carrying  
11   out the program under this section.

12          “(k) TREATMENT OF PROJECTS.—

13               “(1) FEDERAL REQUIREMENTS.—The Secretary  
14   shall, with respect to a project funded by a grant  
15   under this section, apply—

16                   “(A) the requirements of this title to a  
17                   highway project;

18                   “(B) the requirements of chapter 53 of  
19                   title 49 to a public transportation project; and

20                   “(C) the requirements of section 22905 of  
21                   title 49 to a passenger rail or freight rail  
22                   project.

23          “(2) MULTIMODAL PROJECTS.—

1           “(A) IN GENERAL.—Except as otherwise  
2           provided in this paragraph, if an eligible project  
3           is a multimodal project, the Secretary shall—

4                   “(i) determine the predominant modal  
5                   component of the project; and

6                   “(ii) apply the applicable requirements  
7                   of such predominant modal component to  
8                   the project.

9           “(B) EXCEPTIONS.—

10                   “(i) PASSENGER OR FREIGHT RAIL  
11                   COMPONENT.—For any passenger or  
12                   freight rail component of a project, the re-  
13                   quirements of section 22907(j)(2) of title  
14                   49 shall apply.

15                   “(ii) PUBLIC TRANSPORTATION COM-  
16                   PONENT.—For any public transportation  
17                   component of a project, the requirements  
18                   of section 5333 of title 49 shall apply.

19           “(C) BUY AMERICA.—In applying the Buy  
20           American requirements under section 313 of  
21           this title and sections 5320, 22905(a), and  
22           24305(f) of title 49 to a multimodal project  
23           under this paragraph, the Secretary shall—

24                   “(i) consider the various modal com-  
25                   ponents of the project; and



1 “(ii) seek to maximize domestic jobs.

2 “(3) FEDERAL-AID HIGHWAY REQUIRE-  
3 MENTS.—Notwithstanding any other provision of  
4 this subsection, the Secretary shall require recipients  
5 of grants under this section to comply with sub-  
6 section (a) of section 113 with respect to public  
7 transportation projects, passenger rail projects, and  
8 freight rail projects, in the same manner that recipi-  
9 ents of grants are required to comply with such sub-  
10 section for construction work performed on highway  
11 projects on Federal-aid highways.

12 “(l) TRANSPARENCY.—

13 “(1) IN GENERAL.—Not later than 30 days  
14 after awarding a grant for a project under this sec-  
15 tion, the Secretary shall send to all applicants, and  
16 publish on the website of the Department of Trans-  
17 portation—

18 “(A) a summary of each application made  
19 to the program for the grant application period;  
20 and

21 “(B) the evaluation and justification for  
22 the project selection, including ratings and  
23 rankings assigned to all applications and a list  
24 of applications that received final consideration

1 by the Secretary to receive an award under this  
2 section, for the grant application period.

3 “(2) BRIEFING.—The Secretary shall provide,  
4 at the request of a grant applicant under this sec-  
5 tion, the opportunity to receive a briefing to explain  
6 any reasons the grant applicant was not awarded a  
7 grant.

8 “(m) DEFINITIONS.—In this section:

9 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-  
10 tity’ means—

11 “(A) a metropolitan planning organization;

12 “(B) a unit of local government;

13 “(C) a transit agency;

14 “(D) a Tribal Government or a consortium  
15 of Tribal governments;

16 “(E) a multijurisdictional group of entities  
17 described in this paragraph;

18 “(F) a special purpose district with a  
19 transportation function or a port authority;

20 “(G) a territory; or

21 “(H) a State that applies for a grant  
22 under this section jointly with an entity de-  
23 scribed in subparagraphs (A) through (G).

1           “(2) ELIGIBLE PROJECT.—The term ‘eligible  
2           project’ means any project eligible under this title or  
3           chapter 53 of title 49.”.

4           (b) CLERICAL AMENDMENT.—The analysis for chap-  
5           ter 1 of title 23, United States Code, is further amended  
6           by adding at the end the following new item:

          “173. Community transportation investment grant program.”.

7           **SEC. 1303. GRANTS FOR CHARGING AND FUELING INFRA-**  
8                               **STRUCTURE TO MODERNIZE AND RECON-**  
9                               **NECT AMERICA FOR THE 21ST CENTURY.**

10          (a) PURPOSE.—The purpose of this section is to es-  
11          tablish a grant program to strategically deploy electric ve-  
12          hicle charging infrastructure and hydrogen fueling infra-  
13          structure along designated alternative fuel corridors that  
14          will be accessible to all drivers of electric vehicles and hy-  
15          drogen vehicles.

16          (b) GRANT PROGRAM.—Section 151 of title 23,  
17          United States Code, is amended—

18               (1) in subsection (a) by striking “Not later  
19               than 1 year after the date of enactment of the  
20               FAST Act, the Secretary shall” and inserting “The  
21               Secretary shall periodically”;

22               (2) in subsection (b)(2) by inserting “previously  
23               designated by the Federal Highway Administration  
24               or” after “fueling corridors”;

25               (3) in subsection (d)—

1 (A) by striking “5 years after the date of  
2 establishment of the corridors under subsection  
3 (a), and every 5 years thereafter” and inserting  
4 “180 days after the date of enactment of the  
5 INVEST in America Act”; and

6 (B) by inserting “establish a recurring  
7 process to regularly” after “the Secretary  
8 shall”;

9 (4) in subsection (e)—

10 (A) in paragraph (1) by striking “; and”  
11 and inserting a semicolon;

12 (B) in paragraph (2)—

13 (i) by striking “establishes an aspira-  
14 tional goal of achieving” and inserting “de-  
15 scribes efforts to achieve”; and

16 (ii) by striking “by the end of fiscal  
17 year 2020.” and inserting a semicolon; and

18 (C) by adding at the end the following:

19 “(3) summarizes best practices and provides  
20 guidance, developed through consultation with the  
21 Secretary of Energy, for project development of elec-  
22 tric vehicle charging infrastructure, hydrogen fueling  
23 infrastructure, and natural gas fueling infrastruc-  
24 ture at the State, tribal, and local level to allow for

1 the predictable deployment of such infrastructure;  
2 and

3 “(4) summarizes the progress and implementa-  
4 tion of the grant program under subsection (f), in-  
5 cluding—

6 “(A) a description of how funds awarded  
7 through the grant program under subsection (f)  
8 will aid efforts to achieve strategic deployment  
9 of electric vehicle charging infrastructure and  
10 hydrogen fueling infrastructure in those cor-  
11 ridors;

12 “(B) the total number and location of  
13 charging stations installed under subsection (f);  
14 and

15 “(C) the total estimated greenhouse gas  
16 emissions that have been reduced through the  
17 use of electric vehicle charging or hydrogen  
18 fueling infrastructure funded under subsection  
19 (f) using the methodology identified in para-  
20 graph (3)(B).”; and

21 (5) by adding at the end the following:

22 “(f) ELECTRIC VEHICLE CHARGING AND HYDROGEN  
23 FUELING INFRASTRUCTURE GRANTS.—

24 “(1) ESTABLISHMENT.—Not later than 1 year  
25 after the date of enactment of the INVEST in

1       America Act, the Secretary shall establish a grant  
2       program to award grants to eligible entities for elec-  
3       tric vehicle charging and hydrogen fueling infra-  
4       structure projects.

5               “(2) ELIGIBLE ENTITY.—An entity eligible to  
6       receive a grant under this subsection is—

7               “(A) a State or political subdivision of a  
8       State;

9               “(B) a metropolitan planning organization;

10              “(C) a unit of local government;

11              “(D) a special purpose district or public  
12       authority with a transportation function, includ-  
13       ing a port authority;

14              “(E) a Tribal government;

15              “(F) an authority, agency, or instrumen-  
16       tality of, or an entity owned by, 1 or more of  
17       the entities described in subparagraphs (A)  
18       through (E); or

19              “(G) a group of entities described in sub-  
20       paragraphs (A) through (F).

21              “(3) APPLICATION.—To be eligible to receive a  
22       grant under this subsection, an eligible entity shall  
23       submit to the Secretary an application at such time,  
24       in such manner, and containing such information as  
25       the Secretary shall require, including—

1 “(A) a description of—

2 “(i) the public accessibility of the  
3 charging or fueling infrastructure proposed  
4 to be funded with a grant under this sub-  
5 section, including—

6 “(I) charging or fueling con-  
7 nector types;

8 “(II) publicly available informa-  
9 tion on real-time availability; and

10 “(III) payment methods available  
11 to all members of the public to ensure  
12 secure, convenient, fair, and equal ac-  
13 cess and not limited by membership to  
14 a particular provider;

15 “(ii) collaborative engagement with  
16 the entity with jurisdiction over the road-  
17 way and any other relevant stakeholders  
18 (including automobile manufacturers, utili-  
19 ties, infrastructure providers, technology  
20 providers, electric charging and hydrogen  
21 fuel providers, metropolitan planning orga-  
22 nizations, States, Indian Tribes, units of  
23 local government, fleet owners, fleet man-  
24 agers, fuel station owners and operators,  
25 labor organizations, infrastructure con-

1                   struction and component parts suppliers,  
2                   and multistate and regional entities)—

3                   “(I) to foster enhanced, coordi-  
4                   nated, public-private or private invest-  
5                   ment in electric vehicle charging and  
6                   hydrogen fueling infrastructure;

7                   “(II) to expand deployment of  
8                   electric vehicle charging or hydrogen  
9                   fueling infrastructure;

10                  “(III) to protect personal privacy  
11                  and ensure cybersecurity; and

12                  “(IV) to ensure that a properly  
13                  trained workforce is available to con-  
14                  struct and install electric vehicle  
15                  charging or hydrogen fueling infra-  
16                  structure;

17                  “(iii) the location of the station or  
18                  fueling site, including consideration of—

19                   “(I) the availability of onsite  
20                   amenities for vehicle operators, includ-  
21                   ing restrooms or food facilities;

22                   “(II) access in compliance with  
23                   the Americans with Disabilities Act of  
24                   1990 (42 U.S.C. 12101 et seq.);



1                   “(III) height and fueling capacity  
2                   requirements for facilities that charge  
3                   or refuel large vehicles, including  
4                   semitrailer trucks; and

5                   “(IV) appropriate distribution to  
6                   avoid redundancy and fill charging or  
7                   fueling gaps;

8                   “(iv) infrastructure installation that  
9                   can be responsive to technology advance-  
10                  ments, including accommodating autono-  
11                  mous vehicles and future charging meth-  
12                  ods;

13                  “(v) the long-term operation and  
14                  maintenance of the electric vehicle charg-  
15                  ing or hydrogen fueling infrastructure to  
16                  avoid stranded assets and protect the in-  
17                  vestment of public funds in such infra-  
18                  structure; and

19                  “(vi) in the case of an applicant that  
20                  is not a State department of transpor-  
21                  tation, the degree of coordination with the  
22                  applicable State department of transpor-  
23                  tation; and

24                  “(B) an assessment of the estimated  
25                  greenhouse gas emissions and air pollution from

1 vehicle emissions that will be reduced through  
2 the use of electric vehicle charging or hydrogen  
3 fueling infrastructure, which shall be conducted  
4 using one standardized methodology or tool as  
5 determined by the Secretary.

6 “(4) CONSIDERATIONS.—In selecting eligible  
7 entities to receive a grant under this subsection, the  
8 Secretary shall—

9 “(A) consider the extent to which the ap-  
10 plication of the eligible entity would—

11 “(i) reduce estimated greenhouse gas  
12 emissions and air pollution from vehicle  
13 emissions, weighted by the total Federal  
14 investment in the project;

15 “(ii) improve alternative fueling cor-  
16 ridor networks by—

17 “(I) converting corridor-pending  
18 corridors to corridor-ready corridors;  
19 or

20 “(II) in the case of corridor-  
21 ready corridors, providing additional  
22 capacity—

23 “(aa) to meet excess demand  
24 for charging or fueling infra-  
25 structure; or

1 “(bb) to reduce congestion  
2 at existing charging or fueling in-  
3 frastructure in high-traffic loca-  
4 tions;

5 “(iii) meet current or anticipated mar-  
6 ket demands for charging or fueling infra-  
7 structure;

8 “(iv) enable or accelerate the con-  
9 struction of charging or fueling infrastruc-  
10 ture that would be unlikely to be completed  
11 without Federal assistance; and

12 “(v) support a long-term competitive  
13 market for electric vehicle charging infra-  
14 structure or hydrogen fueling infrastruc-  
15 ture that does not significantly impair ex-  
16 isting electric vehicle charging or hydrogen  
17 fueling infrastructure providers; and

18 “(B) ensure, to the maximum extent prac-  
19 ticable, geographic diversity among grant recipi-  
20 ents to ensure that electric vehicle charging in-  
21 frastructure or hydrogen fueling infrastructure  
22 is available throughout the United States.

23 “(5) USE OF FUNDS.—

24 “(A) IN GENERAL.—Any grant made  
25 under this subsection shall be—

1 “(i) directly related to the charging or  
2 fueling of a vehicle; and

3 “(ii) only for charging or fueling in-  
4 frastructure that is open to the general  
5 public.

6 “(B) LOCATION OF INFRASTRUCTURE.—

7 “(i) IN GENERAL.—Any electric vehi-  
8 cle charging or hydrogen fueling infra-  
9 structure acquired and installed with a  
10 grant under this subsection shall be located  
11 along an alternative fuel corridor des-  
12 ignated under this section or by a State or  
13 group of States.

14 “(ii) EXCEPTION.—Notwithstanding  
15 clause (i), the Secretary may make a grant  
16 for electric vehicle charging infrastructure  
17 not on a designated alternative fuel cor-  
18 ridor if the applicant demonstrates that  
19 the proposed charging infrastructure would  
20 expand deployment of electric vehicle  
21 charging to a greater number of users than  
22 investments on such corridor.

23 “(C) OPERATING ASSISTANCE.—

24 “(i) IN GENERAL.—Subject to clauses  
25 (ii) and (iii), an eligible entity that receives

1 a grant under this subsection may use a  
2 portion of the funds for operating assist-  
3 ance for the first 5 years of operations  
4 after the installation of electric vehicle  
5 charging or hydrogen fueling infrastruc-  
6 ture while the facility transitions to inde-  
7 pendent system operations.

8 “(ii) INCLUSION.—Operating assist-  
9 ance under this subparagraph shall be lim-  
10 ited to costs allocable to operating and  
11 maintaining the electric vehicle charging or  
12 hydrogen fueling infrastructure and serv-  
13 ice.

14 “(iii) LIMITATION.—Operating assist-  
15 ance under this subparagraph may not ex-  
16 ceed the amount of a contract under sub-  
17 paragraph (A) to acquire and install elec-  
18 tric vehicle charging or hydrogen fueling  
19 infrastructure.

20 “(D) SIGNS.—

21 “(i) IN GENERAL.—Subject to this  
22 paragraph and paragraph (6)(B), an eligi-  
23 ble entity that receives a grant under this  
24 subsection may use a portion of the funds  
25 to acquire and install—

1                   “(I) traffic control devices lo-  
2                   cated in the right-of-way to provide  
3                   directional information to electric ve-  
4                   hicle charging or hydrogen fueling in-  
5                   frastructure acquired, installed, or op-  
6                   erated with the grant under this sub-  
7                   section; and

8                   “(II) on-premises signs to pro-  
9                   vide information about electric vehicle  
10                  charging or hydrogen fueling infra-  
11                  structure acquired, installed, or oper-  
12                  ated with a grant under this sub-  
13                  section.

14               “(ii) REQUIREMENT.—Any traffic  
15               control device or on-premises sign ac-  
16               quired, installed, or operated with a grant  
17               under this subsection shall comply with the  
18               Manual on Uniform Traffic Control De-  
19               vices, if located in the highway right-of-  
20               way.

21               “(E) REVENUE.—An eligible entity receiv-  
22               ing a grant under this subsection and a private  
23               entity referred to in subparagraph (F) may  
24               enter into a cost-sharing agreement under  
25               which the private entity submits to the eligible

1           entity a portion of the revenue from the electric  
2           vehicle charging or hydrogen fueling infrastruc-  
3           ture.

4           “(F) PRIVATE ENTITY.—

5                 “(i) IN GENERAL.—An eligible entity  
6           receiving a grant under this subsection  
7           may use the funds in accordance with this  
8           paragraph to contract with a private entity  
9           for installation, operation, or maintenance  
10          of electric vehicle charging or hydrogen  
11          fueling infrastructure.

12                “(ii) INCLUSION.—An eligible private  
13          entity includes privately, publicly, or coop-  
14          eratively owned electric utilities, private  
15          electric vehicle service equipment and hy-  
16          drogen fueling infrastructure providers,  
17          and retail fuel stations.

18          “(6) PROJECT REQUIREMENTS.—

19                 “(A) IN GENERAL.—Notwithstanding any  
20          other provision of law, any project funded by a  
21          grant under this subsection shall be treated as  
22          a project on a Federal-aid highway.

23                 “(B) ELECTRIC VEHICLE CHARGING  
24          PROJECTS.—A project for electric vehicle charg-  
25          ing infrastructure funded by a grant under this

1 subsection shall be subject to the requirements  
2 of section 155.

3 “(7) FEDERAL SHARE.—The Federal share of  
4 the cost of a project carried out with a grant under  
5 this subsection shall not exceed 80 percent of the  
6 total project cost.”.

7 **SEC. 1304. COMMUNITY CLIMATE INNOVATION GRANTS.**

8 (a) IN GENERAL.—Chapter 1 of title 23, United  
9 States Code, as amended by this title, is further amended  
10 by inserting after section 171 the following:

11 **“§ 172. Community climate innovation grants**

12 “(a) ESTABLISHMENT.—The Secretary shall estab-  
13 lish a community climate innovation grant program (in  
14 this section referred to as the ‘Program’) to make grants,  
15 on a competitive basis, for locally selected projects that  
16 reduce greenhouse gas emissions while improving the mo-  
17 bility, accessibility, and connectivity of the surface trans-  
18 portation system.

19 “(b) PURPOSE.—The purpose of the Program shall  
20 be to support communities in reducing greenhouse gas  
21 emissions from the surface transportation system.

22 “(c) ELIGIBLE APPLICANTS.—The Secretary may  
23 make grants under the Program to the following entities:

24 “(1) A metropolitan planning organization.



1           “(2) A unit of local government or a group of  
2       local governments.

3           “(3) A subdivision of a local government.

4           “(4) A transit agency.

5           “(5) A special purpose district with a transpor-  
6       tation function or a port authority.

7           “(6) A Tribal government or a consortium of  
8       tribal governments.

9           “(7) A territory.

10          “(8) A multijurisdictional group of entities de-  
11       scribed in paragraphs (1) through (7).

12       “(d) APPLICATIONS.—To be eligible for a grant  
13   under the Program, an entity specified in subsection (c)  
14   shall submit to the Secretary an application in such form,  
15   at such time, and containing such information as the Sec-  
16   retary determines appropriate.

17       “(e) ELIGIBLE PROJECTS.—The Secretary may only  
18   provide a grant under the Program for a project that is  
19   expected to yield a significant reduction in greenhouse gas  
20   emissions from the surface transportation system and—

21           “(1) is a project eligible for assistance under  
22       this title or under chapter 53 of title 49; or

23           “(2) is a capital project as defined in section  
24       22906 of title 49 to improve intercity passenger rail  
25       that will yield a significant reduction in single occu-

1       pant vehicle trips and improve mobility on public  
2       roads.

3       “(f) ELIGIBLE USES.—Grant amounts received for a  
4 project under the Program may be used for—

5           “(1) development phase activities, including  
6 planning, feasibility analysis, revenue forecasting,  
7 environmental review, preliminary engineering and  
8 design work, and other preconstruction activities;  
9 and

10          “(2) construction, reconstruction, rehabilitation,  
11 acquisition of real property (including land related  
12 to the project and improvements to the land), envi-  
13 ronmental mitigation, construction contingencies, ac-  
14 quisition of equipment, and operational improve-  
15 ments.

16       “(g) PROJECT PRIORITIZATION.—In making grants  
17 for projects under the Program, the Secretary shall give  
18 priority to projects that are expected to yield the most sig-  
19 nificant reductions in greenhouse gas emissions from the  
20 surface transportation system.

21       “(h) ADDITIONAL CONSIDERATIONS.—In making  
22 grants for projects under the Program, the Secretary shall  
23 consider the extent to which—

24           “(1) a project maximizes greenhouse gas reduc-  
25 tions in a cost-effective manner;

1           “(2) a project reduces dependence on single-oc-  
2           cupant vehicle trips or provides additional transpor-  
3           tation options;

4           “(3) a project improves the connectivity and ac-  
5           cessibility of the surface transportation system, par-  
6           ticularly to low- and zero-emission forms of trans-  
7           portation, including public transportation, walking,  
8           and bicycling;

9           “(4) an applicant has adequately considered or  
10          will adequately consider, including through the op-  
11          portunity for public comment, the environmental jus-  
12          tice and equity impacts of the project;

13          “(5) a project contributes to geographic diver-  
14          sity among grant recipients, including to achieve a  
15          balance between urban, suburban, and rural commu-  
16          nities;

17          “(6) a project serves low-income residents of  
18          low-income communities, including areas of per-  
19         >sistent poverty, while not displacing such residents;  
20          and

21          “(7) a project uses pavement materials that  
22          demonstrate reductions in greenhouse gas emissions  
23          through sequestration or innovative manufacturing  
24          processes.

25          “(i) FUNDING.—

1           “(1) MAXIMUM AMOUNT.—The maximum  
2           amount of a grant under the Program shall be  
3           \$25,000,000.

4           “(2) TECHNICAL ASSISTANCE.—Of the amounts  
5           made available to carry out the Program, the Sec-  
6           retary may use up to 1 percent to provide technical  
7           assistance to applicants and potential applicants.

8           “(j) TREATMENT OF PROJECTS.—

9           “(1) FEDERAL REQUIREMENTS.—The Secretary  
10          shall, with respect to a project funded by a grant  
11          under this section, apply—

12               “(A) the requirements of this title to a  
13               highway project;

14               “(B) the requirements of chapter 53 of  
15               title 49 to a public transportation project; and

16               “(C) the requirements of section 22905 of  
17               title 49 to a passenger rail or freight rail  
18               project.

19           “(2) MULTIMODAL PROJECTS.—

20               “(A) IN GENERAL.—Except as otherwise  
21               provided in this paragraph, if an eligible project  
22               is a multimodal project, the Secretary shall—

23                       “(i) determine the predominant modal  
24                       component of the project; and

1 “(ii) apply the applicable requirements  
2 of such predominant modal component to  
3 the project.

4 “(B) EXCEPTIONS.—

5 “(i) PASSENGER OR FREIGHT RAIL  
6 COMPONENT.—For any passenger or  
7 freight rail component of a project, the re-  
8 quirements of section 22907(j)(2) of title  
9 49 shall apply.

10 “(ii) PUBLIC TRANSPORTATION COM-  
11 PONENT.—For any public transportation  
12 component of a project, the requirements  
13 of section 5333 of title 49 shall apply.

14 “(C) BUY AMERICA.—In applying the Buy  
15 American requirements under section 313 of  
16 this title and sections 5320, 22905(a), and  
17 24305(f) of title 49 to a multimodal project  
18 under this paragraph, the Secretary shall—

19 “(i) consider the various modal com-  
20 ponents of the project; and

21 “(ii) seek to maximize domestic jobs.

22 “(3) FEDERAL-AID HIGHWAY REQUIRE-  
23 MENTS.—Notwithstanding any other provision of  
24 this subsection, the Secretary shall require recipients  
25 of grants under this section to comply with sub-

1       section (a) of section 113 with respect to public  
2       transportation projects, passenger rail projects, and  
3       freight rail projects, in the same manner that recipi-  
4       ents of grants are required to comply with such sub-  
5       section for construction work performed on highway  
6       projects on Federal-aid highways.

7       “(k) SINGLE-OCCUPANCY VEHICLE HIGHWAY FA-  
8       CILITIES.—None of the funds provided under this section  
9       may be used for a project that will result in the construc-  
10      tion of new capacity available to single occupant vehicles  
11      unless the project consists of a high-occupancy vehicle fa-  
12      cility and is consistent with section 166.

13      “(l) DEFINITION OF AREAS OF PERSISTENT POV-  
14      ERTY.—In this section, the term ‘areas of persistent pov-  
15      erty’ means—

16           “(1) any county that has had 20 percent or  
17           more of the population of such county living in pov-  
18           erty over the past 30 years, as measured by the  
19           1990 and 2000 decennial censuses and the most re-  
20           cent Small Area Income and Poverty Estimates;

21           “(2) any census tract with a poverty rate of at  
22           least 20 percent, as measured by the most recent 5-  
23           year data series available from the American Com-  
24           munity Survey of the Bureau of the Census for all  
25           States and Puerto Rico; or

1           “(3) any other territory or possession of the  
2           United States that has had 20 percent or more of  
3           its population living in poverty over the past 30  
4           years, as measured by the 1990, 2000, and 2010 is-  
5           land areas decennial censuses, or equivalent data, of  
6           the Bureau of the Census.”.

7           (b) CLERICAL AMENDMENT.—The analysis for chap-  
8           ter 1 of title 23, United States Code, is amended by insert-  
9           ing after the item relating to section 171 the following:

          “172. Community climate innovation grants.”.

10   **SEC. 1305. METRO PERFORMANCE PROGRAM.**

11           (a) ESTABLISHMENT.—The Secretary of Transpor-  
12           tation shall directly allocate funds in accordance with this  
13           section to enhance local decision making and control in  
14           delivering projects to address local transportation needs.

15           (b) DESIGNATION.—

16                 (1) IN GENERAL.—The Secretary shall des-  
17           ignate direct recipients based on the criteria in para-  
18           graph (3) to be direct recipients of funds under this  
19           section.

20                 (2) RESPONSIBILITIES.—A direct recipient shall  
21           be responsible for compliance with any requirements  
22           related to the use of Federal funds vested in a State  
23           department of transportation under chapter 1 of  
24           title 23, United States Code.

1           (3) CRITERIA.—In designating an applicant  
2           under this subsection, the Secretary shall consider—

3                   (A) the legal, financial, and technical ca-  
4                   pacity of the applicant;

5                   (B) the level of coordination between the  
6                   applicant and—

7                           (i) the State department of transpor-  
8                           tation of the State or States in which the  
9                           metropolitan planning area represented by  
10                          the applicant is located;

11                           (ii) local governments and providers of  
12                           public transportation within the metropoli-  
13                           tan planning area represented by the appli-  
14                           cant; and

15                           (iii) if more than 1 metropolitan plan-  
16                           ning organization is designated within an  
17                           urbanized area represented by the appli-  
18                           cant, any other such metropolitan planning  
19                           organization;

20                   (C) in the case of an applicant that rep-  
21                   resents an urbanized area population of greater  
22                   than 200,000, the effectiveness of project deliv-  
23                   ery and timely obligation of funds made avail-  
24                   able under section 133(d)(1)(A)(i) of title 23,  
25                   United States Code;



1 (D) if the applicant or a local government  
2 within the metropolitan planning area that the  
3 applicant represents has been the recipient of a  
4 discretionary grant from the Secretary within  
5 the preceding 5 years, the administration of  
6 such grant;

7 (E) the extent to which the planning and  
8 decision making process of the applicant, in-  
9 cluding the long-range transportation plan and  
10 the approved transportation improvement pro-  
11 gram under section 134 of such title, support—

12 (i) the performance goals established  
13 under section 150(b) of such title; and

14 (ii) the achievement of metropolitan  
15 or statewide performance targets estab-  
16 lished under section 150(d) of such title;  
17 and

18 (F) any other criteria established by the  
19 Secretary.

20 (4) REQUIREMENTS.—

21 (A) CALL FOR NOMINATION.—Not later  
22 than February 1, 2022, the Secretary shall  
23 publish in the Federal Register a notice solie-  
24 iting applications for designation under this  
25 subsection.

1 (B) GUIDANCE.—The notification under  
2 paragraph (1) shall include guidance on the re-  
3 quirements and responsibilities of a direct re-  
4 cipient under this section, including imple-  
5 menting regulations.

6 (C) DETERMINATION.—The Secretary  
7 shall make all designations under this section  
8 for fiscal year 2023 not later than June 1,  
9 2022.

10 (5) TERM.—Except as provided in paragraph  
11 (6), a designation under this subsection shall—

12 (A) be for a period of not less than 5  
13 years; and

14 (B) be renewable.

15 (6) TERMINATION.—

16 (A) IN GENERAL.—The Secretary shall es-  
17 tablish procedures for the termination of a des-  
18 ignation under this subsection.

19 (B) CONSIDERATIONS.—In establishing  
20 procedures under subparagraph (A), the Sec-  
21 retary shall consider—

22 (i) with respect to projects carried out  
23 under this section, compliance with the re-  
24 quirements of title 23, United States Code,

1 or chapter 53 of title 49, United States  
2 Code; and

3 (ii) the obligation rate of any funds—

4 (I) made available under this sec-  
5 tion; and

6 (II) in the case of a metropolitan  
7 planning organization that represents  
8 a metropolitan planning area with an  
9 urbanized area population of greater  
10 than 200,000, made available under  
11 section 133(d)(1)(A)(i) of title 23,  
12 United States Code.

13 (c) USE OF FUNDS.—

14 (1) ELIGIBLE PROJECTS.—Funds made avail-  
15 able under this section may be obligated for the pur-  
16 poses described in section 133(b) of title 23, United  
17 States Code.

18 (2) ADMINISTRATIVE EXPENSES AND TECH-  
19 NICAL ASSISTANCE.—Of the amounts made available  
20 under this section, the Secretary may set aside not  
21 more than \$5,000,000 for program management,  
22 oversight, and technical assistance to direct recipi-  
23 ents.

24 (d) RESPONSIBILITIES OF DIRECT RECIPIENTS.—

1           (1) DIRECT AVAILABILITY OF FUNDS.—Not-  
2       withstanding title 23, United States Code, the  
3       amounts made available under this section shall be  
4       allocated to each direct recipient for obligation.

5           (2) PROJECT DELIVERY.—

6           (A) IN GENERAL.—At the request of the  
7       direct recipient, the State may collaborate with  
8       a project sponsor, including exercising on behalf  
9       of the direct recipient any available decision-  
10      making authorities or actions assumed from the  
11      Secretary, to ensure delivery of the project and  
12      compliance with all applicable Federal require-  
13      ments.

14          (B) USE OF FUNDS.—Amounts made  
15      available under this section may be used to  
16      compensate the State for costs incurred in pro-  
17      viding assistance under this paragraph.

18          (3) DISTRIBUTION OF AMOUNTS AMONG DIRECT  
19      RECIPIENTS.—

20          (A) IN GENERAL.—Subject to subpara-  
21      graph (B), on the first day of the fiscal year for  
22      which funds are made available under this sec-  
23      tion, the Secretary shall allocate such funds to  
24      each direct recipient as the proportion of the  
25      population (as determined by data collected by

1 the Bureau of the Census) of the urbanized  
2 area represented by any 1 direct recipient bears  
3 to the total population of all of urbanized areas  
4 represented by all direct recipients.

5 (B) MINIMUM AND MAXIMUM AMOUNTS.—  
6 Of funds allocated to direct recipients under  
7 subparagraph (A), each direct recipient shall re-  
8 ceive not less than \$10,000,000 and not more  
9 than \$50,000,000 each fiscal year.

10 (C) MINIMUM GUARANTEED AMOUNT.—In  
11 making a determination whether to designate a  
12 metropolitan planning organization as a direct  
13 recipient under subsection (b), the Secretary  
14 shall ensure that each direct recipient receives  
15 the minimum required allocation under sub-  
16 paragraph (B).

17 (D) ADDITIONAL AMOUNTS.—If any  
18 amounts remain undistributed after the dis-  
19 tribution described in this subsection, such re-  
20 maining amounts and an associated amount of  
21 obligation limitation shall be made available as  
22 if suballocated under clauses (i) and (ii) of sec-  
23 tion 133(d)(1)(A) of title 23, United States  
24 Code, and distributed among the States in the  
25 proportion that the relative shares of the popu-

1           lation (as determined by data collected by the  
2           Bureau of the Census) of the urbanized areas  
3           of each State bears to the total populations of  
4           all urbanized areas across all States.

5           (4) ASSUMPTION OF RESPONSIBILITY OF THE  
6           SECRETARY.—

7                   (A) IN GENERAL.—For projects carried  
8           out with funds provided under this section, the  
9           direct recipient may assume the responsibilities  
10          of the Secretary under section 106 of title 23,  
11          United States Code, for design, plans, specifica-  
12          tions, estimates, contract awards, and inspec-  
13          tions with respect to the projects unless the  
14          Secretary determines that the assumption is not  
15          appropriate.

16                  (B) AGREEMENT.—The Secretary and the  
17          direct recipient shall enter into an agreement  
18          relating to the extent to which the direct recipi-  
19          ent assumes the responsibilities of the Secretary  
20          under this paragraph.

21                  (C) LIMITATIONS.—The Secretary shall re-  
22          tain responsibilities described in subparagraph  
23          (A) for any project that the Secretary deter-  
24          mines to be in a high-risk category, including  
25          projects on the National Highway System.

1 (e) EXPENDITURE OF FUNDS.—

2 (1) CONSISTENCY WITH METROPOLITAN PLAN-  
3 NING.—Except as otherwise provided in this section,  
4 programming and expenditure of funds for projects  
5 under this section shall be consistent with the re-  
6 quirements of section 134 of title 23, United States  
7 Code, and section 5303 of title 49, United States  
8 Code.

9 (2) SELECTION OF PROJECTS.—

10 (A) IN GENERAL.—Notwithstanding sub-  
11 sections (j)(5) and (k)(4) of section 134 of title  
12 23, United States Code, or subsections (j)(5)  
13 and (k)(4) of section 5303 of title 49, United  
14 States Code, a direct recipient shall select, from  
15 the approved transportation improvement pro-  
16 gram under such sections, all projects to be  
17 funded under this section, including projects on  
18 the National Highway System.

19 (B) ELIGIBLE PROJECTS.—The project se-  
20 lection process described in this subsection shall  
21 apply to all federally funded projects within the  
22 boundaries of a metropolitan planning area  
23 served by a direct recipient that are carried out  
24 under this section.

1 (C) CONSULTATION REQUIRED.—In select-  
2 ing a project under this subsection, the metro-  
3 politan planning organization shall consult  
4 with—

5 (i) in the case of a highway project,  
6 the State and locality in which such project  
7 is located; and

8 (ii) in the case of a transit project,  
9 any affected public transportation oper-  
10 ator.

11 (3) RULE OF CONSTRUCTION.—Nothing in this  
12 section shall be construed to limit the ability of a di-  
13 rect recipient to partner with a State department of  
14 transportation or other recipient of Federal funds  
15 under title 23, United States Code, or chapter 53 of  
16 title 49, United States Code, to carry out a project.

17 (f) TREATMENT OF FUNDS.—

18 (1) IN GENERAL.—Except as provided in this  
19 section, funds made available to carry out this sec-  
20 tion shall be administered as if apportioned under  
21 chapter 1 of title 23, United States Code.

22 (2) TREATMENT OF PROJECTS.—Notwith-  
23 standing any other provision of law, any project  
24 using funds provided under this section shall be



1 treated as a project on a Federal-aid highway under  
2 chapter 1 of title 23, United States Code.

3 (3) FEDERAL SHARE.—The Federal share of  
4 the cost of a project carried out under this section  
5 shall be determined in accordance with section 120  
6 of title 23, United States Code.

7 (g) REPORT.—

8 (1) DIRECT RECIPIENT REPORT.—Not later  
9 than 60 days after the end of each fiscal year, each  
10 direct recipient shall submit to the Secretary a re-  
11 port that includes—

12 (A) a list of projects funded with amounts  
13 provided under this section;

14 (B) a description of any obstacles to com-  
15 plete projects or timely obligation of funds; and

16 (C) recommendations to improve the effec-  
17 tiveness of the program under this section.

18 (2) REPORT TO CONGRESS.—Not later than Oc-  
19 tober 1, 2024, the Secretary shall submit to the  
20 Committee on Environment and Public Works of the  
21 Senate and the Committee on Transportation and  
22 Infrastructure of the House of Representatives a re-  
23 port that—

24 (A) summarizes the findings of each direct  
25 recipient provided under paragraph (1);

1 (B) describes the efforts undertaken by  
2 both direct recipients and the Secretary to en-  
3 sure compliance with the requirements of title  
4 23 and chapter 53 of title 49, United States  
5 Code;

6 (C) analyzes the capacity of direct recipi-  
7 ents to receive direct allocations of funds under  
8 chapter 1 of title 23, United States Code; and

9 (D) provides recommendations from the  
10 Secretary to—

11 (i) improve the administration, over-  
12 sight, and performance of the program es-  
13 tablished under this section;

14 (ii) improve the effectiveness of direct  
15 recipients to complete projects and obligate  
16 funds in a timely manner; and

17 (iii) evaluate options to expand the  
18 authority provided under this section, in-  
19 cluding to allow for the direct allocation to  
20 metropolitan planning organizations of  
21 funds made available to carry out clause  
22 (i) or (ii) of section 133(d)(1)(A) of title  
23 23, United States Code.

1           (3) UPDATE.—Not less frequently than every 2  
2       years, the Secretary shall update the report de-  
3       scribed in paragraph (2).

4       (h) DEFINITIONS.—

5           (1) DIRECT RECIPIENT.—In this section, the  
6       term “direct recipient” means a metropolitan plan-  
7       ning organization designated by the Secretary as  
8       high-performing under subsection (b) and that was  
9       directly allocated funds as described in subsection  
10      (d).

11          (2) METROPOLITAN PLANNING AREA.—The  
12      term “metropolitan planning area” has the meaning  
13      given such term in section 134 of title 23, United  
14      States Code.

15          (3) METROPOLITAN PLANNING ORGANIZA-  
16      TION.—The term “metropolitan planning organiza-  
17      tion” has the meaning given such term in section  
18      134 of title 23, United States Code.

19          (4) NATIONAL HIGHWAY SYSTEM.—The term  
20      “National Highway System” has the meaning given  
21      such term in section 101 of title 23, United States  
22      Code.

23          (5) STATE.—The term “State” has the mean-  
24      ing given such term in section 101 of title 23,  
25      United States Code.

1           (6) URBANIZED AREA.—The term “urbanized  
2       area” has the meaning given such term in section  
3       134 of title 23, United States Code.

4   **SEC. 1306. GRIDLOCK REDUCTION GRANT PROGRAM.**

5       (a) ESTABLISHMENT.—The Secretary of Transpor-  
6       tation shall establish a gridlock reduction program to  
7       make grants, on a competitive basis, for projects to re-  
8       duce, and mitigate the adverse impacts of, traffic conges-  
9       tion.

10      (b) APPLICATIONS.—To be eligible for a grant under  
11      this section, an applicant shall submit to the Secretary an  
12      application in such form, at such time, and containing  
13      such information as the Secretary determines appropriate.

14      (c) ELIGIBLE APPLICANTS.—The Secretary may  
15      make grants under this section to an applicant that is  
16      serving an urbanized area, as designated by the Bureau  
17      of the Census, with a population of not less than  
18      1,000,000 and that is—

19           (1) a metropolitan planning organization;

20           (2) a unit of local government or a group of  
21      local governments;

22           (3) a multijurisdictional group of entities de-  
23      scribed in paragraphs (1) and (2); or

1           (4) a State that is in partnership with an entity  
2           or group of entities described in paragraph (1), (2),  
3           or (3).

4           (d) ELIGIBLE PROJECTS.—The Secretary may award  
5           grants under this section to applicants that submit a com-  
6           prehensive program of surface transportation-related  
7           projects to reduce traffic congestion and related adverse  
8           impacts, including a project for 1 or more of the following:

9           (1) Transportation systems management and  
10          operations.

11          (2) Intelligent transportation systems.

12          (3) Real-time traveler information.

13          (4) Traffic incident management.

14          (5) Active traffic management.

15          (6) Traffic signal timing.

16          (7) Multimodal travel payment systems.

17          (8) Transportation demand management, in-  
18          cluding employer-based commuting programs such  
19          as carpool, vanpool, transit benefit, parking cashout,  
20          shuttle, or telework programs.

21          (9) A project to provide transportation options  
22          to reduce traffic congestion, including—

23                (A) a project under chapter 53 of title 49,  
24                United States Code;

1 (B) a bicycle or pedestrian project, includ-  
2 ing a project to provide safe and connected ac-  
3 tive transportation networks; and

4 (C) a surface transportation project car-  
5 ried out in accordance with the national travel  
6 and tourism infrastructure strategic plan under  
7 section 1431(e) of the FAST Act (49 U.S.C.  
8 301 note).

9 (10) Any other project, as determined appro-  
10 priate by the Secretary.

11 (e) AWARD PRIORITIZATION.—

12 (1) IN GENERAL.—In selecting grants under  
13 this section, the Secretary shall prioritize applicants  
14 serving urbanized areas, as described in subsection  
15 (c), that are experiencing a high degree of recurrent  
16 transportation congestion, as determined by the Sec-  
17 retary.

18 (2) ADDITIONAL CONSIDERATIONS.—In select-  
19 ing grants under this section, the Secretary shall  
20 also consider the extent to which the project  
21 would—

22 (A) reduce traffic congestion and improve  
23 the reliability of the surface transportation sys-  
24 tem;

1 (B) mitigate the adverse impacts of traffic  
2 congestion on the surface transportation sys-  
3 tem, including safety and environmental im-  
4 pacts;

5 (C) maximize the use of existing capacity;  
6 and

7 (D) employ innovative, integrated, and  
8 multimodal solutions to the items described in  
9 subparagraphs (A), (B), and (C).

10 (f) FEDERAL SHARE.—

11 (1) IN GENERAL.—The Federal share of the  
12 cost of a project carried out under this section may  
13 not exceed 60 percent.

14 (2) MAXIMUM FEDERAL SHARE.—Federal as-  
15 sistance other than a grant for a project under this  
16 section may be used to satisfy the non-Federal share  
17 of the cost of such project, except that the total Fed-  
18 eral assistance provided for a project receiving a  
19 grant under this section may not exceed 80 percent  
20 of the total project cost.

21 (g) USE OF FUNDS.—Funds made available for a  
22 project under this section may be used for—

23 (1) development phase activities, including plan-  
24 ning, feasibility analysis, revenue forecasting, envi-

1       ronmental review, preliminary engineering and de-  
2       sign work, and other preconstruction activities; and

3           (2) construction, reconstruction, rehabilitation,  
4       acquisition of real property (including land related  
5       to the project and improvements to the land), envi-  
6       ronmental mitigation, construction contingencies, ac-  
7       quisition of equipment, and operational improve-  
8       ments.

9       (h) FUNDING.—

10           (1) GRANT AMOUNT.—A grant under this sec-  
11       tion shall be in an amount not less than  
12       \$10,000,000 and not more than \$50,000,000.

13           (2) AVAILABILITY.—Funds made available  
14       under this program shall be available until expended.

15       (i) FREIGHT PROJECT SET-ASIDE.—

16           (1) IN GENERAL.—The Secretary shall set aside  
17       not less than 50 percent of the funds made available  
18       to carry out this section for grants for freight  
19       projects under this subsection.

20           (2) ELIGIBLE USES.—The Secretary shall pro-  
21       vide funds set aside under this subsection to appli-  
22       cants that submit a comprehensive program of sur-  
23       face transportation-related projects to reduce  
24       freight-related traffic congestion and related adverse  
25       impacts, including—



1 (A) freight intelligent transportation sys-  
2 tems;

3 (B) real-time freight parking information;

4 (C) real-time freight routing information;

5 (D) freight transportation and delivery  
6 safety projects;

7 (E) first-mile and last-mile delivery solu-  
8 tions;

9 (F) shifting freight delivery to off-peak  
10 travel times;

11 (G) reducing greenhouse gas emissions and  
12 air pollution from freight transportation and  
13 delivery, including through the use of innovative  
14 vehicles that produce fewer greenhouse gas  
15 emissions;

16 (H) use of centralized delivery locations;

17 (I) designated freight vehicle parking and  
18 staging areas;

19 (J) curb space management; and

20 (K) other projects, as determined appro-  
21 priate by the Secretary.

22 (3) AWARD PRIORITIZATION.—

23 (A) IN GENERAL.—In providing funds set  
24 aside under this section, the Secretary shall  
25 prioritize applicants serving urbanized areas, as

1 described in subsection (c), that are experi-  
2 encing a high degree of recurrent congestion  
3 due to freight transportation, as determined by  
4 the Secretary.

5 (B) ADDITIONAL CONSIDERATIONS.—In  
6 providing funds set aside under this subsection,  
7 the Secretary shall consider the extent to which  
8 the proposed project—

9 (i) reduces freight-related traffic con-  
10 gestion and improves the reliability of the  
11 freight transportation system;

12 (ii) mitigates the adverse impacts of  
13 freight-related traffic congestion on the  
14 surface transportation system, including  
15 safety and environmental impacts;

16 (iii) maximizes the use of existing ca-  
17 pacity;

18 (iv) employs innovative, integrated,  
19 and multimodal solutions to the items de-  
20 scribed in clauses (i) through (iii); and

21 (v) leverages Federal funds with non-  
22 Federal contributions.

23 (4) FLEXIBILITY.—If the Secretary determines  
24 that there are insufficient qualified applicants to use  
25 the funds set aside under this subsection, the Sec-

1       retary may use such funds for grants for any  
2       projects eligible under this section.

3       (j) REPORT.—

4           (1) RECIPIENT REPORT.—The Secretary shall  
5       ensure that not later than 2 years after the Sec-  
6       retary awards grants under this section, the recipi-  
7       ent of each such grant submits to the Secretary a  
8       report that contains—

9           (A) information on each activity or project  
10       that received funding under this section;

11          (B) a summary of any non-Federal re-  
12       sources leveraged by a grant under this section;

13          (C) any statistics, measurements, or quan-  
14       titative assessments that demonstrate the con-  
15       gestion reduction, reliability, safety, and envi-  
16       ronmental benefits achieved through activities  
17       or projects that received funding under this sec-  
18       tion; and

19          (D) any additional information required by  
20       the Secretary.

21       (2) REPORT TO CONGRESS.—Not later than 9  
22       months after the date specified in paragraph (1), the  
23       Secretary shall submit to the Committee on Trans-  
24       portation and Infrastructure of the House of Rep-  
25       resentatives and the Committee on Environment and

1 Public Works, the Committee on Commerce, Science,  
2 and Transportation, and the Committee on Banking,  
3 Housing, and Urban Affairs of the Senate, and  
4 make publicly available on a website, a report detail-  
5 ing—

6 (A) a summary of any information pro-  
7 vided under paragraph (1); and

8 (B) recommendations and best practices  
9 to—

10 (i) reduce traffic congestion, including  
11 freight-related traffic congestion, and im-  
12 prove the reliability of the surface trans-  
13 portation system;

14 (ii) mitigate the adverse impacts of  
15 traffic congestion, including freight-related  
16 traffic congestion, on the surface transpor-  
17 tation system, including safety and envi-  
18 ronmental impacts; and

19 (iii) employ innovative, integrated,  
20 and multimodal solutions to the items de-  
21 scribed in clauses (i) and (ii).

22 (k) NOTIFICATION.—Not later than 3 business days  
23 before awarding a grant under this section, the Secretary  
24 shall notify the Committee on Transportation and Infra-  
25 structure of the House of Representatives and the Com-

1 mittee on Environment and Public Works, the Committee  
2 on Commerce, Science, and Transportation, and the Com-  
3 mittee on Banking, Housing, and Urban Affairs of the  
4 Senate of the intention to award such a grant.

5 (l) TREATMENT OF PROJECTS.—

6 (1) FEDERAL REQUIREMENTS.—The Secretary  
7 shall, with respect to a project funded by a grant  
8 under this section, apply—

9 (A) the requirements of title 23, United  
10 States Code, to a highway project;

11 (B) the requirements of chapter 53 of title  
12 49, United States Code, to a public transpor-  
13 tation project; and

14 (C) the requirements of section 22905 of  
15 title 49, United States Code, to a passenger rail  
16 or freight rail project.

17 (2) MULTIMODAL PROJECTS.—

18 (A) IN GENERAL.—Except as otherwise  
19 provided in this paragraph, if an eligible project  
20 is a multimodal project, the Secretary shall—

21 (i) determine the predominant modal  
22 component of the project; and

23 (ii) apply the applicable requirements  
24 of such predominant modal component to  
25 the project.

1 (B) EXCEPTIONS.—

2 (i) PASSENGER OR FREIGHT RAIL  
3 COMPONENT.—For any passenger or  
4 freight rail component of a project, the re-  
5 quirements of section 22907(j)(2) of title  
6 49, United States Code, shall apply.

7 (ii) PUBLIC TRANSPORTATION COMPO-  
8 NENT.—For any public transportation  
9 component of a project, the requirements  
10 of section 5333 of title 49, United States  
11 Code, shall apply.

12 (C) BUY AMERICA.—In applying the Buy  
13 American requirements under section 313 of  
14 title 23, United States Code, and sections 5320,  
15 22905(a), and 24305(f) of title 49, United  
16 States Code, to a multimodal project under this  
17 paragraph, the Secretary shall—

18 (i) consider the various modal compo-  
19 nents of the project; and

20 (ii) seek to maximize domestic jobs.

21 (3) FEDERAL-AID HIGHWAY REQUIREMENTS.—

22 Notwithstanding any other provision of this sub-  
23 section, the Secretary shall require recipients of  
24 grants under this section to comply with subsection  
25 (a) of section 113 of title 23, United States Code,

1 with respect to public transportation projects, pas-  
2 senger rail projects, and freight rail projects, in the  
3 same manner that recipients of grants are required  
4 to comply with such subsection for construction  
5 work performed on highway projects on Federal-aid  
6 highways.

7 (m) TREATMENT OF FUNDS.—Except as provided in  
8 subsection (l), funds authorized for the purposes described  
9 in this section shall be available for obligation in the same  
10 manner as if the funds were apportioned under chapter  
11 1 of title 23, United States Code.

12 **SEC. 1307. REBUILD RURAL GRANT PROGRAM.**

13 (a) ESTABLISHMENT.—The Secretary of Transpor-  
14 tation shall establish a rebuild rural grant program to im-  
15 prove the safety, state of good repair, and connectivity of  
16 transportation infrastructure in rural communities.

17 (b) GRANT AUTHORITY.—

18 (1) IN GENERAL.—In carrying out the program  
19 established in subsection (a), the Secretary shall  
20 make grants, on a competitive basis, in accordance  
21 with this section.

22 (2) GRANT AMOUNT.—A grant made under this  
23 program shall be for no more than \$25,000,000.

24 (c) ELIGIBLE APPLICANTS.—The Secretary may  
25 make a grant under this section to—

1 (1) a State;

2 (2) a metropolitan planning organization or a  
3 regional transportation planning organization;

4 (3) a unit of local government;

5 (4) a Federal land management agency;

6 (5) a Tribal government or a consortium of  
7 Tribal governments; and

8 (6) a multijurisdictional group of entities de-  
9 scribed in this subsection.

10 (d) APPLICATIONS.—To be eligible for a grant under  
11 this section, an entity specified under subsection (c) shall  
12 submit to the Secretary an application in such form, at  
13 such time, and containing such information as the Sec-  
14 retary determines is appropriate.

15 (e) ELIGIBLE PROJECTS.—The Secretary shall pro-  
16 vide grants under this section to projects eligible under  
17 title 23, United States Code, including projects on and off  
18 the Federal-aid highway system, that improve safety, state  
19 of good repair, or connectivity in a rural community, in-  
20 cluding projects to—

21 (1) improve transportation safety, including  
22 projects on high-risk rural roads and on Federal  
23 lands;



1           (2) improve state of good repair, including  
2       projects to repair and rehabilitate bridges on and off  
3       the Federal-aid highway system;

4           (3) provide or increase access to jobs and serv-  
5       ices;

6           (4) provide or increase access to—

7                (A) a grain elevator;

8                (B) an agricultural facility;

9                (C) a mining facility;

10               (D) a forestry facility;

11               (E) an intermodal facility;

12               (F) travel or tourism destinations; or

13               (G) any other facility that supports the  
14       economy of a rural community; and

15           (5) reduce vehicle-wildlife collisions and improve  
16       habitat connectivity.

17       (f) ELIGIBLE PROJECT COSTS.—Grant amounts for  
18       a project under this section may be used for—

19               (1) development phase activities, including plan-  
20       ning, feasibility analysis, revenue forecasting, envi-  
21       ronmental review, preliminary engineering and de-  
22       sign work, and other preconstruction activities; and

23               (2) construction, reconstruction, rehabilitation,  
24       acquisition of real property (including land related  
25       to the project and improvements to the land), envi-

1       ronmental mitigation, construction contingencies, ac-  
2       quisition of equipment, and operational improve-  
3       ments.

4       (g) FEDERAL SHARE.—

5           (1) IN GENERAL.—The share of the cost of a  
6       project provided with a grant under this section may  
7       not exceed 80 percent of the total cost of such  
8       project.

9           (2) MAXIMUM FEDERAL ASSISTANCE.—Federal  
10      assistance other than a grant under this section may  
11      be used to satisfy up to 100 percent of the total cost  
12      of such project.

13      (h) PRIORITY.—In making grants under this section,  
14      the Secretary shall prioritize projects that address—

15           (1) significant transportation safety challenges;

16           (2) state of good repair challenges that pose  
17      safety risks or risks to a local economy;

18           (3) economic development challenges;

19           (4) connectivity challenges that limit access to  
20      jobs or services; and

21           (5) coordination of projects in the highway  
22      right-of-way with proposed broadband service infra-  
23      structure needs.

24      (i) NOTIFICATION.—Not later than 3 business days  
25      before awarding a grant under this section, the Secretary

1 of Transportation shall notify the Committee on Transpor-  
2 tation and Infrastructure of the House of Representatives  
3 and the Committee on Environment and Public Works of  
4 the Senate of the intention to award such a grant.

5 (j) TREATMENT OF PROJECTS.—Notwithstanding  
6 any other provision of law, a project carried out under this  
7 section shall be treated as if the project is located on a  
8 Federal-aid highway.

9 (k) DEFINITION OF RURAL COMMUNITY.—In this  
10 section, the term “rural community” means an area that  
11 is not an urbanized area, as such term is defined in section  
12 101(a) of title 23, United States Code.

13 **SEC. 1308. PARKING FOR COMMERCIAL MOTOR VEHICLES.**

14 (a) ESTABLISHMENT.—The Secretary of Transpor-  
15 tation shall establish a program under which the Secretary  
16 shall make grants, on a competitive basis, to eligible enti-  
17 ties to address the shortage of parking for commercial  
18 motor vehicles to improve the safety of commercial motor  
19 vehicle operators.

20 (b) APPLICATIONS.—To be eligible for a grant under  
21 this section, an eligible entity shall submit to the Secretary  
22 an application in such form, at such time, and containing  
23 such information as the Secretary may require.

24 (c) ELIGIBLE PROJECTS.—Projects eligible under  
25 this section are projects that—

1           (1) construct safety rest areas that include  
2           parking for commercial motor vehicles;

3           (2) construct commercial motor vehicle parking  
4           facilities—

5                 (A) adjacent to private commercial truck-  
6                 stops and travel plazas;

7                 (B) within the boundaries of, or adjacent  
8                 to, a publicly owned freight facility, including a  
9                 port terminal operated by a public authority;  
10                and

11                (C) at existing facilities, including inspec-  
12                tion and weigh stations and park-and-ride loca-  
13                tions;

14           (3) open existing weigh stations, safety rest  
15           areas, and park-and-ride facilities to commercial  
16           motor vehicle parking;

17           (4) facilitate access to publicly and privately  
18           provided commercial motor vehicle parking, such as  
19           through the use of intelligent transportation sys-  
20           tems;

21           (5) construct turnouts along a Federal-aid  
22           highway for commercial motor vehicles;

23           (6) make capital improvements to public com-  
24           mercial motor vehicle parking facilities that are

1 closed on a seasonal basis to allow the facilities to  
2 remain open year-round;

3 (7) open existing commercial motor vehicle  
4 chain-up areas that are closed on a seasonal basis to  
5 allow the facilities to remain open year-round for  
6 commercial motor vehicle parking;

7 (8) address commercial motor vehicle parking  
8 and layover needs in emergencies that strain the ca-  
9 pacity of existing publicly and privately provided  
10 commercial motor vehicle parking; and

11 (9) make improvements to existing commercial  
12 motor vehicle parking facilities, including advanced  
13 truckstop electrification systems.

14 (d) USE OF FUNDS.—

15 (1) IN GENERAL.—An eligible entity may use a  
16 grant under this section for—

17 (A) development phase activities, including  
18 planning, feasibility analysis, benefit-cost anal-  
19 ysis, environmental review, preliminary engi-  
20 neering and design work, and other  
21 preconstruction activities necessary to advance  
22 a project described in subsection (c); and

23 (B) construction and operational improve-  
24 ments, as such terms are defined in section 101  
25 of title 23, United States Code.

1           (2) PRIVATE SECTOR PARTICIPATION.—An eli-  
2       gible entity that receives a grant under this section  
3       may partner with a private entity to carry out an eli-  
4       gible project under this section.

5           (3) LIMITATION.—Not more than 10 percent of  
6       the amounts made available to carry out this section  
7       may be used to promote the availability of existing  
8       commercial motor vehicle parking.

9       (e) SELECTION CRITERIA.—In making grants under  
10     this section, the Secretary shall consider—

11           (1) in the case of construction of new commer-  
12       cial motor vehicle parking capacity, the shortage of  
13       public and private commercial motor vehicle parking  
14       near the project; and

15           (2) the extent to which each project—

16                (A) would increase commercial motor vehi-  
17       cle parking capacity or utilization;

18                (B) would facilitate the efficient movement  
19       of freight;

20                (C) would improve safety, traffic conges-  
21       tion, and air quality;

22                (D) is cost effective; and

23                (E) reflects consultation with motor car-  
24       riers, commercial motor vehicle operators, and

1 private providers of commercial motor vehicle  
2 parking.

3 (f) NOTIFICATION OF CONGRESS.—Not later than 3  
4 business days before announcing a project selected to re-  
5 ceive a grant under this section, the Secretary of Trans-  
6 portation shall notify the Committee on Transportation  
7 and Infrastructure of the House of Representatives and  
8 the Committee on Environment and Public Works of the  
9 Senate of the intention to award such a grant.

10 (g) TREATMENT OF FUNDS.—

11 (1) TREATMENT OF PROJECTS.—Notwith-  
12 standing any other provision of law, any project  
13 funded by a grant under this section shall be treated  
14 as a project on a Federal-aid highway under chapter  
15 1 of title 23, United States Code.

16 (2) FEDERAL SHARE.—The Federal share of  
17 the cost of a project under this section shall be de-  
18 termined in accordance with subsections (b) and (c)  
19 of section 120 of title 23, United States Code.

20 (h) AMENDMENT TO MAP-21.—Section 1401(c)(1)  
21 of MAP-21 (23 U.S.C. 137 note) is amended—

22 (1) by inserting “and private providers of com-  
23 mercial motor vehicle parking” after “personnel”;  
24 and

1           (2) in subparagraph (A) by striking “the capa-  
2           bility of the State to provide” and inserting “the  
3           availability of”.

4           (i) SURVEY; COMPARATIVE ASSESSMENT; REPORT.—

5           (1) UPDATE.—Not later than 2 years after the  
6           date of enactment of this Act, the Secretary shall  
7           update the survey of each State required under sec-  
8           tion 1401(c)(1) of the MAP-21 (23 U.S.C. 137  
9           note).

10          (2) REPORT.—Not later than 1 year after the  
11          deadline under paragraph (1), the Secretary shall  
12          publish on the website of the Department of Trans-  
13          portation a report that—

14                (A) evaluates the availability of adequate  
15                parking and rest facilities for commercial motor  
16                vehicles engaged in interstate transportation;

17                (B) evaluates the effectiveness of the  
18                projects funded under this section in improving  
19                access to commercial motor vehicle parking; and

20                (C) reports on the progress being made to  
21                provide adequate commercial motor vehicle  
22                parking facilities in the State.

23          (3) CONSULTATION.—The Secretary shall pre-  
24          pare the report required under paragraph (2) in con-  
25          sultation with—



1 (A) relevant State motor carrier safety  
2 personnel;

3 (B) motor carriers and commercial motor  
4 vehicle operators; and

5 (C) private providers of commercial motor  
6 vehicle parking.

7 (j) DEFINITIONS.—In this section:

8 (1) COMMERCIAL MOTOR VEHICLE.—The term  
9 “commercial motor vehicle” has the meaning given  
10 such term in section 31132 of title 49, United  
11 States Code.

12 (2) ELIGIBLE ENTITY.—The term “eligible enti-  
13 ty” means—

14 (A) a State;

15 (B) a metropolitan planning organization;

16 (C) a unit of local government;

17 (D) a political subdivision of a State or  
18 local government carrying out responsibilities  
19 relating to commercial motor vehicle parking;  
20 and

21 (E) a multistate or multijurisdictional  
22 group of entities described in subparagraphs  
23 (A) through (D).

1           (3) SAFETY REST AREA.—The term “safety  
2       rest area” has the meaning given such term in sec-  
3       tion 120(c) of title 23, United States Code.

4 **SEC. 1309. ACTIVE TRANSPORTATION CONNECTIVITY**  
5 **GRANT PROGRAM.**

6       (a) ESTABLISHMENT.—The Secretary of Transpor-  
7       tation shall establish an active transportation connectivity  
8       grant program to provide for safe and connected active  
9       transportation facilities.

10      (b) GRANT AUTHORITY.—In carrying out the pro-  
11      gram established in subsection (a), the Secretary shall  
12      make grants, on a competitive basis, in accordance with  
13      this section.

14      (c) ELIGIBLE APPLICANTS.—The Secretary may  
15      make a grant under this section to—

- 16           (1) a State;
- 17           (2) a metropolitan planning organization;
- 18           (3) a regional transportation authority;
- 19           (4) a unit of local government;
- 20           (5) a Federal land management agency;
- 21           (6) a natural resource or public land agency;
- 22           (7) a Tribal government or a consortium of  
23      Tribal governments;

1           (8) any local or regional governmental entity  
2           with responsibility for or oversight of transportation  
3           or recreational trails; and

4           (9) a multistate or multijurisdictional group of  
5           entities described in this subsection.

6           (d) APPLICATIONS.—To be eligible for a grant under  
7           this section, an entity specified under subsection (c) shall  
8           submit to the Secretary an application in such form, at  
9           such time, and containing such information as the Sec-  
10          retary determines is appropriate.

11          (e) ELIGIBLE PROJECTS.—The Secretary shall pro-  
12          vide grants under this section to projects that improve the  
13          connectivity and the use of active transportation facili-  
14          ties—

15               (1) including—

16                   (A) active transportation networks;

17                   (B) active transportation spines; and

18                   (C) planning related to the development

19                  of—

20                           (i) active transportation networks;

21                           (ii) active transportation spines; and

22                           (iii) complete streets plans to create a  
23                   connected network of active transportation  
24                   facilities, including sidewalks, bikeways, or  
25                   pedestrian and bicycle trails; and

1 (2) that have—

2 (A) total project costs of not less than  
3 \$15,000,000; or

4 (B) in the case of planning grants under  
5 subsection (f), a total cost of not less than  
6 \$100,000.

7 (f) PLANNING GRANTS.—Of the amounts made avail-  
8 able to carry out this section, the Secretary may use not  
9 more than 10 percent to provide planning grants to eligi-  
10 ble applicants for activities under subsection (e)(1)(C).

11 (g) CONSIDERATIONS.—In making grants under this  
12 section, the Secretary shall consider the extent to which—

13 (1) a project is likely to provide substantial ad-  
14 ditional opportunities for walking and bicycling, in-  
15 cluding through the creation of—

16 (A) active transportation networks con-  
17 necting destinations within or between commu-  
18 nities, including schools, workplaces, residences,  
19 businesses, recreation areas, and other commu-  
20 nity areas; and

21 (B) active transportation spines connecting  
22 2 or more communities, metropolitan areas, or  
23 States;

24 (2) an applicant has adequately considered or  
25 will consider, including through the opportunity for

1 public comment, the environmental justice and eq-  
2 uity impacts of the project;

3 (3) the project would improve safety for vulner-  
4 able road users, including through the use of com-  
5 plete street design policies or a safe system ap-  
6 proach; and

7 (4) a project integrates active transportation fa-  
8 cilities with public transportation services, where  
9 available, to improve access to public transportation.

10 (h) LIMITATION.—

11 (1) IN GENERAL.—The share of the cost of a  
12 project assisted with a grant under this section may  
13 not exceed 80 percent.

14 (2) MAXIMUM FEDERAL ASSISTANCE.—Federal  
15 assistance other than a grant under this section may  
16 be used to satisfy up to 100 percent of the total  
17 project cost.

18 (i) ELIGIBLE PROJECT COSTS.—Amounts made  
19 available for a project under this section may be used  
20 for—

21 (1) development phase activities, including plan-  
22 ning, feasibility analysis, revenue forecasting, envi-  
23 ronmental review, preliminary engineering and de-  
24 sign work, and other preconstruction activities; and

1           (2) construction, reconstruction, rehabilitation,  
2       acquisition of real property (including land related  
3       to the project and improvements to the land), envi-  
4       ronmental mitigation, construction contingencies, ac-  
5       quisition of equipment, and operational improve-  
6       ments.

7       (j) NOTIFICATION.—Not later than 3 business days  
8       before awarding a grant under this section, the Secretary  
9       of Transportation shall notify the Committee on Transpor-  
10      tation and Infrastructure of the House of Representatives  
11      and the Committee on Environment and Public Works of  
12      the Senate of the intention to award such a grant.

13      (k) TREATMENT OF PROJECTS.—Notwithstanding  
14      any other provision of law, a project carried out under this  
15      section shall be treated in the manner described under sec-  
16      tion 133(i) of title 23, United States Code.

17      (l) DEFINITIONS.—In this section:

18           (1) ACTIVE TRANSPORTATION.—The term “ac-  
19      tive transportation” means mobility options powered  
20      primarily by human energy, including bicycling and  
21      walking.

22           (2) ACTIVE TRANSPORTATION NETWORK.—The  
23      term “active transportation network” means facili-  
24      ties built for active transportation, including side-  
25      walks, bikeways, and pedestrian and bicycle trails,

1       that connect destinations within a community, a  
2       metropolitan area, or on Federal lands.

3           (3) ACTIVE TRANSPORTATION SPINE.—The  
4       term “active transportation spine” means facilities  
5       built for active transportation, including sidewalks,  
6       bikeways, and pedestrian and bicycle trails, that con-  
7       nect communities, metropolitan areas, Federal lands,  
8       or States.

9           (4) SAFE SYSTEM APPROACH.—The term “safe  
10      system approach” has the meaning given such term  
11      in section 148(a) of title 23, United States Code.

12          (5) VULNERABLE ROAD USER.—The term “vul-  
13      nerable road user” has the meaning given such term  
14      in section 148(a) of title 23, United States Code.

15   **Subtitle D—Planning, Performance**  
16   **Management, and Asset Man-**  
17   **agement**

18   **SEC. 1401. METROPOLITAN TRANSPORTATION PLANNING.**

19      Section 134 of title 23, United States Code, is  
20   amended—

21          (1) in subsection (a) by striking “resiliency  
22      needs while minimizing transportation-related fuel  
23      consumption and air pollution” and inserting “resil-  
24      ience and climate change adaptation needs while re-

1       ducing transportation-related fuel consumption, air  
2       pollution, and greenhouse gas emissions”;

3           (2) in subsection (b)—

4               (A) by redesignating paragraphs (6) and  
5               (7) as paragraphs (7) and (8), respectively; and

6               (B) by inserting after paragraph (5) the  
7       following:

8           “(6) STIP.—The term ‘STIP’ means a state-  
9       wide transportation improvement program developed  
10      by a State under section 135(g).”;

11          (3) in subsection (c)—

12               (A) in paragraph (1) by striking “and  
13       transportation improvement programs” and in-  
14       serting “and TIPs”; and

15               (B) by adding at the end the following:

16          “(4) CONSIDERATION.—In developing the plans  
17       and TIPs, metropolitan planning organizations shall  
18       consider direct and indirect emissions of greenhouse  
19       gases.”;

20          (4) in subsection (d)—

21               (A) in paragraph (2) by striking “Not  
22       later than 2 years after the date of enactment  
23       of MAP–21, each” and inserting “Each”;

24               (B) in paragraph (3) by adding at the end  
25       the following:



1 “(D) CONSIDERATIONS.—

2 “(i) EQUITABLE AND PROPORTIONAL  
3 REPRESENTATION.—In designating offi-  
4 cials or representatives under paragraph  
5 (2), the metropolitan planning organization  
6 shall consider the equitable and propor-  
7 tional representation of the population of  
8 the metropolitan planning area.

9 “(ii) SAVINGS CLAUSE.—Nothing in  
10 this paragraph shall require a metropolitan  
11 planning organization in existence on the  
12 date of enactment of this subparagraph to  
13 be restructured.

14 “(iii) REDESIGNATION.—Notwith-  
15 standing clause (ii), the requirements of  
16 this paragraph shall apply to any metro-  
17 politan planning organization redesignated  
18 under paragraph (6).”;

19 (C) in paragraph (6)(B) by striking “para-  
20 graph (2)” and inserting “paragraphs (2) or  
21 (3)(D)”; and

22 (D) in paragraph (7)—

23 (i) by striking “an existing metropoli-  
24 tan planning area” and inserting “an ur-  
25 banized area”; and

1 (ii) by striking “the existing metro-  
2 politan planning area” and inserting “the  
3 area”;

4 (5) in subsection (g)—

5 (A) in paragraph (1) by striking “a metro-  
6 politan area” and inserting “an urbanized  
7 area”;

8 (B) in paragraph (2) by striking “MPOS”  
9 and inserting “METROPOLITAN PLANNING  
10 AREAS”;

11 (C) in paragraph (3)(A) by inserting  
12 “emergency response and evacuation, climate  
13 change adaptation and resilience,” after “dis-  
14 aster risk reduction,”; and

15 (D) by adding at the end the following:

16 “(4) COORDINATION BETWEEN MPOS.—

17 “(A) IN GENERAL.—If more than 1 metro-  
18 politan planning organization is designated  
19 within an urbanized area under subsection  
20 (d)(7), the metropolitan planning organizations  
21 designated within the area shall ensure, to the  
22 maximum extent practicable, the consistency of  
23 any data used in the planning process, includ-  
24 ing information used in forecasting transpor-  
25 tation demand.

1           “(B) SAVINGS CLAUSE.—Nothing in this  
2           paragraph requires metropolitan planning orga-  
3           nizations designated within a single urbanized  
4           area to jointly develop planning documents, in-  
5           cluding a unified long-range transportation plan  
6           or unified TIP.”;

7           (6) in subsection (h)(1)—

8           (A) by striking subparagraph (E) and in-  
9           serting the following:

10           “(E) protect and enhance the environment,  
11           promote energy conservation, reduce greenhouse  
12           gas emissions, improve the quality of life and  
13           public health, and promote consistency between  
14           transportation improvements and State and  
15           local planned growth and economic development  
16           patterns, including housing and land use pat-  
17           terns;”;

18           (B) in subparagraph (I)—

19           (i) by inserting “, sea level rise, ex-  
20           treme weather, and climate change” after  
21           “stormwater”; and

22           (ii) by striking “and” at the end;

23           (C) by redesignating subparagraph (J) as  
24           subparagraph (M); and

1 (D) by inserting after subparagraph (I) the  
2 following:

3 “(J) facilitate emergency management, re-  
4 sponse, and evacuation and hazard mitigation;

5 “(K) improve the level of transportation  
6 system access;

7 “(L) support inclusive zoning policies and  
8 land use planning practices that incentivize af-  
9 fordable, elastic, and diverse housing supply, fa-  
10 cilitate long-term economic growth by improving  
11 the accessibility of housing to jobs, and prevent  
12 high housing costs from displacing economically  
13 disadvantaged households; and”;

14 (7) in subsection (h)(2) by striking subpara-  
15 graph (A) and inserting the following:

16 “(A) IN GENERAL.—Through the use of a  
17 performance-based approach, transportation in-  
18 vestment decisions made as a part of the metro-  
19 politan transportation planning process shall  
20 support the national goals described in section  
21 150(b), the achievement of metropolitan and  
22 statewide targets established under section  
23 150(d), the improvement of transportation sys-  
24 tem access (consistent with section 150(f)), and

1 the general purposes described in section 5301  
2 of title 49.”;

3 (8) in subsection (i)—

4 (A) in paragraph (2)(D)(i) by inserting  
5 “reduce greenhouse gas emissions and” before  
6 “restore and maintain”;

7 (B) in paragraph (2)(G) by inserting “and  
8 climate change” after “infrastructure to natural  
9 disasters”;

10 (C) in paragraph (2)(H) by inserting  
11 “greenhouse gas emissions,” after “pollution,”;

12 (D) in paragraph (5)—

13 (i) in subparagraph (A) by inserting  
14 “air quality, public health, housing, trans-  
15 portation, resilience, hazard mitigation,  
16 emergency management,” after “conserva-  
17 tion,”; and

18 (ii) by striking subparagraph (B) and  
19 inserting the following:

20 “(B) ISSUES.—The consultation shall in-  
21 involve, as appropriate, comparison of transpor-  
22 tation plans to other relevant plans, including,  
23 if available—

24 “(i) State conservation plans or maps;  
25 and

1 “(ii) inventories of natural or historic  
2 resources.”; and

3 (E) by amending paragraph (6)(C) to read  
4 as follows:

5 “(C) METHODS.—

6 “(i) IN GENERAL.—In carrying out  
7 subparagraph (A), the metropolitan plan-  
8 ning organization shall, to the maximum  
9 extent practicable—

10 “(I) hold any public meetings at  
11 convenient and accessible locations  
12 and times;

13 “(II) employ visualization tech-  
14 niques to describe plans; and

15 “(III) make public information  
16 available in electronically accessible  
17 format and means, such as the inter-  
18 net, as appropriate to afford reason-  
19 able opportunity for consideration of  
20 public information under subpara-  
21 graph (A).

22 “(ii) ADDITIONAL METHODS.—In ad-  
23 dition to the methods described in clause  
24 (i), in carrying out subparagraph (A), the

1 metropolitan planning organization shall,  
2 to the maximum extent practicable—

3 “(I) use virtual public involve-  
4 ment, social media, and other web-  
5 based tools to encourage public par-  
6 ticipation and solicit public feedback;  
7 and

8 “(II) use other methods, as ap-  
9 propriate, to further encourage public  
10 participation of historically underrep-  
11 resented individuals in the transpor-  
12 tation planning process.”;

13 (9) in subsection (j) by striking “transportation  
14 improvement program” and inserting “TIP” each  
15 place it appears; and

16 (10) by striking “Federally” each place it ap-  
17 pears and inserting “federally”.

18 **SEC. 1402. STATEWIDE AND NONMETROPOLITAN TRANS-**  
19 **PORTATION PLANNING.**

20 Section 135 of title 23, United States Code, is  
21 amended—

22 (1) in subsection (a)—

23 (A) in paragraph (1) by striking “state-  
24 wide transportation improvement program” and  
25 inserting “STIP”;

1 (B) in paragraph (2)—

2 (i) by striking “The statewide trans-  
3 portation plan and the” and inserting the  
4 following:

5 “(A) IN GENERAL.—The statewide trans-  
6 portation plan and the”;

7 (ii) by striking “transportation im-  
8 provement program” and inserting  
9 “STIP”; and

10 (iii) by adding at the end the fol-  
11 lowing:

12 “(B) CONSIDERATION.—In developing the  
13 statewide transportation plans and STIPs,  
14 States shall consider direct and indirect emis-  
15 sions of greenhouse gases.”; and

16 (C) in paragraph (3) by striking “trans-  
17 portation improvement program” and inserting  
18 “STIP”;

19 (2) in subsection (d)—

20 (A) in paragraph (1)—

21 (i) in subparagraph (E)—

22 (I) by inserting “reduce green-  
23 house gas emissions,” after “promote  
24 energy conservation,”;



1 (II) by inserting “and public  
2 health” after “improve the quality of  
3 life”; and

4 (III) by inserting “, including  
5 housing and land use patterns” after  
6 “economic development patterns”;

7 (ii) in subparagraph (I)—

8 (I) by inserting “, sea level rise,  
9 extreme weather, and climate change”  
10 after “mitigate stormwater”; and

11 (II) by striking “and” after the  
12 semicolon;

13 (iii) by redesignating subparagraph  
14 (J) as subparagraph (M); and

15 (iv) by inserting after subparagraph  
16 (I) the following:

17 “(J) facilitate emergency management, re-  
18 sponse, and evacuation and hazard mitigation;

19 “(K) improve the level of transportation  
20 system access;

21 “(L) support inclusive zoning policies and  
22 land use planning practices that incentivize af-  
23 fordable, elastic, and diverse housing supply, fa-  
24 cilitate long-term economic growth by improving  
25 the accessibility of housing to jobs, and prevent

1 high housing costs from displacing economically  
2 disadvantaged households; and”;

3 (B) in paragraph (2)—

4 (i) by striking subparagraph (A) and  
5 inserting the following:

6 “(A) IN GENERAL.—Through the use of a  
7 performance-based approach, transportation in-  
8 vestment decisions made as a part of the state-  
9 wide transportation planning process shall sup-  
10 port—

11 “(i) the national goals described in  
12 section 150(b);

13 “(ii) the consideration of transpor-  
14 tation system access (consistent with sec-  
15 tion 150(f));

16 “(iii) the achievement of statewide  
17 targets established under section 150(d);  
18 and

19 “(iv) the general purposes described  
20 in section 5301 of title 49.”; and

21 (ii) in subparagraph (D) by striking  
22 “statewide transportation improvement  
23 program” and inserting “STIP”; and

1 (C) in paragraph (3) by striking “state-  
2 wide transportation improvement program” and  
3 inserting “STIP”;

4 (3) in subsection (e)(3) by striking “transpor-  
5 tation improvement program” and inserting  
6 “STIP”;

7 (4) in subsection (f)—

8 (A) in paragraph (2)(D)—

9 (i) in clause (i) by inserting “air qual-  
10 ity, public health, housing, transportation,  
11 resilience, hazard mitigation, emergency  
12 management,” after “conservation,”; and

13 (ii) by amending clause (ii) to read as  
14 follows:

15 “(ii) COMPARISON AND CONSIDER-  
16 ATION.—Consultation under clause (i)  
17 shall involve the comparison of transpor-  
18 tation plans to other relevant plans and in-  
19 ventories, including, if available—

20 “(I) State and tribal conservation  
21 plans or maps; and

22 “(II) inventories of natural or  
23 historic resources.”;

24 (B) in paragraph (3)(B)—

1 (i) by striking “In carrying out” and  
2 inserting the following:

3 “(i) IN GENERAL.—in carrying out”;

4 (ii) by redesignating clauses (i)  
5 through (iv) as subclauses (I) through  
6 (IV), respectively; and

7 (iii) by adding at the end the fol-  
8 lowing:

9 “(ii) ADDITIONAL METHODS.—In ad-  
10 dition to the methods described in clause  
11 (i), in carrying out subparagraph (A), the  
12 State shall, to the maximum extent prac-  
13 ticable—

14 “(I) use virtual public involve-  
15 ment, social media, and other web-  
16 based tools to encourage public par-  
17 ticipation and solicit public feedback;  
18 and

19 “(II) use other methods, as ap-  
20 propriate, to further encourage public  
21 participation of historically underrep-  
22 resented individuals in the transpor-  
23 tation planning process.”;

1 (C) in paragraph (4)(A) by inserting “re-  
2 duce greenhouse gas emissions and” after “po-  
3 tential to”; and

4 (D) in paragraph (8) by inserting “green-  
5 house gas emissions,” after “pollution,”;  
6 (5) in subsection (g)—

7 (A) in paragraph (1)(A) by striking “state-  
8 wide transportation improvement program” and  
9 inserting “STIP”;

10 (B) in paragraph (3) by striking “opera-  
11 tors),,” and inserting “operators),”;

12 (C) in paragraph (4) by striking “state-  
13 wide transportation improvement program” and  
14 inserting “STIP” each place it appears;

15 (D) in paragraph (5)—

16 (i) in subparagraph (A) by striking  
17 “transportation improvement program”  
18 and inserting “STIP”;

19 (ii) in subparagraph (B)(ii) by strik-  
20 ing “metropolitan transportation improve-  
21 ment program” and inserting “TIP”;

22 (iii) in subparagraph (C) by striking  
23 “transportation improvement program”  
24 and inserting “STIP” each place it ap-  
25 pears;

1 (iv) in subparagraph (E) by striking  
2 “transportation improvement program”  
3 and inserting “STIP”;

4 (v) in subparagraph (F)(i) by striking  
5 “transportation improvement program”  
6 and inserting “STIP” each place it ap-  
7 pears;

8 (vi) in subparagraph (G)(ii) by strik-  
9 ing “transportation improvement program”  
10 and inserting “STIP”; and

11 (vii) in subparagraph (H) by striking  
12 “transportation improvement program”  
13 and inserting “STIP”;

14 (E) in paragraph (6)—

15 (i) in subparagraph (A)—

16 (I) by striking “transportation  
17 improvement program” and inserting  
18 “STIP”; and

19 (II) by striking “and projects  
20 carried out under the bridge program  
21 or the Interstate maintenance pro-  
22 gram”; and

23 (ii) in subparagraph (B)—

1 (I) by striking “or under the  
2 bridge program or the Interstate  
3 maintenance program”;

4 (II) by striking “5310, 5311,  
5 5316, and 5317” and inserting “5310  
6 and 5311”; and

7 (III) by striking “statewide  
8 transportation improvement program”  
9 and inserting “STIP”;

10 (F) in paragraph (7)—

11 (i) in the heading by striking “TRANS-  
12 PORTATION IMPROVEMENT PROGRAM” and  
13 inserting “STIP”; and

14 (ii) by striking “transportation im-  
15 provement program” and inserting  
16 “STIP”;

17 (G) in paragraph (8) by striking “state-  
18 wide transportation plans and programs” and  
19 inserting “statewide transportation plans and  
20 STIPs”; and

21 (H) in paragraph (9) by striking “trans-  
22 portation improvement program” and inserting  
23 “STIP”;

24 (6) in subsection (h)(2)(A) by striking “Not  
25 later than 5 years after the date of enactment of the

1       MAP-21,” and inserting “Not less frequently than  
2       once every 4 years,”;

3           (7) in subsection (k) by striking “transportation  
4       improvement program” and inserting “STIP” each  
5       place it appears; and

6           (8) in subsection (m) by striking “transportation  
7       improvement programs” and inserting  
8       “STIPs”.

9       **SEC. 1403. NATIONAL GOALS AND PERFORMANCE MANAGE-**  
10       **MENT MEASURES.**

11       (a) IN GENERAL.—Section 150 of title 23, United  
12       States Code, is amended—

13           (1) in subsection (b)—

14               (A) by redesignating paragraph (7) as  
15               paragraph (8); and

16               (B) by inserting after paragraph (6) the  
17               following:

18           “(7) COMBATING CLIMATE CHANGE.—To re-  
19       duce carbon dioxide and other greenhouse gas emis-  
20       sions and reduce the climate impacts of the trans-  
21       portation system.”;

22           (2) in subsection (c)—

23               (A) in paragraph (1) by striking “Not  
24       later than 18 months after the date of enact-



1           ment of the MAP-21, the Secretary” and in-  
2           serting “The Secretary”; and

3           (B) by adding at the end the following:

4           “(7) GREENHOUSE GAS EMISSIONS.—The Sec-  
5           retary shall establish, in consultation with the Ad-  
6           ministrator of the Environmental Protection Agency,  
7           measures for States to use to assess—

8           “(A) carbon dioxide emissions per capita  
9           on public roads; and

10          “(B) any other greenhouse gas emissions  
11          per capita on public roads that the Secretary  
12          determines to be appropriate.”;

13          (3) in subsection (d)—

14               (A) in paragraph (1)—

15                   (i) by striking “Not later than 1 year  
16                   after the Secretary has promulgated the  
17                   final rulemaking under subsection (c),  
18                   each” and inserting “Each”; and

19                   (ii) by striking “and (6)” and insert-  
20                   ing “(6), and (7)”; and

21          (B) by adding at the end the following:

22          “(3) REGRESSIVE TARGETS.—

23               “(A) IN GENERAL.—A State may not es-  
24               tablish a regressive target for the measures de-

1           scribed under paragraph (4) or paragraph (7)  
2           of subsection (e).

3           “(B) REGRESSIVE TARGET DEFINED.—In  
4           this paragraph, the term ‘regressive target’  
5           means a target that fails to demonstrate con-  
6           stant or improved performance for a particular  
7           measure.”;

8           (4) in subsection (e)—

9           (A) by striking “Not later than 4 years  
10          after the date of enactment of the MAP–21 and  
11          biennially thereafter, a” and inserting “A”; and

12          (B) by inserting “biennial” after “the Sec-  
13          retary a”; and

14          (5) by adding at the end the following:

15          “(f) TRANSPORTATION SYSTEM ACCESS.—

16          “(1) IN GENERAL.—The Secretary shall estab-  
17          lish measures for States and metropolitan planning  
18          organizations to use to assess the level of safe, reli-  
19          able, and convenient transportation system access  
20          to—

21                  “(A) employment; and

22                  “(B) services.

23          “(2) CONSIDERATIONS.—The measures estab-  
24          lished pursuant to paragraph (1) shall include the

1 ability for States and metropolitan planning organi-  
2 zations to assess—

3 “(A) the change in the level of transpor-  
4 tation system access for various modes of trav-  
5 el, including connection to other modes of  
6 transportation, that would result from new  
7 transportation investments;

8 “(B) the level of transportation system ac-  
9 cess for economically disadvantaged commu-  
10 nities, including to affordable housing; and

11 “(C) the extent to which transportation ac-  
12 cess is impacted by zoning policies and land use  
13 planning practices that effect the affordability,  
14 elasticity, and diversity of the housing supply.

15 “(3) DEFINITION OF SERVICES.—In this sub-  
16 section, the term ‘services’ includes healthcare facili-  
17 ties, child care, education and workforce training,  
18 food sources, banking and other financial institu-  
19 tions, and other retail shopping establishments.”.

20 (b) METROPOLITAN TRANSPORTATION PLANNING.—  
21 Section 134 of title 23, United States Code, is further  
22 amended—

23 (1) in subsection (j)(2)(D)—

1 (A) by striking “PERFORMANCE TARGET  
2 ACHIEVEMENT” and inserting “PERFORMANCE  
3 MANAGEMENT”;

4 (B) by striking “The TIP” and inserting  
5 the following:

6 “(i) IN GENERAL.—The TIP”; and

7 (C) by adding at the end the following:

8 “(ii) TRANSPORTATION MANAGEMENT  
9 AREAS.—For metropolitan planning areas  
10 that represent an urbanized area des-  
11 ignated as a transportation management  
12 area under subsection (k), the TIP shall  
13 include—

14 “(I) a discussion of the antici-  
15 pated effect of the TIP toward achiev-  
16 ing the performance targets estab-  
17 lished in the metropolitan transpor-  
18 tation plan, linking investment prior-  
19 ities to such performance targets; and

20 “(II) a description of how the  
21 TIP would improve the overall level of  
22 transportation system access, con-  
23 sistent with section 150(f).”;

24 (2) in subsection (k)—

25 (A) in paragraph (3)(A)—

- 1 (i) by striking “shall address conges-  
2 tion management” and inserting the fol-  
3 lowing: “shall address—  
4 “(i) congestion management”;  
5 (ii) by striking the period at the end  
6 and inserting “; and”; and  
7 (iii) by adding at the end the fol-  
8 lowing:  
9 “(ii) the overall level of transportation  
10 system access for various modes of travel  
11 within the metropolitan planning area, in-  
12 cluding the level of access for economically  
13 disadvantaged communities, consistent  
14 with section 150(f), that is based on a co-  
15 operatively developed and implemented  
16 metropolitan-wide strategy, assessing both  
17 new and existing transportation facilities  
18 eligible for funding under this title and  
19 chapter 53 of title 49.”; and  
20 (B) in paragraph (5)(B)—  
21 (i) in clause (i) by striking “; and”  
22 and inserting a semicolon;  
23 (ii) in clause (ii) by striking the pe-  
24 riod and inserting “; and”; and

1 (iii) by adding at the end the fol-  
2 lowing:

3 “(iii) the TIP approved under clause  
4 (ii) improves the level of transportation  
5 system access, consistent with section  
6 150(f).”; and

7 (3) in subsection (l)(2)—

8 (A) by striking “5 years after the date of  
9 enactment of the MAP-21” and inserting “2  
10 years after the date of enactment of the IN-  
11 VEST in America Act, and every 2 years there-  
12 after”;

13 (B) in subparagraph (C) by striking “and  
14 whether metropolitan planning organizations  
15 are developing meaningful performance targets;  
16 and” and inserting a semicolon; and

17 (C) by striking subparagraph (D) and in-  
18 serting the following:

19 “(D) a listing of all metropolitan planning  
20 organizations that are establishing performance  
21 targets and whether such performance targets  
22 established by the metropolitan planning orga-  
23 nization are meaningful or regressive (as de-  
24 fined in section 150(d)(3)(B)); and

1                   “(E) the progress of implementing the  
2                   measure established under section 150(f).”.

3           (c) STATEWIDE AND NONMETROPOLITAN TRANSPOR-  
4 TATION PLANNING.—Section 135(g)(4) of title 23, United  
5 States Code, is further amended—

6           (1) by striking “PERFORMANCE TARGET  
7 ACHIEVEMENT” and inserting “PERFORMANCE  
8 MANAGEMENT”;

9           (2) by striking “shall include, to the maximum  
10 extent practicable, a discussion” and inserting the  
11 following: “shall include—

12                   “(A) a discussion”;

13           (3) by striking the period at the end and insert-  
14 ing “; and”; and

15           (4) by adding at the end the following:

16                   “(B) a consideration of how the STIP im-  
17 pacts the overall level of transportation system  
18 access, consistent with section 150(f).”.

19           (d) EFFECTIVE DATE.—The amendment made by  
20 subsection (a)(3)(B) shall take effect 1 year before the  
21 subsequent State target and reporting deadlines estab-  
22 lished pursuant to section 150 of title 23, United States  
23 Code.

24           (e) DEVELOPMENT OF GREENHOUSE GAS MEAS-  
25 URE.—Not later than 1 year after the date of enactment

1 of this Act, the Secretary of Transportation shall issue  
2 such regulations as are necessary to carry out paragraph  
3 (7) of section 150(c) of title 23, United States Code, as  
4 added by this Act.

5 (f) DEVELOPMENT OF TRANSPORTATION SYSTEM  
6 ACCESS MEASURE.—

7 (1) ESTABLISHMENT.—Not later than 120 days  
8 after the date of enactment of this Act, the Sec-  
9 retary of Transportation shall establish a working  
10 group to assess the provisions of paragraphs (1) and  
11 (2) of section 150(f) and make recommendations re-  
12 garding the establishment of measures for States  
13 and metropolitan planning organizations to use to  
14 assess the level of transportation system access for  
15 various modes of travel, consistent with section  
16 150(f) of title 23, United States Code.

17 (2) MEMBERS.—The working group established  
18 pursuant to paragraph (1) shall include representa-  
19 tives from—

20 (A) the Department of Transportation;

21 (B) State departments of transportation,  
22 including representatives that specialize in pe-  
23 destrian and bicycle safety;

24 (C) metropolitan planning organizations  
25 representing transportation management areas



1 (as those terms are defined in section 134 of  
2 title 23, United States Code);

3 (D) other metropolitan planning organiza-  
4 tions or local governments;

5 (E) providers of public transportation;

6 (F) nonprofit entities related to transpor-  
7 tation, including relevant safety groups;

8 (G) experts in the field of transportation  
9 access data; and

10 (H) any other stakeholders, as determined  
11 by the Secretary.

12 (3) REPORT.—

13 (A) SUBMISSION.—Not later than 1 year  
14 after the establishment of the working group  
15 pursuant to paragraph (1), the working group  
16 shall submit to the Secretary a report of rec-  
17 ommendations regarding the establishment of  
18 measures for States and metropolitan planning  
19 organizations to use to assess the level of trans-  
20 portation system access, consistent with section  
21 150(f) of title 23, United States Code.

22 (B) PUBLICATION.—Not later than 30  
23 days after the date on which the Secretary re-  
24 ceives the report under subparagraph (A), the  
25 Secretary shall publish the report on a publicly

1 accessible website of the Department of Trans-  
2 portation.

3 (4) RULEMAKING.—Not later than 2 years after  
4 the date on which the Secretary receives the report  
5 under paragraph (3), the Secretary shall issue such  
6 regulations as are necessary to implement the re-  
7 quirements of section 150(f) of title 23, United  
8 States Code.

9 (5) TERMINATION.—The Secretary shall termi-  
10 nate the working group established pursuant to  
11 paragraph (1) on the date on which the regulation  
12 issued pursuant to paragraph (4) takes effect.

13 (g) TRANSPORTATION SYSTEM ACCESS DATA.—

14 (1) IN GENERAL.—Not later than 90 days after  
15 the date on which the Secretary of Transportation  
16 establishes the measure required under section  
17 150(f) of title 23, United States Code, the Secretary  
18 shall develop or procure eligible transportation sys-  
19 tem access data sets and analytical tools and make  
20 such data sets and analytical tools available to State  
21 departments of transportation and metropolitan  
22 planning areas that represent transportation man-  
23 agement areas.

1           (2) REQUIREMENTS.—An eligible transpor-  
2           tation system access data set and analytical tool  
3           shall have the following characteristics:

4                   (A) The ability to quantify the level of  
5           safe, reliable, and convenient transportation  
6           system access to—

7                           (i) employment;

8                           (ii) services; and

9                           (iii) connections to other modes of  
10          transportation.

11                  (B) The ability to quantify transportation  
12          system access for various modes of travel, in-  
13          cluding—

14                           (i) driving;

15                           (ii) public transportation;

16                           (iii) walking (including conveyance for  
17          persons with disabilities); and

18                           (iv) cycling (including micromobility).

19                  (C) The ability to disaggregate the level of  
20          transportation system access by various trans-  
21          portation modes by a variety of population cat-  
22          egories, including—

23                           (i) low-income populations;

24                           (ii) minority populations;

25                           (iii) age;

1 (iv) disability; and

2 (v) geographical location.

3 (D) The ability to assess the change in the  
4 level of transportation system access that would  
5 result from new transportation investments.

6 (3) CONSIDERATION.—An eligible transpor-  
7 tation system access data set and analytical tool  
8 shall take into consideration safe and connected net-  
9 works for walking, cycling, and persons with disabil-  
10 ities.

11 (h) DEFINITIONS.—In this section:

12 (1) TRANSPORTATION SYSTEM ACCESS.—The  
13 term “transportation system access” has the mean-  
14 ing given such term in section 101 of title 23,  
15 United States Code.

16 (2) SERVICES.—The term “services” has the  
17 meaning given such term in section 150(f) of title  
18 23, United States Code.

19 **SEC. 1404. TRANSPORTATION DEMAND DATA AND MOD-**  
20 **ELING STUDY.**

21 (a) STUDY.—

22 (1) IN GENERAL.—The Secretary of Transpor-  
23 tation shall conduct a study on transportation de-  
24 mand data and modeling, including transportation  
25 demand forecasting.

1           (2) CONTENTS.—In carrying out the study  
2       under this section, the Secretary shall—

3           (A) collect observed transportation demand  
4       data and transportation demand forecasts from  
5       States and metropolitan planning organizations,  
6       including data and forecasts on—

7           (i) traffic counts;

8           (ii) transportation mode share and  
9       public transportation ridership; and

10          (iii) vehicle occupancy measures;

11          (B) compare the transportation demand  
12       forecasts with the observed transportation de-  
13       mand data gathered under subparagraph (A);  
14       and

15          (C) use the information described in sub-  
16       paragraphs (A) and (B) to—

17           (i) develop best practices and guid-  
18       ance for States and metropolitan planning  
19       organizations to use in forecasting trans-  
20       portation demand for future investments in  
21       transportation improvements;

22           (ii) evaluate the impact of transpor-  
23       tation investments, including new roadway  
24       capacity, on transportation behavior and  
25       transportation demand, including public

1 transportation ridership, induced highway  
2 transportation, and congestion;

3 (iii) support more accurate transpor-  
4 tation demand forecasting by States and  
5 metropolitan planning organizations;

6 (iv) enhance the capacity of States  
7 and metropolitan planning organizations  
8 to—

9 (I) forecast transportation de-  
10 mand; and

11 (II) track observed transpor-  
12 tation behavior responses, including  
13 induced transportation, to changes in  
14 transportation capacity, pricing, and  
15 land use patterns; and

16 (v) develop transportation demand  
17 management strategies to maximize the ef-  
18 ficiency of the transportation system, im-  
19 prove mobility, reduce congestion, and  
20 lower vehicle emissions.

21 (3) COVERED ENTITIES.—In carrying out the  
22 study under this section, the Secretary shall ensure  
23 that data and forecasts described in paragraph  
24 (2)(A) are collected from—

25 (A) States;

1 (B) metropolitan planning organizations  
2 that serve an area with a population of 200,000  
3 people or fewer; and

4 (C) metropolitan planning organizations  
5 that serve an area with a population of over  
6 200,000 people.

7 (b) REPORT.—Not later than 2 years after the date  
8 of enactment of this Act, the Secretary shall submit to  
9 Congress a report containing the findings of the study  
10 conducted under subsection (a).

11 (c) SECRETARIAL SUPPORT.—The Secretary shall  
12 seek opportunities to support the transportation planning  
13 processes under sections 134 and 135 of title 23, United  
14 States Code, through the provision of data to States and  
15 metropolitan planning organizations to improve the qual-  
16 ity of transportation plans, models, and demand forecasts.

17 **Subtitle E—Federal Lands, Tribes,**  
18 **and Territories**

19 **SEC. 1501. TERRITORIAL AND PUERTO RICO HIGHWAY PRO-**  
20 **GRAM.**

21 Section 165 of title 23, United States Code, is  
22 amended—

23 (1) in subsection (a)—

1 (A) in paragraph (1) by striking  
2 “\$158,000,000” and inserting “\$210,000,000”;  
3 and

4 (B) in paragraph (2) by striking  
5 “\$42,000,000” and inserting “\$100,000,000”;

6 (2) in subsection (c)(6)(A)(iii) by striking “in  
7 accordance with subsections (b) and (c) of section  
8 129” and inserting “including such boats, facilities,  
9 and approaches that are privately or majority-pri-  
10 vately owned, provided that such boats, facilities,  
11 and approaches provide a substantial public ben-  
12 efit”; and

13 (3) by adding at the end the following:

14 “(d) PARTICIPATION OF TERRITORIES IN DISCRE-  
15 TIONARY PROGRAMS.—For any program in which the Sec-  
16 retary may allocate funds out of the Highway Trust Fund  
17 (other than the Mass Transit Account) to a State at the  
18 discretion of the Secretary, the Secretary may allocate  
19 funds to one or more territory for any project or activity  
20 that otherwise would be eligible under such program if  
21 such project or activity was being carried out in a State.”.

22 **SEC. 1502. TRIBAL TRANSPORTATION PROGRAM.**

23 Section 202 of title 23, United States Code, is  
24 amended—

25 (1) in subsection (d)—



1 (A) in paragraph (1) by striking “improv-  
2 ing deficient” and inserting “the construction  
3 and reconstruction of”;

4 (B) in paragraph (2)—

5 (i) in subparagraph (A) by inserting  
6 “construct,” after “project to”; and

7 (ii) in subparagraph (B)—

8 (I) by striking “deficient”; and

9 (II) by inserting “in poor condi-  
10 tion” after “facility bridges”; and

11 (C) in paragraph (3)—

12 (i) in the heading by striking “ELIGI-  
13 BLE BRIDGES” and inserting “ELIGIBILITY  
14 FOR EXISTING BRIDGES”;

15 (ii) by striking “a bridge” and insert-  
16 ing “an existing bridge”; and

17 (iii) in subparagraph (C) by striking  
18 “structurally deficient or functionally obso-  
19 lete” and inserting “in poor condition”;  
20 and

21 (2) in subsection (e) by striking “for eligible  
22 projects described in section 148(a)(4).” and insert-  
23 ing the following: “for—

24 “(A) eligible projects described in section  
25 148(a)(4);

1           “(B) projects to promote public awareness  
2           and education concerning highway safety mat-  
3           ters (including bicycle, all-terrain, motorcyclist,  
4           and pedestrian safety); or  
5           “(C) projects to enforce highway safety  
6           laws.”.

7   **SEC. 1503. TRIBAL HIGH PRIORITY PROJECTS PROGRAM.**

8           (a) TRIBAL TRANSPORTATION PROGRAM.—Section  
9   202 of title 23, United States Code, is amended—  
10          (1) by redesignating subsection (f) as sub-  
11          section (g); and  
12          (2) by inserting after subsection (e) the fol-  
13          lowing:  
14          “(f) TRIBAL HIGH PRIORITY PROJECTS PROGRAM.—  
15   Before making any distribution under subsection (b), the  
16   Secretary shall set aside \$50,000,000 from the funds  
17   made available under the tribal transportation program  
18   for each fiscal year to carry out the Tribal High Priority  
19   Projects program under section 1123 of MAP–21 (23  
20   U.S.C. 202 note).”.

21          (b) TRIBAL HIGH PRIORITY PROJECTS PROGRAM.—  
22   Section 1123 of MAP–21 (23 U.S.C. 202 note) is amend-  
23   ed—

1           (1) in subsection (a)(1)(C) by striking “re-  
2       quired by that section” and inserting “required  
3       under such program”;

4           (2) in subsection (b)(1) by striking “use  
5       amounts made available under subsection (h) to”;

6           (3) in subsection (d)—

7               (A) in paragraph (2) by inserting “, in  
8       consultation with the Secretary of the Interior,”  
9       after “The Secretary”; and

10           (B) in paragraph (3) by striking “of the  
11       Interior” each place it appears;

12           (4) in subsection (f) by striking “\$1,000,000”  
13       and inserting “\$5,000,000”;

14           (5) in subsection (g) by striking “and the Sec-  
15       retary” and inserting “or the Secretary”; and

16           (6) by striking subsection (h) and inserting the  
17       following:

18       “(h) ADMINISTRATION.—The funds made available to  
19       carry out this section shall be administered in the same  
20       manner as funds made available for the Tribal transpor-  
21       tation program under section 202 of title 23, United  
22       States Code.”.

23       **SEC. 1504. FEDERAL LANDS TRANSPORTATION PROGRAM.**

24       Section 203(a) of title 23, United States Code, is  
25       amended by adding at the end the following:

1           “(6) TRANSFER FOR HIGH-COMMUTER COR-  
2       RIDORS.—

3           “(A) REQUEST.—If the head of a covered  
4       agency determines that a high-commuter cor-  
5       ridor requires additional investment, based on  
6       the criteria described in subparagraph (D), the  
7       head of a covered agency, with respect to such  
8       corridor, shall submit to the State—

9           “(i) information on condition of pave-  
10      ments and bridges;

11          “(ii) an estimate of the amounts need-  
12      ed to bring such corridor into a state of  
13      good repair, taking into consideration any  
14      planned future investments; and

15          “(iii) at the discretion of the head of  
16      a covered agency, a request that the State  
17      transfer to the covered agency, under the  
18      authority of section 132 or section 204, or  
19      to the Federal Highway Administration,  
20      under the authority of section 104, a por-  
21      tion of such amounts necessary to address  
22      the condition of the corridor.

23          “(B) STATE RESPONSE.—Not later than  
24      45 days after the date of receipt of the request

1 described in subparagraph (A)(iii), the State  
2 shall—

3 “(i) approve the request;

4 “(ii) deny the request and explain the  
5 reasons for such denial; or

6 “(iii) request any additional informa-  
7 tion necessary to take action on the re-  
8 quest.

9 “(C) NOTIFICATION TO THE SEC-  
10 RETARY.—The head of a covered agency shall  
11 provide to the Secretary a copy of any request  
12 described under subparagraph (A)(iii) and re-  
13 sponse described under subparagraph (B).

14 “(D) CRITERIA.—In making a determina-  
15 tion under subparagraph (A), the head of a cov-  
16 ered agency, with respect to the corridor, shall  
17 consider—

18 “(i) the condition of roads, bridges,  
19 and tunnels; and

20 “(ii) the average annual daily traffic.

21 “(E) DEFINITIONS.—In this paragraph:

22 “(i) COVERED AGENCY.—The term  
23 ‘covered agency’ means a Federal agency  
24 eligible to receive funds under this section  
25 or section, section 203, or section 204.

1 “(ii) HIGH-COMMUTER CORRIDOR.—  
2 The term ‘high-commuter corridor’ means  
3 a Federal lands transportation facility that  
4 has average annual daily traffic of not less  
5 than 20,000 vehicles.”.

6 **SEC. 1505. FEDERAL LANDS AND TRIBAL MAJOR PROJECTS**  
7 **PROGRAM.**

8 (a) IN GENERAL.—Chapter 2 of title 23, United  
9 States Code, is amended by inserting after section 207 the  
10 following:

11 **“§ 208. Federal lands and Tribal major projects pro-**  
12 **gram**

13 “(a) ESTABLISHMENT.—The Secretary shall estab-  
14 lish a Federal lands and Tribal major projects program  
15 (referred to in this section as the ‘program’) to provide  
16 funding to construct, reconstruct, or rehabilitate critical  
17 Federal lands and Tribal transportation infrastructure.

18 “(b) ELIGIBLE APPLICANTS.—

19 “(1) IN GENERAL.—Except as provided in para-  
20 graph (2), entities eligible to receive funds under  
21 sections 201, 202, 203, and 204 may apply for fund-  
22 ing under the program.

23 “(2) SPECIAL RULE.—A State, county, or unit  
24 of local government may only apply for funding

1 under the program if sponsored by an eligible Fed-  
2 eral land management agency or Indian Tribe.

3 “(c) ELIGIBLE PROJECTS.—An eligible project under  
4 the program shall be on a Federal lands transportation  
5 facility, a Federal lands access transportation facility, or  
6 a tribal transportation facility, except that such facility is  
7 not required to be included in an inventory described in  
8 section 202 or 203, and for which—

9 “(1) the project—

10 “(A) has completed the activities required  
11 under the National Environmental Policy Act of  
12 1969 (42 U.S.C. 4321 et seq.) which has been  
13 demonstrated through—

14 “(i) a record of decision with respect  
15 to the project;

16 “(ii) a finding that the project has no  
17 significant impact; or

18 “(iii) a determination that the project  
19 is categorically excluded; or

20 “(B) is reasonably expected to begin con-  
21 struction not later than 18 months after the  
22 date of obligation of funds for the project; and

23 “(2) the project has an estimated cost equal to  
24 or exceeding—

1                   “(A) \$12,500,000 if it is on a Federal  
2                   lands transportation facility or a Federal lands  
3                   access transportation facility; and

4                   “(B) \$5,000,000 if it is on a Tribal trans-  
5                   portation facility.

6           “(d) ELIGIBLE ACTIVITIES.—Grant amounts re-  
7           ceived for a project under this section may be used for—

8                   “(1) development phase activities, including  
9                   planning, feasibility analysis, revenue forecasting,  
10                  environmental review, preliminary engineering and  
11                  design work, and other preconstruction activities;  
12                  and

13                  “(2) construction, reconstruction, and rehabili-  
14                  tation activities.

15           “(e) APPLICATIONS.—Eligible applicants shall submit  
16           to the Secretary an application at such time, in such form,  
17           and containing such information as the Secretary may re-  
18           quire.

19           “(f) PROJECT REQUIREMENTS.—The Secretary may  
20           select a project to receive funds under the program only  
21           if the Secretary determines that the project—

22                  “(1) improves the condition of critical transpor-  
23                  tation facilities, including multimodal facilities;



1           “(2) cannot be easily and efficiently completed  
2       with amounts made available under section 202,  
3       203, or 204; and

4           “(3) is cost effective.

5       “(g) MERIT CRITERIA.—In making a grant under  
6 this section, the Secretary shall consider whether the  
7 project—

8           “(1) will generate state of good repair, resil-  
9       ience, economic competitiveness, quality of life, mo-  
10      bility, or safety benefits;

11          “(2) in the case of a project on a Federal lands  
12      transportation facility or a Federal lands access  
13      transportation facility, has costs matched by funds  
14      that are not provided under this section or this title;  
15      and

16          “(3) generates benefits for land owned by mul-  
17      tiple Federal land management agencies or Indian  
18      Tribes, or which spans multiple States.

19       “(h) EVALUATION AND RATING.—To evaluate appli-  
20 cations, the Secretary shall—

21          “(1) determine whether a project meets the re-  
22      quirements under subsection (f);

23          “(2) evaluate, through a discernable and trans-  
24      parent methodology, how each application addresses

1 one or more merit criteria established under sub-  
2 section (g);

3 “(3) assign a rating for each merit criteria for  
4 each application; and

5 “(4) consider applications only on the basis of  
6 such quality ratings and which meet the minimally  
7 acceptable level for each of the merit criteria.

8 “(i) COST SHARE.—

9 “(1) FEDERAL LANDS PROJECTS.—

10 “(A) IN GENERAL.—Notwithstanding sec-  
11 tion 120, the Federal share of the cost of a  
12 project on a Federal lands transportation facil-  
13 ity or a Federal lands access transportation fa-  
14 cility shall be up to 90 percent.

15 “(B) NON-FEDERAL SHARE.—Notwith-  
16 standing any other provision of law, any Fed-  
17 eral funds may be used to pay the non-Federal  
18 share of the cost of a project carried out under  
19 this section.

20 “(2) TRIBAL PROJECTS.—The Federal share of  
21 the cost of a project on a Tribal transportation facil-  
22 ity shall be 100 percent.

23 “(j) USE OF FUNDS.—For each fiscal year, of the  
24 amounts made available to carry out this section, not more  
25 than 50 percent shall be used for eligible projects on Fed-

1 eral lands transportation facilities or Federal lands access  
2 transportation facilities and Tribal transportation facili-  
3 ties, respectively.”.

4 (b) CLERICAL AMENDMENT.—The analysis for chap-  
5 ter 2 of title 23, United States Code, is amended by insert-  
6 ing after the item relating to section 207 the following  
7 new item:

“208. Federal lands and Tribal major projects program.”.

8 (c) REPEAL.—Section 1123 of the FAST Act (23  
9 U.S.C. 201 note), and the item related to such section in  
10 the table of contents under section 1(b) of such Act, are  
11 repealed.

12 **SEC. 1506. OFFICE OF TRIBAL GOVERNMENT AFFAIRS.**

13 Section 102 of title 49, United States Code, is  
14 amended—

15 (1) in subsection (e)(1)—

16 (A) by striking “6 Assistant” and inserting  
17 “7 Assistant”;

18 (B) in subparagraph (C) by striking “;  
19 and” and inserting a semicolon;

20 (C) by redesignating subparagraph (D) as  
21 subparagraph (E); and

22 (D) by inserting after subparagraph (C)  
23 the following:

1 “(D) an Assistant Secretary for Tribal  
2 Government Affairs, who shall be appointed by  
3 the President; and”; and  
4 (2) in subsection (f)—

5 (A) in the heading by striking “DEPUTY  
6 ASSISTANT SECRETARY FOR TRIBAL GOVERN-  
7 MENT AFFAIRS” and inserting “OFFICE OF  
8 TRIBAL GOVERNMENT AFFAIRS”; and

9 (B) by striking paragraph (1) and insert-  
10 ing the following:

11 “(1) ESTABLISHMENT.—There is established in  
12 the Department an Office of Tribal Government Af-  
13 fairs, under the Assistant Secretary for Tribal Gov-  
14 ernment Affairs, to—

15 “(A) oversee the Tribal transportation self-  
16 governance program under section 207 of title  
17 23;

18 “(B) plan, coordinate, and implement poli-  
19 cies and programs serving Indian Tribes and  
20 Tribal organizations;

21 “(C) coordinate Tribal transportation pro-  
22 grams and activities in all offices and adminis-  
23 trations of the Department;

24 “(D) provide technical assistance to Indian  
25 Tribes and Tribal organizations; and

1           “(E) be a participant in any negotiated  
2           rulemakings relating to, or having an impact  
3           on, projects, programs, or funding associated  
4           with the Tribal transportation program under  
5           section 202 of title 23.”.

6 **SEC. 1507. ALTERNATIVE CONTRACTING METHODS.**

7           (a) LAND MANAGEMENT AGENCIES AND TRIBAL  
8           GOVERNMENTS.—Section 201 of title 23, United States  
9           Code, is amended by adding at the end the following:

10          “(f) ALTERNATIVE CONTRACTING METHODS.—

11               “(1) IN GENERAL.—Notwithstanding any other  
12           provision of law, the Secretary may use a con-  
13           tracting method available to a State under this title  
14           on behalf of—

15               “(A) a Federal land management agency,  
16           with respect to any funds available pursuant to  
17           section 203 or 204;

18               “(B) a Federal land management agency,  
19           with respect to any funds available pursuant to  
20           section 1535 of title 31 for any eligible use de-  
21           scribed in sections 203(a)(1) and 204(a)(1) of  
22           this title; or

23               “(C) a Tribal Government, with respect to  
24           any funds available pursuant to section  
25           202(b)(7)(D).

1           “(2) METHODS DESCRIBED.—The contracting  
2       methods referred to in paragraph (1) shall include,  
3       at a minimum—

4                   “(A) project bundling;

5                   “(B) bridge bundling;

6                   “(C) design-build contracting;

7                   “(D) 2-phase contracting;

8                   “(E) long-term concession agreements; and

9                   “(F) any method tested, or that could be  
10       tested, under an experimental program relating  
11       to contracting methods carried out by the Sec-  
12       retary.

13           “(3) RULE OF CONSTRUCTION.—Nothing in  
14       this subsection—

15                   “(A) affects the application of the Federal  
16       share for a project carried out with a con-  
17       tracting method under this subsection; or

18                   “(B) modifies the point of obligation of  
19       Federal salaries and expenses.”.

20       (b) USE OF ALTERNATIVE CONTRACTING METH-  
21       OD.—In carrying out the amendments made by this sec-  
22       tion, the Secretary shall—

23           (1) in consultation with the applicable Federal  
24       land management agencies, establish procedures that  
25       are—

1 (A) applicable to each alternative con-  
2 tracting method; and

3 (B) to the maximum extent practicable,  
4 consistent with requirements for Federal pro-  
5 curement transactions;

6 (2) solicit input on the use of each alternative  
7 contracting method from any affected industry prior  
8 to using such method; and

9 (3) analyze and prepare an evaluation of the  
10 use of each alternative contracting method.

11 **SEC. 1508. DIVESTITURE OF FEDERALLY OWNED BRIDGES.**

12 (a) IN GENERAL.—The Commissioner of the Bureau  
13 of Reclamation may transfer ownership of a bridge that  
14 is owned by the Bureau of Reclamation if—

15 (1) the ownership of the bridge is transferred to  
16 a State with the concurrence of such State;

17 (2) the State to which ownership is transferred  
18 agrees to operate and maintain the bridge;

19 (3) the transfer of ownership complies with all  
20 applicable Federal requirements, including—

21 (A) section 138 of title 23, United States  
22 Code;

23 (B) section 306108 of title 54, United  
24 States Code; and

1 (C) the National Environmental Policy Act  
2 of 1969 (42 U.S.C. 4321 et seq.); and

3 (4) the Bureau of Reclamation and the State to  
4 which ownership is being transferred jointly notify  
5 the Secretary of Transportation of the intent to con-  
6 duct a transfer prior to such transfer.

7 (b) ACCESS.—In a transfer of ownership of a bridge  
8 under this section, the Commissioner of the Bureau of  
9 Reclamation—

10 (1) shall not be required to transfer ownership  
11 of the land on which the bridge is located or any ad-  
12 jacent lands; and

13 (2) shall make arrangements with the State to  
14 which ownership is being transferred to allow for  
15 adequate access to such bridge, including for the  
16 purposes of construction, maintenance, and bridge  
17 inspections pursuant to section 144 of title 23,  
18 United States Code.

## 19 **Subtitle F—Additional Provisions**

### 20 **SEC. 1601. VISION ZERO.**

21 (a) IN GENERAL.—A local government, metropolitan  
22 planning organization, or regional transportation planning  
23 organization may develop and implement a vision zero  
24 plan to significantly reduce or eliminate transportation-re-



lated fatalities and serious injuries within a specified time-frame, not to exceed 20 years.

(b) USE OF FUNDS.—Amounts apportioned to a State under paragraph (2) or (3) of section 104(b) of title 23, United States Code, may be used to carry out a vision zero plan under this section.

(c) CONTENTS OF PLAN.—A vision zero plan under this section shall include—

(1) a description of programs, strategies, or policies intended to significantly reduce or eliminate transportation-related fatalities and serious injuries within a specified timeframe, not to exceed 20 years, that is consistent with a State strategic highway safety plan and uses existing transportation data and consideration of risk factors;

(2) plans for implementation of, education of the public about, and enforcement of such programs, strategies, or policies;

(3) a description of how such programs, strategies, or policies, and the enforcement of such programs, strategies, or policies will—

(A) equitably invest in the safety needs of low-income and minority communities;

1 (B) ensure that such communities are not  
2 disproportionately targeted by law enforcement;  
3 and

4 (C) protect the rights of members of such  
5 communities with respect to title VI of the Civil  
6 Rights Act of 1964 (42 U.S.C. 2000d et seq.);  
7 and

8 (4) a description of a mechanism to evaluate  
9 progress of the development and implementation of  
10 the plan, including the gathering and use of trans-  
11 portation safety and demographic data.

12 (d) INCLUSIONS.—A vision zero plan may include a  
13 complete streets prioritization plan that identifies a spe-  
14 cific list of projects to—

15 (1) create a connected network of active trans-  
16 portation facilities, including sidewalks, bikeways, or  
17 pedestrian and bicycle trails, to connect communities  
18 and provide safe, reliable, affordable, and convenient  
19 access to employment, housing, and services, con-  
20 sistent with the goals described in section 150(b) of  
21 title 23, United States Code;

22 (2) integrate active transportation facilities with  
23 public transportation service or improve access to  
24 public transportation; and

1           (3) improve transportation options for low-in-  
2           come and minority communities.

3           (e) COORDINATION.—A vision zero plan under this  
4           section shall provide for coordination of various subdivi-  
5           sions of a unit of local government in the implementation  
6           of the plan, including subdivisions responsible for law en-  
7           forcement, public health, data collection, and public works.

8           (f) SAFETY PERFORMANCE MANAGEMENT.—A vision  
9           zero plan under this section is not sufficient to dem-  
10          onstrate compliance with the safety performance or plan-  
11          ning requirements of section 148 or 150 of title 23, United  
12          States Code.

13   **SEC. 1602. SPEED LIMITS.**

14          (a) SPEED LIMITS.—The Secretary of Transpor-  
15          tation shall revise the Manual on Uniform Traffic Control  
16          Devices to provide for a safe system approach to setting  
17          speed limits, consistent with the safety recommendations  
18          issued by the National Transportation Safety Board on  
19          August 15, 2017, numbered H–17–27 and H–17–028.

20          (b) CONSIDERATIONS.—In carrying out subpara-  
21          graph (A), the Secretary shall consider—

- 22               (1) crash statistics;
- 23               (2) road geometry characteristics;
- 24               (3) roadside characteristics;
- 25               (4) traffic volume;

1           (5) the possibility and likelihood of human  
2       error;

3           (6) human injury tolerance;

4           (7) the prevalence of vulnerable road users; and

5           (8) any other consideration, consistent with a  
6       safe system approach, as determined by the Sec-  
7       retary.

8       (c) REPORT ON SPEED MANAGEMENT PROGRAM  
9       PLAN.—Not later than 1 year after the date of enactment  
10      of this Act, the Secretary shall update and report on the  
11      implementation progress of the Speed Management Pro-  
12      gram Plan of the Department of Transportation, as de-  
13      scribed in the safety recommendation issued by the Na-  
14      tional Transportation Safety Board on August 15, 2017,  
15      numbered H–17–018.

16      (d) DEFINITIONS.—In this section, the terms “safe  
17      system approach” and “vulnerable road user” have the  
18      meanings given such terms in section 148(a) of title 23,  
19      United States Code.

20   **SEC. 1603. BROADBAND INFRASTRUCTURE DEPLOYMENT.**

21      (a) DEFINITIONS.—In this section:

22           (1) APPROPRIATE STATE AGENCY.—The term  
23      “appropriate State agency” means a State govern-  
24      mental agency that is recognized by the executive  
25      branch of the State as having the experience nec-

1        essary to evaluate and facilitate the installation and  
2        operation of broadband infrastructure within the  
3        State.

4            (2) BROADBAND.—The term “broadband” has  
5        the meaning given the term “advanced telecommuni-  
6        cations capability” in section 706 of the Tele-  
7        communications Act of 1996 (47 U.S.C. 1302).

8            (3) BROADBAND CONDUIT.—The term  
9        “broadband conduit” means a conduit or innerduct  
10       for fiber optic cables (or successor technology of  
11       greater quality and speed) that supports the provi-  
12       sion of broadband.

13           (4) BROADBAND INFRASTRUCTURE.—The term  
14       “broadband infrastructure” means any buried or un-  
15       derground facility and any wireless or wireline con-  
16       nection that enables the provision of broadband.

17           (5) BROADBAND PROVIDER.—The term  
18       “broadband provider” means an entity that provides  
19       broadband to any person or facilitates provision of  
20       broadband to any person, including, with respect to  
21       such entity—

22            (A) a corporation, company, association,  
23        firm, partnership, nonprofit organization, or  
24        any other private entity;

25            (B) a State or local broadband provider;

1 (C) an Indian Tribe; and

2 (D) a partnership between any of the enti-  
3 ties described in subparagraphs (A), (B), and  
4 (C).

5 (6) COVERED HIGHWAY CONSTRUCTION  
6 PROJECT.—

7 (A) IN GENERAL.—The term “covered  
8 highway construction project” means a project  
9 to construct a new highway or an additional  
10 lane for an existing highway, to reconstruct an  
11 existing highway, or new construction, including  
12 for a paved shoulder.

13 (B) EXCLUSIONS.—The term “covered  
14 highway construction project” excludes any  
15 project—

16 (i) awarded before the date on which  
17 regulations required under subsection (b)  
18 take effect;

19 (ii) that does not include work beyond  
20 the edge of pavement or current paved  
21 shoulder; and

22 (iii) that does not require excavation.

23 (7) DIG ONCE REQUIREMENT.—The term “dig  
24 once requirement” means a requirement designed to  
25 reduce the cost and accelerate the deployment of ac-

1       cess to broadband by minimizing the number and  
2       scale of repeated excavations for the installation and  
3       maintenance of broadband conduit or broadband in-  
4       frastructure in rights-of-way.

5           (8) INDIAN TRIBE.—The term “Indian Tribe”  
6       has the meaning given such term in section 4(e) of  
7       the Indian Self-Determination and Education Assist-  
8       ance Act (25 U.S.C. 5304(e)).

9           (9) NTIA ADMINISTRATOR.—The term “NTIA  
10      Administrator” means the Assistant Secretary of  
11      Commerce for Communications and Information.

12          (10) SECRETARY.—The term “Secretary”  
13      means the Secretary of Transportation.

14          (11) STATE.—The term “State” has the mean-  
15      ing given such term in section 101 of title 23,  
16      United States Code.

17          (12) STATE OR LOCAL BROADBAND PRO-  
18      VIDER.—The term “State or local broadband pro-  
19      vider” means a State or political subdivision thereof,  
20      or any agency, authority, or instrumentality of a  
21      State or political subdivision thereof, that provides  
22      broadband to any person or facilitates the provision  
23      of broadband to any person in that State.

24          (13) TRIBAL GOVERNMENT.—The term “Tribal  
25      government” means the recognized governing body

1 of an Indian Tribe or any agency, authority, or in-  
2 strumentality of such governing body or such Indian  
3 Tribe.

4 (b) DIG ONCE REQUIREMENT.—To facilitate the in-  
5 stallation of broadband infrastructure, the Secretary shall,  
6 not later than 9 months after the date of enactment of  
7 this Act, promulgate regulations to ensure that each State  
8 that receives funds under chapter 1 of title 23, United  
9 States Code, meets the following requirements:

10 (1) BROADBAND PLANNING.—The State depart-  
11 ment of transportation, in consultation with appro-  
12 priate State agencies, shall—

13 (A) identify a broadband coordinator, who  
14 may have additional responsibilities in the State  
15 department of transportation or in another  
16 State agency, that is responsible for facilitating  
17 the broadband infrastructure right-of-way ef-  
18 forts within the State; and

19 (B) review existing State broadband plans,  
20 including existing dig once requirements of the  
21 State, municipal governments incorporated  
22 under State law, and Tribal governments within  
23 the State, to determine opportunities to coordi-  
24 nate projects occurring within or across high-



1 way rights-of-way with planned broadband in-  
2 frastructure projects.

3 (2) NOTICE OF PLANNED CONSTRUCTION FOR  
4 BROADBAND PROVIDERS.—The State department of  
5 transportation, in consultation with appropriate  
6 State agencies, shall establish a process—

7 (A) for the registration of broadband pro-  
8 viders that seek to be included in the advance  
9 notification of, and opportunity to participate  
10 in, broadband infrastructure right-of-way facili-  
11 tation efforts within the State;

12 (B) to electronically notify all broadband  
13 providers registered under subparagraph (A)—

14 (i) of the State transportation im-  
15 provement program on an annual basis;

16 (ii) of projects within the highway  
17 right-of-way for which Federal funding is  
18 expected to be obligated in the subsequent  
19 fiscal year; and

20 (iii) any opportunities for coordination  
21 identified by the State under paragraph  
22 (1)(B); and

23 (C) for a broadband provider to commit to  
24 installing broadband conduit or broadband in-

1           frastructure as part of any project identified  
2           under subparagraph (B).

3           (3) REQUIRED INSTALLATION OF CONDUIT.—

4                 (A) IN GENERAL.—The State department  
5           of transportation shall install broadband con-  
6           duit, in accordance with this paragraph, except  
7           as described in subparagraph (F), as part of  
8           any covered highway construction project, un-  
9           less a broadband provider has committed to in-  
10          stall broadband conduit or broadband infra-  
11          structure as part of such project in a process  
12          described under paragraph (2)(C).

13                (B) INSTALLATION REQUIREMENTS.—The  
14          State department of transportation shall ensure  
15          that—

16                   (i) an appropriate number of  
17                  broadband conduits, as determined in con-  
18                  sultation with the appropriate State agen-  
19                  cies, are installed along the highway of a  
20                  covered highway construction project to ac-  
21                  commodate multiple broadband providers,  
22                  with consideration given to the availability  
23                  of existing conduits;

24                   (ii) the size of each such conduit is  
25                  consistent with industry best practices and

1 is sufficient to accommodate potential de-  
2 mand, as determined in consultation with  
3 the appropriate State agencies;

4 (iii) hand holes and manholes nec-  
5 essary for fiber access and pulling with re-  
6 spect to such conduit are placed at inter-  
7 vals consistent with standards determined  
8 in consultation with the appropriate State  
9 agencies (which may differ by type of road,  
10 topologies, and rurality) and consistent  
11 with safety requirements;

12 (iv) each broadband conduit installed  
13 pursuant to this paragraph includes a pull  
14 tape and is capable of supporting fiber  
15 optic cable placement techniques consistent  
16 with best practices; and

17 (v) is placed at a depth consistent  
18 with requirements of the covered highway  
19 construction project and best practices and  
20 that, in determining the depth of place-  
21 ment, consideration is given to the location  
22 of existing utilities and cable separation re-  
23 quirements of State and local electrical  
24 codes.

1 (C) GUIDANCE FOR THE INSTALLATION OF  
2 BROADBAND CONDUIT.—The Secretary, in con-  
3 sultation with the NTIA Administrator, shall  
4 issue guidance for best practices related to the  
5 installation of broadband conduit as described  
6 in this paragraph.

7 (D) ACCESS.—

8 (i) IN GENERAL.—The State depart-  
9 ment of transportation shall ensure that  
10 any requesting broadband provider has ac-  
11 cess to each broadband conduit installed  
12 pursuant to this paragraph, on a competi-  
13 tively neutral and nondiscriminatory basis,  
14 and in accordance with State permitting,  
15 licensing, leasing, or other similar laws and  
16 regulations, for a charge not to exceed an  
17 incremental cost-based rate, including the  
18 cost of installation and on-going mainte-  
19 nance of the broadband fiber optic cables,  
20 as determined by the State department of  
21 transportation, to the extent that such  
22 charge is in accordance with relevant Fed-  
23 eral and State law.

24 (ii) IN-KIND COMPENSATION.—The  
25 State department of transportation may

1 negotiate in-kind compensation with any  
2 broadband provider requesting access to  
3 broadband conduit installed under the pro-  
4 visions of this paragraph as a replacement  
5 for part or all of, but not to exceed, the  
6 charge described in clause (i).

7 (iii) SAFETY CONSIDERATIONS.—The  
8 State department of transportation shall  
9 require of broadband providers a process  
10 for safe access to the highway right-of-way  
11 during installation and on-going mainte-  
12 nance of the broadband fiber optic cables  
13 including a traffic control safety plan.

14 (iv) COMMUNICATION.—A broadband  
15 provider with access to the conduit in-  
16 stalled pursuant to this subsection shall  
17 notify and receive permission from the rel-  
18 evant agencies of State responsible for the  
19 installation of such broadband conduit  
20 prior to accessing any highway or highway  
21 right-of-way.

22 (E) TREATMENT OF PROJECTS.—Notwith-  
23 standing any other provision of law, broadband  
24 conduit installation projects under this para-

1 graph shall comply with section 113(a) of title  
2 23, United States Code.

3 (F) WAIVER AUTHORITY.—

4 (i) IN GENERAL.—A State department  
5 of transportation may waive the required  
6 installation of broadband conduit for any  
7 covered highway construction project under  
8 this paragraph if, in the determination of  
9 the State—

10 (I) broadband infrastructure or  
11 broadband conduit is present near a  
12 majority of the length of the covered  
13 highway construction project;

14 (II) the installation of conduit  
15 significantly increases overall costs of  
16 a covered highway construction  
17 project;

18 (III) the installation of  
19 broadband conduit associated with  
20 covered highway construction project  
21 will not be utilized or connected to fu-  
22 ture broadband infrastructure in the  
23 next 20 years, in the determination of  
24 the State department of transpor-

1                   tation, in consultation with appro-  
2                   priate State agencies;

3                   (IV) any relevant portion of a  
4                   covered highway construction project,  
5                   the requirements of this paragraph  
6                   would require installation of conduit  
7                   redundant with a dig once require-  
8                   ment of a local or Tribal government;  
9                   or

10                  (V) other relevant factors, as de-  
11                  termined by the Secretary in consulta-  
12                  tion with the NTIA Administrator  
13                  through regulation warrant a waiver.

14                  (ii) CONTENTS OF WAIVER.—A waiver  
15                  authorized under this subparagraph  
16                  shall—

17                   (I) identify the covered highway  
18                   construction project; and

19                   (II) include a brief description of  
20                   the determination of the State for  
21                   issuing such waiver.

22                  (iii) AVAILABILITY OF WAIVER.—A  
23                  waiver authorized under this subparagraph  
24                  shall be included in the plans, specifica-  
25                  tions, and estimates for the associated

1 project, as long as such info is publicly  
2 available.

3 (4) PRIORITY.—If a State provides for the in-  
4 stallation of broadband infrastructure in the right-  
5 of-way of an applicable Federal-aid highway project  
6 under this subsection, the State department of  
7 transportation, along with appropriate State agen-  
8 cies, shall carry out appropriate measures to ensure  
9 that any existing broadband providers are afforded  
10 equal opportunity access, as compared to other  
11 broadband providers, with respect to the program  
12 under this subsection.

13 (5) CONSULTATION.—In promulgating regula-  
14 tions required by this subsection or to implement  
15 any part of this section, the Secretary shall con-  
16 sult—

17 (A) the NTIA Administrator;

18 (B) the Federal Communications Commis-  
19 sion;

20 (C) State departments of transportation;

21 (D) appropriate State agencies;

22 (E) agencies of local governments respon-  
23 sible for transportation and rights-of-way, utili-  
24 ties, and telecommunications and broadband;

25 (F) Tribal governments;



1 (G) broadband providers; and

2 (H) manufacturers of optical fiber, con-  
3 duit, pull tape, and related items.

4 (6) PROHIBITION ON UNFUNDED MANDATE.—

5 (A) IN GENERAL.—This subsection shall  
6 apply only to activities for which Federal obli-  
7 gations or expenditures are initially approved  
8 on or after the date regulations required under  
9 this subsection take effect.

10 (B) NO MANDATE.—Absent an available  
11 and dedicated Federal source of funding—

12 (i) nothing in this subsection estab-  
13 lishes a mandate or requirement that a  
14 State install broadband conduit in a high-  
15 way right-of-way; and

16 (ii) nothing in paragraph (3) shall es-  
17 tablish any requirement for a State.

18 (7) RULES OF CONSTRUCTION.—

19 (A) STATE LAW.—Nothing in this sub-  
20 section shall be construed to require a State to  
21 install or allow the installation of broadband  
22 conduit or broadband infrastructure—

23 (i) that is otherwise inconsistent with  
24 what is allowable under State law; or

1 (ii) where the State lacks the author-  
2 ity or property easement necessary for  
3 such installation.

4 (B) NO REQUIREMENT FOR INSTALLATION  
5 OF MOBILE SERVICES EQUIPMENT.—Nothing in  
6 this section shall be construed to require a  
7 State, a municipal government incorporated  
8 under State law, or an Indian Tribe to install  
9 or allow for the installation of equipment essen-  
10 tial for the provision of commercial mobile serv-  
11 ices (as defined in section 332(d) of the Com-  
12 munications Act of 1934 (47 U.S.C. 332(d)))  
13 or commercial mobile data service (as defined in  
14 section 6001 of the Middle Class Tax Relief  
15 and Job Creation Act of 2012 (47 U.S.C.  
16 1401)), other than broadband conduit and asso-  
17 ciated equipment described in paragraph  
18 (3)(B).

19 (c) RELATION TO STATE DIG ONCE REQUIRE-  
20 MENTS.—Nothing in this section or any regulations pro-  
21 mulgated under this section shall be construed to alter or  
22 supersede any provision of a State law or regulation that  
23 provides for a dig once requirement that includes similar  
24 or more stringent requirements to the provisions of this

1 section and any regulations promulgated under this sec-  
2 tion.

3 (d) DIG ONCE FUNDING TASK FORCE.—

4 (1) ESTABLISHMENT.—There is established an  
5 independent task force on funding the nationwide  
6 dig once requirement described in this section to be  
7 known as the “Dig Once Funding Task Force”  
8 (hereinafter referred to as the “Task Force”).

9 (2) DUTIES.—The duties of the Task Force  
10 shall be to—

11 (A) estimate the annual cost for a nation-  
12 wide dig once requirement; and

13 (B) propose and evaluate options for fund-  
14 ing a nationwide dig once requirement described  
15 in this section that includes—

16 (i) a discussion of the role and poten-  
17 tial share of costs of—

18 (I) the Federal Government;

19 (II) State, local, and Tribal gov-  
20 ernments; and

21 (III) broadband providers; and

22 (ii) consideration of the role of exist-  
23 ing dig once requirements of State, local,  
24 and Tribal governments and private  
25 broadband investment, with a goal to not

1           discourage or disincentivize such dig once  
2           requirements or such investment.

3       (3) REPORTS.—

4           (A) INTERIM REPORT AND BRIEFING.—

5       Not later than 9 months after the date of en-  
6       actment of this Act, the Task Force shall sub-  
7       mit an interim report to Congress and provide  
8       briefings for Congress on the findings of the  
9       Task Force.

10          (B) FINAL REPORT.—Not later than 12  
11       months after the date of enactment of this Act,  
12       the Task Force shall submit a final report to  
13       Congress on the findings of the Task Force.

14       (4) MEMBERS.—

15          (A) APPOINTMENTS.—The Task Force  
16       shall consist of 14 members, consisting of—

17               (i) the 2 co-chairs described in sub-  
18               paragraph (B); and

19               (ii) 6 members jointly appointed by  
20               the Speaker and minority leader of the  
21               House of Representatives, in consultation  
22               with the respective Chairs and Ranking  
23               Members of the—

1 (I) the Committee on Transpor-  
2 tation and Infrastructure of the  
3 House of Representatives;

4 (II) the Committee on Energy  
5 and Commerce of the House of Rep-  
6 resentatives; and

7 (III) the Committee on Appro-  
8 priations of the House of Representa-  
9 tives; and

10 (iii) 6 members jointly appointed by  
11 the majority leader and minority leader of  
12 the Senate, in consultation with the respec-  
13 tive Chairs and Ranking Members of the—

14 (I) the Committee on Environ-  
15 ment and Public Works of the Senate;

16 (II) the Committee on Com-  
17 merce, Science, and Transportation of  
18 the Senate; and

19 (III) the Committee on Appro-  
20 priations of the Senate.

21 (B) CO-CHAIRS.—The Task Force shall be  
22 co-chaired by the Secretary and the NTIA Ad-  
23 ministrator, or their designees.

24 (C) COMPOSITION.—The Task Force shall  
25 include at least—

1 (i) 1 representative from a State de-  
2 partment of transportation;

3 (ii) 1 representative from a local gov-  
4 ernment;

5 (iii) 1 representative from a Tribal  
6 government;

7 (iv) 1 representative from a  
8 broadband provider;

9 (v) 1 representative from a State or  
10 local broadband provider; and

11 (vi) 1 representative from a public in-  
12 terest organization.

13 (D) APPOINTMENT DEADLINE.—Members  
14 shall be appointed to the Task Force not later  
15 than 60 days after the date of enactment of  
16 this Act.

17 (E) EFFECT OF LACK OF APPOINTMENT  
18 BY APPOINTMENT DATE.—If 1 or more appoint-  
19 ments required under subparagraph (A) is not  
20 made by the appointment date specified in sub-  
21 paragraph (D), the authority to make such ap-  
22 pointment or appointments shall expire and the  
23 number of members of the Task Force shall be  
24 reduced by the number equal to the number of  
25 appointments so expired.

1 (F) TERMS.—Members shall be appointed  
2 for the life of the Task Force. A vacancy in the  
3 Task Force shall not affect its powers and shall  
4 be filled in the same manner as the initial ap-  
5 pointment was made.

6 (5) CONSULTATIONS.—In carrying out the du-  
7 ties required under this subsection, the Task Force  
8 shall consult, at a minimum—

9 (A) the Federal Communications Commis-  
10 sion;

11 (B) agencies of States including—

12 (i) State departments of transpor-  
13 tation; and

14 (ii) appropriate State agencies;

15 (C) agencies of local governments respon-  
16 sible for transportation and rights of way, utili-  
17 ties, and telecommunications and broadband;

18 (D) Tribal governments;

19 (E) broadband providers and other tele-  
20 communications providers; and

21 (F) State or local broadband providers and  
22 Tribal governments that act as broadband pro-  
23 viders.

24 (6) ADDITIONAL PROVISIONS.—

1           (A) EXPENSES FOR NON-FEDERAL MEM-  
2           BERS.—Non-Federal members of the Task  
3           Force shall be allowed travel expenses, includ-  
4           ing per diem in lieu of subsistence, at rates au-  
5           thorized for employees under subchapter I of  
6           chapter 57 of title 5, United States Code, while  
7           away from their homes or regular places of  
8           business in the performance of services for the  
9           Task Force.

10          (B) STAFF.—Staff of the Task Force shall  
11          comprise detailees with relevant expertise from  
12          the Department of Transportation and the Na-  
13          tional Telecommunications and Information Ad-  
14          ministration, or another Federal agency the co-  
15          chairpersons consider appropriate, with the con-  
16          sent of the head of the Federal agency, and  
17          such detailee shall retain the rights, status, and  
18          privileges of his or her regular employment  
19          without interruption.

20          (C) ADMINISTRATIVE ASSISTANCE.—The  
21          Secretary and NTIA Administrator shall pro-  
22          vide to the Task Force on a reimbursable basis  
23          administrative support and other services for  
24          the performance of the functions of the Task  
25          Force.



1           (7) TERMINATION.—The Task Force shall ter-  
2       minate not later than 90 days after issuance of the  
3       final report required under paragraph (3)(B).

4   **SEC. 1604. APPALACHIAN DEVELOPMENT HIGHWAY SYS-**  
5           **TEM FUNDING FLEXIBILITY.**

6       (a) IN GENERAL.—Any funds made available to a  
7       State for the Appalachian development highway system  
8       program under subtitle IV of title 40, United States Code,  
9       before the date of enactment of this Act may be used, at  
10      the request of such State to the Secretary of Transpor-  
11      tation, for the purposes described in section 133(b) of title  
12      23, United States Code.

13      (b) LIMITATION.—The flexibility described in sub-  
14      section (a) may only be used by an Appalachian Develop-  
15      ment Highway System state if all of the Appalachian De-  
16      velopment Highway System corridors authorized by sub-  
17      title IV of title 40, United States Code, in the State, have  
18      been fully completed and are open to traffic prior to the  
19      State making a request to the Secretary as described in  
20      subsection (a).

21   **SEC. 1605. STORMWATER BEST MANAGEMENT PRACTICES.**

22      (a) STUDY.—

23           (1) IN GENERAL.—Not later than 180 days  
24      after the date of enactment of this Act, the Sec-  
25      retary of Transportation and the Administrator shall

1 seek to enter into an agreement with the Transpor-  
2 tation Research Board of the National Academy of  
3 Sciences to under which the Transportation Re-  
4 search Board shall conduct a study—

5 (A) to estimate pollutant loads from  
6 stormwater runoff from highways and pedes-  
7 trian facilities eligible for assistance under title  
8 23, United States Code, to inform the develop-  
9 ment of appropriate total maximum daily load  
10 requirements;

11 (B) to provide recommendations (including  
12 recommended revisions to existing laws and reg-  
13 ulations) regarding the evaluation and selection  
14 by State departments of transportation of po-  
15 tential stormwater management and total max-  
16 imum daily load compliance strategies within a  
17 watershed, including environmental restoration  
18 and pollution abatement carried out under sec-  
19 tion 328 of title 23, United States Code;

20 (C) to examine the potential for the Sec-  
21 retary to assist State departments of transpor-  
22 tation in carrying out and communicating  
23 stormwater management practices for highways  
24 and pedestrian facilities that are eligible for as-  
25 sistance under title 23, United States Code,

1 through information-sharing agreements, data-  
2 base assistance, or an administrative platform  
3 to provide the information described in sub-  
4 paragraphs (A) and (B) to entities issued per-  
5 mits under the Federal Water Pollution Control  
6 Act (33 U.S.C. 1251 et seq.); and

7 (D) to examine the benefit of concen-  
8 trating stormwater retrofits in impaired water-  
9 sheds and selecting such retrofits according to  
10 a process that depends on a watershed manage-  
11 ment plan developed in accordance with section  
12 319 of the Federal Water Pollution Control Act  
13 (33 U.S.C. 1329).

14 (2) REQUIREMENTS.—In conducting the study  
15 under the agreement entered into pursuant to para-  
16 graph (1), the Transportation Research Board  
17 shall—

18 (A) review and supplement, as appropriate,  
19 the methodologies examined and recommended  
20 in the 2019 report of the National Academies  
21 of Sciences, Engineering, and Medicine titled  
22 “Approaches for Determining and Complying  
23 with TMDL Requirements Related to Roadway  
24 Stormwater Runoff”;

25 (B) consult with—

- 1 (i) the Secretary of Transportation;  
2 (ii) the Administrator;  
3 (iii) the Secretary of the Army, acting  
4 through the Chief of Engineers; and  
5 (iv) State departments of Transpor-  
6 tation; and  
7 (C) solicit input from—  
8 (i) stakeholders with experience in im-  
9 plementing stormwater management prac-  
10 tices for projects; and  
11 (ii) educational and technical  
12 stormwater management groups.

13 (3) REPORT.—In carrying out the agreement  
14 entered into pursuant to paragraph (1), not later  
15 than 18 months after the date of enactment of this  
16 Act, the Transportation Research Board shall sub-  
17 mit to the Secretary of Transportation, the Adminis-  
18 trator, the Committee on Transportation and Infra-  
19 structure of the House of Representatives, and the  
20 Committee on Environment and Public Works of the  
21 Senate a report describing the results of the study.

22 (b) STORMWATER BEST MANAGEMENT PRACTICES  
23 REPORTS.—

24 (1) REISSUANCE.—Not later than 180 days  
25 after the date of enactment of this Act, the Adminis-

1       trator shall update and reissue the best management  
2       practices reports to reflect new information and ad-  
3       vancements in stormwater management.

4           (2) UPDATES.—Not less frequently than once  
5       every 5 years after the date on which the Secretary  
6       reissues the best management practices reports  
7       under paragraph (1), the Secretary shall update and  
8       reissue the best management practices reports, un-  
9       less the contents of the best management practices  
10      reports have been incorporated (including by ref-  
11      erence) into applicable regulations of the Secretary.

12      (c) DEFINITIONS.—In this section:

13           (1) ADMINISTRATOR.—The term “Adminis-  
14      trator” means the Administrator of the Environ-  
15      mental Protection Agency.

16           (2) BEST MANAGEMENT PRACTICES RE-  
17      PORTS.—The term “best management practices re-  
18      ports” means—

19           (A) the 2014 report sponsored by the De-  
20      partment of Transportation titled “Determining  
21      the State of the Practice in Data Collection and  
22      Performance Measurement of Stormwater Best  
23      Management Practices” (FHWA–HEP–16–  
24      021); and

1 (B) the 2000 report sponsored by the De-  
2 partment of Transportation titled “Stormwater  
3 Best Management Practices in an Ultra-Urban  
4 Setting: Selection and Monitoring”.

5 (3) TOTAL MAXIMUM DAILY LOAD.—The term  
6 “total maximum daily load” has the meaning given  
7 such term in section 130.2 of title 40, Code of Fed-  
8 eral Regulations (or successor regulations).

9 **SEC. 1606. PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT-**  
10 **OF-WAY.**

11 (a) IN GENERAL.—Not later than 180 days after the  
12 date of enactment of this Act, the Architectural and  
13 Transportation Barriers Compliance Board established  
14 under section 502(a)(1) of the Rehabilitation Act of 1973  
15 (29 U.S.C. 792), in consultation with the Secretary of  
16 Transportation, shall establish accessibility guidelines set-  
17 ting forth minimum standards for pedestrian facilities in  
18 the public right-of-way.

19 (b) CONTENT OF GUIDANCE.—The guidelines de-  
20 scribed in subsection (a) shall be substantially similar to,  
21 and carried out under the same statutory authority as—

22 (1) the notice of proposed rulemaking published  
23 on July 26, 2011, titled “Accessibility Guidelines for  
24 Pedestrian Facilities in the Public Right-of-Way”  
25 (76 Fed. Reg. 44664); and

1           (2) the supplemental notice of proposed rule-  
2           making published on February 13, 2013, titled “Ac-  
3           cessibility Guidelines for Pedestrian Facilities in the  
4           Public Right-of-Way; Shared Use Paths” (78 Fed.  
5           Reg. 10110).

6           (c) ADOPTION OF REGULATIONS.—Not later than  
7           180 days after the establishment of the guidelines pursu-  
8           ant to subsection (a), the Secretary shall issue such regu-  
9           lations as are necessary to adopt such guidelines.

10   **SEC. 1607. HIGHWAY FORMULA MODERNIZATION REPORT.**

11           (a) HIGHWAY FORMULA MODERNIZATION STUDY.—

12               (1) IN GENERAL.—The Secretary of Transpor-  
13           tation, in consultation with the State departments of  
14           transportation and representatives of local govern-  
15           ments (including metropolitan planning organiza-  
16           tions), shall conduct a highway formula moderniza-  
17           tion study to assess the method and data used to ap-  
18           portion Federal-aid highway funds under subsections  
19           (b) and (c) of section 104 of title 23, United States  
20           Code, and issue recommendations on such method  
21           and data.

22               (2) ASSESSMENT.—The highway formula mod-  
23           ernization study required under paragraph (1) shall  
24           include an assessment of, based on the latest avail-

1       able data, whether the apportionment method under  
2       such section results in—

3               (A) an equitable distribution of funds  
4       based on the estimated tax payments attrib-  
5       utable to—

6               (i) highway users in the State that are  
7       paid into the Highway Trust Fund; and

8               (ii) individuals in the State that are  
9       paid to the Treasury, based on contribu-  
10      tions to the Highway Trust Fund from the  
11      general fund of the Treasury; and

12              (B) the achievement of the goals described  
13      in section 101(b)(3) of title 23, United States  
14      Code.

15              (3) CONSIDERATIONS.—In carrying out the as-  
16      sessment under paragraph (2), the Secretary shall  
17      consider the following:

18              (A) The factors described in sections  
19      104(b), 104(f)(2), 104(h)(2), 130(f), and  
20      144(e) of title 23, United States Code, as in ef-  
21      fect on the date of enactment of SAFETEA-  
22      LU (Public Law 109–59).

23              (B) The availability and accuracy of data  
24      necessary to calculate formula apportionments



1 under the factors described in subparagraph  
2 (A).

3 (C) The measures established under sec-  
4 tion 150 of title 23, United States Code, and  
5 whether such measures are appropriate for con-  
6 sideration as formula apportionment factors.

7 (D) The results of the CMAQ formula  
8 modernization study required under subsection  
9 (b).

10 (E) Any other factors that the Secretary  
11 determines are appropriate.

12 (4) RECOMMENDATIONS.—The Secretary shall,  
13 in consultation with the State departments of trans-  
14 portation and representatives of local governments  
15 (including metropolitan planning organizations), de-  
16 velop recommendations on a new apportionment  
17 method, including—

18 (A) the factors recommended to be in-  
19 cluded in such apportionment method;

20 (B) the weighting recommended to be ap-  
21 plied to the factors under subparagraph (A);  
22 and

23 (C) any other recommendations to ensure  
24 that the apportionment method best achieves an  
25 equitable distribution of funds described under

1 paragraph (2)(A) and the goals described in  
2 paragraph (2)(B).

3 (b) CMAQ FORMULA MODERNIZATION STUDY.—

4 (1) IN GENERAL.—Not later than 1 year after  
5 the date of enactment of this Act, the Secretary of  
6 Transportation, in consultation with the Adminis-  
7 trator of the Environmental Protection Agency, shall  
8 conduct an CMAQ formula modernization study to  
9 assess whether the apportionment method under sec-  
10 tion 104(b)(4) of title 23, United States Code, re-  
11 sults in a distribution of funds that best achieves the  
12 air quality goals of section 149 of such title.

13 (2) CONSIDERATIONS.—In providing consulta-  
14 tion under this subsection, the Administrator of the  
15 Environmental Protection Agency shall provide to  
16 the Secretary an analysis of—

17 (A) factors that contribute to the appor-  
18 tionment, including population, types of pollut-  
19 ants, and severity of pollutants, as such factors  
20 were determined on the date prior to the date  
21 of enactment of MAP-21;

22 (B) the weighting of the factors listed  
23 under subparagraph (A); and

1 (C) the recency of the data used in making  
2 the apportionment under section 104(b)(4) of  
3 title 23, United States Code.

4 (3) RECOMMENDATIONS.—If, in conducting the  
5 study under this subsection, the Secretary finds that  
6 modifying the apportionment method under section  
7 104(b)(4) of title 23, United States Code, would  
8 best achieve the air quality goals of section 149 of  
9 title 23, United States Code, the Secretary shall, in  
10 consultation with the Administrator, include in such  
11 study recommendations for a new apportionment  
12 method, including—

13 (A) the factors recommended to be in-  
14 cluded in such apportionment method;

15 (B) the weighting recommended to be ap-  
16 plied to the factors under subparagraph (A);  
17 and

18 (C) any other recommendations to ensure  
19 that the apportionment method best achieves  
20 the air quality goals section 149 of such title.

21 (c) REPORT.—No later than 2 years after the date  
22 of enactment of this Act, the Secretary shall submit to  
23 the Committee on Transportation and Infrastructure of  
24 the House of Representatives and the Committee on Envi-  
25 ronment and Public Works of the Senate a report con-

1 taining the results of the highway formula modernization  
2 study and the CMAQ formula modification study.

3 **SEC. 1608. CONSOLIDATION OF PROGRAMS.**

4 Section 1519 of MAP-21 (Public Law 112-141) is  
5 amended—

6 (1) in subsection (a)—

7 (A) by striking “fiscal years 2016 through  
8 2020” and inserting “fiscal years 2022 through  
9 2025”; and

10 (B) by striking “\$3,500,000” and insert-  
11 ing “\$4,000,000”;

12 (2) by redesignating subsections (b) and (c) as  
13 subsections (c) and (d), respectively; and

14 (3) by inserting after subsection (a) the fol-  
15 lowing:

16 “(b) FEDERAL SHARE.—The Federal share of the  
17 cost of a project or activity carried out under subsection  
18 (a) shall be 100 percent.”.

19 **SEC. 1609. STUDENT OUTREACH REPORT TO CONGRESS.**

20 (a) REPORT.—Not later than 180 days after the date  
21 of enactment of this Act, the Secretary of Transportation  
22 shall submit to the Committee on Transportation and In-  
23 frastructure of the House of Representatives and the Com-  
24 mittee on Environment and Public Works of the Senate  
25 a report that describes the efforts of the Department of

1 Transportation to encourage elementary, secondary, and  
2 post-secondary students to pursue careers in the surface  
3 transportation sector.

4 (b) CONTENTS.—The report required under sub-  
5 section (a) shall include—

6 (1) a description of efforts to increase aware-  
7 ness of careers related to surface transportation  
8 among elementary, secondary, and post-secondary  
9 students;

10 (2) a description of efforts to prepare and in-  
11 spire such students for surface transportation ca-  
12 reers;

13 (3) a description of efforts to support the devel-  
14 opment of a diverse, well-qualified workforce for fu-  
15 ture surface transportation needs; and

16 (4) the effectiveness of the efforts described in  
17 paragraphs (1) through (3).

18 **SEC. 1610. TASK FORCE ON DEVELOPING A 21ST CENTURY**  
19 **SURFACE TRANSPORTATION WORKFORCE.**

20 (a) IN GENERAL.—Not later than 90 days after the  
21 date of enactment of this Act, the Secretary of Transpor-  
22 tation shall establish a task force on developing a 21st  
23 century surface transportation workforce (in this section  
24 referred to as the “Task Force”).

1 (b) DUTIES.—Not later than 12 months after the es-  
2 tablishment of the Task Force under subsection (a), the  
3 Task Force shall develop and submit to the Secretary rec-  
4 ommendations and strategies for the Department of  
5 Transportation to—

6 (1) evaluate the current and future state of the  
7 surface transportation workforce, including projected  
8 job needs in the surface transportation sector;

9 (2) identify factors influencing individuals pur-  
10 suing careers in surface transportation, including  
11 barriers to attracting individuals into the workforce;

12 (3) address barriers to retaining individuals in  
13 surface transportation careers;

14 (4) identify and address potential impacts of  
15 emerging technologies on the surface transportation  
16 workforce;

17 (5) increase access for vulnerable or underrep-  
18 resented populations, especially women and minori-  
19 ties, to high-skill, in-demand surface transportation  
20 careers;

21 (6) facilitate and encourage elementary, sec-  
22 ondary, and post-secondary students in the United  
23 States to pursue careers in the surface transpor-  
24 tation sector; and

1           (7) identify and develop pathways for students  
2           and individuals to secure pre-apprenticeships, reg-  
3           istered apprenticeships, and other work-based learn-  
4           ing opportunities in the surface transportation sector  
5           of the United States.

6           (c) CONSIDERATIONS.—In developing recommenda-  
7           tions and strategies under subsection (b), the Task Force  
8           shall—

9           (1) identify factors that influence whether  
10          young people pursue careers in surface transpor-  
11          tation, especially traditionally underrepresented pop-  
12          ulations, including women and minorities;

13          (2) consider how the Department, businesses,  
14          industry, labor, educators, and other stakeholders  
15          can coordinate efforts to support qualified individ-  
16          uals in pursuing careers in the surface transpor-  
17          tation sector;

18          (3) identify methods of enhancing surface  
19          transportation pre-apprenticeships and registered  
20          apprenticeships, job skills training, mentorship, edu-  
21          cation, and outreach programs that are exclusive to  
22          youth in the United States; and

23          (4) identify potential sources of funding, includ-  
24          ing grants and scholarships, that may be used to

1 support youth and other qualified individuals in pur-  
2 suing careers in the surface transportation sector.

3 (d) CONSULTATION.—In developing the recommenda-  
4 tions and strategies required under subsection (b), the  
5 Task Force may consult with—

6 (1) local educational agencies and institutes of  
7 higher education, including community colleges and  
8 vocational schools; and

9 (2) State workforce development boards.

10 (e) REPORT.—Not later than 60 days after the sub-  
11 mission of the recommendations and strategies under sub-  
12 section (b), the Secretary shall submit to the Committee  
13 on Transportation and Infrastructure of the House of  
14 Representatives and the Committee on Environment and  
15 Public Works of the Senate a report containing such rec-  
16 ommendations and strategies.

17 (f) COMPOSITION OF TASK FORCE.—The Secretary  
18 shall appoint members to the Task Force whose diverse  
19 background and expertise allow such members to con-  
20 tribute balanced points of view and ideas in carrying out  
21 this section, comprised of equal representation from each  
22 of the following:

23 (1) Industries in the surface transportation sec-  
24 tor.



1           (2) Surface transportation sector labor organi-  
2       zations.

3           (3) Such other surface transportation stake-  
4       holders and experts as the Secretary considers ap-  
5       propriate.

6       (g) PERIOD OF APPOINTMENT.—Members shall be  
7       appointed to the Task Force for the duration of the exist-  
8       ence of the Task Force.

9       (h) COMPENSATION.—Task Force members shall  
10      serve without compensation.

11      (i) SUNSET.—The Task Force shall terminate upon  
12      the submission of the report required under subsection (e).

13      (j) DEFINITIONS.—In this section:

14           (1) PRE-APPRENTICESHIP.—The term “pre-ap-  
15      prenticeship” means a training model or program  
16      that prepares individuals for acceptance into a reg-  
17      istered apprenticeship and has a demonstrated part-  
18      nership with 1 or more registered apprenticeships.

19           (2) REGISTERED APPRENTICESHIP.—The term  
20      “registered apprenticeship” means an apprenticeship  
21      program registered under the Act of August 16,  
22      1937 (29 U.S.C. 50 et seq.; commonly known as the  
23      “National Apprenticeship Act”), that satisfies the  
24      requirements of parts 29 and 30 of title 29, Code

1 of Federal Regulations (as in effect on January 1,  
2 2020).

3 **SEC. 1611. ON-THE-JOB TRAINING AND SUPPORTIVE SERV-**  
4 **ICES.**

5 Section 140(b) of title 23, United States Code, is  
6 amended to read as follows:

7 “(b) WORKFORCE TRAINING AND DEVELOPMENT.—

8 “(1) IN GENERAL.—The Secretary, in coopera-  
9 tion with the Secretary of Labor and any other de-  
10 partment or agency of the Government, State agen-  
11 cy, authority, association, institution, Indian Tribal  
12 government, corporation (profit or nonprofit), or any  
13 other organization or person, is authorized to de-  
14 velop, conduct, and administer surface transpor-  
15 tation and technology training, including skill im-  
16 provement programs, and to develop and fund sum-  
17 mer transportation institutes.

18 “(2) STATE RESPONSIBILITIES.—A State de-  
19 partment of transportation participating in the pro-  
20 gram under this subsection shall—

21 “(A) develop an annual workforce plan  
22 that identifies immediate and anticipated work-  
23 force gaps and underrepresentation of women  
24 and minorities and a detailed plan to fill such  
25 gaps and address such underrepresentation;

1           “(B) establish an annual workforce devel-  
2           opment compact with the State workforce devel-  
3           opment board and appropriate agencies to pro-  
4           vide a coordinated approach to workforce train-  
5           ing, job placement, and identification of train-  
6           ing and skill development program needs, which  
7           shall be coordinated to the extent practical with  
8           an institution or agency, such as a State work-  
9           force development board under section 101 of  
10          the Workforce Innovation and Opportunities  
11          Act (29 U.S.C. 3111), that has established  
12          skills training, recruitment, and placement re-  
13          sources; and

14          “(C) demonstrate program outcomes, in-  
15          cluding—

16               “(i) impact on areas with transpor-  
17               tation workforce shortages;

18               “(ii) diversity of training participants;

19               “(iii) number and percentage of par-  
20               ticipants obtaining certifications or creden-  
21               tials required for specific types of employ-  
22               ment;

23               “(iv) employment outcome, including  
24               job placement and job retention rates and  
25               earnings, using performance metrics estab-

1                   lished in consultation with the Secretary of  
2                   Labor and consistent with metrics used by  
3                   programs under the Workforce Innovation  
4                   and Opportunity Act (29 U.S.C. 3101 et  
5                   seq.); and

6                   “(v) to the extent practical, evidence  
7                   that the program did not preclude workers  
8                   that participate in training or registered  
9                   apprenticeship activities under the pro-  
10                  gram from being referred to, or hired on,  
11                  projects funded under this chapter.

12               “(3) FUNDING.—From administrative funds  
13               made available under section 104(a), the Secretary  
14               shall deduct such sums as necessary, not to exceed  
15               \$10,000,000 in each fiscal year, for the administra-  
16               tion of this subsection. Such sums shall remain  
17               available until expended.

18               “(4) NONAPPLICABILITY OF TITLE 41.—Sub-  
19               sections (b) through (d) of section 6101 of title 41  
20               shall not apply to contracts and agreements made  
21               under the authority granted to the Secretary under  
22               this subsection.

23               “(5) USE OF SURFACE TRANSPORTATION PRO-  
24               GRAM AND NATIONAL HIGHWAY PERFORMANCE PRO-  
25               GRAM FUNDS.—Notwithstanding any other provision

1 of law, not to exceed  $\frac{1}{2}$  of 1 percent of funds appor-  
2 tioned to a State under paragraph (1) or (2) of sec-  
3 tion 104(b) may be available to carry out this sub-  
4 section upon request of the State transportation de-  
5 partment to the Secretary.”.

6 **SEC. 1612. WORK ZONE SAFETY.**

7 Section 504(e)(1) of title 23, United States Code, is  
8 amended—

9 (1) by redesignating subparagraphs (F) and  
10 (G) as subparagraphs (G) and (H), respectively; and

11 (2) by inserting after subparagraph (E) the fol-  
12 lowing:

13 “(F) tuition and direct educational ex-  
14 penses or other costs of instruction related to  
15 the work zone safety training and certification  
16 of employees of State and local transportation  
17 agencies and surface transportation construc-  
18 tion workers;”.

19 **SEC. 1613. TRANSPORTATION EDUCATION DEVELOPMENT**  
20 **PROGRAM.**

21 Section 504 of title 23, United States Code, is  
22 amended—

23 (1) in subsection (e)(1) by inserting “and (8)  
24 through (9)” after “paragraphs (1) through (4)”;  
25 and

1           (2) in subsection (f) by adding at the end the  
2     following:

3           “(4) REPORTS.—The Secretary shall submit to  
4     the Committee on Transportation and Infrastructure  
5     of the House of Representatives and the Committee  
6     on Commerce, Science, and Transportation of the  
7     Senate an annual report that includes—

8           “(A) a list of all grant recipients under  
9     this subsection;

10          “(B) an explanation of why each recipient  
11     was chosen in accordance with the criteria  
12     under paragraph (2);

13          “(C) a summary of each recipient’s objec-  
14     tive to carry out the purpose described in para-  
15     graph (1) and an analysis of progress made to-  
16     ward achieving each such objective;

17          “(D) an accounting for the use of Federal  
18     funds obligated or expended in carrying out this  
19     subsection; and

20          “(E) an analysis of outcomes of the pro-  
21     gram under this subsection.”.

22 **SEC. 1614. WORKING GROUP ON CONSTRUCTION RE-**  
23 **SOURCES.**

24          (a) ESTABLISHMENT.—Not later than 120 days after  
25     the date of enactment of this Act, the Secretary of Trans-

1 portation shall establish a working group (in this section  
2 referred to as the “Working Group”) to conduct a study  
3 on access to covered resources for infrastructure projects.

4 (b) MEMBERSHIP.—

5 (1) APPOINTMENT.—The Secretary shall ap-  
6 point to the Working Group individuals with knowl-  
7 edge and expertise in the production and transpor-  
8 tation of covered resources.

9 (2) REPRESENTATION.—The Working Group  
10 shall include at least 1 representative of each of the  
11 following:

12 (A) State departments of transportation.

13 (B) State agencies associated with covered  
14 resources protection.

15 (C) State planning and geologic survey and  
16 mapping agencies.

17 (D) Commercial motor vehicle operators,  
18 including small business operators and opera-  
19 tors who transport covered resources.

20 (E) Covered resources producers.

21 (F) Construction contractors.

22 (G) Metropolitan planning organizations  
23 and regional planning organizations.

24 (H) Indian Tribes, including Tribal elected  
25 leadership or Tribal transportation officials.

1 (I) Any other stakeholders that the Sec-  
2 retary determines appropriate.

3 (3) TERMINATION.—The Working Group shall  
4 terminate 6 months after the date on which the Sec-  
5 retary receives the report under subsection (e)(1).

6 (c) DUTIES.—In carrying out the study required  
7 under subsection (a), the Working Group shall analyze—

8 (1) the use of covered resources in transpor-  
9 tation projects funded with Federal dollars;

10 (2) how the proximity of covered resources to  
11 such projects affects the cost and environmental im-  
12 pact of such projects;

13 (3) whether and how State, Tribal, and local  
14 transportation and planning agencies consider cov-  
15 ered resources when developing transportation  
16 projects; and

17 (4) any challenges for transportation project  
18 sponsors regarding access and proximity to covered  
19 resources.

20 (d) CONSULTATION.—In carrying out the study re-  
21 quired under subsection (a), the Working Group shall con-  
22 sult with, as appropriate—

23 (1) chief executive officers of States;

24 (2) State, Tribal, and local transportation and  
25 planning agencies;



1 (3) other relevant State, Tribal, and local agen-  
2 cies, including State agencies associated with cov-  
3 ered resources protection;

4 (4) members of the public with industry experi-  
5 ence with respect to covered resources;

6 (5) other Federal entities that provide funding  
7 for transportation projects; and

8 (6) any other stakeholder the Working Group  
9 determines appropriate.

10 (e) REPORTS.—

11 (1) WORKING GROUP REPORT.—Not later than  
12 2 years after the date on which the Working Group  
13 is established, the Working Group shall submit to  
14 the Secretary a report that includes—

15 (A) the findings of the study required  
16 under subsection (a), including a summary of  
17 comments received during the consultation  
18 process under subsection (d); and

19 (B) any recommendations to preserve ac-  
20 cess to and reduce the costs and environmental  
21 impacts of covered resources for infrastructure  
22 projects.

23 (2) DEPARTMENTAL REPORT.—Not later than  
24 3 months after the date on which the Secretary re-  
25 ceives the report under paragraph (1), the Secretary

1       shall submit to the Committee on Transportation  
2       and Infrastructure of the House of Representatives  
3       and the Committee on Environment and Public  
4       Works of the Senate a summary of the findings  
5       under such report and any recommendations, as ap-  
6       propriate.

7       (f) DEFINITIONS.—In this section:

8           (1) COVERED RESOURCES.—The term “covered  
9       resources” means common variety materials used in  
10      transportation infrastructure construction and main-  
11      tenance, including stone, sand, and gravel.

12          (2) STATE.—The term “State” means each of  
13      the several States, the District of Columbia, and  
14      each territory or possession of the United States.

15   **SEC. 1615. NUMBERING SYSTEM OF HIGHWAY INTER-**  
16       **CHANGES.**

17      (a) IN GENERAL.—Notwithstanding section 315 of  
18      title 23, United States Code, and section 1.36 of title 23,  
19      Code of Federal Regulations, the Secretary of Transpor-  
20      tation may not impose a penalty on a State that does not  
21      comply with section 2E.31 of the Manual on Uniform  
22      Traffic Control Devices (or a successor section) with re-  
23      spect to the numbering of highway interchanges.

1 (b) APPLICABILITY.—Subsection (a) shall only apply  
2 to a method of numbering of a highway interchange in  
3 effect on the date of enactment of this Act.

4 **SEC. 1616. TOLL CREDITS.**

5 (a) PURPOSES.—The Secretary of Transportation  
6 shall—

7 (1) identify the extent of the demand to pur-  
8 chase toll credits;

9 (2) identify the expected cash price of toll cred-  
10 its;

11 (3) analyze the impact of the exchange of toll  
12 credits on transportation expenditures; and

13 (4) identify any other repercussions of estab-  
14 lishing a toll credit exchange.

15 (b) SOLICITATION.—To carry out the requirements of  
16 this section, the Secretary shall solicit information from  
17 States eligible to use a credit under section 120(i) of title  
18 23, United States Code, including—

19 (1) the amount of unused toll credits, includ-  
20 ing—

21 (A) toll revenue generated and the sources  
22 of that revenue;

23 (B) toll revenue used by public, quasi-pub-  
24 lic, and private agencies to build, improve, or  
25 maintain highways, bridges, or tunnels that

1           serve the public purpose of interstate commerce;  
2           and

3                   (C) an accounting of any Federal funds  
4           used by the public, quasi-public, or private  
5           agency to build, improve, or maintain the toll  
6           facility, to validate that the credit has been re-  
7           duced by a percentage equal to the percentage  
8           of the total cost of building, improving, or  
9           maintaining the facility that was derived from  
10          Federal funds;

11          (2) the documentation of maintenance of effort  
12          for toll credits earned by the State; and

13          (3) the accuracy of the accounting system of  
14          the State to earn and track toll credits.

15          (c) WEBSITE.—The Secretary shall make available a  
16          publicly accessible website on which a State eligible to use  
17          a credit under section 120(i) of title 23, United States  
18          Code shall publish the information described under sub-  
19          section (b)(1).

20          (d) EVALUATION AND RECOMMENDATIONS TO CON-  
21          GRESS.—Not later than 2 years after the date of enact-  
22          ment of this Act, the Secretary shall provide to the Com-  
23          mittee on Transportation and Infrastructure of the House  
24          of Representatives and the Committee on Environment  
25          and Public Works of the Senate, and make publicly avail-

1 able on the website of the Department of Transpor-  
2 tation—

3 (1) an evaluation of the accuracy of the ac-  
4 counting and documentation of toll credits earned  
5 under section 120(i);

6 (2) a determination whether a toll credit mar-  
7 ketplace is viable and cost effective;

8 (3) estimates, to the extent possible, of the av-  
9 erage sale price of toll credits; and

10 (4) recommendations on any modifications nec-  
11 essary, including legislative changes, to establish and  
12 implement a toll credit exchange program.

13 (e) DEFINITION.—In this section, the term “State”  
14 has the meaning given the term in section 101(a) of title  
15 23, United States Code.

16 **TITLE II—PUBLIC**  
17 **TRANSPORTATION**  
18 **Subtitle A—Federal Transit**  
19 **Administration**

20 **SEC. 2101. AUTHORIZATIONS.**

21 (a) IN GENERAL.—Section 5338 of title 49, United  
22 States Code, is amended to read as follows:

23 **“§ 5338. Authorizations**

24 **“(a) GRANTS.—**

1           “(1) IN GENERAL.—There shall be available  
2           from the Mass Transit Account of the Highway  
3           Trust Fund to carry out sections 5305, 5307, 5308,  
4           5310, 5311, 5312, 5314, 5318, 5320, 5328, 5335,  
5           5337, 5339, and 5340—

6                   “(A) \$16,185,800,000 for fiscal year 2022;

7                   “(B) \$16,437,600,000 for fiscal year 2023;

8                   “(C) \$16,700,600,000 for fiscal year 2024;

9                   and

10                   “(D) \$16,963,600,000 for fiscal year  
11                   2025.

12           “(2) ALLOCATION OF FUNDS.—Of the amounts  
13           made available under paragraph (1)—

14                   “(A) \$189,879,151 for fiscal year 2022,  
15                   \$192,841,266 for fiscal year 2023,  
16                   \$195,926,726 for fiscal year 2024, and  
17                   \$199,002,776 for fiscal year 2025, shall be  
18                   available to carry out section 5305;

19                   “(B) \$7,505,830,848 for fiscal year 2022,  
20                   \$7,622,921,809 for fiscal year 2023,  
21                   \$7,744,888,558 for fiscal year 2024, and  
22                   \$7,866,483,309 for fiscal year 2025 shall be al-  
23                   located in accordance with section 5336 to pro-  
24                   vide financial assistance for urbanized areas  
25                   under section 5307;

1           “(C) \$101,510,000 for fiscal year 2022,  
2           \$103,093,556 for fiscal year 2023,  
3           \$104,743,053 for fiscal year 2024, and  
4           \$106,387,519 for fiscal year 2025 shall be  
5           available for grants under section 5308;

6           “(D) \$434,830,298 for fiscal year 2022,  
7           \$441,613,651 for fiscal year 2023,  
8           \$448,679,469 for fiscal year 2024, and  
9           \$455,723,737 for fiscal year 2025 shall be  
10          available to carry out section 5310, of which  
11          not less than—

12           “(i) \$5,075,500 for fiscal year 2022,  
13           \$5,154,678 for fiscal year 2023,  
14           \$5,237,153 for fiscal year 2024, and  
15           \$5,319,376 for fiscal year 2025 shall be  
16           available to carry out section 5310(j); and

17           “(ii) \$20,302,000 for fiscal year 2022,  
18           \$20,618,711 for fiscal year 2023,  
19           \$20,948,611 for fiscal year 2024, and  
20           \$21,277,504 for fiscal year 2025 shall be  
21           available to carry out section 5310(k);

22           “(E) \$1,025,199,724 for fiscal year 2022,  
23           \$1,041,192,839 for fiscal year 2023,  
24           \$1,057,851,925 for fiscal year 2024, and  
25           \$1,074,460,200 for fiscal year 2025 shall be

1           available to carry out section 5311, of which  
2           not less than—

3                   “(i) \$55,679,500 for fiscal year 2022,  
4                   \$56,392,100 for fiscal year 2023,  
5                   \$57,134,374 for fiscal year 2024, and  
6                   \$57,874,383 for fiscal year 2025 shall be  
7                   available to carry out section 5311(c)(1);  
8                   and

9                   “(ii) \$50,755,000 for fiscal year 2022,  
10                  \$51,546,778 for fiscal year 2023,  
11                  \$52,371,526 for fiscal year 2024, and  
12                  \$53,193,759 for fiscal year 2025 shall be  
13                  available to carry out section 5311(c)(2);

14                  “(F) \$33,498,300 for fiscal year 2022,  
15                  \$34,020,873 for fiscal year 2023, \$34,565,207  
16                  for fiscal year 2024, and \$35,107,881 for fiscal  
17                  year 2025 shall be available to carry out section  
18                  5312, of which not less than—

19                   “(i) \$5,075,500 for fiscal year 2022,  
20                   \$5,154,678 for fiscal year 2023,  
21                   \$5,237,153 for fiscal year 2024, and  
22                   \$5,319,376 for fiscal year 2025 shall be  
23                   available to carry out each of sections  
24                   5312(d)(3), 5312(d)(4) and 5312(j);



1                   “(ii) \$3,045,300 for fiscal year 2022,  
2                   \$3,092,807 for fiscal year 2023,  
3                   \$3,142,292 for fiscal year 2024, and  
4                   \$3,191,626 for fiscal year 2025 shall be  
5                   available to carry out section 5312(h); and

6                   “(iii) \$10,151,000 for fiscal year  
7                   2022, \$10,309,356 for fiscal year 2023,  
8                   \$10,474,305 for fiscal year 2024, and  
9                   \$10,638,752 for fiscal year 2025 shall be  
10                  available to carry out section 5312(i);

11                  “(G) \$23,347,300 for fiscal year 2022,  
12                  \$23,711,518 for fiscal year 2023, \$24,090,902  
13                  for fiscal year 2024, and \$24,469,129 for fiscal  
14                  year 2025 shall be available to carry out section  
15                  5314, of which not less than—

16                  “(i) \$4,060,400 for fiscal year 2022,  
17                  \$4,123,742 for fiscal year 2023,  
18                  \$4,189,722 for fiscal year 2024, and  
19                  \$4,255,501 for fiscal year 2025 shall be  
20                  available to carry out section of 5314(a);

21                  “(ii) \$5,075,500 for fiscal year 2022,  
22                  \$5,154,678 for fiscal year 2023,  
23                  \$5,237,153 for fiscal year 2024, and  
24                  \$5,319,376 for fiscal year 2025 shall be  
25                  available to carry out section 5314(c); and

1                   “(iii) \$12,181,200 for fiscal year  
2                   2022, \$12,371,227 for fiscal year 2023,  
3                   \$12,569,166 for fiscal year 2024, and  
4                   \$12,766,502 for fiscal year 2025 shall be  
5                   available to carry out section 5314(b)(2);

6                   “(H) \$5,075,500 for fiscal year 2022,  
7                   \$5,154,678 for fiscal year 2023, \$5,237,153 for  
8                   fiscal year 2024, and \$5,319,376 for fiscal year  
9                   2025 shall be available to carry out section  
10                  5318;

11                  “(I) \$30,453,000 for fiscal year 2022,  
12                  \$30,928,067 for fiscal year 2023, \$31,422,916  
13                  for fiscal year 2024, and \$31,916,256 for fiscal  
14                  year 2025 shall be available to carry out section  
15                  5328, of which not less than—

16                   “(i) \$25,377,500 for fiscal year 2022,  
17                   \$25,773,389 for fiscal year 2023,  
18                   \$26,185,763 for fiscal year 2024, and  
19                   \$26,596,880 for fiscal year 2025 shall be  
20                   available to carry out section of 5328(b);  
21                   and

22                   “(ii) \$2,537,750 for fiscal year 2022,  
23                   \$2,577,339 for fiscal year 2023,  
24                   \$2,618,576 for fiscal year 2024, and

1               \$2,659,688 for fiscal year 2025 shall be  
2               available to carry out section 5328(c);

3               “(J) \$4,060,400 for fiscal year 2022,  
4               \$4,123,742 for fiscal year 2023, \$4,189,722 for  
5               fiscal year 2024, and \$4,255,501 for fiscal year  
6               2025 shall be available to carry out section  
7               5335;

8               “(K) \$4,192,573,361 for fiscal year 2022,  
9               \$4,266,448,314 for fiscal year 2023,  
10              \$4,344,093,870 for fiscal year 2024, and  
11              \$4,422,314,724 for fiscal year 2025 shall be  
12              available to carry out section 5337;

13              “(L) to carry out the bus formula program  
14              under section 5339(a)—

15              “(i) \$1,240,328,213 for fiscal year  
16              2022, \$1,259,667,334 for fiscal year 2023,  
17              \$1,279,832,171 for fiscal year 2024, and  
18              \$1,299,925,536 for fiscal year 2025; ex-  
19              cept that

20              “(ii) 15 percent of the amounts under  
21              clause (i) shall be available to carry out  
22              5339(d);

23              “(M) \$437,080,000 for fiscal year 2022,  
24              \$424,748,448 for fiscal year 2023,  
25              \$387,944,423 for fiscal year 2024, and

1           \$351,100,151 for fiscal year 2025 shall be  
2           available to carry out section 5339(b);

3           “(N) \$375,000,000 for fiscal year 2022,  
4           \$400,000,000 for fiscal year 2023,  
5           \$450,000,000 for fiscal year 2024, and  
6           \$500,000,000 for fiscal year 2025 shall be  
7           available to carry out section 5339(c); and

8           “(O) \$587,133,905 for each of fiscal years  
9           2022 through 2025 shall be available to carry  
10          out section 5340 to provide financial assistance  
11          for urbanized areas under section 5307 and  
12          rural areas under section 5311, of which—

13               “(i) \$309,688,908 for each of fiscal  
14               years 2022 through 2025 shall be for  
15               growing States under section 5340(c); and

16               “(ii) \$277,444,997 for each of fiscal  
17               years 2022 through 2025 shall be for high  
18               density States under section 5340(d).

19          “(b) CAPITAL INVESTMENT GRANTS.—There are au-  
20          thorized to be appropriated to carry out section 5309  
21          \$3,500,000,000 for fiscal year 2022, \$4,250,000,000 for  
22          fiscal year 2023, \$5,000,000,000 for fiscal year 2024, and  
23          5,500,000,000 for fiscal year 2025.

24          “(c) ADMINISTRATION.—

1           “(1) IN GENERAL.—There are authorized to be  
2       appropriated to carry out section 5334,  
3       \$142,060,785 for fiscal year 2022, \$144,191,696 for  
4       fiscal year 2023, \$146,412,248 for fiscal year 2024,  
5       and 148,652,356 for fiscal year 2025.

6           “(2) SECTION 5329.—Of the amounts author-  
7       ized to be appropriated under paragraph (1), not  
8       less than \$6,000,000 for each of fiscal years 2022  
9       through 2025 shall be available to carry out section  
10      5329.

11          “(3) SECTION 5326.—Of the amounts made  
12      available under paragraph (2), not less than  
13      \$2,500,000 for each of fiscal years 2022 through  
14      2025 shall be available to carry out section 5326.

15      “(d) OVERSIGHT.—

16          “(1) IN GENERAL.—Of the amounts made  
17      available to carry out this chapter for a fiscal year,  
18      the Secretary may use not more than the following  
19      amounts for the activities described in paragraph  
20      (2):

21              “(A) 0.5 percent of amounts made avail-  
22              able to carry out section 5305.

23              “(B) 0.75 percent of amounts made avail-  
24              able to carry out section 5307.

1           “(C) 1 percent of amounts made available  
2           to carry out section 5309.

3           “(D) 1 percent of amounts made available  
4           to carry out section 601 of the Passenger Rail  
5           Investment and Improvement Act of 2008  
6           (Public Law 110–432; 126 Stat. 4968).

7           “(E) 0.5 percent of amounts made avail-  
8           able to carry out section 5310.

9           “(F) 0.5 percent of amounts made avail-  
10          able to carry out section 5311.

11          “(G) 1 percent of amounts made available  
12          to carry out section 5337, of which not less  
13          than 25 percent of such amounts shall be avail-  
14          able to carry out section 5329 and of which not  
15          less than 10 percent of such amounts shall be  
16          made available to carry out section 5320.

17          “(H) 1 percent of amounts made available  
18          to carry out section 5339 of which not less than  
19          10 percent of such amounts shall be made  
20          available to carry out section 5320.

21          “(I) 1 percent of amounts made available  
22          to carry out section 5308.

23          “(2) ACTIVITIES.—The activities described in  
24          this paragraph are as follows:

1           “(A) Activities to oversee the construction  
2           of a major capital project.

3           “(B) Activities to review and audit the  
4           safety and security, procurement, management,  
5           and financial compliance of a recipient or sub-  
6           recipient of funds under this chapter.

7           “(C) Activities to provide technical assist-  
8           ance generally, and to provide technical assist-  
9           ance to correct deficiencies identified in compli-  
10          ance reviews and audits carried out under this  
11          section.

12          “(3) GOVERNMENT SHARE OF COSTS.—The  
13          Government shall pay the entire cost of carrying out  
14          a contract under this subsection/activities described  
15          in paragraph (2).

16          “(4) AVAILABILITY OF CERTAIN FUNDS.—  
17          Funds made available under paragraph (1)(C) shall  
18          be made available to the Secretary before allocating  
19          the funds appropriated to carry out any project  
20          under a full funding grant agreement.

21          “(e) GRANTS AS CONTRACTUAL OBLIGATIONS.—

22          “(1) GRANTS FINANCED FROM HIGHWAY TRUST  
23          FUND.—A grant or contract that is approved by the  
24          Secretary and financed with amounts made available  
25          from the Mass Transit Account of the Highway

1 Trust Fund pursuant to this section is a contractual  
2 obligation of the Government to pay the Government  
3 share of the cost of the project.

4 “(2) GRANTS FINANCED FROM GENERAL  
5 FUND.—A grant or contract that is approved by the  
6 Secretary and financed with amounts appropriated  
7 in advance from the general fund of the Treasury  
8 pursuant to this section is a contractual obligation  
9 of the Government to pay the Government share of  
10 the cost of the project only to the extent that  
11 amounts are appropriated for such purpose by an  
12 Act of Congress.

13 “(f) AVAILABILITY OF AMOUNTS.—Amounts made  
14 available by or appropriated under this section shall re-  
15 main available until expended.”.

16 (b) CONFORMING AMENDMENTS.—

17 (1) Section 5311 of title 49, United States  
18 Code, is amended by striking “5338(a)(2)(F)” and  
19 inserting “5338(a)(2)(E)”.

20 (2) Section 5312(i)(1) of title 49, United States  
21 Code, is amended by striking “5338(a)(2)(G)(ii)”  
22 and inserting “5338(a)(2)(F)(iii)”.

23 (3) Section 5333(b) of title 49, United States  
24 Code, is amended by striking “5328, 5337, and



1       5338(b)” each place it appears and inserting “and  
2       5337”.

3           (4) Section 5336 of title 49, United States  
4       Code, is amended—

5           (A) in subsection (d)(1) by striking  
6       “5338(a)(2)(C)” and inserting  
7       “5338(a)(2)(B)”; and

8           (B) in subsection (h) by striking  
9       “5338(a)(2)(C)” and inserting  
10       “5338(a)(2)(B)”.

11          (5) Subsections (c) and (d)(1) of section 5327  
12       of title 49, United States Code, are amended by  
13       striking “5338(f)” and inserting “5338(d)”.

14          (6) Section 5340(b) of title 49, United States  
15       Code, is amended by striking “5338(b)(2)(N)” and  
16       inserting “5338(a)(2)(O)”.

17       **SEC. 2102. CHAPTER 53 DEFINITIONS.**

18       Section 5302 of title 49, United States Code, is  
19       amended—

20           (1) in paragraph (1)(E)—

21           (A) by striking “and the installation” and  
22       inserting “, the installation”; and

23           (B) by inserting “, and bikeshare projects”  
24       after “public transportation vehicles”;

25           (2) in paragraph (3)—

1 (A) in subparagraph (G) by striking clause  
2 (iii) and inserting the following:

3 “(iii) provides a fair share of revenue  
4 established by the Secretary that will be  
5 used for public transportation, except for a  
6 joint development that is a community  
7 service (as defined by the Federal Transit  
8 Administration), publicly operated facility,  
9 or offers a minimum of 50 percent of units  
10 as affordable housing, meaning legally  
11 binding affordability restricted housing  
12 units available to tenants with incomes  
13 below 60 percent of the area median in-  
14 come or owners with incomes below the  
15 area median;”; and

16 (B) in subparagraph (N)—

17 (i) by striking “no emission” and in-  
18 serting “zero emission”; and

19 (ii) by striking “(as defined in section  
20 5339(c))”; and

21 (3) by adding at the end the following:

22 “(25) RESILIENCE.—

23 “(A) IN GENERAL.—The term ‘resilience’  
24 means, with respect to a facility, the ability  
25 to—

1 “(i) anticipate, prepare for, or adapt  
2 to conditions; or

3 “(ii) withstand, respond to, or recover  
4 rapidly from disruptions.

5 “(B) INCLUSIONS.—Such term includes,  
6 with respect to a facility, the ability to—

7 “(i) resist hazards or withstand im-  
8 pacts from disruptions;

9 “(ii) reduce the magnitude, duration,  
10 or impact of a disruption; or

11 “(iii) have the absorptive capacity,  
12 adaptive capacity, and recoverability to de-  
13 crease vulnerability to a disruption.

14 “(26) ASSAULT ON A TRANSIT WORKER.—The  
15 term ‘assault on a transit worker’ means any cir-  
16 cumstance in which an individual knowingly, without  
17 lawful authority or permission, and with intent to  
18 endanger the safety of any individual, or with a  
19 reckless disregard for the safety of human life, inter-  
20 feres with, disables, or incapacitates any transit  
21 worker while the transit worker is performing his or  
22 her duties.”.

23 **SEC. 2103. GENERAL PROVISIONS.**

24 Section 5323 of title 49, United States Code, is  
25 amended—

1 (1) in subsection (d)—

2 (A) in paragraph (1) by striking “urban  
3 area” and inserting “urbanized area”;

4 (B) by adding at the end the following:

5 “(3) EXCEPTIONS.—This subsection shall not  
6 apply to financial assistance under this chapter—

7 “(A) in which the non-Federal share of  
8 project costs are provided from amounts re-  
9 ceived under a service agreement with a State  
10 or local social service agency or private social  
11 service organization pursuant to section  
12 5307(d)(3)(E) or section 5311(g)(3)(C);

13 “(B) provided to a recipient or sub-  
14 recipient whose sole receipt of such assistance  
15 derives from section 5310; or

16 “(C) provided to a recipient operating a  
17 fixed route service that is—

18 “(i) for a period of less than 30 days;

19 “(ii) accessible to the public;

20 “(iii) contracted by a local govern-  
21 ment entity that provides local cost share  
22 to the recipient; and

23 “(iv) not contracted for the purposes  
24 of a convention or on behalf of a conven-  
25 tion and visitors bureau.

1           “(4) GUIDELINES.—The Secretary shall publish  
2           guidelines for grant recipients and private bus oper-  
3           ators that clarify when and how a transit agency  
4           may step back and provide the service in the event  
5           a registered charter provider does not contact the  
6           customer, provide a quote, or provide the service.”;

7           (2) in subsection (h)—

8           (A) in paragraph (1) by adding “or” at the  
9           end; and

10          (B) by striking paragraph (2) and redesign-  
11          nating paragraph (3) as paragraph (2);

12          (3) by striking subsection (j) and inserting the  
13          following:

14          “(j) REPORTING ACCESSIBILITY COMPLAINTS.—

15               “(1) IN GENERAL.—The Secretary shall ensure  
16               that an individual who believes that he or she, or a  
17               specific class in which the individual belongs, has  
18               been subjected to discrimination on the basis of dis-  
19               ability by a State or local governmental entity, pri-  
20               vate nonprofit organization, or Tribe that operates a  
21               public transportation service and is a recipient or  
22               subrecipient of funds under this chapter, may, by  
23               the individual or by an authorized representative, file  
24               a complaint with the Department of Transportation.

1           “(2) PROCEDURES.—Not later than 1 year  
2           after the date of enactment of the INVEST in  
3           America Act, the Secretary shall implement proce-  
4           dures that allow an individual to submit a complaint  
5           described in paragraph (1) by phone, mail-in form,  
6           and online through the website of the Office of Civil  
7           Rights of the Federal Transit Administration.

8           “(3) NOTICE TO INDIVIDUALS WITH DISABIL-  
9           ITIES.—Not later than 12 months after the date of  
10          enactment of the INVEST in America Act, the Sec-  
11          retary shall require that each public transit provider  
12          and contractor providing paratransit services shall  
13          include on a publicly available website of the service  
14          provider, any related mobile device application, and  
15          online service—

16               “(A) notice that an individual can file a  
17               disability-related complaint with the local tran-  
18               sit agency and the process and any timelines for  
19               filing such a complaint;

20               “(B) the telephone number, or a com-  
21               parable electronic means of communication, for  
22               the disability assistance hotline of the Office of  
23               Civil Rights of the Federal Transit Administra-  
24               tion;

1           “(C) notice that a consumer can file a dis-  
2           ability related complaint with the Office of Civil  
3           Rights of the Federal Transit Administration;  
4           and

5           “(D) an active link to the website of the  
6           Office of Civil Rights of the Federal Transit  
7           Administration for an individual to file a dis-  
8           ability-related complaint.

9           “(4) INVESTIGATION OF COMPLAINTS.—Not  
10          later than 60 days after the last day of each fiscal  
11          year, the Secretary shall publish a report that lists  
12          the disposition of complaints described in paragraph  
13          (1), including—

14               “(A) the number and type of complaints  
15               filed with Department of Transportation;

16               “(B) the number of complaints inves-  
17               tigated by the Department;

18               “(C) the result of the complaints that were  
19               investigated by the Department including  
20               whether the complaint was resolved—

21                       “(i) informally;

22                       “(ii) by issuing a violation through a  
23                       noncompliance Letter of Findings; or

24                       “(iii) by other means, which shall be  
25                       described; and

1                   “(D) if a violation was issued for a com-  
2                   plaint, whether the Department resolved the  
3                   noncompliance by—

4                   “(i) reaching a voluntary compliance  
5                   agreement with the entity;

6                   “(ii) referring the matter to the Attor-  
7                   ney General; or

8                   “(iii) by other means, which shall be  
9                   described.

10                  “(5) REPORT.—The Secretary shall, upon im-  
11                  plementation of this section and annually thereafter,  
12                  submit to the Committee on Transportation and In-  
13                  frastructure of the House of Representatives, the  
14                  Committee on Banking, Housing, and Urban Affairs  
15                  of the Senate, and make publicly available a report  
16                  containing the information collected under this sec-  
17                  tion.”;

18                  (4) by striking subsection (m) and inserting the  
19                  following:

20                  “(m) PREAWARD AND POSTDELIVERY REVIEW OF  
21                  ROLLING STOCK PURCHASES.—The Secretary shall pre-  
22                  scribe regulations requiring a preaward and postdelivery  
23                  review of a grant under this chapter to buy rolling stock  
24                  to ensure compliance with bid specifications requirements  
25                  of grant recipients under this chapter. Under this sub-



1 section, grantee inspections and review are required, and  
2 a manufacturer certification is not sufficient.”;

3 (5) in subsection (r)—

4 (A) by inserting “or beneficial” after “det-  
5 rimental”;

6 (B) by striking the period at the end and  
7 inserting “; and”;

8 (C) by striking “under this chapter may  
9 not deny” and inserting the following: “under  
10 this chapter—

11 “(1) may not deny”; and

12 (D) by adding at the end the following:

13 “(2) shall respond to any request for reasonable  
14 access within 75 days of the receipt of the request.”;  
15 and

16 (6) by striking subsection (t) and redesignating  
17 subsections (u) and (v) as subsections (t) and (u),  
18 respectively.

19 **SEC. 2104. MISCELLANEOUS PROVISIONS.**

20 (a) STATE OF GOOD REPAIR GRANTS.—Section  
21 5337(e) of title 49, United States Code, is amended by  
22 adding at the end the following:

23 “(3) ACCESSIBILITY COSTS.—Notwithstanding  
24 paragraph (1), the Federal share of the net project  
25 cost of a project to provide accessibility in compli-

1       ance with the Americans with Disabilities Act of  
2       1990 (42 U.S.C. 12101 et seq.) shall be 90 per-  
3       cent.”.

4       (b) APPORTIONMENTS BASED ON GROWING STATES  
5       AND HIGH DENSITY STATES FORMULA FACTORS.—Sec-  
6       tion 5340(a) of title 49, United States Code, is amended  
7       by inserting “and the District of Columbia” after “United  
8       States”.

9       (c) TECHNICAL ASSISTANCE AND WORKFORCE DE-  
10      VELOPMENT.—Section 5314 of title 49, United States  
11      Code, is amended—

12               (1) in subsection (a)(1)(B)—

13                       (A) in clause (i) by striking “; and” and  
14                       inserting a semicolon;

15                       (B) in clause (ii) by striking the period  
16                       and inserting “; and”; and

17                       (C) by adding at the end the following:

18                               “(iii) technical assistance to assist re-  
19                               cipients with the impacts of a new census  
20                               count.”; and

21               (2) in subsection (c)(4)(A) by inserting “,  
22       5311” after “5307”.

23      (d) ADMINISTRATIVE PROVISIONS.—Section 5334 of  
24      title 49, United States Code, is amended by adding at the  
25      end the following:

1       “(l) NECESSARILY IMPLIED ACTIVITIES.—Notwith-  
2 standing any other provision of law, in the event of a lapse  
3 in authorization or appropriations for the Federal transit  
4 program under this title, the administrative activities that  
5 are necessary to disburse valid obligations are necessarily  
6 implied by the continued availability of funding for making  
7 disbursements of amounts previously obligated, pursuant  
8 to section 1553 of title 31.”.

9       (e) NATIONAL TRANSIT DATABASE.—Section 5335  
10 of title 49, United States Code, is amended—

11           (1) in subsection (a) by inserting “, including  
12 information on transit routes and ridership on those  
13 routes” after “public sector investment decision”;  
14 and

15           (2) in subsection (c) by inserting “, any data on  
16 each assault on a transit worker, and pedestrian in-  
17 juries and fatalities as a result of an impact with a  
18 bus. Each of the data sets shall be publicly reported  
19 without aggregating the data with other safety data”  
20 after “by the recipient”.

21       (f) URBANIZED AREA FORMULA GRANTS.—Section  
22 5307 of title 49, United States Code, is amended—

23           (1) in subsection (a)(2)(A)—

24                   (A) in clause (i) by striking “or” at the  
25 end; and

1 (B) by adding at the end the following:

2 “(iii) operate a minimum of 101 buses  
3 and a maximum of 125 buses in fixed  
4 route service or demand response service,  
5 excluding ADA complementary paratransit  
6 service, during peak service hours, in an  
7 amount not to exceed 25 percent of the  
8 share of the apportionment which is attrib-  
9 utable to such systems within the urban-  
10 ized area, as measured by vehicle revenue  
11 hours; or”;

12 (2) in subsection (a)(2)(B)—

13 (A) in clause (i) by striking “or” at the  
14 end;

15 (B) in clause (ii) by striking the period at  
16 the end and inserting “; or”; and

17 (C) by adding at the end the following:

18 “(iii) operate a minimum of 101 buses  
19 and a maximum of 125 buses in fixed  
20 route service or demand response service,  
21 excluding ADA complementary paratransit  
22 service, during peak service hours, in an  
23 amount not to exceed 25 percent of the  
24 share of the apportionment allocated to  
25 such systems within the urbanized area, as

1           determined by the local planning process  
2           and included in the designated recipient’s  
3           final program of projects prepared under  
4           subsection (b).”; and

5           (3) in subsection (b)—

6           (A) in paragraph (6) by striking “and” at  
7           the end;

8           (B) by redesignating paragraph (7) as  
9           paragraph (8); and

10          (C) by inserting after paragraph (6) the  
11          following:

12          “(7) ensure that the proposed program of  
13          projects provides improved access to transit for the  
14          individuals described in section 5336(j); and”.

15          (g)           TECHNICAL           CORRECTION.—Section  
16          5307(a)(2)(B)(ii) of title 49, United States Code, is  
17          amended by striking “service during peak” and inserting  
18          “service, during peak”.

19          (h) IMPOSITION OF DEADLINE.—Section 5324 of  
20          title 49, United States Code, is amended by adding at the  
21          end the following:

22          “(f) IMPOSITION OF DEADLINE.—

23                  “(1) IN GENERAL.—Notwithstanding any other  
24          provision of law, the Secretary may not require any  
25          project funded under this section to advance to the

1 construction obligation stage before the date that is  
2 the last day of the sixth fiscal year after the later  
3 of—

4 “(A) the date on which the Governor de-  
5 clared the emergency, as described in subsection  
6 (d)(1)(A); or

7 “(B) the date on which the President de-  
8 clared the emergency to be a major disaster, as  
9 described in such subsection.

10 “(2) EXTENSION OF DEADLINE.—If the Sec-  
11 retary imposes a deadline for advancement to the  
12 construction obligation stage pursuant to paragraph  
13 (1), the Secretary may, upon the request of the Gov-  
14 ernor of the State, issue an extension of not more  
15 than 1 year to complete such advancement, and may  
16 issue additional extensions after the expiration of  
17 any extension, if the Secretary determines the Gov-  
18 ernor of the State has provided suitable justification  
19 to warrant such an extension.”.

20 **SEC. 2105. POLICIES AND PURPOSES.**

21 Section 5301(b) of title 49, United States Code, is  
22 amended—

23 (1) in paragraph (7) by striking “; and” and in-  
24 serting a semicolon;

1           (2) in paragraph (8) by striking the period and  
2           inserting a semicolon; and

3           (3) by adding at the end the following:

4           “(9) reduce the contributions of the surface  
5           transportation system to the total carbon pollution  
6           of the United States; and

7           “(10) improve the resiliency of the public trans-  
8           portation network to withstand weather events and  
9           other natural disasters.”.

10 **SEC. 2106. FISCAL YEAR 2022 FORMULAS.**

11       For fiscal year 2022, the Secretary shall apportion  
12       and distribute formula funds provided for under chapter  
13       53 of title 49, United States Code, using data submitted  
14       to the 2019 National Transit Database.

15 **SEC. 2107. METROPOLITAN TRANSPORTATION PLANNING.**

16       Section 5303 of title 49, United States Code, is  
17       amended—

18           (1) by amending subsection (a)(1) to read as  
19           follows:

20           “(1) to encourage and promote the safe and ef-  
21           ficient management, operation, and development of  
22           surface transportation systems that will serve the  
23           mobility needs of people and freight, foster economic  
24           growth and development within and between States  
25           and urbanized areas, and take into consideration re-

1       siliency and climate change adaptation needs while  
2       reducing transportation-related fuel consumption, air  
3       pollution, and greenhouse gas emissions through  
4       metropolitan and statewide transportation planning  
5       processes identified in this chapter; and”.

6               (2) in subsection (b)—

7                       (A) by redesignating paragraphs (6) and  
8                       (7) as paragraphs (7) and (8), respectively; and

9                       (B) by inserting after paragraph (5) the  
10              following:

11              “(6) STIP.—The term ‘STIP’ means a state-  
12              wide transportation improvement program developed  
13              by a State under section 135(g).”;

14               (3) in subsection (c)—

15                       (A) in paragraph (1) by striking “and  
16                       transportation improvement programs” and in-  
17                       serting “and TIPs”; and

18                       (B) by adding at the end the following:

19              “(4) CONSIDERATION.—In developing the plans  
20              and TIPs, metropolitan planning organizations shall  
21              consider direct and indirect emissions of greenhouse  
22              gases.”;

23               (4) in subsection (d)—

24                       (A) in paragraph (2) by striking “Not  
25                       later than 2 years after the date of enactment



1 of the Federal Public Transportation Act of  
2 2012, each” and inserting “Each”;

3 (B) in paragraph (3) by adding at the end  
4 the following:

5 “(D) CONSIDERATIONS.—

6 “(i) EQUITABLE AND PROPORTIONAL  
7 REPRESENTATION.—In designating offi-  
8 cials or representatives under paragraph  
9 (2), the metropolitan planning organization  
10 shall consider the equitable and propor-  
11 tional representation of the population of  
12 the metropolitan planning area.

13 “(ii) SAVINGS CLAUSE.—Nothing in  
14 this paragraph shall require a metropolitan  
15 planning organization in existence on the  
16 date of enactment of this subparagraph to  
17 be restructured.

18 “(iii) REDESIGNATION.—Notwith-  
19 standing clause (ii), the requirements of  
20 this paragraph shall apply to any metro-  
21 politan planning organization redesignated  
22 under paragraph (6).”;

23 (C) in paragraph (6)(B) by striking “para-  
24 graph (2)” and inserting “paragraphs (2) or  
25 (3)(D)”; and

1 (D) in paragraph (7)—

2 (i) by striking “an existing metropoli-  
3 tan planning area” and inserting “an ur-  
4 banized area”; and

5 (ii) by striking “the existing metro-  
6 politan planning area” and inserting “the  
7 area”;

8 (5) in subsection (g)—

9 (A) in paragraph (1) by striking “a metro-  
10 politan area” and inserting “an urbanized  
11 area”;

12 (B) in paragraph (2) by striking “MPOS”  
13 and inserting “METROPOLITAN PLANNING  
14 AREAS”

15 (C) in paragraph (3)(A) by inserting  
16 “emergency response and evacuation, climate  
17 change adaptation and resilience,” after “dis-  
18 aster risk reduction,”; and

19 (D) by adding at the end the following:

20 “(4) COORDINATION BETWEEN MPOS.—

21 “(A) IN GENERAL.—If more than 1 metro-  
22 politan planning organization is designated  
23 within an urbanized area under subsection  
24 (d)(7), the metropolitan planning organizations  
25 designated within the area shall ensure, to the

1 maximum extent practicable, the consistency of  
2 any data used in the planning process, includ-  
3 ing information used in forecasting travel de-  
4 mand.

5 “(B) SAVINGS CLAUSE.—Nothing in this  
6 paragraph requires metropolitan planning orga-  
7 nizations designated within a single urbanized  
8 area to jointly develop planning documents, in-  
9 cluding a unified long-range transportation plan  
10 or unified TIP.”;

11 (6) in subsection (h)(1)—

12 (A) by striking subparagraph (E) and in-  
13 serting the following:

14 “(E) protect and enhance the environment,  
15 promote energy conservation, reduce greenhouse  
16 gas emissions, improve the quality of life and  
17 public health, and promote consistency between  
18 transportation improvements and State and  
19 local planned growth and economic development  
20 patterns, including housing and land use pat-  
21 terns;”;

22 (B) in subparagraph (H) by striking  
23 “and” at the end;

24 (C) in subparagraph (I) by striking the pe-  
25 riod at the end and inserting “and reduce or

1 mitigate stormwater, sea level rise, extreme  
2 weather, and climate change impacts of surface  
3 transportation;” and

4 (D) by inserting after subparagraph (I) the  
5 following:

6 “(J) facilitate emergency management, re-  
7 sponse, and evacuation and hazard mitigation;

8 “(K) improve the level of transportation  
9 system access; and

10 “(L) support inclusive zoning policies and  
11 land use planning practices that incentivize af-  
12 fordable, elastic, and diverse housing supply, fa-  
13 cilitate long-term economic growth by improving  
14 the accessibility of housing to jobs, and prevent  
15 high housing costs from displacing economically  
16 disadvantaged households.”;

17 (7) in subsection (h)(2) by striking subpara-  
18 graph (A) and inserting the following:

19 “(A) IN GENERAL.—Through the use of a  
20 performance-based approach, transportation in-  
21 vestment decisions made as a part of the metro-  
22 politan transportation planning process shall  
23 support the national goals described in section  
24 150(b), the achievement of metropolitan and  
25 statewide targets established under section

1           150(d), the improvement of transportation sys-  
2           tem access (consistent with section 150(f)), and  
3           the general purposes described in section 5301  
4           of title 49.”;

5           (8) in subsection (i)—

6                 (A) in paragraph (1) by striking “(i) IN  
7           GENERAL” and all that follows through “every  
8           5 years” and inserting “The metropolitan plan-  
9           ning organization shall prepare and update  
10          such plan every 4 years”;

11                (B) in paragraph (2)(D)(i) by inserting  
12          “reduce greenhouse gas emissions and” before  
13          “restore and maintain”;

14                (C) in paragraph (2)(G) by inserting “and  
15          climate change” after “infrastructure to natural  
16          disasters”;

17                (D) in paragraph (2)(H) by inserting  
18          “greenhouse gas emissions,” after “pollution,”;

19                (E) in paragraph (5)—

20                   (i) in subparagraph (A) by inserting  
21           “air quality, public health, housing, trans-  
22           portation, resilience, hazard mitigation,  
23           emergency management,” after “conserva-  
24           tion,”; and

1 (ii) by striking subparagraph (B) and  
2 inserting the following:

3 “(B) ISSUES.—The consultation shall in-  
4 volve, as appropriate, comparison of transpor-  
5 tation plans to other relevant plans, including,  
6 if available—

7 “(i) State conservation plans or maps;  
8 and

9 “(ii) inventories of natural or historic  
10 resources.”; and

11 (F) by amending paragraph (6)(C) to read  
12 as follows:

13 “(C) METHODS.—

14 “(i) IN GENERAL.—In carrying out  
15 subparagraph (A), the metropolitan plan-  
16 ning organization shall, to the maximum  
17 extent practicable—

18 “(I) hold any public meetings at  
19 convenient and accessible locations  
20 and times;

21 “(II) employ visualization tech-  
22 niques to describe plans; and

23 “(III) make public information  
24 available in electronically accessible  
25 format and means, such as the World

1 Wide Web, as appropriate to afford  
2 reasonable opportunity for consider-  
3 ation of public information under sub-  
4 paragraph (A).

5 “(ii) ADDITIONAL METHODS.—In ad-  
6 dition to the methods described in clause  
7 (i), in carrying out subparagraph (A), the  
8 metropolitan planning organization shall,  
9 to the maximum extent practicable—

10 “(I) use virtual public involve-  
11 ment, social media, and other web-  
12 based tools to encourage public par-  
13 ticipation and solicit public feedback;  
14 and

15 “(II) use other methods, as ap-  
16 propriate, to further encourage public  
17 participation of historically underrep-  
18 resented individuals in the transpor-  
19 tation planning process.”;

20 (9) in subsection (j)—

21 (A) by striking “transportation improve-  
22 ment program” and inserting “TIP” each place  
23 it appears; and

24 (B) in paragraph (2)(D)—

1 (i) by striking “PERFORMANCE TAR-  
2 GET ACHIEVEMENT” and inserting “PER-  
3 FORMANCE MANAGEMENT”;

4 (ii) by striking “The TIP” and insert-  
5 ing the following:

6 “(i) IN GENERAL.—The TIP”; and

7 (iii) by adding at the end the fol-  
8 lowing:

9 “(ii) TRANSPORTATION MANAGEMENT  
10 AREAS.—For metropolitan planning areas  
11 that represent an urbanized area des-  
12 ignated as a transportation management  
13 area under subsection (k), the TIP shall  
14 include—

15 “(I) a discussion of the antici-  
16 pated effect of the TIP toward achiev-  
17 ing the performance targets estab-  
18 lished in the metropolitan transpor-  
19 tation plan, linking investment prior-  
20 ities to such performance targets; and

21 “(II) a description of how the  
22 TIP would improve the overall level of  
23 transportation system access, con-  
24 sistent with section 150(f) of title  
25 23.”;



1 (10) in subsection (k)—

2 (A) in paragraph (3)(A)—

3 (i) by striking “shall address conges-  
4 tion management” and inserting the fol-  
5 lowing: “shall address—

6 “(i) congestion management”;

7 (ii) by striking the period at the end  
8 and inserting “; and”; and

9 (iii) by adding at the end the fol-  
10 lowing:

11 “(ii) the overall level of transportation  
12 system access for various modes of travel  
13 within the metropolitan planning area, in-  
14 cluding the level of access for economically  
15 disadvantaged communities, consistent  
16 with section 150(f) of title 23, that is  
17 based on a cooperatively developed and im-  
18 plemented metropolitan-wide strategy, as-  
19 sessing both new and existing transpor-  
20 tation facilities eligible for funding under  
21 this chapter and title 23.”; and

22 (B) in paragraph (5)(B)—

23 (i) in clause (i) by striking “; and”  
24 and inserting a semicolon;

1 (ii) in clause (ii) by striking the pe-  
2 riod and inserting “; and”; and

3 (iii) by adding at the end the fol-  
4 lowing:

5 “(iii) the TIP approved under clause  
6 (ii) improves the level of transportation  
7 system access, consistent with section  
8 150(f) of title 23.”;

9 (11) in subsection (l)(2)—

10 (A) by striking “5 years after the date of  
11 enactment of the Federal Public Transportation  
12 Act of 2012” and inserting “2 years after the  
13 date of enactment of the INVEST in America  
14 Act, and every 2 years thereafter,”;

15 (B) in subparagraph (C) by striking “and  
16 whether metropolitan planning organizations  
17 are developing meaningful performance targets;  
18 and” and inserting a semicolon; and

19 (C) by striking subparagraph (D) and in-  
20 serting the following:

21 “(D) a listing of all metropolitan planning  
22 organizations that are establishing performance  
23 targets and whether such performance targets  
24 established by the metropolitan planning orga-

1           nization are meaningful or regressive (as de-  
2           fined in section 150(d)(3)(B) of title 23); and

3           “(E) the progress of implementing the  
4           measure established under section 150(f) of  
5           title 23 and related requirements under this  
6           section and section 135 of title 23.”; and

7           (12) by striking “Federally” each place it ap-  
8           pears and inserting “federally”.

9   **SEC. 2108. STATEWIDE AND NONMETROPOLITAN TRANS-**  
10           **PORTATION PLANNING.**

11       Section 5304 of title 49, United States Code, is  
12   amended—

13           (1) in subsection (a)—

14               (A) in paragraph (1) by striking “state-  
15               wide transportation improvement program” and  
16               inserting “STIP”;

17               (B) in paragraph (2)—

18                   (i) by striking “The statewide trans-  
19                   portation plan and the” and inserting the  
20                   following:

21                       “(A) IN GENERAL.—The statewide trans-  
22                       portation plan and the”;

23                       (ii) by striking “transportation im-  
24                       provement program” and inserting  
25                       “STIP”; and

1 (iii) by adding at the end the fol-  
2 lowing:

3 “(B) CONSIDERATION.—In developing the  
4 statewide transportation plans and STIPs,  
5 States shall consider direct and indirect emis-  
6 sions of greenhouse gases.”; and

7 (C) in paragraph (3) by striking “trans-  
8 portation improvement program” and inserting  
9 “STIP”;  
10 (2) in subsection (d)—

11 (A) in paragraph (1)—

12 (i) in subparagraph (E)—

13 (I) by inserting “reduce green-  
14 house gas emissions,” after “promote  
15 energy conservation,”;

16 (II) by inserting “and public  
17 health” after “improve the quality of  
18 life”; and

19 (III) by inserting “, including  
20 housing and land use patterns” after  
21 “economic development patterns”;

22 (ii) in subparagraph (H) by striking  
23 “and”;

24 (iii) in subparagraph (I) by striking  
25 the period at the end and inserting “and

1           reduce or mitigate stormwater, sea level  
2           rise, extreme weather, and climate change  
3           impacts of surface transportation;” and

4           (iv) by adding at the end the fol-  
5           lowing:

6           “(J) facilitate emergency management, re-  
7           sponse, and evacuation and hazard mitigation;

8           “(K) improve the level of transportation  
9           system access; and

10           “(L) support inclusive zoning policies and  
11           land use planning practices that incentivize af-  
12           fordable, elastic, and diverse housing supply, fa-  
13           cilitate long-term economic growth by improving  
14           the accessibility of housing to jobs, and prevent  
15           high housing costs from displacing economically  
16           disadvantaged households.”;

17           (B) in paragraph (2)—

18           (i) by striking subparagraph (A) and  
19           inserting the following:

20           “(A) IN GENERAL.—Through the use of a  
21           performance-based approach, transportation in-  
22           vestment decisions made as a part of the state-  
23           wide transportation planning process shall sup-  
24           port—

1 “(i) the national goals described in  
2 section 150(b);

3 “(ii) the consideration of transpor-  
4 tation system access (consistent with sec-  
5 tion 150(f));

6 “(iii) the achievement of statewide  
7 targets established under section 150(c);  
8 and

9 “(iv) the general purposes described  
10 in section 5301 of title 49.”; and

11 (ii) in subparagraph (D) by striking  
12 “statewide transportation improvement  
13 program” and inserting “STIP”; and

14 (C) in paragraph (3) by striking “state-  
15 wide transportation improvement program” and  
16 inserting “STIP”;

17 (3) in subsection (e)(3) by striking “transpor-  
18 tation improvement program” and inserting  
19 “STIP”;

20 (4) in subsection (f)—

21 (A) in paragraph (2)(D)—

22 (i) in clause (i) by inserting “air qual-  
23 ity, public health, housing, transportation,  
24 resilience, hazard mitigation, emergency  
25 management,” after “conservation,”; and

1 (ii) by amending clause (ii) to read as  
2 follows:

3 “(ii) COMPARISON AND CONSIDER-  
4 ATION.—Consultation under clause (i)  
5 shall involve the comparison of transpor-  
6 tation plans to other relevant plans and in-  
7 ventories, including, if available—

8 “(I) State and tribal conservation  
9 plans or maps; and

10 “(II) inventories of natural or  
11 historic resources.”;

12 (B) in paragraph (3)(B)—

13 (i) by striking “In carrying out” and  
14 inserting the following:

15 “(i) IN GENERAL.—in carrying out”;

16 (ii) by redesignating clauses (i)  
17 through (iv) as subclauses (I) through  
18 (IV), respectively; and

19 (iii) by adding at the end the fol-  
20 lowing:

21 “(ii) ADDITIONAL METHODS.—In ad-  
22 dition to the methods described in clause  
23 (i), in carrying out subparagraph (A), the  
24 State shall, to the maximum extent prac-  
25 ticable—

1                   “(I) use virtual public involve-  
2                   ment, social media, and other web-  
3                   based tools to encourage public par-  
4                   ticipation and solicit public feedback;  
5                   and

6                   “(II) use other methods, as ap-  
7                   propriate, to further encourage public  
8                   participation of historically underrep-  
9                   resented individuals in the transpor-  
10                  tation planning process.”;

11                  (C) in paragraph (4)(A) by inserting “re-  
12                  duce greenhouse gas emissions and” after “po-  
13                  tential to”; and

14                  (D) in paragraph (8) by inserting “includ-  
15                  ing consideration of the role that intercity buses  
16                  may play in reducing congestion, pollution,  
17                  greenhouse gas emissions, and energy consump-  
18                  tion in a cost-effective manner and strategies  
19                  and investments that preserve and enhance  
20                  intercity bus systems, including systems that  
21                  are privately owned and operated” after “trans-  
22                  portation system”;

23                  (5) in subsection (g)—



1 (A) in paragraph (1)(A) by striking “state-  
2 wide transportation improvement program” and  
3 inserting “STIP”;

4 (B) in paragraph (4)—

5 (i) by striking “PERFORMANCE TAR-  
6 GET ACHIEVEMENT” and inserting “PER-  
7 FORMANCE MANAGEMENT”;

8 (ii) by striking “shall include, to the  
9 maximum extent practicable, a discussion”  
10 and inserting the following: “shall include  
11 “(A) a discussion”;

12 (iii) by striking the period at the end  
13 and inserting “; and”;

14 (iv) by striking “statewide transpor-  
15 tation improvement program” and insert-  
16 ing “STIP” each place it appears; and

17 (v) by adding at the end the following:

18 “(B) a consideration of how the STIP im-  
19 pacts the overall level of transportation system  
20 access, consistent with section 150(f) of title  
21 23.”;

22 (C) in paragraph (5)—

23 (i) in subparagraph (A) by striking  
24 “transportation improvement program”  
25 and inserting “STIP”;

1                   (ii) in subparagraph (B)(ii) by strik-  
2                   ing “metropolitan transportation improve-  
3                   ment program” and inserting “TIP”;

4                   (iii) in subparagraph (C) by striking  
5                   “transportation improvement program”  
6                   and inserting “STIP” each place it ap-  
7                   pears;

8                   (iv) in subparagraph (E) by striking  
9                   “transportation improvement program”  
10                  and inserting “STIP”;

11                  (v) in subparagraph (F)(i) by striking  
12                  “transportation improvement program”  
13                  and inserting “STIP” each place it ap-  
14                  pears;

15                  (vi) in subparagraph (G)(ii) by strik-  
16                  ing “transportation improvement program”  
17                  and inserting “STIP”; and

18                  (vii) in subparagraph (H) by striking  
19                  “transportation improvement program”  
20                  and inserting “STIP”;

21                  (D) in paragraph (6)—

22                   (i) in subparagraph (A)—

23                   (I) by striking “transportation  
24                   improvement program” and inserting  
25                   “STIP”; and

1 (II) by striking “and projects  
2 carried out under the bridge program  
3 or the Interstate maintenance pro-  
4 gram under title 23”; and  
5 (ii) in subparagraph (B)—

6 (I) by striking “or under the  
7 bridge program or the Interstate  
8 maintenance program”;

9 (II) by striking “statewide trans-  
10 portation improvement program” and  
11 inserting “STIP”;

12 (E) in paragraph (7)—

13 (i) in the heading by striking “TRANS-  
14 PORTATION IMPROVEMENT PROGRAM” and  
15 inserting “STIP”; and

16 (ii) by striking “transportation im-  
17 provement program” and inserting  
18 “STIP”;

19 (F) in paragraph (8) by striking “state-  
20 wide transportation plans and programs” and  
21 inserting “statewide transportation plans and  
22 STIPs”; and

23 (G) in paragraph (9) by striking “trans-  
24 portation improvement program” and inserting  
25 “STIP”;

1           (6) in subsection (h)(2)(A) by striking “Not  
2       later than 5 years after the date of enactment of the  
3       Federal Public Transportation Act of 2012,” and in-  
4       serting “Not less frequently than once every 4  
5       years,”;

6           (7) in subsection (j) by striking “transportation  
7       improvement program” and inserting “STIP” each  
8       place it appears;

9           (8) in subsection (l) by striking “transportation  
10      improvement programs” and inserting “STIPs”.

11       **Subtitle B—Improving Frequency**  
12               **and Ridership**

13       **SEC. 2201. MULTI-JURISDICTIONAL BUS FREQUENCY AND**  
14               **RIDERSHIP COMPETITIVE GRANTS.**

15       (a) IN GENERAL.—Chapter 53 of title 49, United  
16       States Code, is amended by inserting after section 5307  
17       the following new section:

18       **“§ 5308. Multi-jurisdictional bus frequency and rider-**  
19               **ship competitive grants**

20       “(a) IN GENERAL.—The Secretary shall make grants  
21       under this section, on a competitive basis, to eligible re-  
22       cipients to increase the frequency and ridership of public  
23       transit buses.

24       “(b) APPLICATIONS.—To be eligible for a grant  
25       under this section, an eligible recipient shall submit to the

1 Secretary an application at such time, in such manner,  
2 and containing such information as the Secretary may re-  
3 quire.

4 “(c) APPLICATION TIMING.—Not later than 90 days  
5 after amounts are made available to carry out this section,  
6 the Secretary shall solicit grant applications from eligible  
7 recipients for projects described in subsection (d).

8 “(d) USES OF FUNDS.—An eligible recipient of a  
9 grant under this section shall use such grant for capital  
10 projects that—

11 “(1) increase—

12 “(A) the frequency of bus service;

13 “(B) bus ridership; and

14 “(C) total person throughput; and

15 “(2) are consistent with, and as described in,  
16 the design guidance issued by the National Associa-  
17 tion of City Transportation Officials and titled  
18 ‘Transit Street Design Guide’.

19 “(e) GRANT CRITERIA.—In making grants under this  
20 section, the Secretary shall consider the following:

21 “(1) Each eligible recipient’s projected increase  
22 in bus frequency.

23 “(2) Each eligible recipient’s projected increase  
24 in bus ridership.

1           “(3) Each eligible recipient’s projected increase  
2           in total person throughput.

3           “(4) The degree of regional collaboration de-  
4           scribed in each eligible recipient’s application, in-  
5           cluding collaboration with—

6                   “(A) a local government entity that oper-  
7                   ates a public transportation service;

8                   “(B) local government agencies that con-  
9                   trol street design;

10                   “(C) metropolitan planning organizations  
11                   (as such term is defined in section 5303); and

12                   “(D) State departments of transportation.

13           “(f) GRANT TIMING.—The Secretary shall award  
14           grants under this section not later than 120 days after  
15           the date on which the Secretary completes the solicitation  
16           described in subsection (c).

17           “(g) REQUIREMENTS OF THE SECRETARY.—In car-  
18           rying out the program under this section, the Secretary  
19           shall—

20                   “(1) not later than the date described in sub-  
21                   section (c), publish in the Federal Register a list of  
22                   all metrics and evaluation procedures to be used in  
23                   making grants under this section; and

24                   “(2) publish in the Federal Register—

1           “(A) a summary of the final metrics and  
2           evaluations used in making grants under this  
3           section; and

4           “(B) a list of the ratings of eligible recipi-  
5           ents receiving a grant under this section based  
6           on such metrics and evaluations.

7           “(h) FEDERAL SHARE.—

8           “(1) IN GENERAL.—The Federal share of the  
9           cost of a project carried out under this section shall  
10          not exceed 80 percent.

11          “(2) RESTRICTION ON GRANT AMOUNTS.—The  
12          Secretary may make a grant for a project under this  
13          section in an amount up to 150 percent of the  
14          amount—

15                 “(A) provided for such project under title  
16                 23; and

17                 “(B) of remaining costs, as defined under  
18                 section 5307(d)(3), that were budgeted for  
19                 roadways for such project.

20          “(i) REQUIREMENTS OF SECTION 5307.—Except as  
21          otherwise provided in this section, a grant under this sec-  
22          tion shall be subject to the requirements of section 5307.

23          “(j) AVAILABILITY OF FUNDS.—

24                 “(1) IN GENERAL.—Amounts made available to  
25                 carry out this section shall remain available for 4

1       fiscal years after the fiscal year for which the  
2       amount was made available.

3               “(2) UNOBLIGATED AMOUNTS.—After the expi-  
4       ration of the period described in paragraph (1) for  
5       an amount made available to carry out this section,  
6       any unobligated amounts made available to carry out  
7       this section shall be added to the amounts made  
8       available for the following fiscal year.

9               “(k) ELIGIBLE RECIPIENTS.—In this section, the  
10      term ‘eligible recipient’ means a recipient of a grant under  
11      section 5307 in an urbanized area with a population great-  
12      er than 500,000.”.

13              (b) CLERICAL AMENDMENT.—The analysis for chap-  
14      ter 53 of title 49, United States Code, is amended by in-  
15      serting after the item relating to section 5307 the fol-  
16      lowing new item:

            “5308. Multi-jurisdictional bus frequency and ridership competitive grants.”.

17      **SEC. 2202. INCENTIVIZING FREQUENCY IN THE URBAN FOR-**  
18                              **MULA.**

19              Section 5336 of title 49, United States Code, is  
20      amended—

21                      (1) in subsection (b)—

22                              (A) in paragraph (2)—

23                                      (i) in subparagraph (A)—



1 (I) in the matter preceding clause  
2 (i) by striking “95.61 percent” and  
3 inserting “95 percent”;

4 (II) in clause (i) by striking  
5 “95.61 percent” and inserting “95  
6 percent”; and

7 (III) in clause (ii) by striking  
8 “95.61 percent” and inserting “95  
9 percent”; and  
10 (ii) in subparagraph (B)—

11 (I) in the matter preceding clause  
12 (i) by striking “4.39 percent” and in-  
13 serting “5 percent”;

14 (II) in clause (i)—

15 (aa) by inserting “in the  
16 highest 25 percent of routes by  
17 ridership” before “multiplied  
18 by”; and

19 (bb) by striking “vehicle  
20 passenger miles traveled for each  
21 dollar of operating cost in an  
22 area” and inserting “vehicles op-  
23 erating in peak revenue service  
24 per hour in the highest 25 per-  
25 cent of routes by ridership”; and

1 (III) in clause (ii)—

2 (aa) by inserting “in the  
3 highest 25 percent of routes by  
4 ridership” before “multiplied  
5 by”; and

6 (bb) by striking “vehicle  
7 passenger miles traveled for each  
8 dollar of operating cost in all  
9 areas” and inserting “vehicles  
10 operating in peak revenue service  
11 per hour in the highest 25 per-  
12 cent of routes by ridership”; and

13 (B) by adding at the end the following:

14 “(3) SPECIAL RULE.—For fiscal year 2022, the  
15 percentage—

16 “(A) in paragraph (2)(A) in the matter  
17 preceding clause (i) shall be treated as 100 per-  
18 cent; and

19 “(B) in paragraph (2)(B) in the matter  
20 preceding clause (i) shall be treated as 0 per-  
21 cent.”;

22 (2) in subsection (c)—

23 (A) in paragraph (1) by striking “90.8  
24 percent” and inserting “90 percent” each place  
25 it appears;

1 (B) in paragraph (2)—

2 (i) by striking “9.2 percent” and in-  
3 serting “8 percent”;

4 (ii) by striking “200,000” and insert-  
5 ing “500,000”;

6 (iii) by striking subparagraph (A) and  
7 inserting the following:

8 “(A) the number of bus passenger miles  
9 traveled on the highest 25 percent of routes by  
10 ridership multiplied by the number of buses op-  
11 erating in peak revenue service per hour on the  
12 highest 25 percent of routes by ridership; di-  
13 vided by”; and

14 (iv) by striking subparagraph (B) and  
15 inserting the following:

16 “(B) the total number of bus passenger  
17 miles traveled on the highest 25 percent of  
18 routes by ridership multiplied by the total num-  
19 ber of buses operating in peak revenue service  
20 per hour on the highest 25 percent of routes by  
21 ridership in all areas.”; and

22 (C) by adding at the end the following:

23 “(3) 2 percent of the total amount apportioned  
24 under this subsection shall be apportioned so that  
25 each urbanized area with a population of at least

1       200,000 and less than 500,000 is entitled to receive  
2       an amount using the formula in paragraph (1).

3       “(4) For fiscal year 2022, the percentage—

4               “(A) in paragraph (1) in the matter pre-  
5       ceding subparagraph (A) shall be treated as  
6       100 percent;

7               “(B) in paragraph (2) in the matter pre-  
8       ceding subparagraph (A) shall be treated as 0  
9       percent; and

10              “(C) in paragraph (3) shall be treated as  
11       0 percent.”; and

12       (3) by adding at the end the following:

13       “(k) **PEAK REVENUE SERVICE DEFINED.**—In this  
14       section, the term ‘peak revenue service’ means the time  
15       period between the time that an agency exceeds the num-  
16       ber of midday vehicles in revenue service per hour in the  
17       morning peak and the time that an agency falls below the  
18       number of midday vehicles in revenue service per hour in  
19       the evening peak.”.

20       **SEC. 2203. MOBILITY INNOVATION.**

21       (a) **IN GENERAL.**—Chapter 53 of title 49, United  
22       States Code, is amended by inserting after section 5315  
23       the following new section:

1 **“§ 5316. Mobility innovation**

2 “(a) IN GENERAL.—Amounts made available to a  
3 covered recipient to carry out sections 5307, 5310, and  
4 5311 may be used by such covered recipient under this  
5 section to assist in the financing of—

6 “(1) mobility as a service; and

7 “(2) mobility on demand services.

8 “(b) FEDERAL SHARE.—

9 “(1) IN GENERAL.—Except as provided in para-  
10 graphs (2) and (3), the Federal share of the net cost  
11 of a project carried out under this section shall not  
12 exceed 80 percent.

13 “(2) INSOURCING INCENTIVE.—Notwith-  
14 standing paragraph (1), the Federal share of the net  
15 cost of a project described in paragraph (1) shall be  
16 reduced by 25 percent if the recipient uses a third-  
17 party contract for a mobility on demand service.

18 “(3) ZERO EMISSION INCENTIVE.—Notwith-  
19 standing paragraph (1), the Federal share of the net  
20 cost of a project described in paragraph (1) shall be  
21 reduced by 25 percent if such project involves an eli-  
22 gible use that uses a vehicle that produces carbon di-  
23 oxide or particulate matter.

24 “(c) ELIGIBLE USES.—

1           “(1) IN GENERAL.—The Secretary shall publish  
2           guidance describing eligible activities that are dem-  
3           onstrated to—

4                   “(A) increase transit ridership;

5                   “(B) be complementary to fixed route tran-  
6           sit service; and

7                   “(C) demonstrate substantial improve-  
8           ments in—

9                           “(i) environmental metrics, including  
10                   standards established pursuant to the  
11                   Clean Air Act (42 U.S.C. 7401 et seq.)  
12                   and greenhouse gas performance targets  
13                   established pursuant to section 150(d) of  
14                   title 23;

15                           “(ii) traffic congestion;

16                           “(iii) compliance with the require-  
17                   ments under the Americans with Disabil-  
18                   ities Act of 1990 (42 U.S.C. 12101 et  
19                   seq.);

20                           “(iv) low-income service to increase  
21                   access to employment, healthcare, and  
22                   other essential services;

23                           “(v) service outside of transit agency  
24                   operating hours, provided that the transit  
25                   agency operating hours are not reduced;

1 “(vi) new low density service relative  
2 to the higher density urban areas of the  
3 agency’s service area; and

4 “(vii) rural service.

5 “(2) PROHIBITION ON USE OF FUNDS.—  
6 Amounts used by a covered recipient for projects eli-  
7 gible under this section may not be used for—

8 “(A) single passenger vehicle miles (in a  
9 passenger motor vehicle, as such term is de-  
10 fined in section 32101, that carries less than 9  
11 passengers), unless the trip—

12 “(i) meets the definition of public  
13 transportation; and

14 “(ii) begins or completes a fixed route  
15 public transportation trip;

16 “(B) deadhead vehicle miles; or

17 “(C) any service considered a taxi service  
18 for purposes of section 5331.

19 “(d) FEDERAL REQUIREMENTS.—A project carried  
20 out under this section shall be treated as if such project  
21 were carried out under the section from which the funds  
22 were provided to carry out such project, including the ap-  
23 plication of any additional requirements provided for by  
24 law that apply to section 5307, 5310, or 5311, as applica-  
25 ble.

1 “(e) WAIVER.—

2 “(1) INDIVIDUAL WAIVER.—Except as provided  
3 in paragraph (2), the Secretary may waive any re-  
4 quirement applied to a project carried out under this  
5 section pursuant to subsection (d) if the Secretary  
6 determines that the project would—

7 “(A) not undermine labor standards;

8 “(B) increase employment opportunities of  
9 the recipient; and

10 “(C) be consistent with the public interest.

11 “(2) WAIVER UNDER OTHER SECTIONS.—The  
12 Secretary may not waive any requirement under  
13 paragraph (1) for which a waiver is otherwise avail-  
14 able.

15 “(3) PROHIBITION OF WAIVER.—Notwith-  
16 standing paragraph (1), the Secretary may not  
17 waive any requirement of—

18 “(A) section 5333;

19 “(B) section 5331;

20 “(C) section 5302(14); and

21 “(D) chapter 53 that establishes a max-  
22 imum Federal share for operating costs.

23 “(4) APPLICATION OF SECTION 5320.—Notwith-  
24 standing paragraphs (1) and (2), the Secretary may



1       only waive the requirements of section 5320 with re-  
2       spect to—

3               “(A) a passenger vehicle owned by an indi-  
4       vidual; and

5               “(B) subsection (q) of such section for any  
6       passenger vehicle not owned by an individual  
7       for the period beginning on the date of enact-  
8       ment of this section and ending 3 years after  
9       such date.

10      “(f) OPEN DATA STANDARDS.—

11              “(1) IN GENERAL.—Not later than 90 days  
12      after the date of enactment of this section, the Sec-  
13      retary shall initiate procedures under subchapter III  
14      of chapter 5 of title 5 to develop an open data stand-  
15      ard and an application programming interface nec-  
16      essary to carry out this section.

17              “(2) REGULATIONS.—The regulations required  
18      under paragraph (1) shall require public transpor-  
19      tation agencies, mobility on demand providers, mo-  
20      bility as a service technology providers, other non-  
21      government actors, and local governments the effi-  
22      cient means to transfer data to—

23              “(A) foster the efficient use of transpor-  
24      tation capacity;

1           “(B) enhance the management of new  
2           modes of mobility;

3           “(C) enable the use of innovative planning  
4           tools;

5           “(D) enable single payment systems for all  
6           mobility on demand services;

7           “(E) establish metropolitan planning orga-  
8           nization, State, and local government access to  
9           anonymized data for transportation planning,  
10          real time operations data, and rules;

11          “(F) safeguard personally identifiable in-  
12          formation;

13          “(G) protect confidential business informa-  
14          tion; and

15          “(H) enhance cybersecurity protections.

16          “(3) PROHIBITION ON FOR PROFIT ACTIVITY.—  
17          Any data received by an entity under this subsection  
18          may not be sold, leased, or otherwise used to gen-  
19          erate profit, except for the direct provision of the re-  
20          lated mobility on demand services and mobility as a  
21          service.

22          “(4) COMMITTEE.—A negotiated rulemaking  
23          committee established pursuant to section 565 of  
24          title 5 to carry out this subsection shall have a max-  
25          imum of 17 members limited to representatives of

1 the Department of Transportation, State and local  
2 governments, metropolitan planning organizations,  
3 urban and rural covered recipients, associations that  
4 represent public transit agencies, representatives  
5 from at least 3 different organizations engaged in  
6 collective bargaining on behalf of transit workers in  
7 not fewer than 3 States, mobility on demand pro-  
8 viders, and mobility as a service technology pro-  
9 viders.

10 “(5) PUBLICATION OF PROPOSED REGULA-  
11 TIONS.—Proposed regulations to implement this sec-  
12 tion shall be published in the Federal Register by  
13 the Secretary not later than 18 months after such  
14 date of enactment.

15 “(6) EXTENSION OF DEADLINES.—A deadline  
16 set forth in paragraph (4) may be extended up to  
17 180 days if the negotiated rulemaking committee re-  
18 ferred to in paragraph (5) concludes that the com-  
19 mittee cannot meet the deadline and the Secretary  
20 so notifies the Committee on Transportation and In-  
21 frastructure of the House of Representatives and the  
22 Committee on Banking, Housing, and Urban Affairs  
23 of the Senate.

24 “(g) APPLICATION OF RECIPIENT REVENUE VEHI-  
25 CLE MILES.—With respect to revenue vehicle miles with

1 one passenger of a covered recipient using amounts under  
2 this section, such miles—

3 “(1) shall be included in the National Transit  
4 Database under section 5335; and

5 “(2) shall be excluded from vehicle revenue  
6 miles data used in the calculation described in sec-  
7 tion 5336.

8 “(h) SAVINGS CLAUSE.—Subsection (c)(2) and sub-  
9 section (g) shall not apply to any eligible activities under  
10 this section if such activities are being carried out in com-  
11 pliance with the Americans with Disabilities Act of 1990  
12 (42 U.S.C. 12101 et seq.).

13 “(i) DEFINITIONS.—In this section:

14 “(1) DEADHEAD VEHICLE MILES.—The term  
15 ‘deadhead vehicle miles’ means the miles that a vehi-  
16 cle travels when out of revenue service, including  
17 leaving or returning to the garage or yard facility,  
18 changing routes, when there is no expectation of car-  
19 rying revenue passengers, and any miles traveled by  
20 a private operator without a passenger.

21 “(2) MOBILITY AS A SERVICE.—The term ‘mo-  
22 bility as a service’ means services that constitute the  
23 integration of mobility on demand services and pub-  
24 lic transportation that are available and accessible to

1 all travelers, provide multimodal trip planning, and  
2 a unified payment system.

3 “(3) MOBILITY ON DEMAND.—The term ‘mobil-  
4 ity on demand’ means an on-demand transportation  
5 service shared among individuals, either concurrently  
6 or one after another.

7 “(4) COVERED RECIPIENT.—The term ‘covered  
8 recipient’ means a State or local government entity,  
9 private nonprofit organization, or Tribe that—

10 “(A) operates a public transportation serv-  
11 ice; and

12 “(B) is a recipient or subrecipient of funds  
13 under section 5307, 5310, or 5311.”.

14 (b) CLERICAL AMENDMENT.—The analysis for chap-  
15 ter 53 of title 49, United States Code, is amended by in-  
16 serting after the item relating to section 5315 the fol-  
17 lowing new item:

“5316. Mobility innovation.”.

18 (c) EFFECTIVE DATE.—This section and the amend-  
19 ments made by this section shall take effect on the date  
20 on which the Secretary has finalized both—

21 (1) the guidance required under section 5316(c)  
22 of title 49, United States Code; and

23 (2) the regulations required under section  
24 5316(f) of title 49, United States Code.

1 **SEC. 2204. FORMULA GRANTS FOR RURAL AREAS.**

2 Section 5311 of title 49, United States Code, is  
3 amended—

4 (1) in subsection (b)—

5 (A) in paragraph (2) by adding at the end  
6 the following:

7 “(D) CENSUS DESIGNATION.—The Sec-  
8 retary may approve a State program that allo-  
9 cates not more than 5 percent of such State’s  
10 apportionment to assist rural areas that were  
11 redesignated as urban areas not more than 2  
12 fiscal years after the last census designation of  
13 urbanized area boundaries.”; and

14 (B) in paragraph (3) by striking “section  
15 5338(a)(2)(F)” and inserting “section  
16 5338(a)(2)(E)”;

17 (2) in subsection (c)—

18 (A) in paragraph (1)—

19 (i) in the matter preceding subpara-  
20 graph (A) by striking “section  
21 5338(a)(2)(F)” and inserting “section  
22 5338(a)(2)(E)”;

23 (ii) in subparagraph (A) by striking  
24 “\$5,000,000” and inserting  
25 “\$10,000,000”; and

1 (iii) in subparagraph (B) by striking  
2 “\$30,000,000” and inserting “the amount  
3 remaining under section 5338(a)(2)(E)(i)  
4 after the amount under subparagraph (A)  
5 is distributed”;

6 (B) in paragraph (2)(C) by striking “sec-  
7 tion 5338(a)(2)(F)” and inserting “section  
8 5338(a)(2)(E)”;

9 (C) in paragraph (3)—

10 (i) in subparagraph (A) by striking  
11 “section 5338(a)(2)(F)” and inserting  
12 “section 5338(a)(2)(E)”;

13 (ii) by striking subparagraphs (B) and  
14 (C) and inserting the following:

15 “(B) LAND AREA.—

16 “(i) IN GENERAL.—Subject to clause  
17 (ii), each State shall receive an amount  
18 that is equal to 15 percent of the amount  
19 apportioned under this paragraph, multi-  
20 plied by the ratio of the land area in rural  
21 areas in that State and divided by the land  
22 area in all rural areas in the United  
23 States, as shown by the most recent decen-  
24 nial census of population.

1 “(ii) MAXIMUM APPORTIONMENT.—

2 No State shall receive more than 5 percent  
3 of the amount apportioned under clause  
4 (i).

5 “(C) POPULATION.—Each State shall re-  
6 ceive an amount equal to 50 percent of the  
7 amount apportioned under this paragraph, mul-  
8 tiplied by the ratio of the population of rural  
9 areas in that State and divided by the popu-  
10 lation of all rural areas in the United States, as  
11 shown by the most recent decennial census of  
12 population.

13 “(D) VEHICLE REVENUE MILES.—

14 “(i) IN GENERAL.—Subject to clause  
15 (ii), each State shall receive an amount  
16 that is equal to 25 percent of the amount  
17 apportioned under this paragraph, multi-  
18 plied by the ratio of vehicle revenue miles  
19 in rural areas in that State and divided by  
20 the vehicle revenue miles in all rural areas  
21 in the United States, as determined by na-  
22 tional transit database reporting.

23 “(ii) MAXIMUM APPORTIONMENT.—

24 No State shall receive more than 5 percent



1 of the amount apportioned under clause  
2 (i).

3 “(E) LOW-INCOME INDIVIDUALS.—Each  
4 State shall receive an amount that is equal to  
5 10 percent of the amount apportioned under  
6 this paragraph, multiplied by the ratio of low-  
7 income individuals in rural areas in that State  
8 and divided by the number of low-income indi-  
9 viduals in all rural areas in the United States,  
10 as shown by the Bureau of the Census.”;

11 (3) in subsection (f)—

12 (A) in paragraph (1) by inserting “A State  
13 may expend funds to continue service into an-  
14 other State to extend a route.” before “Eligible  
15 activities under”; and

16 (B) in paragraph (2) by inserting “and  
17 makes the certification and supporting docu-  
18 ments publicly available” before the period at  
19 the end; and

20 (4) in subsection (g) by adding at the end the  
21 following:

22 “(6) ALLOWANCE FOR VOLUNTEER HOURS.—

23 “(A) APPLICABLE REGULATIONS.—For  
24 any funds provided by a department or agency  
25 of the Government under paragraph (3)(D) or

1           by a service agreement under paragraph (3)(C),  
2           and such department or agency has regulations  
3           in place that provide for the valuation of volun-  
4           teer hours as allowable in-kind contributions to-  
5           ward the non-Federal share of project costs,  
6           such regulations shall be used to determine the  
7           allowable valuation of volunteer hours as an in-  
8           kind contribution toward the non-Federal re-  
9           mainder of net project costs for a transit  
10          project funded under this section.

11                 “(B) LIMITATIONS.—Subparagraph (A)  
12           shall not apply to the provision of fixed-route  
13           bus services funded under this section.”.

14   **SEC. 2205. ONE-STOP PARATRANSIT PROGRAM.**

15          Section 5310 of title 49, United States Code, is  
16   amended by adding at the end the following:

17          “(j) ONE-STOP PARATRANSIT PROGRAM.—

18                 “(1) IN GENERAL.—Not later than 6 months  
19           after the date of enactment of this subsection, the  
20           Secretary shall establish a one-stop paratransit com-  
21           petitive grant program to encourage an extra stop in  
22           non-fixed route Americans with Disabilities Act of  
23           1990 (42 U.S.C. 12101 et seq.) service for a para-  
24           transit rider to complete essential tasks.

1           “(2) PREFERENCE.—The Secretary shall give  
2           preference to eligible recipients that—

3                   “(A) have comparable data for the year  
4                   prior to implementation of the grant program  
5                   and made available to the Secretary, academic  
6                   and nonprofit organizations for research pur-  
7                   poses; and

8                   “(B) plan to use agency personnel to im-  
9                   plement the pilot program.

10           “(3) APPLICATION CRITERIA.—To be eligible to  
11           participate in the grant program, an eligible recipi-  
12           ent shall submit to the Secretary an application con-  
13           taining such information as the Secretary may re-  
14           quire, including information on—

15                   “(A) locations the eligible entity intends to  
16                   allow a stop at, if stops are limited, including—

17                           “(i) childcare or education facilities;

18                           “(ii) pharmacies;

19                           “(iii) grocery stores; and

20                           “(iv) bank or ATM locations;

21                   “(B) methodology for informing the public  
22                   of the grant program;

23                   “(C) vehicles, personnel, and other re-  
24                   sources that will be used to implement the  
25                   grant program;

1           “(D) if the applicant does not intend the  
2           grant program to apply to the full area under  
3           the jurisdiction of the applicant, a description  
4           of the geographic area in which the applicant  
5           intends the grant program to apply; and

6           “(E) the anticipated amount of increased  
7           operating costs.

8           “(4) SELECTION.—The Secretary shall seek to  
9           achieve diversity of participants in the grant pro-  
10          gram by selecting a range of eligible entities that in-  
11          cludes at least—

12           “(A) 5 eligible recipients that serve an  
13           area with a population of 50,000 to 200,000;

14           “(B) 10 eligible recipients that serve an  
15           area with a population of over 200,000; and

16           “(C) 5 eligible recipients that provide  
17           transportation for rural communities.

18           “(5) DATA-SHARING CRITERIA.—An eligible re-  
19           cipient in this subsection shall provide data as the  
20           Secretary requires, including—

21           “(A) number of ADA paratransit trips  
22           conducted each year;

23           “(B) requested time of each paratransit  
24           trip;

1           “(C) scheduled time of each paratransit  
2 trip;

3           “(D) actual pickup time for each para-  
4 transit trip;

5           “(E) average length of a stop in the middle  
6 of a ride as allowed by this subsection;

7           “(F) any complaints received by a para-  
8 transit rider;

9           “(G) rider satisfaction with paratransit  
10 services; and

11           “(H) after the completion of the grant, an  
12 assessment by the eligible recipient of its capac-  
13 ity to continue a one-stop program independ-  
14 ently.

15           “(6) REPORT.—

16           “(A) IN GENERAL.—The Secretary shall  
17 make publicly available an annual report on the  
18 program carried out under this subsection for  
19 each fiscal year, not later than December 31 of  
20 the calendar year in which such fiscal year  
21 ends.

22           “(B) CONTENTS.—The report required  
23 under subparagraph (A) shall include a detailed  
24 description of the activities carried out under  
25 the program, and an evaluation of the program,

1 including an evaluation of the data shared by  
2 eligible recipients under paragraph (5).”.

3 **Subtitle C—Buy America and**  
4 **Other Procurement Reforms**

5 **SEC. 2301. BUY AMERICA.**

6 (a) BUY AMERICA.—

7 (1) IN GENERAL.—Chapter 53 of title 49,  
8 United States Code, is amended by inserting before  
9 section 5321 the following:

10 **“§ 5320. Buy America**

11 “(a) IN GENERAL.—The Secretary may obligate an  
12 amount that may be appropriated to carry out this chapter  
13 for a project only if the steel, iron, and manufactured  
14 goods used in the project are produced in the United  
15 States.

16 “(b) WAIVER.—The Secretary may waive subsection  
17 (a) if the Secretary finds that—

18 “(1) applying subsection (a) would be incon-  
19 sistent with the public interest;

20 “(2) the steel, iron, and goods produced in the  
21 United States are not produced in a sufficient and  
22 reasonably available amount or are not of a satisfac-  
23 tory quality;

24 “(3) when procuring rolling stock (including  
25 train control, communication, traction power equip-

1       ment, and rolling stock prototypes) under this chap-  
2       ter—

3               “(A) the cost of components and sub-  
4       components produced in the United States is  
5       more than 70 percent of the cost of all compo-  
6       nents of the rolling stock; and

7               “(B) final assembly of the rolling stock has  
8       occurred in the United States; or

9               “(4) including domestic material will increase  
10      the cost of the overall project by more than 25 per-  
11      cent.

12      “(c) WRITTEN WAIVER DETERMINATION AND AN-  
13      NUAL REPORT.—

14              “(1) WAIVER PROCEDURE.—Not later than 120  
15      days after the submission of a request for a waiver,  
16      the Secretary shall make a determination under sub-  
17      section (b)(1), (b)(2), or (b)(4) as to whether to  
18      waive subsection (a).

19              “(2) PUBLIC NOTIFICATION AND COMMENT.—

20              “(A) IN GENERAL.—Not later than 30  
21      days before making a determination regarding a  
22      waiver described in paragraph (1), the Sec-  
23      retary shall provide notification and an oppor-  
24      tunity for public comment on the request for  
25      such waiver.

1                   “(B) NOTIFICATION REQUIREMENTS.—The  
2                   notification required under subparagraph (A)  
3                   shall—

4                   “(i) describe whether the application  
5                   is being made for a waiver described in  
6                   subsection (b)(1), (b)(2) or (b)(4); and

7                   “(ii) be provided to the public by elec-  
8                   tronic means, including on the public  
9                   website of the Department of Transpor-  
10                  tation.

11                  “(3) DETERMINATION.—Before a determination  
12                  described in paragraph (1) takes effect, the Sec-  
13                  retary shall publish a detailed justification for such  
14                  determination that addresses all public comments re-  
15                  ceived under paragraph (2)—

16                  “(A) on the public website of the Depart-  
17                  ment of Transportation; and

18                  “(B) if the Secretary issues a waiver with  
19                  respect to such determination, in the Federal  
20                  Register.

21                  “(4) ANNUAL REPORT.—Annually, the Sec-  
22                  retary shall submit to the Committee on Banking,  
23                  Housing, and Urban Affairs of the Senate and the  
24                  Committee on Transportation and Infrastructure of  
25                  the House of Representatives a report listing any



1 waiver issued under paragraph (1) during the pre-  
2 ceding year.

3 “(d) ROLLING STOCK WAIVER CONDITIONS.—

4 “(1) LABOR COSTS FOR FINAL ASSEMBLY.—In  
5 this section, highly skilled labor costs involved in  
6 final assembly shall be included as a separate com-  
7 ponent in the cost of components and subcompo-  
8 nents under subsection (b)(3)(A).

9 “(2) HIGH DOMESTIC CONTENT COMPONENT  
10 BONUS.—In this section, in calculating the domestic  
11 content of the rolling stock under subsection (b)(3),  
12 the percent, rounded to the nearest whole number,  
13 of the domestic content in components of such roll-  
14 ing stock, weighted by cost, shall be used in calcu-  
15 lating the domestic content of the rolling stock, ex-  
16 cept—

17 “(A) with respect to components that ex-  
18 ceed—

19 “(i) 70 percent domestic content, the  
20 Secretary shall add 10 additional percent  
21 to the component’s domestic content when  
22 calculating the domestic content of the  
23 rolling stock; and

24 “(ii) 75 percent domestic content, the  
25 Secretary shall add 15 additional percent

1 to the component's domestic content when  
2 calculating the domestic content of the  
3 rolling stock; and

4 “(B) in no case may a component exceed  
5 100 domestic content when calculating the do-  
6 mestic content of the rolling stock.

7 “(3) ROLLING STOCK FRAMES OR CAR  
8 SHELLS.—In calculating the cost of the domestic  
9 content of the rolling stock under subsection (b)(3),  
10 in the case of a rolling stock procurement receiving  
11 assistance under this chapter in which the average  
12 cost of a rolling stock vehicle in the procurement is  
13 more than \$300,000, if rolling stock frames or car  
14 shells are not produced in the United States, the  
15 Secretary shall include in the calculation of the do-  
16 mestic content of the rolling stock the cost of the  
17 steel or iron that is produced in the United States  
18 and used in the rolling stock frames or car shells.

19 “(4) TREATMENT OF WAIVED COMPONENTS  
20 AND SUBCOMPONENTS.—In this section, a compo-  
21 nent or subcomponent waived under subsection (b)  
22 shall be excluded from any part of the calculation re-  
23 quired under subsection (b)(3)(A).

24 “(5) ZERO-EMISSION VEHICLE DOMESTIC BAT-  
25 TERY CELL INCENTIVE.—The Secretary shall pro-

1       vide an additional 2.5 percent of domestic content to  
2       the total rolling stock domestic content percentage  
3       calculated under this section for any zero-emission  
4       vehicle that uses only battery cells for propulsion  
5       that are manufactured domestically.

6       “(e) CERTIFICATION OF DOMESTIC SUPPLY AND  
7 DISCLOSURE.—

8               “(1) CERTIFICATION OF DOMESTIC SUPPLY.—If  
9       the Secretary denies an application for a waiver  
10      under subsection (b), the Secretary shall provide to  
11      the applicant a written certification that—

12              “(A) the steel, iron, or manufactured  
13      goods, as applicable, (referred to in this para-  
14      graph as the ‘item’) is produced in the United  
15      States in a sufficient and reasonably available  
16      amount;

17              “(B) the item produced in the United  
18      States is of a satisfactory quality; and

19              “(C) includes a list of known manufactur-  
20      ers in the United States from which the item  
21      can be obtained.

22              “(2) DISCLOSURE.—The Secretary shall dis-  
23      close the waiver denial and the written certification  
24      to the public in an easily identifiable location on the  
25      website of the Department of Transportation.

1       “(f) WAIVER PROHIBITED.—The Secretary may not  
2       make a waiver under subsection (b) for goods produced  
3       in a foreign country if the Secretary, in consultation with  
4       the United States Trade Representative, decides that the  
5       government of that foreign country—

6               “(1) has an agreement with the United States  
7       Government under which the Secretary has waived  
8       the requirement of this section; and

9               “(2) has violated the agreement by discrimi-  
10       nating against goods to which this section applies  
11       that are produced in the United States and to which  
12       the agreement applies.

13       “(g) PENALTY FOR MISLABELING AND MISREPRE-  
14       SENTATION.—A person is ineligible under subpart 9.4 of  
15       the Federal Acquisition Regulation, or any successor  
16       thereto, to receive a contract or subcontract made with  
17       amounts authorized under title II of the INVEST in  
18       America Act if a court or department, agency, or instru-  
19       mentality of the Government decides the person inten-  
20       tionally—

21               “(1) affixed a ‘Made in America’ label, or a  
22       label with an inscription having the same meaning,  
23       to goods sold in or shipped to the United States that  
24       are used in a project to which this section applies  
25       but not produced in the United States; or

1           “(2) represented that goods described in para-  
2           graph (1) were produced in the United States.

3           “(h) STATE REQUIREMENTS.—The Secretary may  
4           not impose any limitation on assistance provided under  
5           this chapter that restricts a State from imposing more  
6           stringent requirements than this subsection on the use of  
7           articles, materials, and supplies mined, produced, or man-  
8           ufactured in foreign countries in projects carried out with  
9           that assistance or restricts a recipient of that assistance  
10          from complying with those State-imposed requirements.

11          “(i) OPPORTUNITY TO CORRECT INADVERTENT  
12          ERROR.—The Secretary may allow a manufacturer or  
13          supplier of steel, iron, or manufactured goods to correct  
14          after bid opening any certification of noncompliance or  
15          failure to properly complete the certification (but not in-  
16          cluding failure to sign the certification) under this sub-  
17          section if such manufacturer or supplier attests under pen-  
18          alty of perjury that such manufacturer or supplier sub-  
19          mitted an incorrect certification as a result of an inad-  
20          vertent or clerical error. The burden of establishing inad-  
21          vertent or clerical error is on the manufacturer or supplier.

22          “(j) ADMINISTRATIVE REVIEW.—A party adversely  
23          affected by an agency action under this subsection shall  
24          have the right to seek review under section 702 of title  
25          5.

1       “(k) STEEL AND IRON.—For purposes of this section,  
2 steel and iron meeting the requirements of section  
3 661.5(b) of title 49, Code of Federal Regulations, may be  
4 considered produced in the United States.

5       “(l) DEFINITION OF SMALL PURCHASE.—For pur-  
6 poses of determining whether a purchase qualifies for a  
7 general public interest waiver under subsection (b)(1), in-  
8 cluding under any regulation promulgated under such sub-  
9 section, the term ‘small purchase’ means a purchase of  
10 not more than \$150,000.

11       “(m) PREAWARD AND POSTDELIVERY REVIEW OF  
12 ROLLING STOCK PURCHASES.—

13               “(1) IN GENERAL.—The Secretary shall pre-  
14 scribe regulations requiring a preaward and  
15 postdelivery certification of a rolling stock vehicle  
16 that meets the requirements of this section and Gov-  
17 ernment motor vehicle safety requirements to be eli-  
18 gible for a grant under this chapter. For compliance  
19 with this section—

20               “(A) Federal inspections and review are  
21 required;

22               “(B) a manufacturer certification is not  
23 sufficient; and

24               “(C) a rolling stock vehicle that has been  
25 certified by the Secretary remains certified until

1           the manufacturer makes a material change to  
2           the vehicle, or adjusts the cost of all compo-  
3           nents of the rolling stock, that reduces, by more  
4           than half, the percentage of domestic content  
5           above 70 percent.

6           “(2) CERTIFICATION OF PERCENTAGE.—The  
7           Secretary may, at the request of a component or  
8           subcomponent manufacturer, certify the percentage  
9           of domestic content and place of manufacturing for  
10          a component or subcomponent.

11          “(3) FREEDOM OF INFORMATION ACT.—In car-  
12          rying out this subsection, the Secretary shall consist-  
13          ently apply the provisions of section 552 of title 5,  
14          including subsection (b)(4) of such section.

15          “(4) NONCOMPLIANCE.—The Secretary shall  
16          prohibit recipients from procuring rolling stock, com-  
17          ponents, or subcomponents from a supplier that in-  
18          tentionally provides false information to comply with  
19          this subsection.

20          “(n) SCOPE.—The requirements of this section apply  
21          to all contracts for a public transportation project carried  
22          out within the scope of the applicable finding, determina-  
23          tion, or decision under the National Environmental Policy  
24          Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the  
25          funding source of such contracts, if at least one contract

1 for the public transportation project is funded with  
2 amounts made available to carry out this chapter.

3 “(o) BUY AMERICA CONFORMITY.—The Secretary  
4 shall ensure that all Federal funds for new commuter rail  
5 projects shall comply with this section and shall not be  
6 subject to section 22905(a).

7 “(p) AUDITS AND REPORTING OF WASTE, FRAUD,  
8 AND ABUSE.—

9 “(1) IN GENERAL.—The Inspector General of  
10 the Department of Transportation shall conduct an  
11 annual audit on certifications under subsection (m).

12 “(2) REPORT FRAUD, WASTE, AND ABUSE.—  
13 The Secretary shall display a ‘Report Fraud, Waste,  
14 and Abuse’ button and link to Department of Trans-  
15 portation’s Office of Inspector General Hotline on  
16 the Federal Transit Administration’s Buy America  
17 landing page.

18 “(3) CONTRACT REQUIREMENT.—The Secretary  
19 shall require all recipients who enter into contracts  
20 to purchase rolling stock with funds provided under  
21 this chapter to include in such contract information  
22 on how to contact the Department of Transpor-  
23 tation’s Office of Inspector General Hotline to report  
24 suspicions of fraud, waste, and abuse.

25 “(q) PASSENGER MOTOR VEHICLES.—



1           “(1) IN GENERAL.—Any domestically manufac-  
2           tured passenger motor vehicle shall be considered to  
3           be produced in the United States under this section.

4           “(2) DOMESTICALLY MANUFACTURED PAS-  
5           SENGER MOTOR VEHICLE.—In this subsection, the  
6           term ‘domestically manufactured passenger motor  
7           vehicle’ means any passenger motor vehicle, as such  
8           term is defined in section 32304(a) that—

9                   “(A) has under section 32304(b)(1)(B) its  
10           final assembly place in the United States; and

11                   “(B) the percentage (by value) of pas-  
12           senger motor equipment under section  
13           32304(b)(1)(A) equals or exceeds 60 percent  
14           value added.”.

15           (2) CLERICAL AMENDMENT.—The analysis for  
16           chapter 53 of title 49, United States Code, is  
17           amended by inserting before the item relating to sec-  
18           tion 5321 the following:

          “5320. Buy America.”.

19           (3) CONFORMING AMENDMENTS.—

20                   (A) TECHNICAL ASSISTANCE AND WORK-  
21           FORCE DEVELOPMENT.—Section 5314(a)(2)(G)  
22           of title 49, United States Code, is amended by  
23           striking “sections 5323(j) and 5323(m)” and  
24           inserting “section 5320”.

1 (B) URBANIZED AREA FORMULA  
2 GRANTS.—Section 5307(c)(1)(E) of title 49,  
3 United States Code, is amended by inserting “,  
4 5320,” after “5323”.

5 (C) INNOVATIVE PROCUREMENT.—Section  
6 3019(c)(2)(E)(ii) of the FAST Act (49 U.S.C.  
7 5325 note) is amended by striking “5232(j)”  
8 and inserting “5320”.

9 (b) BUS ROLLING STOCK.—Not later than 18  
10 months after the date of enactment of this Act, the Sec-  
11 retary of Transportation shall issue such regulations as  
12 are necessary to revise Appendix B and Appendix D of  
13 section 661.11 of title 49, Code of Federal Regulations,  
14 with respect to bus rolling stock to maximize job creation  
15 and align such section with modern manufacturing tech-  
16 niques.

17 (c) RAIL ROLLING STOCK.—Not later than 30  
18 months after the date of enactment of this Act, the Sec-  
19 retary shall issue such regulations as are necessary to re-  
20 vise subsections (t), (u), and (v) of section 661.11 of title  
21 49, Code of Federal Regulations, with respect to rail roll-  
22 ing stock to maximize job creation and align such section  
23 with modern manufacturing techniques.

24 (d) RULE OF APPLICABILITY.—

1           (1) IN GENERAL.—Except as otherwise pro-  
2       vided in this subsection, the amendments made by  
3       this section shall apply to any contract entered into  
4       on or after the date of enactment of this Act.

5           (2) DELAYED APPLICABILITY OF CERTAIN PRO-  
6       VISIONS.—Contracts described in paragraph (1)  
7       shall be subject to the following delayed applicability  
8       requirements:

9           (A) Section 5320(m)(2) shall apply to con-  
10       tracts entered into on or after the date that is  
11       30 days after the date of enactment of this Act.

12          (B) Notwithstanding subparagraph (A),  
13       section 5320(m) shall apply to contracts for the  
14       procurement of bus rolling stock beginning on  
15       the earlier of—

16           (i) 180 days after the date on which  
17       final regulations are issued pursuant to  
18       subsection (b); or

19           (ii) the date that is 1 year after the  
20       date of enactment of this Act.

21          (C) Notwithstanding subparagraph (A),  
22       section 5320(m) shall apply to contracts for the  
23       procurement of rail rolling stock beginning on  
24       the earlier of—

1 (i) 180 days after the date on which  
2 final regulations are issued pursuant to  
3 subsection (c); or

4 (ii) the date that is 2 years after the  
5 date of enactment of this Act.

6 (D) Section 5320(p)(1) shall apply on the  
7 date that is 1 year after the latest of the appli-  
8 cation dates described in subparagraphs (A)  
9 through (C).

10 (3) SPECIAL RULE FOR CERTAIN CONTRACTS.—

11 For any contract described in paragraph (1) for  
12 which the delivery for the first production vehicle oc-  
13 curs before October 1, 2024, paragraphs (1) and (4)  
14 of section 5320(d) shall not apply.

15 (4) SPECIAL RULE FOR BATTERY CELL INCEN-  
16 TIVES.—For any contract described in paragraph  
17 (1) for which the delivery for the first production ve-  
18 hicle occurs before October 1, 2022, section  
19 5320(d)(5) shall not apply.

20 (e) SPECIAL RULE FOR DOMESTIC CONTENT.—For  
21 the calculation of the percent of domestic content cal-  
22 culated under section 5320(d)(2) for a contract for rolling  
23 stock entered into on or after October 1, 2020—

24 (1) if the delivery of the first production vehicle  
25 occurs in fiscal year 2022 or fiscal year 2023, for

1 components that exceed 70 percent domestic con-  
2 tent, the Secretary shall add 20 additional percent  
3 to the component's domestic content; and

4 (2) if the delivery of the first production vehicle  
5 occurs in fiscal year 2024 or fiscal year 2025—

6 (A) for components that exceed 70 percent  
7 but do not exceed 75 percent domestic content,  
8 the Secretary shall add 15 additional percent to  
9 the component's domestic content; or

10 (B) for components that exceed 75 percent  
11 domestic content, the Secretary shall add 20  
12 additional percent to the component's domestic  
13 content.

14 **SEC. 2302. BUS PROCUREMENT STREAMLINING.**

15 Section 5323 of title 49, United States Code, is  
16 amended by adding at the end the following:

17 “(v) BUS PROCUREMENT STREAMLINING.—

18 “(1) IN GENERAL.—The Secretary may only ob-  
19 ligate amounts for acquisition of buses under this  
20 chapter to a recipient that issues a request for pro-  
21 posals for an open market procurement that meets  
22 the following criteria:

23 “(A) Such request for proposals is limited  
24 to performance specifications, except for compo-  
25 nents or subcomponents identified in the nego-

1           tiated rulemaking carried out pursuant to this  
2           subsection.

3           “(B) Such request for proposals does not  
4           seek any alternative design or manufacture  
5           specification of a bus offered by a manufac-  
6           turer, except to require a component or sub-  
7           component identified in the negotiated rule-  
8           making carried out pursuant to this subsection.

9           “(2) SPECIFIC BUS COMPONENT NEGOTIATED  
10          RULEMAKING.—

11           “(A) INITIATION.—Not later than 120  
12           days after the date of enactment of the IN-  
13           VEST in America Act, the Secretary shall ini-  
14           tiate procedures under subchapter III of chap-  
15           ter 5 of title 5 to negotiate and issue such regu-  
16           lations as are necessary to establish as limited  
17           a list as is practicable of bus components and  
18           subcomponents described in subparagraph (B).

19           “(B) LIST OF COMPONENTS.—The regula-  
20           tions required under subparagraph (A) shall es-  
21           tablish a list of bus components and subcompo-  
22           nents that may be specified in a request for  
23           proposals described in paragraph (1) by a re-  
24           cipient. The Secretary shall ensure the list is  
25           limited in scope and limited to only components

1 and subcomponents that cannot be selected with  
2 performance specifications to ensure interoper-  
3 ability.

4 “(C) PUBLICATION OF PROPOSED REGULA-  
5 TIONS.—Proposed regulations to implement this  
6 section shall be published in the Federal Reg-  
7 ister by the Secretary not later than 18 months  
8 after such date of enactment.

9 “(D) COMMITTEE.—A negotiated rule-  
10 making committee established pursuant to sec-  
11 tion 565 of title 5 to carry out this paragraph  
12 shall have a maximum of 11 members limited  
13 to representatives of the Department of Trans-  
14 portation, urban and rural recipients (including  
15 State government recipients), and transit vehi-  
16 cle manufacturers.

17 “(E) EXTENSION OF DEADLINES.—A  
18 deadline set forth in subparagraph (C) may be  
19 extended up to 180 days if the negotiated rule-  
20 making committee referred to in subparagraph  
21 (D) concludes that the committee cannot meet  
22 the deadline and the Secretary so notifies the  
23 Committee on Transportation and Infrastruc-  
24 ture of the House of Representatives and the

1 Committee on Banking, Housing, and Urban  
2 Affairs of the Senate.

3 “(3) SAVINGS CLAUSE.—Nothing in this section  
4 shall be construed to provide additional authority for  
5 the Secretary to restrict what a bus manufacturer  
6 offers to sell to a public transportation agency.”.

7 **SEC. 2303. BUS TESTING FACILITY.**

8 Section 5318 of title 49, United States Code, is  
9 amended by adding at the end the following:

10 “(f) TESTING SCHEDULE.—The Secretary shall—

11 “(1) determine eligibility of a bus manufactur-  
12 er’s request for testing within 10 business days; and

13 “(2) make publicly available the current backlog  
14 (in months) to begin testing a new bus at the bus  
15 testing facility.”.

16 **Subtitle D—Bus Grant Reforms**

17 **SEC. 2401. FORMULA GRANTS FOR BUSES.**

18 Section 5339(a) of title 49, United States Code, is  
19 amended—

20 (1) in paragraph (1)—

21 (A) by inserting “and subsection (d)” after

22 “In this subsection”;

23 (B) in subparagraph (A) by striking “term  
24 ‘low or no emission vehicle’ has” and inserting

25 “term ‘zero emission vehicle’ has”;



1 (C) in subparagraph (B) by inserting “and  
2 the District of Columbia” after “United  
3 States”; and

4 (D) in subparagraph (C) by striking “the  
5 District of Columbia,”;

6 (2) in paragraph (2)(A) by striking “low or no  
7 emission vehicles” and inserting “zero emission vehi-  
8 cles”;

9 (3) in paragraph (4)—

10 (A) in subparagraph (A) by inserting “and  
11 subsection (d)” after “this subsection”; and

12 (B) in subparagraph (B) by inserting “and  
13 subsection (d)” after “this subsection”;

14 (4) in paragraph (5)(A)—

15 (A) by striking “\$90,500,000” and insert-  
16 ing “\$156,750,000”;

17 (B) by striking “2016 through 2020” and  
18 inserting “2022 through 2025”;

19 (C) by striking “\$1,750,000” and inserting  
20 “\$3,000,000”; and

21 (D) by striking “\$500,000” and inserting  
22 “\$750,000”;

23 (5) in paragraph (8) by striking “3 fiscal  
24 years” and inserting “4 fiscal years” each place such  
25 term appears; and

1 (6) by striking paragraph (9).

2 **SEC. 2402. BUS FACILITIES AND FLEET EXPANSION COM-**  
3 **PETITIVE GRANTS.**

4 Section 5339(b) of title 49, United States Code, is  
5 amended—

6 (1) in the heading by striking “BUSES AND  
7 BUS FACILITIES COMPETITIVE GRANTS” and insert-  
8 ing “BUS FACILITIES AND FLEET EXPANSION COM-  
9 PETITIVE GRANTS”;

10 (2) in paragraph (1)—

11 (A) by striking “buses and”;

12 (B) by inserting “and certain buses” after  
13 “capital projects”;

14 (C) in subparagraph (A) by striking  
15 “buses or related equipment” and inserting  
16 “bus-related facilities”; and

17 (D) by striking subparagraph (B) and in-  
18 serting the following:

19 “(B) purchasing or leasing buses that will  
20 not replace buses in the applicant’s fleet at the  
21 time of application and will be used to—

22 “(i) increase the frequency of bus  
23 service; or

24 “(ii) increase the service area of the  
25 applicant.”; and

1           (3) by striking paragraph (2) and inserting the  
2     following:

3           “(2) GRANT CONSIDERATIONS.—In making  
4     grants—

5           “(A) under subparagraph (1)(A), the Sec-  
6     retary shall only consider—

7           “(i) the age and condition of bus-re-  
8     lated facilities of the applicant compared to  
9     all applicants and proposed improvements  
10    to the resilience (as such term is defined in  
11    section 5302) of such facilities;

12          “(ii) for a facility within or partially  
13    within the 100-year floodplain, whether  
14    such facility will be at least 2 feet above  
15    the base flood elevation; and

16          “(iii) for a bus station, the degree of  
17    multi-modal connections at such station;  
18    and

19          “(B) under paragraph (1)(B), the Sec-  
20    retary shall consider the improvements to head-  
21    way and projected new ridership.”.

22   **SEC. 2403. ZERO EMISSION BUS GRANTS.**

23          (a) IN GENERAL.—Section 5339(c) of title 49,  
24    United States Code, is amended—

1           (1) in the heading by striking “Low or No  
2       EMISSION GRANTS” and inserting “ZERO EMISSION  
3       GRANTS”;

4           (2) in paragraph (1)—

5               (A) in subparagraph (B)—

6                   (i) in clause (i) by striking “low or no  
7       emission” and inserting “zero emission”;

8                   (ii) in clause (ii) by striking “low or  
9       no emission” and inserting “zero emis-  
10      sion”;

11                  (iii) in clause (iii) by striking “low or  
12      no emission” and inserting “zero emis-  
13      sion”;

14                  (iv) in clause (iv) by striking “facili-  
15      ties and related equipment for low or no  
16      emission” and inserting “related equip-  
17      ment for zero emission”;

18                  (v) in clause (v) by striking “facilities  
19      and related equipment for low or no emis-  
20      sion vehicles;” and inserting “related  
21      equipment for zero emission vehicles; or”;

22                  (vi) in clause (vii) by striking “low or  
23      no emission” and inserting “zero emis-  
24      sion”;

25                  (vii) by striking clause (vi); and

1 (viii) by redesignating clause (vii) as  
2 clause (vi);

3 (B) by striking subparagraph (D) and in-  
4 serting the following:

5 “(D) the term ‘zero emission bus’ means a  
6 bus that is a zero emission vehicle;”;

7 (C) by striking subparagraph (E) and in-  
8 serting the following:

9 “(E) the term ‘zero emission vehicle’  
10 means a vehicle used to provide public transpor-  
11 tation that produces no carbon dioxide or par-  
12 ticulate matter;”;

13 (D) by striking subparagraph (G) and in-  
14 serting the following:

15 “(G) the term ‘eligible area’ means an area  
16 that is—

17 “(i) designated as a nonattainment  
18 area for ozone or particulate matter under  
19 section 107(d) of the Clean Air Act (42  
20 U.S.C. 7407(d)); or

21 “(ii) a maintenance area, as such  
22 term is defined in section 5303, for ozone  
23 or particulate matter.”;

24 (3) by striking paragraph (5) and inserting the  
25 following:

1           “(5) GRANT ELIGIBILITY.—In awarding grants  
2           under this subsection, the Secretary shall make  
3           grants to eligible projects relating to the acquisition  
4           or leasing of zero emission buses or bus facility im-  
5           provements—

6                   “(A) that procure—

7                           “(i) at least 10 zero emission buses;

8                           or

9                           “(ii) if the recipient operates less than  
10                   50 buses in peak service, at least 5 zero  
11                   emission buses;

12                   “(B) for which the recipient’s board of di-  
13                   rectors has approved a long-term integrated  
14                   fleet management plan that—

15                           “(i) establishes a goal by a set date to  
16                           convert the entire bus fleet to zero emis-  
17                           sion buses; or

18                           “(ii) establishes a goal that within 10  
19                           years from the date of approval of such  
20                           plan the recipient will convert a set per-  
21                           centage of the total bus fleet of such re-  
22                           cipient to zero emission buses; and

23                   “(C) for which the recipient has performed  
24                   a fleet transition study that includes optimal  
25                   route planning and an analysis of how utility

1 rates may impact the recipient's operations and  
2 maintenance budget.”.

3 (b) METROPOLITAN TRANSPORTATION PLANNING.—  
4 Section 5303(b) of title 49, United States Code, is amend-  
5 ed by adding at the end the following:

6 “(8) MAINTENANCE AREA.—The term ‘mainte-  
7 nance area’ has the meaning given the term in sec-  
8 tions 171(2) and 175A of the Clean Air Act (42  
9 U.S.C. 7501(2); 7505a).”.

10 **SEC. 2404. RESTORATION TO STATE OF GOOD REPAIR FOR-**  
11 **MULA SUBGRANT.**

12 Section 5339 of title 49, United States Code, is  
13 amended by adding at the end the following:

14 “(d) RESTORATION TO STATE OF GOOD REPAIR  
15 FORMULA SUBGRANT.—

16 “(1) GENERAL AUTHORITY.—The Secretary  
17 may make grants under this subsection to assist eli-  
18 gible recipients and subrecipients described in para-  
19 graph (2) in financing capital projects to replace, re-  
20 habilitate, and purchase buses and related equip-  
21 ment.

22 “(2) ELIGIBLE RECIPIENTS AND SUBRECIPI-  
23 ENTS.—Not later than September 1 annually, the  
24 Secretary shall make public a list of eligible recipi-  
25 ents and subrecipients based on the most recent

1 data available in the National Transit Database to  
2 calculate the 20 percent of eligible recipients and  
3 subrecipients with the highest percentage of asset  
4 vehicle miles for buses beyond the useful life bench-  
5 mark established by the Federal Transit Administra-  
6 tion.

7 “(3) URBAN APPORTIONMENTS.—Funds allo-  
8 cated under section 5338(a)(2)(L)(ii) shall be—

9 “(A) distributed to—

10 “(i) designated recipients in an urban-  
11 ized area with a population of more than  
12 200,000 made eligible by paragraph (1);  
13 and

14 “(ii) States based on subrecipients  
15 made eligible by paragraph (1) in an ur-  
16 banized area under 200,000; and

17 “(B) allocated pursuant to the formula set  
18 forth in section 5336 other than subsection (b),  
19 using the data from the 20 percent of eligible  
20 recipients and subrecipients.

21 “(4) RURAL ALLOCATION.—The Secretary  
22 shall—

23 “(A) calculate the percentage of funds  
24 under section 5338(a)(2)(L)(ii) to allocate to  
25 rural subrecipients by dividing—



1                   “(i) the asset vehicle miles for buses  
2                   beyond the useful life benchmark (estab-  
3                   lished by the Federal Transit Administra-  
4                   tion) of the rural subrecipients described in  
5                   paragraph (2); by

6                   “(ii) the total asset vehicle miles for  
7                   buses beyond such benchmark of all eligi-  
8                   ble recipients and subrecipients described  
9                   in paragraph (2); and

10                  “(B) prior to the allocation described in  
11                  paragraph (3)(B), apportion to each State the  
12                  amount of the total rural allocation calculated  
13                  under subparagraph (A) attributable to such  
14                  State based the proportion that—

15                   “(i) the asset vehicle miles for buses  
16                   beyond the useful life benchmark (estab-  
17                   lished by the Federal Transit Administra-  
18                   tion) for rural subrecipients described in  
19                   paragraph (2) in such State; bears to

20                   “(ii) the total asset vehicle miles de-  
21                   scribed in subparagraph (A)(i).

22                  “(5) APPLICATION OF OTHER PROVISIONS.—  
23                  Paragraphs (3), (7), and (8) of subsection (a) shall  
24                  apply to eligible recipients and subrecipients de-

1 scribed in paragraph (2) of a grant under this sub-  
2 section.

3 “(6) PROHIBITION.—No eligible recipient or  
4 subrecipient outside the top 5 percent of asset vehi-  
5 cle miles for buses beyond the useful life benchmark  
6 established by the Federal Transit Administration  
7 may receive a grant in both fiscal year 2022 and fis-  
8 cal year 2023.

9 “(7) REQUIREMENT.—The Secretary shall re-  
10 quire—

11 “(A) States to expend, to the benefit of the  
12 subrecipients eligible under paragraph (2), the  
13 apportioned funds attributed to such subrecipi-  
14 ents; and

15 “(B) designated recipients to provide the  
16 allocated funds to the recipients eligible under  
17 paragraph (2) the apportioned funds attributed  
18 to such recipients.”.

## 19 **Subtitle E—Supporting All Riders**

### 20 **SEC. 2501. LOW-INCOME URBAN FORMULA FUNDS.**

21 Section 5336(j) of title 49, United States Code, is  
22 amended

23 (1) in paragraph (1) by striking “75 percent”  
24 and inserting “50 percent”;

1           (2) in paragraph (2) by striking “25 percent”  
2           and inserting “12.5 percent”; and

3           (3) by adding at the end the following:

4           “(3) 30 percent of the funds shall be appor-  
5           tioned among designated recipients for urbanized  
6           areas with a population of 200,000 or more in the  
7           ratio that—

8                   “(A) the number of individuals in each  
9                   such urbanized area residing in an urban cen-  
10                  sus tract with a poverty rate of at least 20 per-  
11                  cent during the 5 years most recently ending;  
12                  bears to

13                   “(B) the number of individuals in all such  
14                   urbanized areas residing in an urban census  
15                  tract with a poverty rate of at least 20 percent  
16                  during the 5 years most recently ending; and

17           “(4) 7.5 percent of the funds shall be appor-  
18           tioned among designated recipients for urbanized  
19           areas with a population less than 200,000 in the  
20           ratio that—

21                   “(A) the number of individuals in each  
22                   such urbanized area residing in an urban cen-  
23                  sus tract with a poverty rate of at least 20 per-  
24                  cent during the 5 years most recently ending;  
25                  bears to

1 “(B) the number of individuals in all such  
2 areas residing in an urban census tract with a  
3 poverty rate of at least 20 percent during the  
4 5 years most recently ending.”.

5 **SEC. 2502. RURAL PERSISTENT POVERTY FORMULA.**

6 Section 5311 of title 49, United States Code, as  
7 amended in section 2204, is further amended—

8 (1) in subsection (a) by adding at the end the  
9 following:

10 “(3) PERSISTENT POVERTY COUNTY.—The  
11 term ‘persistent poverty county’ means any county  
12 with a poverty rate of at least 20 percent—

13 “(A) as determined in each of the 1990  
14 and 2000 decennial censuses;

15 “(B) in the Small Area Income and Pov-  
16 erty Estimates of the Bureau of the Census for  
17 the most recent year for which the estimates  
18 are available; and

19 “(C) has at least 25 percent of its popu-  
20 lation in rural areas.”;

21 (2) in subsection (b)(2)(C)(i) by inserting “and  
22 persistent poverty counties” before the semicolon;  
23 and

24 (3) in subsection (c) by striking paragraph (2)  
25 and inserting the following:

1           “(2) PERSISTENT POVERTY PUBLIC TRANSPOR-  
2           TATION ASSISTANCE PROGRAM.—

3           “(A) IN GENERAL.—The Secretary shall  
4           carry out a public transportation assistance  
5           program for areas of persistent poverty.

6           “(B) APPORTIONMENT.—Of amounts  
7           made available or appropriated for each fiscal  
8           year under section 5338(a)(2)(E)(ii) to carry  
9           out this paragraph, the Secretary shall appor-  
10          tion funds to recipients for service in, or di-  
11          rectly benefitting, persistent poverty counties  
12          for any eligible purpose under this section in  
13          the ratio that—

14               “(i) the number of individuals in each  
15               such rural area residing in a persistent  
16               poverty county; bears to

17               “(ii) the number of individuals in all  
18               such rural areas residing in a persistent  
19               poverty county.”.

20   **SEC. 2503. DEMONSTRATION GRANTS TO SUPPORT RE-**  
21   **DUCED FARE TRANSIT.**

22           Section 5312 of title 49, United States Code, is  
23   amended by adding at the end the following:

24           “(j) DEMONSTRATION GRANTS TO SUPPORT RE-  
25   DUCED FARE TRANSIT.—

1           “(1) IN GENERAL.—Not later than 300 days  
2           after the date of enactment of the INVEST in  
3           America Act, the Secretary shall award grants  
4           (which shall be known as ‘Access to Jobs Grants’)  
5           to eligible entities, on a competitive basis, to imple-  
6           ment reduced fare transit service.

7           “(2) NOTICE.—Not later than 180 days after  
8           the date of enactment of the INVEST in America  
9           Act, the Secretary shall provide notice to eligible en-  
10          tities of the availability of grants under paragraph  
11          (1).

12          “(3) APPLICATION.—To be eligible to receive a  
13          grant under this subsection, an eligible recipient  
14          shall submit to the Secretary an application con-  
15          taining such information as the Secretary may re-  
16          quire, including, at a minimum, the following:

17                 “(A) A description of how the eligible enti-  
18                 ty plans to implement reduced fare transit ac-  
19                 cess with respect to low-income individuals, in-  
20                 cluding any eligibility requirements for such  
21                 transit access.

22                 “(B) A description of how the eligible enti-  
23                 ty will consult with local community stake-  
24                 holders, labor unions, local education agencies  
25                 and institutions of higher education, public

1           housing agencies, and workforce development  
2           boards in the implementation of reduced fares.

3           “(C) A description of the eligible entity’s  
4           current fare evasion enforcement policies, in-  
5           cluding how the eligible entity plans to use the  
6           reduced fare program to reduce fare evasion.

7           “(D) An estimate of additional costs to  
8           such eligible entity as a result of reduced tran-  
9           sit fares.

10          “(4) GRANT DURATION.—Grants awarded  
11          under this subsection shall be for a 2-year period.

12          “(5) SELECTION OF ELIGIBLE RECIPIENTS.—In  
13          carrying out the program under this subsection, the  
14          Secretary shall award not more than 20 percent of  
15          grants to eligible entities located in rural areas.

16          “(6) USES OF FUNDS.—An eligible entity re-  
17          ceiving a grant under this subsection shall use such  
18          grant to implement a reduced fare transit program  
19          and offset lost fare revenue.

20          “(7) DEFINITIONS.—In this subsection:

21                 “(A) ELIGIBLE ENTITY.—The term ‘eligi-  
22                 ble entity’ means a State, local, or Tribal gov-  
23                 ernmental entity that operates a public trans-  
24                 portation service and is a recipient or sub-  
25                 recipient of funds under this chapter.

1                   “(B)   LOW-INCOME    INDIVIDUAL.—The  
2                   term ‘low-income individual’ means an indi-  
3                   vidual—

4                   “(i) that has qualified for—

5                   “(I) any program of medical as-  
6                   sistance under a State plan or under  
7                   a waiver of the plan under title XIX  
8                   of the Social Security Act (42 U.S.C.  
9                   1396 et seq.);

10                  “(II) supplemental nutrition as-  
11                  sistance program (SNAP) under the  
12                  Food and Nutrition Act of 2008 (7  
13                  U.S.C. 2011 et seq.);

14                  “(III) the program of block  
15                  grants for States for temporary assist-  
16                  ance for needy families (TANF) es-  
17                  tablished under part A of title IV of  
18                  the Social Security Act (42 U.S.C.  
19                  601 et seq.);

20                  “(IV) the free and reduced price  
21                  school lunch program established  
22                  under the Richard B. Russell National  
23                  School Lunch Act (42 U.S.C. 1751 et  
24                  seq.);



1 “(V) a housing voucher through  
2 section 8(o) of the United States  
3 Housing Act of 1937 (42 U.S.C.  
4 1437f(o));

5 “(VI) benefits under the Low-In-  
6 come Home Energy Assistance Act of  
7 1981; or

8 “(VII) special supplemental food  
9 program for women, infants and chil-  
10 dren (WIC) under section 17 of the  
11 Child Nutrition Act of 1966 (42  
12 U.S.C. 1786); or

13 “(ii) whose family income is at or  
14 below a set percent (as determined by the  
15 eligible recipient) of the poverty line (as  
16 that term is defined in section 673(2) of  
17 the Community Service Block Grant Act  
18 (42 U.S.C. 9902(2)), including any revi-  
19 sion required by that section) for a family  
20 of the size involved.

21 “(8) REPORT.—The Secretary shall designate a  
22 university transportation center under section 5505  
23 to collaborate with the eligible entities receiving a  
24 grant under this subsection to collect necessary data  
25 to evaluate the effectiveness of meeting the targets

1 described in the application of such recipient, includ-  
2 ing increased ridership and progress towards signifi-  
3 cantly closing transit equity gaps.”.

4 **Subtitle F—Supporting Frontline**  
5 **Workers and Passenger Safety**

6 **SEC. 2601. NATIONAL TRANSIT FRONTLINE WORKFORCE**  
7 **TRAINING CENTER.**

8 Section 5314(b) of title 49, United States Code, is  
9 amended—

10 (1) by striking paragraph (2) and inserting the  
11 following:

12 “(2) NATIONAL TRANSIT FRONTLINE WORK-  
13 FORCE TRAINING CENTER.—

14 “(A) ESTABLISHMENT.—The Secretary  
15 shall establish a national transit frontline work-  
16 force training center (hereinafter referred to as  
17 the ‘Center’) and award grants to a nonprofit  
18 organization with a demonstrated capacity to  
19 develop and provide transit career ladder pro-  
20 grams through labor-management partnerships  
21 and apprenticeships on a nationwide basis, in  
22 order to carry out the duties under subpara-  
23 graph (B). The Center shall be dedicated to the  
24 needs of the frontline transit workforce in both  
25 rural and urban transit systems by providing

1 standards-based training in the maintenance  
2 and operations occupations.

3 “(B) DUTIES.—

4 “(i) IN GENERAL.—In cooperation  
5 with the Administrator of the Federal  
6 Transit Administration, public transpor-  
7 tation authorities, and national entities,  
8 the Center shall develop and conduct train-  
9 ing and educational programs for frontline  
10 local transportation employees of recipients  
11 eligible for funds under this chapter.

12 “(ii) TRAINING AND EDUCATIONAL  
13 PROGRAMS.—The training and educational  
14 programs developed under clause (i) may  
15 include courses in recent developments,  
16 techniques, and procedures related to—

17 “(I) developing consensus na-  
18 tional training standards in partner-  
19 ship with industry stakeholders for  
20 key frontline transit occupations with  
21 demonstrated skill gaps;

22 “(II) developing national systems  
23 of qualification and apprenticeship for  
24 transit maintenance and operations  
25 occupations;

1                   “(III) building local, regional,  
2                   and statewide transit training part-  
3                   nerships to identify and address work-  
4                   force skill gaps and develop skills  
5                   needed for delivering quality transit  
6                   service and supporting employee ca-  
7                   reer advancement;

8                   “(IV) developing programs for  
9                   training of transit frontline workers,  
10                  instructors, mentors, and labor-man-  
11                  agement partnership representatives,  
12                  in the form of classroom, hands-on,  
13                  on-the-job, and web-based training,  
14                  delivered at a national center, region-  
15                  ally, or at individual transit agencies;

16                  “(V) developing training pro-  
17                  grams for skills related to existing  
18                  and emerging transit technologies, in-  
19                  cluding zero emission buses;

20                  “(VI) developing improved capac-  
21                  ity for safety, security, and emergency  
22                  preparedness in local transit systems  
23                  and in the industry as a whole  
24                  through—

1                   “(aa) developing the role of  
2                   the transit frontline workforce in  
3                   building and sustaining safety  
4                   culture and safety systems in the  
5                   industry and in individual public  
6                   transportation systems; and

7                   “(bb) training to address  
8                   transit frontline worker roles in  
9                   promoting health and safety for  
10                  transit workers and the riding  
11                  public;

12                  “(VII) developing local transit  
13                  capacity for career pathways partner-  
14                  ships with schools and other commu-  
15                  nity organizations for recruiting and  
16                  training under-represented popu-  
17                  lations as successful transit employees  
18                  who can develop careers in the transit  
19                  industry; and

20                  “(VIII) in collaboration with the  
21                  Administrator of the Federal Transit  
22                  Administration and organizations rep-  
23                  resenting public transit agencies, con-  
24                  ducting and disseminating research  
25                  to—

1 “(aa) provide transit work-  
2 force job projections and identify  
3 training needs and gaps;

4 “(bb) determine the most  
5 cost-effective methods for transit  
6 workforce training and develop-  
7 ment, including return on invest-  
8 ment analysis;

9 “(cc) identify the most effec-  
10 tive methods for implementing  
11 successful safety systems and a  
12 positive safety culture; and

13 “(dd) promote transit work-  
14 force best practices for achieving  
15 cost-effective, quality, safe, and  
16 reliable public transportation  
17 services.

18 “(C) COORDINATION.—The Secretary shall  
19 coordinate activities under this section, to the  
20 maximum extent practicable, with the National  
21 Office of Apprenticeship of the Department of  
22 Labor and the Office of Career, Technical, and  
23 Adult Education of the Department of Edu-  
24 cation.

25 “(D) AVAILABILITY OF AMOUNTS.—

1 “(i) IN GENERAL.—Not more than 1  
2 percent of amounts made available to a re-  
3 cipient under sections 5307, 5311, 5337,  
4 and 5339 is available for expenditures by  
5 the recipient, with the approval of the Sec-  
6 retary, to pay not more than 80 percent of  
7 the cost of eligible activities under this  
8 subsection.

9 “(ii) EXISTING PROGRAMS.—A recipi-  
10 ent may use amounts made available under  
11 clause (i) to carry out existing local edu-  
12 cation and training programs for public  
13 transportation employees supported by the  
14 Secretary, the Department of Labor, or  
15 the Department of Education.”;

16 (2) in paragraph (3) by striking “or (2)”; and  
17 (3) by striking paragraph (4).

18 **SEC. 2602. PUBLIC TRANSPORTATION SAFETY PROGRAM.**

19 Section 5329 of title 49, United States Code, is  
20 amended—

21 (1) in subsection (b)(2)(C)(ii)—

22 (A) in subclause (I) by striking “and” at  
23 the end;

24 (B) in subclause (II) by striking the semi-  
25 colon and inserting “; and”; and

1 (C) by adding at the end the following:

2 “(III) innovations in driver as-  
3 sistance technologies and driver pro-  
4 tection infrastructure where appro-  
5 priate, and a reduction in visibility  
6 impairments that contribute to pedes-  
7 trian fatalities.”;

8 (2) in subsection (d)—

9 (A) in paragraph (1)—

10 (i) in subparagraph (A) by inserting  
11 “the safety committee established under  
12 paragraph (4), and subsequently,” before  
13 “the board of directors”;

14 (ii) in subparagraph (C) by striking  
15 “public, personnel, and property” and in-  
16 serting “public and personnel to injuries,  
17 assaults, and fatalities, and strategies to  
18 minimize the exposure of property”;

19 (iii) by striking subparagraph (G) and  
20 inserting the following:

21 “(G) a comprehensive staff training pro-  
22 gram for the operations and maintenance per-  
23 sonnel and personnel directly responsible for  
24 safety of the recipient that includes—



1 “(i) the completion of a safety train-  
2 ing program;

3 “(ii) continuing safety education and  
4 training; and

5 “(iii) de-escalation training;

6 “(H) a requirement that the safety com-  
7 mittee only approve a safety plan under sub-  
8 paragraph (A) if such plan stays within such  
9 recipient’s fiscal budget; and

10 “(I) a risk reduction program for transit  
11 operations to improve safety by reducing the  
12 number and rates of accidents, injuries, and as-  
13 saults on transit workers using data submitted  
14 to the National Transit Database, including—

15 “(i) a reduction of vehicular and pe-  
16 destrian accidents involving buses that in-  
17 cludes measures to reduce visibility impair-  
18 ments for bus operators that contribute to  
19 accidents, including retrofits to buses in  
20 revenue service and specifications for fu-  
21 ture procurements that reduce visibility  
22 impairments; and

23 “(ii) transit worker assault mitigation,  
24 including the deployment of assault mitiga-  
25 tion infrastructure and technology on

1 buses, including barriers to restrict the un-  
2 wanted entry of individuals and objects  
3 into bus operators' workstations when a re-  
4 cipient's risk analysis performed by the  
5 safety committee established in paragraph  
6 (4) determines that such barriers or other  
7 measures would reduce assaults on and in-  
8 juries to transit workers; and"; and

9 (B) by adding at the end the following:

10 “(4) SAFETY COMMITTEE.—For purposes of the  
11 approval process of an agency safety plan under  
12 paragraph (1), the safety committee shall be con-  
13 vened by a joint labor-management process and con-  
14 sist of an equal number of—

15 “(A) frontline employee representatives, se-  
16 lected by—

17 “(i) if the recipient directly employs  
18 frontline transit workers, the recipient; or

19 “(ii) if the recipient does not directly  
20 employ frontline transit workers, the con-  
21 tractor employing the most frontline tran-  
22 sit workers providing service on behalf of  
23 the recipient; and

24 “(B) employer or State representatives.”;

25 and

1 (3) in subsection (e)(4)(A)(v) by inserting “, in-  
2 spection,” after “has investigative”.

3 **SEC. 2603. INNOVATION WORKFORCE STANDARDS.**

4 (a) PROHIBITION ON USE OF FUNDS.—No financial  
5 assistance under chapter 53 of title 49, United States  
6 Code, may be used for—

7 (1) an automated vehicle providing public trans-  
8 portation unless—

9 (A) the recipient of such assistance that  
10 proposes to deploy an automated vehicle pro-  
11 viding public transportation certifies to the Sec-  
12 retary of Transportation that the deployment  
13 does not duplicate, eliminate, or reduce the fre-  
14 quency of existing public transportation service;  
15 and

16 (B) the Secretary receives, approves, and  
17 publishes the workforce development plan under  
18 subsection (b) submitted by the eligible entity  
19 when required by subsection (b)(1); and

20 (2) a mobility on demand service unless—

21 (A) the recipient of such assistance that  
22 proposes to deploy a mobility on demand service  
23 certifies to the Secretary that the service meets  
24 the criteria under section 5316 of title 49,  
25 United States Code; and

1 (B) the Secretary receives, approves, and  
2 publishes the workforce development plan under  
3 subsection (b) submitted by the eligible entity  
4 when required by subsection (b)(1).

5 (b) WORKFORCE DEVELOPMENT PLAN.—

6 (1) IN GENERAL.—A recipient of financial as-  
7 sistance under chapter 53 of title 49, United States  
8 Code, proposing to deploy an automated vehicle pro-  
9 viding public transportation or mobility on demand  
10 service shall submit to the Secretary, prior to imple-  
11 mentation of such service, a workforce development  
12 plan if such service, combined with any other auto-  
13 mated vehicle providing public transportation or mo-  
14 bility on demand service offered by such recipient,  
15 would exceed by more than 0.5 percent of the recipi-  
16 ent's total transit passenger miles traveled.

17 (2) CONTENTS.—The workforce development  
18 plan under subsection (a) shall include the following:

19 (A) A description of services offered by ex-  
20 isting modes of public transportation in the  
21 area served by the recipient that could be af-  
22 fected by the proposed automated vehicle pro-  
23 viding public transportation or mobility on de-  
24 mand service, including jobs and functions of  
25 such jobs.

1 (B) A forecast of the number of jobs pro-  
2 vided by existing modes of public transportation  
3 that would be eliminated or that would be sub-  
4 stantially changed and the number of jobs ex-  
5 pected to be created by the proposed automated  
6 vehicle providing public transportation or mobil-  
7 ity on demand service over a 5-year period from  
8 the date of the publication of the workforce de-  
9 velopment plan.

10 (C) Identified gaps in skills needed to op-  
11 erate and maintain the proposed automated ve-  
12 hicle providing public transportation or mobility  
13 on demand service.

14 (D) A comprehensive plan to transition,  
15 train, or retrain employees that could be af-  
16 fected by the proposed automated vehicle pro-  
17 viding public transportation or mobility on de-  
18 mand service.

19 (E) An estimated budget to transition,  
20 train, or retrain employees impacted by the pro-  
21 posed automated vehicle providing public trans-  
22 portation or mobility on demand service over a  
23 5-year period from the date of the publication  
24 of the workforce development plan.

25 (c) NOTICE REQUIRED.—

1           (1) IN GENERAL.—A recipient of financial as-  
2           sistance under chapter 53 of title 49, United States  
3           Code, shall issue a notice to employees who, due to  
4           the use of an automated vehicle providing public  
5           transportation or mobility on demand service, may  
6           be subjected to a loss of employment or a change in  
7           responsibilities not later than 60 days before issuing  
8           a request for proposals to procure or contract for  
9           such a vehicle.

10          (2) CONTENT.—The notice required in para-  
11          graph (1) shall include the following:

12                (A) A description of the automated vehicle  
13                providing public transportation or mobility on  
14                demand service.

15                (B) The impact of the automated vehicle  
16                providing public transportation or mobility on  
17                demand service on employment positions, in-  
18                cluding a description of which employment posi-  
19                tions will be affected and whether any new posi-  
20                tions will be created.

21          (d) DEFINITIONS.—In this section:

22                (1) AUTOMATED VEHICLE.—The term “auto-  
23                mated vehicle” means a motor vehicle that—

24                        (A) is capable of performing the entire  
25                        task of driving (including steering, accelerating

1 and decelerating, and reacting to external stim-  
2 ulus) without human intervention; and

3 (B) is designed to be operated exclusively  
4 by a Level 4 or Level 5 automated driving sys-  
5 tem for all trips according to the recommended  
6 practice standards published on June 15, 2018,  
7 by the Society of Automotive Engineers Inter-  
8 national (J3016\_\_201806) or equivalent stand-  
9 ards adopted by the Secretary with respect to  
10 automated motor vehicles.

11 (2) MOBILITY ON DEMAND.—The term “mobil-  
12 ity on demand” has the meaning given such term in  
13 section 5316 of title 49, United States Code.

14 (3) PUBLIC TRANSPORTATION.—The term  
15 “public transportation” has the meaning given such  
16 term in section 5302 of title 49, United States Code.

17 **SEC. 2604. SAFETY PERFORMANCE MEASURES AND SET**  
18 **ASIDES.**

19 Section 5329(d)(2) of title 49, United States Code,  
20 is amended to read as follows:

21 “(2) SAFETY COMMITTEE PERFORMANCE MEAS-  
22 URES.—

23 “(A) IN GENERAL.—The safety committee  
24 described in paragraph (4) shall establish per-  
25 formance measures for the risk reduction pro-

1           gram in paragraph (1)(I) using a 3-year rolling  
2           average of the data submitted by the recipient  
3           to the National Transit Database.

4           “(B) SAFETY SET ASIDE.—With respect to  
5           a recipient serving an urbanized area that re-  
6           ceives funds under section 5307, such recipient  
7           shall allocate not less than 0.75 percent of such  
8           funds to projects eligible under 5307.

9           “(C) FAILURE TO MEET PERFORMANCE  
10          MEASURES.—Any recipient that receives funds  
11          under section 5307 that does not meet the per-  
12          formance measures established in subparagraph  
13          (A) shall allocate the amount made available in  
14          subparagraph (B) in the following fiscal year to  
15          projects described in subparagraph (D).

16          “(D) ELIGIBLE PROJECTS.—Funds set  
17          aside under this paragraph shall be used for  
18          projects that are reasonably likely to meet the  
19          performance measures established in subpara-  
20          graph (A), including modifications to rolling  
21          stock and de-escalation training.”.



1       **Subtitle G—Transit-Supportive**  
2                   **Communities**

3   **SEC. 2701. TRANSIT-SUPPORTIVE COMMUNITIES.**

4       (a) IN GENERAL.—Chapter 53 of subtitle III of title  
5   49, United States Code, is amended by inserting after sec-  
6   tion 5327 the following:

7   **“§ 5328. Transit-supportive communities**

8       “(a) ESTABLISHMENT.—The Secretary shall estab-  
9   lish within the Federal Transit Administration, an Office  
10   of Transit-Supportive Communities to make grants, pro-  
11   vide technical assistance, and assist in the coordination  
12   of transit and housing policies within the Federal Transit  
13   Administration, the Department of Transportation, and  
14   across the Federal Government.

15       “(b) TRANSIT ORIENTED DEVELOPMENT PLANNING  
16   GRANT PROGRAM.—

17       “(1) DEFINITION.—In this subsection the term  
18   ‘eligible project’ means—

19               “(A) a new fixed guideway capital project  
20               or a core capacity improvement project as de-  
21               fined in section 5309;

22               “(B) an existing fixed guideway system, or  
23               an existing station that is served by a fixed  
24               guideway system; or

1           “(C) the immediate corridor along the  
2           highest 25 percent of routes by ridership as  
3           demonstrated in section 5336(b)(2)(B).

4           “(2) GENERAL AUTHORITY.—The Secretary  
5           may make grants under this subsection to a State  
6           or local governmental authority to assist in financing  
7           comprehensive planning associated with an eligible  
8           project that seeks to—

9           “(A) enhance economic development, rider-  
10          ship, and other goals established during the  
11          project development and engineering processes  
12          or the grant application;

13          “(B) facilitate multimodal connectivity and  
14          accessibility;

15          “(C) increase access to transit hubs for pe-  
16          destrian and bicycle traffic;

17          “(D) enable mixed-use development;

18          “(E) identify infrastructure needs associ-  
19          ated with the eligible project; and

20          “(F) include private sector participation.

21          “(3) ELIGIBILITY.—A State or local govern-  
22          mental authority that desires to participate in the  
23          program under this subsection shall submit to the  
24          Secretary an application that contains at a min-  
25          imum—

1 “(A) an identification of an eligible project;

2 “(B) a schedule and process for the devel-  
3 opment of a comprehensive plan;

4 “(C) a description of how the eligible  
5 project and the proposed comprehensive plan  
6 advance the metropolitan transportation plan of  
7 the metropolitan planning organization;

8 “(D) proposed performance criteria for the  
9 development and implementation of the com-  
10 prehensive plan;

11 “(E) a description of how the project will  
12 reduce and mitigate social and economic im-  
13 pacts on existing residents and businesses vul-  
14 nerable to displacement; and

15 “(F) identification of—

16 “(i) partners;

17 “(ii) availability of and authority for  
18 funding; and

19 “(iii) potential State, local or other  
20 impediments to the implementation of the  
21 comprehensive plan.

22 “(4) COST SHARE.—A grant under this sub-  
23 section shall not exceed an amount in excess of 80  
24 percent of total project costs, except that a grant  
25 that includes an affordable housing component shall

1 not exceed an amount in excess of 90 percent of  
2 total project costs.

3 “(c) TECHNICAL ASSISTANCE.—The Secretary shall  
4 provide technical assistance to local governmental authori-  
5 ties and states in the planning and development of transit-  
6 oriented development projects and transit supportive cor-  
7 ridor policies, including—

8 “(1) the siting, planning, financing, and inte-  
9 gration of transit-oriented development projects;

10 “(2) the integration of transit-oriented develop-  
11 ment and transit-supportive corridor policies in the  
12 preparation for and development of an application  
13 for funding under section 602 of title 23;

14 “(3) the siting, planning, financing, and inte-  
15 gration of transit-oriented development and transit  
16 supportive corridor policies associated with projects  
17 under section 5309;

18 “(4) the development of housing feasibility as-  
19 sessments as allowed under section 5309(g)(3)(B);

20 “(5) the development of transit-supportive cor-  
21 ridor policies that promote transit ridership and  
22 transit-oriented development;

23 “(6) the development, implementation, and  
24 management of land value capture programs; and

1           “(7) the development of model contracts, model  
2 codes, and best practices for the implementation of  
3 transit-oriented development projects and transit-  
4 supportive corridor policies.

5           “(d) EQUITY.—In providing technical assistance  
6 under subsection (c), the Secretary shall incorporate strat-  
7 egies to promote equity for underrepresented and under-  
8 served communities, including—

9           “(1) preventing displacement of existing resi-  
10 dents and businesses;

11           “(2) mitigating rent and housing price in-  
12 creases;

13           “(3) incorporating affordable rental and owner-  
14 ship housing in transit-oriented development;

15           “(4) engaging under-served, limited English  
16 proficiency, low income, and minority communities  
17 in the planning process;

18           “(5) fostering economic development opportuni-  
19 ties for existing residents and businesses; and

20           “(6) targeting affordable housing that help less-  
21 en homelessness.

22           “(e) AUTHORITY TO REQUEST STAFFING ASSIST-  
23 ANCE.—In fulfilling the duties of this section, the Sec-  
24 retary shall, as needed, request staffing and technical as-

1 sistance from other Federal agencies, programs, adminis-  
2 trations, boards, or commissions.

3 “(f) REVIEW EXISTING POLICIES AND PROGRAMS.—

4 Not later than 24 months after the date of enactment of  
5 this section, the Secretary shall review and evaluate all  
6 existing policies and programs within the Federal Transit  
7 Administration that support or promote transit-oriented  
8 development to ensure their coordination and effectiveness  
9 relative to the goals of this section.

10 “(g) REPORTING.—Not later than February 1 of  
11 each year beginning the year after the date of enactment  
12 of this section, the Secretary shall prepare a report detail-  
13 ing the grants and technical assistance provided under this  
14 section. The report shall be provided to the Committee on  
15 Transportation and Infrastructure of the House of Rep-  
16 resentatives and the Committee on Banking, Housing and  
17 Urban Affairs of the Senate.

18 “(h) SAVINGS CLAUSE.—Nothing in this section au-  
19 thorizes the Secretary to provide any financial assistance  
20 for the construction of housing.”.

21 (b) CLERICAL AMENDMENT.—The analysis for chap-  
22 ter 53 of subtitle III of title 49, United States Code, is  
23 amended by inserting after the item relating to section  
24 5327 the following:

“5328. Transit-supportive communities.”.

1 (c) TECHNICAL AND CONFORMING AMENDMENT.—  
2 Section 20005 of the MAP-21 (Public Law 112-141) is  
3 amended—

4 (1) by striking “(a) AMENDMENT.—”; and  
5 (2) by striking subsection (b).

6 **SEC. 2702. PROPERTY DISPOSITION FOR AFFORDABLE**  
7 **HOUSING.**

8 Section 5334(h)(1) of title 49, United States Code,  
9 is amended to read as follows:

10 “(1) IN GENERAL.—If a recipient of assistance  
11 under this chapter decides an asset acquired under  
12 this chapter at least in part with that assistance is  
13 no longer needed for the purpose for which such  
14 asset was acquired, the Secretary may authorize the  
15 recipient to transfer such asset to—

16 “(A) a local governmental authority to be  
17 used for a public purpose with no further obli-  
18 gation to the Government if the Secretary de-  
19 cides—

20 “(i) the asset will remain in public use  
21 for at least 5 years after the date the asset  
22 is transferred;

23 “(ii) there is no purpose eligible for  
24 assistance under this chapter for which the  
25 asset should be used;

1                   “(iii) the overall benefit of allowing  
2                   the transfer is greater than the interest of  
3                   the Government in liquidation and return  
4                   of the financial interest of the Government  
5                   in the asset, after considering fair market  
6                   value and other factors; and

7                   “(iv) through an appropriate screen-  
8                   ing or survey process, that there is no in-  
9                   terest in acquiring the asset for Govern-  
10                  ment use if the asset is a facility or land;  
11                  or

12                  “(B) a local governmental authority, non-  
13                  profit organization, or other third party entity  
14                  to be used for the purpose of transit-oriented  
15                  development with no further obligation to the  
16                  Government if the Secretary decides—

17                  “(i) the asset is a necessary compo-  
18                  nent of a proposed transit-oriented devel-  
19                  opment project;

20                  “(ii) the transit-oriented development  
21                  project will increase transit ridership;

22                  “(iii) at least 15 percent of the hous-  
23                  ing units offered in the transit-oriented de-  
24                  velopment are legally binding affordability  
25                  restricted to tenants with incomes below



1                   60 percent of the area median income and/  
2                   or owners with incomes below 60 percent  
3                   the area median income;

4                   “(iv) the asset will remain in use as  
5                   described in this section for at least 15  
6                   years after the date the asset is trans-  
7                   ferred; and

8                   “(v) with respect to a transfer to a  
9                   third party entity—

10                   “(I) a local government authority  
11                   or nonprofit organization is unable to  
12                   receive the property; and

13                   “(II) the overall benefit of allow-  
14                   ing the transfer is greater than the in-  
15                   terest of the Government in liquida-  
16                   tion and return of the financial inter-  
17                   est of the Government in the asset,  
18                   after considering fair market value  
19                   and other factors.”.

20   **SEC. 2703. AFFORDABLE HOUSING INCENTIVES IN CAPITAL**  
21                   **INVESTMENT GRANTS.**

22                   Section 5309 of title 49, United States Code, is  
23   amended—

24                   (1) in subsection (g)—

25                   (A) in paragraph (2)(B)—

1 (i) in clause (i) by striking “; and”  
2 and inserting a semicolon;

3 (ii) in clause (ii) by striking the pe-  
4 riod and inserting “; and”; and

5 (iii) by adding at the end the fol-  
6 lowing:

7 “(iii) in the case of a new fixed guide-  
8 way capital project or a core capacity im-  
9 provement project, allow a weighting five  
10 points greater to the economic development  
11 subfactor and five points lesser to the low-  
12 est scoring subfactor if the applicant dem-  
13 onstrates substantial efforts to preserve or  
14 encourage affordable housing near the  
15 project by providing documentation of poli-  
16 cies that allow by-right multi-family hous-  
17 ing, single room occupancy units, or acces-  
18 sory dwelling units, providing local capital  
19 sources for transit-oriented development,  
20 or demonstrate other methods as deter-  
21 mined by the Secretary.”; and

22 (B) in paragraph (3), as amended by this  
23 Act, by adding at the end the following:

24 “(B) establish a warrant that applies to  
25 the economic development project justification

1 criteria, provided that the applicant that re-  
2 quests a warrant under this process has com-  
3 pleted and submitted a housing feasibility as-  
4 sessment.”; and

5 (2) in subsection (l)(4)—

6 (A) in subparagraph (B) by striking “; or”  
7 and inserting a semicolon;

8 (B) in subparagraph (C) by striking the  
9 period and inserting “; or”; and

10 (C) by adding at the end the following:

11 “(D) from grant proceeds distributed  
12 under section 103 of the Housing and Commu-  
13 nity Development Act of 1974 (42 U.S.C.  
14 5303) or section 201 of the Public Works and  
15 Economic Development Act of 1965 (42 U.S.C.  
16 3141) provided that—

17 “(i) such funds are used in conjunc-  
18 tion with the planning or development of  
19 affordable housing; and

20 “(ii) such affordable housing is lo-  
21 cated within one-half of a mile of a new  
22 station.”.

1                   **Subtitle H—Innovation**

2   **SEC. 2801. MOBILITY INNOVATION SANDBOX PROGRAM.**

3           Section 5312(d) of title 49, United States Code, is  
4   amended by adding at the end the following:

5                   “(3) MOBILITY INNOVATION SANDBOX PRO-  
6           GRAM.—The Secretary may make funding available  
7           under this subsection to carry out research on mobil-  
8           ity on demand and mobility as a service activities eli-  
9           gible under section 5316.”.

10   **SEC. 2802. TRANSIT BUS OPERATOR COMPARTMENT REDE-**  
11                   **SIGN PROGRAM.**

12           Section 5312(d) of title 49, United States Code, is  
13   further amended by adding at the end the following:

14                   “(4) TRANSIT BUS OPERATOR COMPARTMENT  
15           REDESIGN PROGRAM.—

16                   “(A) IN GENERAL.—The Secretary may  
17           make funding available under this subsection to  
18           carry out research on redesigning transit bus  
19           operator compartments to improve safety, oper-  
20           ational efficiency, and passenger accessibility.

21                   “(B) OBJECTIVES.—Research objectives  
22           under this paragraph shall include—

23                   “(i) increasing bus operator safety  
24           from assaults;

1 “(ii) optimizing operator visibility and  
2 reducing operator distractions to improve  
3 safety of bus passengers, pedestrians,  
4 bicyclists, and other roadway users;

5 “(iii) expanding passenger accessi-  
6 bility for positive interactions between op-  
7 erators and passengers, including assisting  
8 passengers in need of special assistance;

9 “(iv) accommodating compliance for  
10 passenger boarding, alighting, and secure-  
11 ment with the Americans with Disabilities  
12 Act of 1990 (42 U.S.C. 12101 et seq.);  
13 and

14 “(v) improving ergonomics to reduce  
15 bus operator work-related health issues  
16 and injuries, as well as locate key instru-  
17 ment and control interfaces to improve  
18 operational efficiency and convenience.

19 “(C) ACTIVITIES.—Eligible activities under  
20 this paragraph shall include—

21 “(i) measures to reduce visibility im-  
22 pairments and distractions for bus opera-  
23 tors that contribute to accidents, including  
24 retrofits to buses in revenue service and  
25 specifications for future procurements that

1           reduce visibility impairments and distrac-  
2           tions;

3           “(ii) the deployment of assault mitiga-  
4           tion infrastructure and technology on  
5           buses, including barriers to restrict the un-  
6           wanted entry of individuals and objects  
7           into bus operators’ workstations;

8           “(iii) technologies to improve pas-  
9           senger accessibility, including boarding,  
10          alighting, and securement in compliance  
11          with the Americans with Disabilities Act of  
12          1990 (42 U.S.C. 12101 et seq.);

13          “(iv) installation of seating and modi-  
14          fication to design specifications of bus op-  
15          erator workstations that reduce or prevent  
16          injuries from ergonomic risks; or

17          “(v) other measures that align with  
18          the objectives under subparagraph (B).

19          “(D) ELIGIBLE ENTITIES.—Entities eligi-  
20          ble to receive funding under this paragraph  
21          shall include consortia consisting of, at a min-  
22          imum:

23                 “(i) recipients of funds under this  
24                 chapter that provide public transportation  
25                 services;

1 “(ii) transit vehicle manufacturers;

2 “(iii) representatives from organiza-  
3 tions engaged in collective bargaining on  
4 behalf of transit workers in not fewer than  
5 3 States; and

6 “(iv) any nonprofit institution of high-  
7 er education, as defined in section 101 of  
8 the Higher Education Act of 1965 (20  
9 U.S.C. 1001).”.

10 **SEC. 2803. FEDERAL TRANSIT ADMINISTRATION EVERY DAY**  
11 **COUNTS INITIATIVE.**

12 Section 5312 of title 49, United States Code, as  
13 amended by section 2503, is further amended by adding  
14 at the end the following:

15 “(k) EVERY DAY COUNTS INITIATIVE.—

16 “(1) IN GENERAL.—It is in the national inter-  
17 est for the Department of Transportation and recipi-  
18 ents of Federal public transportation funds—

19 “(A) to identify, accelerate, and deploy in-  
20 novation aimed at expediting project delivery,  
21 enhancing the safety of transit systems of the  
22 United States, and protecting the environment;

23 “(B) to ensure that the planning, design,  
24 engineering, construction, and financing of

1 transportation projects is done in an efficient  
2 and effective manner;

3 “(C) to promote the rapid deployment of  
4 proven solutions that provide greater account-  
5 ability for public investments; and

6 “(D) to create a culture of innovation  
7 within the transit community.

8 “(2) FTA EVERY DAY COUNTS INITIATIVE.—To  
9 advance the policies described in paragraph (1), the  
10 Administrator of the Federal Transit Administration  
11 shall adopt the Every Day Counts initiative to work  
12 with recipients to identify and deploy the proven in-  
13 novation practices and products that—

14 “(A) accelerate innovation deployment;

15 “(B) expedite the project delivery process;

16 “(C) improve environmental sustainability;

17 “(D) enhance transit safety;

18 “(E) expand mobility; and

19 “(F) reduce greenhouse gas emissions.

20 “(3) CONSIDERATION.—In accordance with the  
21 Every Day Counts goals described in paragraphs (1)  
22 and (2), the Administrator shall consider research  
23 conducted through the university transportation cen-  
24 ters program in section 5505.

25 “(4) INNOVATION DEPLOYMENT.—



1           “(A) IN GENERAL.—At least every 2 years,  
2           the Administrator shall work collaboratively  
3           with recipients to identify a new collection of in-  
4           novations, best practices, and data to be de-  
5           ployed to recipients through case studies,  
6           webinars, and demonstration projects.

7           “(B) REQUIREMENTS.—In identifying a  
8           collection described in subparagraph (A), the  
9           Secretary shall take into account market readi-  
10          ness, impacts, benefits, and ease of adoption of  
11          the innovation or practice.

12          “(5) PUBLICATION.—Each collection identified  
13          under paragraph (4) shall be published by the Ad-  
14          ministrator on a publicly available website.”.

15 **SEC. 2804. TECHNICAL CORRECTIONS.**

16          Section 5312 of title 49, United States Code, as  
17          amended in section 2503 and 2803, is further amended—

18               (1) in subsection (e)—

19                       (A) in paragraph (3)(C) by striking “low  
20                       or no emission vehicles, zero emission vehicles,”  
21                       and inserting “zero emission vehicles”; and

22                       (B) by striking paragraph (6) and insert-  
23                       ing the following:

24                       “(6) ZERO EMISSION VEHICLE DEFINED.—In  
25                       this subsection, the term ‘zero emission vehicle’

1 means a passenger vehicle used to provide public  
2 transportation that produces no carbon or particu-  
3 late matter.”;

4 (2) by redesignating the first subsection (g) as  
5 subsection (f); and

6 (3) in subsection (h)—

7 (A) in the header by striking “LOW OR NO  
8 EMISSION” and inserting “ZERO EMISSION”;

9 (B) in paragraph (1)—

10 (i) by striking subparagraph (B) and  
11 inserting the following:

12 “(B) the term ‘zero emission vehicle’ has  
13 the meaning given such term in subsection  
14 (e)(6);” and

15 (ii) in subparagraph (D) by striking  
16 “low or no emission vehicle” and inserting  
17 “zero emission vehicle” each place such  
18 term appears;

19 (C) in paragraph (2)—

20 (i) in the heading by striking “LOW  
21 OR NO EMISSION” and inserting “ZERO  
22 EMISSION”; and

23 (ii) by striking “low or no emission”  
24 and inserting “zero emission” each place  
25 such term appears;

1 (D) in paragraph (3) by striking “low or  
2 no emission” and inserting “zero emission”  
3 each place such term appears; and

4 (E) in paragraph (5)(A) by striking “low  
5 or no emission” and inserting “zero emission”.

## 6 **Subtitle I—Other Program** 7 **Reauthorizations**

### 8 **SEC. 2901. REAUTHORIZATION FOR CAPITAL AND PREVEN-** 9 **TIVE MAINTENANCE PROJECTS FOR WASH-** 10 **INGTON METROPOLITAN AREA TRANSIT AU-** 11 **THORITY.**

12 Section 601 of the Passenger Rail Investment and  
13 Improvement Act of 2008 (Public Law 110–432) is  
14 amended—

15 (1) in subsection (b) by striking “The Federal”  
16 and inserting “Except as provided in subsection  
17 (f)(2), the Federal”;

18 (2) by striking subsections (d) through (f) and  
19 inserting the following:

20 “(d) **REQUIRED BOARD APPROVAL.**—No amounts  
21 may be provided to the Transit Authority under this sec-  
22 tion until the Transit Authority certifies to the Secretary  
23 of Transportation that—

1           “(1) a board resolution has passed on or before  
2       July 1, 2021, and is in effect for the period of July  
3       1, 2022 through June 30, 2031, that—

4           “(A) establishes an independent budget au-  
5       thority for the Office of Inspector General of  
6       the Transit Authority;

7           “(B) establishes an independent procure-  
8       ment authority for the Office of Inspector Gen-  
9       eral of the Transit Authority;

10          “(C) establishes an independent hiring au-  
11       thority for the Office of Inspector General of  
12       the Transit Authority;

13          “(D) ensures the Inspector General of the  
14       Transit Authority can obtain legal advice from  
15       a counsel reporting directly to the Inspector  
16       General;

17          “(E) requires the Inspector General of the  
18       Transit Authority to submit recommendations  
19       for corrective action to the General Manager  
20       and the Board of Directors of the Transit Au-  
21       thority;

22          “(F) requires the Inspector General of the  
23       Transit Authority to publish any recommenda-  
24       tion described in subparagraph (E) on the  
25       website of the Office of Inspector General of the

1 Transit Authority, except that the Inspector  
2 General may redact personally identifiable in-  
3 formation and information that, in the deter-  
4 mination of the Inspector General, would pose  
5 a security risk to the systems of the Transit  
6 Authority;

7 “(G) requires the Board of Directors of  
8 the Transit Authority to provide written notice  
9 to the Committee on Transportation and Infra-  
10 structure of the House of Representatives and  
11 the Committee on Banking, Housing, and  
12 Urban Affairs of the Senate not less than 30  
13 days before the Board of Directors removes the  
14 Inspector General of the Transit Authority,  
15 which shall include the reasons for removal and  
16 supporting documentation; and

17 “(H) prohibits the Board of Directors from  
18 removing the Inspector General of the Transit  
19 Authority unless the Board of Directors has  
20 provided a 30 day written notification as de-  
21 scribed in subparagraph (G) that documents—

22 “(i) a permanent incapacity;

23 “(ii) a neglect of duty;

24 “(iii) malfeasance;

1 “(iv) a conviction of a felony or con-  
2 duct involving moral turpitude;

3 “(v) a knowing violation of a law or  
4 regulation;

5 “(vi) gross mismanagement;

6 “(vii) a gross waste of funds;

7 “(viii) an abuse of authority; or

8 “(ix) inefficiency; and

9 “(2) the Code of Ethics for Members of the  
10 WMATA Board of Directors passed on September  
11 26, 2019, remains in effect, or the Inspector General  
12 of the Transit Authority has concurred with any  
13 modifications to the Code of Ethics by the Board.

14 “(e) AUTHORIZATIONS.—

15 “(1) IN GENERAL.—There are authorized to be  
16 appropriated to the Secretary of Transportation for  
17 grants under this section—

18 “(A) for fiscal year 2021, \$150,000,000;

19 “(B) for fiscal year 2022, \$155,000,000;

20 “(C) for fiscal year 2023, \$160,000,000;

21 “(D) for fiscal year 2024, \$165,000,000;

22 “(E) for fiscal year 2025, \$170,000,000;

23 “(F) for fiscal year 2026, \$175,000,000;

24 “(G) for fiscal year 2027, \$180,000,000;

25 “(H) for fiscal year 2028, \$185,000,000;

1 “(I) for fiscal year 2029, \$190,000,000;

2 and

3 “(J) for fiscal year 2030, \$200,000,000.

4 “(2) SET ASIDE FOR OFFICE OF INSPECTOR  
5 GENERAL OF TRANSIT AUTHORITY.—From the  
6 amounts in paragraph (1), the Transit Authority  
7 shall provide at least 7 percent for each fiscal year  
8 to the Office of Inspector General of the Transit Au-  
9 thority to carry out independent and objective au-  
10 dits, investigations, and reviews of Transit Authority  
11 programs and operations to promote economy, effi-  
12 ciency, and effectiveness, and to prevent and detect  
13 fraud, waste, and abuse in such programs and oper-  
14 ations.”; and

15 (3) by redesignating subsection (g) as sub-  
16 section (f).

17 **SEC. 2902. OTHER APPORTIONMENTS.**

18 Section 5336 of title 49, United States Code, is  
19 amended—

20 (1) in subsection (h)—

21 (A) in the matter preceding paragraph (1)  
22 by striking “section 5336(a)(2)(C)” and insert-  
23 ing “section 5336(a)(2)(B)”;

24 (B) by amending paragraph (1) to read as  
25 follows:

1 “(1) to carry out section 5307(h)—

2 “(A) \$60,906,000 shall be set aside in fis-  
3 cal year 2022;

4 “(B) \$61,856,134 shall be set aside in fis-  
5 cal year 2023;

6 “(C) \$62,845,832 shall be set aside in fis-  
7 cal year 2024; and

8 “(D) \$63,832,511 shall be set aside in fis-  
9 cal year 2025;”;

10 (C) in paragraph (2) by striking “3.07  
11 percent” and inserting “6 percent”; and

12 (D) by amending paragraph (3) to read as  
13 follows:

14 “(3) of amounts not apportioned under para-  
15 graphs (1) and (2), 3 percent shall be apportioned  
16 to urbanized areas with populations of less than  
17 200,000 in accordance with subsection (i);”;

18 (2) in subsection (i) by adding at the end the  
19 following:

20 “(3) CENSUS PHASE-OUT.—Before apportioning  
21 funds under subsection (h)(3), for any urbanized  
22 area that is no longer an eligible area due to a  
23 change in population in the most recent decennial  
24 census, the Secretary shall apportion to such urban-  
25 ized area, for 3 fiscal years, an amount equal to half



1 of the funds apportioned to such urbanized area pur-  
2 suant to this subsection for the previous fiscal  
3 year.”.

## 4 **Subtitle J—Streamlining**

### 5 **SEC. 2911. FIXED GUIDEWAY CAPITAL INVESTMENT** 6 **GRANTS.**

7 Section 5309 of title 49, United States Code, as  
8 amended by section 2703 of this Act, is further amend-  
9 ed—

10 (1) in subsection (a)—

11 (A) by striking paragraph (6);

12 (B) by redesignating paragraph (7) as  
13 paragraph (6); and

14 (C) in paragraph (6), as so redesignated;

15 (i) in subparagraph (A) by striking  
16 “\$100,000,000” and inserting  
17 “\$320,000,000”; and

18 (ii) in subparagraph (B) by striking  
19 “\$300,000,000” and inserting  
20 “\$400,000,000”;

21 (2) in subsection (b)(2) by inserting “expanding  
22 station capacity,” after “construction of infill sta-  
23 tions,”;

24 (3) in subsection (d)(1)—

1 (A) in subparagraph (C)(i) by striking “2  
2 years” and inserting “3 years”; and

3 (B) by adding at the end the following:

4 “(D) OPTIONAL PROJECT DEVELOPMENT  
5 ACTIVITIES.—An applicant may perform cost  
6 and schedule risk assessments with technical  
7 assistance provided by the Secretary.

8 “(E) STATUTORY CONSTRUCTION.—Noth-  
9 ing in this section shall be construed as author-  
10 izing the Secretary to require cost and schedule  
11 risk assessments in the project development  
12 phase.”;

13 (4) in subsection (e)(1)—

14 (A) in subparagraph (C)(i) by striking “2  
15 years” and inserting “3 years”; and

16 (B) by adding at the end the following:

17 “(D) OPTIONAL PROJECT DEVELOPMENT  
18 ACTIVITIES.—An applicant may perform cost  
19 and schedule risk assessments with technical  
20 assistance provided by the Secretary.

21 “(E) STATUTORY CONSTRUCTION.—Noth-  
22 ing in this section shall be construed as author-  
23 izing the Secretary to require cost and schedule  
24 risk assessments in the project development  
25 phase.”;

1           (5) in subsection (e)(2)(A)(iii)(II) by striking  
2       “5 years” and inserting “10 years”;

3           (6) in subsection (f)—

4               (A) in paragraph (1) by striking “sub-  
5       section (d)(2)(A)(v)” and inserting “subsection  
6       (d)(2)(A)(iv)”;

7               (B) in paragraph (2)—

8                   (i) by striking “subsection  
9       (d)(2)(A)(v)” and inserting “subsection  
10      (d)(2)(A)(iv)”;

11                  (ii) in subparagraph (D) by adding  
12      “and” at the end;

13                  (iii) by striking subparagraph (E);  
14      and

15                  (iv) by redesignating subparagraph  
16      (F) as subparagraph (E); and

17               (C) by adding at the end the following:

18               “(3) COST-SHARE INCENTIVES.—For a project  
19      for which a lower CIG cost share is elected by the  
20      applicant under subsection (l)(1)(C), the Secretary  
21      shall apply the following requirements and consider-  
22      ations in lieu of paragraphs (1) and (2):

23                   “(A) REQUIREMENTS.—In determining  
24      whether a project is supported by local financial  
25      commitment and shows evidence of stable and

1           dependable financing sources for purposes of  
2           subsection (d)(2)(A)(iv) or (e)(2)(A)(v), the  
3           Secretary shall require that—

4                   “(i) the proposed project plan pro-  
5                   vides for the availability of contingency  
6                   amounts that the applicant determines to  
7                   be reasonable to cover unanticipated cost  
8                   increases or funding shortfalls;

9                   “(ii) each proposed local source of  
10                  capital and operating financing is stable,  
11                  reliable, and available within the proposed  
12                  project timetable;

13                  “(iii) an applicant certifies that local  
14                  resources are available to recapitalize,  
15                  maintain, and operate the overall existing  
16                  and proposed public transportation system,  
17                  including essential feeder bus and other  
18                  services necessary to achieve the projected  
19                  ridership levels without requiring a reduc-  
20                  tion in existing public transportation serv-  
21                  ices or level of service to operate the  
22                  project; and

23                  “(iv) an executed full funding grant  
24                  agreement has at least 75 percent of local  
25                  financial commitment committed and the

1 remaining percentage budgeted for the pro-  
2 posed purposes.

3 “(B) CONSIDERATIONS.—In assessing the  
4 stability, reliability, and availability of proposed  
5 sources of local financing for purposes of sub-  
6 section (d)(2)(A)(iv) or (e)(2)(A)(v), the Sec-  
7 retary shall consider—

8 “(i) the reliability of the forecasting  
9 methods used to estimate costs and reve-  
10 nues made by the recipient and the con-  
11 tractors to the recipient;

12 “(ii) existing grant commitments;

13 “(iii) any debt obligation that exists,  
14 or is proposed by the recipient, for the pro-  
15 posed project or other public transpor-  
16 tation purpose; and

17 “(iv) private contributions to the  
18 project, including cost-effective project de-  
19 livery, management or transfer of project  
20 risks, expedited project schedule, financial  
21 partnering, and other public-private part-  
22 nership strategies.

23 “(4) CONTINGENCY SHARE.—For purposes of  
24 paragraph (1)(A), the Secretary shall provide 50  
25 percent of the recommended contingency established

1 by the project management oversight contractor  
2 under section 5327 in addition to the grant amount  
3 set in subsection (k)(2)(C)(ii).”;

4 (7) in subsection (g)—

5 (A) in paragraph (2)(A) by striking “de-  
6 gree of local financial commitment” and insert-  
7 ing “criteria in subsection (f)” each place it ap-  
8 pears;

9 (B) in paragraph (3) by striking “The Sec-  
10 retary shall” and all that follows through the  
11 end and inserting the following: “The Secretary  
12 shall—

13 “(A) to the maximum extent practicable,  
14 develop and use special warrants for making a  
15 project justification determination under sub-  
16 section (d)(2) or (e)(2), as applicable, for a  
17 project proposed to be funded using a grant  
18 under this section if—

19 “(i) the share of the cost of the  
20 project to be provided under this section—

21 “(I) does not exceed  
22 \$500,000,000 and the total project  
23 cost does not exceed \$1,000,000,000;  
24 or

1                   “(II) complies with subsection  
2                   (l)(1)(C);

3                   “(ii) the applicant requests the use of  
4                   the warrants;

5                   “(iii) the applicant certifies that its  
6                   existing public transportation system is in  
7                   a state of good repair; and

8                   “(iv) the applicant meets any other  
9                   requirements that the Secretary considers  
10                  appropriate to carry out this subsection;  
11                  and”;

12                  (C) by striking paragraph (5) and insert-  
13                  ing the following:

14                  “(5) POLICY GUIDANCE.—The Secretary shall  
15                  issue policy guidance on the review and evaluation  
16                  process and criteria not later than 180 days after  
17                  the date of enactment of the INVEST in America  
18                  Act.”;

19                  (D) by striking paragraph (6) and insert-  
20                  ing the following:

21                  “(6) TRANSPARENCY.—Not later than 30 days  
22                  after the Secretary receives a written request from  
23                  an applicant for all remaining information necessary  
24                  to obtain 1 or more of the following, the Secretary  
25                  shall provide such information to the applicant:

1 “(A) Project advancement.

2 “(B) Medium or higher rating.

3 “(C) Warrant.

4 “(D) Letter of intent.

5 “(E) Early systems work agreement.”; and

6 (E) in paragraph (7) by striking “the Fed-  
7 eral Public Transportation Act of 2012” and  
8 inserting “the INVEST in America Act”;

9 (8) in subsection (h)—

10 (A) in paragraph (5) by striking the period  
11 at the end and inserting the following: “, except  
12 that for a project for which a lower local cost  
13 share is elected under subsection (l)(1)(C), the  
14 Secretary shall enter into a grant agreement  
15 under this subsection for any such project  
16 that—

17 “(A) has at least 75 percent of local finan-  
18 cial commitment committed and the remaining  
19 percentage budgeted for the proposed purposes;  
20 and

21 “(B) establishes contingency amounts that  
22 the applicant determines to be reasonable to  
23 cover unanticipated cost increases or funding  
24 shortfalls.”; and



1 (B) in paragraph (7)(C) by striking “10  
2 days” and inserting “3 days”;

3 (9) by striking subsection (i) and inserting the  
4 following:

5 “(i) INTERRELATED PROJECTS.—

6 “(1) RATINGS IMPROVEMENT.—The Secretary  
7 shall grant a rating increase of 1 level in mobility  
8 improvements to any project being rated under sub-  
9 section (d), (e), or (h), if the Secretary certifies that  
10 the project has a qualifying interrelated project that  
11 meets the requirements of paragraph (2).

12 “(2) INTERRELATED PROJECT.—A qualifying  
13 interrelated project is a transit project that—

14 “(A) is adopted into the metropolitan  
15 transportation plan required under section  
16 5303;

17 “(B) has received a class of action designa-  
18 tion under the National Environmental Policy  
19 Act of 1969 (42 U.S.C. 4321 et seq.);

20 “(C) will likely increase ridership on the  
21 project being rated in subsection (d), (e), or  
22 (h), respectively, as determined by the Sec-  
23 retary; and

24 “(D) meets 1 of the following criteria:

1 “(i) Extends the corridor of the  
2 project being rated in subsection (d), (e),  
3 or (h), respectively.

4 “(ii) Provides a direct passenger  
5 transfer to the project being rated in sub-  
6 section (d), (e), or (h), respectively.”;

7 (10) in subsection (k)(5) by striking “30 days”  
8 and inserting “3 days”;

9 (11) in subsection (l)—

10 (A) in paragraph (1) by striking subpara-  
11 graph (B) and inserting the following:

12 “(B) CAP.—Except as provided in sub-  
13 paragraph (C), a grant for a project under this  
14 section shall not exceed 80 percent of the net  
15 capital project cost, except that a grant for a  
16 core capacity improvement project shall not ex-  
17 ceed 80 percent of the net capital project cost  
18 of the incremental cost to increase the capacity  
19 in the corridor.

20 “(C) APPLICANT ELECTION OF LOWER  
21 LOCAL CIG COST SHARE.—An applicant may  
22 elect a lower local CIG cost share for a project  
23 under this section for purposes of application of  
24 the cost-share incentives under subsection  
25 (f)(3). Such cost share shall not exceed 60 per-

1 cent of the net capital project cost, except that  
2 for a grant for a core capacity improvement  
3 project such cost share shall not exceed 60 per-  
4 cent of the net capital project cost of the incre-  
5 mental cost to increase the capacity in the cor-  
6 ridor.”;

7 (B) by striking paragraph (5) and insert-  
8 ing the following:

9 “(5) LIMITATION ON STATUTORY CONSTRUC-  
10 TION.—Nothing in this section shall be construed as  
11 authorizing the Secretary to require, incentivize (in  
12 any manner not specified in this section), or place  
13 additional conditions upon a non-Federal financial  
14 commitment for a project that is more than 20 per-  
15 cent of the net capital project cost or, for a core ca-  
16 pacity improvement project, 20 percent of the net  
17 capital project cost of the incremental cost to in-  
18 crease the capacity in the corridor.”; and

19 (C) by striking paragraph (8);

20 (12) in subsection (o) by adding at the end the  
21 following:

22 “(4) CIG PROGRAM DASHBOARD.—Not later  
23 than the fifth day of each month, the Secretary shall  
24 make publicly available on a website data on, includ-  
25 ing the status of, each project under this section

1       that is in the project development phase, in the engi-  
2       neering phase, or has received a grant agreement  
3       and remains under construction. Such data shall in-  
4       clude, for each project—

5               “(A) the amount and fiscal year of any  
6       funding appropriated, allocated, or obligated for  
7       the project;

8               “(B) the date on which the project—

9                       “(i) entered the project development  
10       phase;

11                      “(ii) entered the engineering phase, if  
12       applicable; and

13                      “(iii) received a grant agreement, if  
14       applicable; and

15               “(C) the status of review by the Federal  
16       Transit Administration and the Secretary, in-  
17       cluding dates of request, dates of acceptance of  
18       request, and dates of a decision for each of the  
19       following, if applicable:

20                      “(i) A letter of no prejudice.

21                      “(ii) An environmental impact state-  
22       ment notice of intent.

23                      “(iii) A finding of no significant envi-  
24       ronmental impact.

1 “(iv) A draft environmental impact  
2 statement.

3 “(v) A final environmental impact  
4 statement.

5 “(vi) A record of decision on the final  
6 environmental impact statement; and

7 “(vii) The status of the applicant in  
8 securing the non-Federal match, based on  
9 information provided by the applicant, in-  
10 cluding the amount committed, budgeted,  
11 planned, and undetermined.”; and

12 (13) by striking “an acceptable degree of” and  
13 inserting “a” each place it appears.

14 **SEC. 2912. RURAL AND SMALL URBAN APPORTIONMENT**  
15 **DEADLINE.**

16 Section 5336(d) of title 49, United States Code, is  
17 amended—

18 (1) by redesignating paragraph (2) as para-  
19 graph (3); and

20 (2) by inserting after paragraph (1) the fol-  
21 lowing:

22 “(2) notwithstanding paragraph (1), apportion  
23 amounts to the States appropriated under section  
24 5338(a)(2) to carry out sections 5307, 5310, and

1       5311 not later than December 15 for which any  
2       amounts are appropriated; and”.

3   **SEC. 2913. DISPOSITION OF ASSETS BEYOND USEFUL LIFE.**

4       Section 5334 of title 49, United States Code, is fur-  
5   ther amended by adding at the end the following:

6       “(1) DISPOSITION OF ASSETS BEYOND USEFUL  
7   LIFE.—

8           “(1) IN GENERAL.—If a recipient, or sub-  
9   recipient, for assistance under this chapter disposes  
10   of an asset with a current market value, or proceed  
11   from the sale of such asset, acquired under this  
12   chapter at least in part with such assistance, after  
13   such asset has reached the useful life of such asset,  
14   the Secretary shall allow the recipient, or sub-  
15   recipient, to use the proceeds attributable to the  
16   Federal share of such asset calculated under para-  
17   graph (3) for capital projects under section 5307,  
18   5310, or 5311.

19           “(2) MINIMUM VALUE.—This subsection shall  
20   only apply to assets with a current market value, or  
21   proceeds from sale, of at least \$5,000.

22           “(3) CALCULATION OF FEDERAL SHARE AT-  
23   TRIBUTABLE.—The proceeds attributable to the  
24   Federal share of an asset described in paragraph (1)  
25   shall be calculated by multiplying—

1           “(A) the current market value of, or the  
2           proceeds from the disposition of, such asset; by

3           “(B) the Federal share percentage for the  
4           acquisition of such asset at the time of acqui-  
5           sition of such asset.”.

6 **SEC. 2914. INNOVATIVE COORDINATED ACCESS AND MOBIL-**  
7 **ITY.**

8           Section 5310 of title 49, United States Code, as  
9           amended by section 2205, is further amended by adding  
10          at the end the following:

11          “(k) INNOVATIVE COORDINATED ACCESS AND MO-  
12          BILITY.—

13               “(1) START UP GRANTS.—

14                   “(A) IN GENERAL.—The Secretary may  
15                   make grants under this paragraph to eligible  
16                   recipients to assist in financing innovative  
17                   projects for the transportation disadvantaged  
18                   that improve the coordination of transportation  
19                   services and non-emergency medical transpor-  
20                   tation services.

21                   “(B) APPLICATION.—An eligible recipient  
22                   shall submit to the Secretary an application  
23                   that, at a minimum, contains—

24                           “(i) a detailed description of the eligi-  
25                           ble project;

1 “(ii) an identification of all eligible  
2 project partners and the specific role of  
3 each eligible project partner in the eligible  
4 project, including—

5 “(I) private entities engaged in  
6 the coordination of nonemergency  
7 medical transportation services for the  
8 transportation disadvantaged;

9 “(II) nonprofit entities engaged  
10 in the coordination of nonemergency  
11 medical transportation services for the  
12 transportation disadvantaged; or

13 “(III) Federal entities engaged in  
14 the coordination of nonemergency  
15 medical transportation services for the  
16 transportation disadvantaged; and

17 “(iii) a description of how the eligible  
18 project shall—

19 “(I) improve local coordination or  
20 access to coordinated transportation  
21 services;

22 “(II) reduce duplication of serv-  
23 ice, if applicable; and

24 “(III) provide innovative solu-  
25 tions in the State or community.



1           “(C) PERFORMANCE MEASURES.—An eligi-  
2           ble recipient shall specify, in an application for  
3           a grant under this paragraph, the performance  
4           measures the eligible project will use to quan-  
5           tify actual outcomes against expected outcomes,  
6           including—

7                   “(i) reduced transportation expendi-  
8                   tures as a result of improved coordination;  
9                   and

10                   “(ii) reduced healthcare expenditures  
11                   as a result of improved coordination.

12           “(D) ELIGIBLE USES.—Eligible recipients  
13           receiving a grant under this section may use  
14           such funds for—

15                   “(i) the deployment of coordination  
16                   technology;

17                   “(ii) projects that create or increase  
18                   access to community One-Call/One-Click  
19                   Centers;

20                   “(iii) projects that integrate transpor-  
21                   tation for 3 or more of—

22                   “(I) public transportation pro-  
23                   vided under this section;

1 “(II) a State plan approved  
2 under title XIX of the Social Security  
3 Act (42 U.S.C. 1396 et seq.);

4 “(III) title XVIII of the Social  
5 Security Act (42 U.S.C. 1395 et seq.);

6 “(IV) Veterans Health Adminis-  
7 tration; or

8 “(V) private health care facilities;  
9 and

10 “(iv) such other projects as deter-  
11 mined appropriate by the Secretary.

12 “(2) INCENTIVE GRANTS.—

13 “(A) IN GENERAL.—The Secretary may  
14 make grants under this paragraph to eligible  
15 recipients to incentivize innovative projects for  
16 the transportation disadvantaged that improve  
17 the coordination of transportation services and  
18 non-emergency medical transportation services.

19 “(B) SELECTION OF GRANT RECIPI-  
20 ENTS.—The Secretary shall distribute grant  
21 funds made available to carry out this para-  
22 graph as described in subparagraph (E) to eli-  
23 gible recipients that apply and propose to dem-  
24 onstrate improvement in the metrics described  
25 in subparagraph (F).

1           “(C) ELIGIBILITY.—An eligible recipient  
2           shall not be required to have received a grant  
3           under paragraph (1) to be eligible to receive a  
4           grant under this paragraph.

5           “(D) APPLICATIONS.—Eligible recipients  
6           shall submit to the Secretary an application  
7           that includes—

8                   “(i) which metrics under subpara-  
9                   graph (F) the eligible recipient intends to  
10                  improve;

11                  “(ii) the performance data eligible re-  
12                  cipients and the Federal, State, nonprofit,  
13                  and private partners of the eligible recipi-  
14                  ent will make available; and

15                  “(iii) a proposed incentive formula  
16                  that makes payments to the eligible recipi-  
17                  ent based on the proposed data and  
18                  metrics.

19           “(E) DISTRIBUTION.—The Secretary shall  
20           distribute funds made available to carry out  
21           this paragraph based upon the number of grant  
22           applications approved by the Secretary, number  
23           of individuals served by each grant, and the in-  
24           centive formulas approved by the Secretary  
25           using the following metrics:

1 “(i) The reduced transportation ex-  
2 penditures as a result of improved coordi-  
3 nation.

4 “(ii) The reduced Federal healthcare  
5 expenditures using the metrics described in  
6 subparagraph (F).

7 “(iii) The reduced private healthcare  
8 expenditures using the metrics described in  
9 subparagraph (F).

10 “(F) HEALTHCARE METRICS.—Healthcare  
11 metrics described in this subparagraph shall  
12 be—

13 “(i) reducing missed medical appoint-  
14 ments;

15 “(ii) the timely discharge of patients  
16 from hospitals;

17 “(iii) reducing readmissions of pa-  
18 tients into hospitals; and

19 “(iv) other measureable healthcare  
20 metrics, as determined appropriate by the  
21 Secretary.

22 “(G) ELIGIBLE EXPENDITURES.—The Sec-  
23 retary shall allow the funds distributed by this  
24 grant program to be expended on eligible activi-  
25 ties described in paragraph (1)(D) and any eli-

1           gible activity under this section that is likely to  
2           improve the metrics described in subparagraph  
3           (F).

4                   “(H) RECIPIENT CAP.—The Secretary—

5                           “(i) may not provide more than 20  
6                           grants under this paragraph; and

7                           “(ii) shall reduce the maximum num-  
8                           ber of grants under this paragraph to en-  
9                           sure projects are fully funded, if necessary.

10                   “(3) REPORT.—The Secretary shall make pub-  
11           licly available an annual report on the program car-  
12           ried out under this subsection for each fiscal year,  
13           not later than December 31 of the calendar year in  
14           which that fiscal year ends. The report shall include  
15           a detailed description of the activities carried out  
16           under the program, and an evaluation of the pro-  
17           gram, including an evaluation of the performance  
18           measures used by eligible recipients.

19                   “(4) FEDERAL SHARE.—

20                           “(A) IN GENERAL.—The Federal share of  
21                           the costs of a project carried out under this  
22                           subsection shall not exceed 80 percent.

23                           “(B) NON-FEDERAL SHARE.—The non-  
24                           Federal share of the costs of a project carried

1 out under this subsection may be derived from  
2 in-kind contributions.

3 “(5) RULE OF CONSTRUCTION.—For purposes  
4 of this subsection, nonemergency medical transpor-  
5 tation services shall be limited to services eligible  
6 under Federal programs other than programs au-  
7 thorized under this chapter.”.

## 8 **TITLE III—HIGHWAY TRAFFIC** 9 **SAFETY**

### 10 **SEC. 3001. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) IN GENERAL.—The following sums are author-  
12 ized to be appropriated out of the Highway Trust Fund  
13 (other than the Mass Transit Account):

14 (1) HIGHWAY SAFETY PROGRAMS.—For car-  
15 rying out section 402 of title 23, United States  
16 Code—

17 (A) \$378,400,000 for fiscal year 2022;

18 (B) \$382,400,000 for fiscal year 2023;

19 (C) \$386,500,000 for fiscal year 2024; and

20 (D) \$390,400,000 for fiscal year 2025.

21 (2) HIGHWAY SAFETY RESEARCH AND DEVEL-  
22 OPMENT.—For carrying out section 403 of title 23,  
23 United States Code—

24 (A) \$182,495,000 for fiscal year 2022;

25 (B) \$184,795,000 for fiscal year 2023;

1 (C) \$187,795,000 for fiscal year 2024; and

2 (D) \$190,695,000 for fiscal year 2025.

3 (3) NATIONAL PRIORITY SAFETY PROGRAMS.—

4 For carrying out section 405 of title 23, United  
5 States Code—

6 (A) \$384,119,000 for fiscal year 2022;

7 (B) \$393,205,000 for fiscal year 2023;

8 (C) \$402,205,000 for fiscal year 2024; and

9 (D) \$411,388,000 for fiscal year 2025.

10 (4) NATIONAL DRIVER REGISTER.—For the Na-  
11 tional Highway Traffic Safety Administration to  
12 carry out chapter 303 of title 49, United States  
13 Code—

14 (A) \$5,700,000 for fiscal year 2022;

15 (B) \$5,800,000 for fiscal year 2023;

16 (C) \$5,900,000 for fiscal year 2024; and

17 (D) \$6,000,000 for fiscal year 2025.

18 (5) HIGH-VISIBILITY ENFORCEMENT PRO-  
19 GRAM.—For carrying out section 404 of title 23,  
20 United States Code—

21 (A) \$60,200,000 for fiscal year 2022;

22 (B) \$60,600,000 for fiscal year 2023;

23 (C) \$60,800,000 for fiscal year 2024; and

24 (D) \$61,200,000 for fiscal year 2025.

1           (6) ADMINISTRATIVE EXPENSES.—For adminis-  
2       trative and related operating expenses of the Na-  
3       tional Highway Traffic Safety Administration in car-  
4       rying out chapter 4 of title 23, United States  
5       Code—

6                   (A) \$30,586,000 for fiscal year 2022;

7                   (B) \$31,000,000 for fiscal year 2023;

8                   (C) \$31,500,000 for fiscal year 2024; and

9                   (D) \$31,917,000 for fiscal year 2025.

10       (b) PROHIBITION ON OTHER USES.—Except as oth-  
11      erwise provided in chapter 4 of title 23, United States  
12      Code, and chapter 303 of title 49, United States Code,  
13      the amounts made available from the Highway Trust  
14      Fund (other than the Mass Transit Account) for a pro-  
15      gram under such chapters—

16           (1) shall only be used to carry out such pro-  
17      gram; and

18           (2) may not be used by States or local govern-  
19      ments for construction purposes.

20       (c) APPLICABILITY OF TITLE 23.—Except as other-  
21      wise provided in chapter 4 of title 23, United States Code,  
22      and chapter 303 of title 49, United States Code, amounts  
23      made available under subsection (a) for fiscal years 2022  
24      through 2025 shall be available for obligation in the same



1 manner as if such funds were apportioned under chapter  
2 1 of title 23, United States Code.

3 (d) REGULATORY AUTHORITY.—Grants awarded  
4 under chapter 4 of title 23, United States Code, including  
5 any amendments made by this title, shall be carried out  
6 in accordance with regulations issued by the Secretary of  
7 Transportation.

8 (e) STATE MATCHING REQUIREMENTS.—If a grant  
9 awarded under chapter 4 of title 23, United States Code,  
10 requires a State to share in the cost, the aggregate of all  
11 expenditures for highway safety activities made during a  
12 fiscal year by the State and its political subdivisions (ex-  
13 clusive of Federal funds) for carrying out the grant (other  
14 than planning and administration) shall be available for  
15 the purpose of crediting the State during such fiscal year  
16 for the non-Federal share of the cost of any other project  
17 carried out under chapter 4 of title 23, United States Code  
18 (other than planning or administration), without regard  
19 to whether such expenditures were made in connection  
20 with such project.

21 (f) GRANT APPLICATION AND DEADLINE.—To re-  
22 ceive a grant under chapter 4 of title 23, United States  
23 Code, a State shall submit an application, and the Sec-  
24 retary of Transportation shall establish a single deadline

1 for such applications to enable the award of grants early  
2 in the next fiscal year.

3 **SEC. 3002. HIGHWAY SAFETY PROGRAMS.**

4 Section 402 of title 23, United States Code, is  
5 amended—

6 (1) in subsection (a)—

7 (A) in paragraph (2)(A)—

8 (i) in clause (ii) by striking “occupant  
9 protection devices (including the use of  
10 safety belts and child restraint systems)”  
11 and inserting “seatbelts”;

12 (ii) in clause (vii) by striking “; and”  
13 and inserting a semicolon; and

14 (iii) by inserting after clause (viii) the  
15 following:

16 “(ix) to encourage more widespread  
17 and proper use of child safety seats (in-  
18 cluding booster seats) with an emphasis on  
19 underserved populations;

20 “(x) to reduce injuries and deaths re-  
21 sulting from drivers of motor vehicles not  
22 moving to another traffic lane or reducing  
23 the speed of such driver’s vehicle when law  
24 enforcement, fire service, emergency med-  
25 ical services, and other emergency vehicles

1           are stopped or parked on or next to a  
2           roadway with emergency lights activated;  
3           and

4           “(xi) to increase driver awareness of  
5           the dangers of pediatric vehicular  
6           hyperthermia;” and

7           (B) by adding at the end the following:

8           “(3) ADDITIONAL CONSIDERATIONS.—States  
9           which have legalized medicinal or recreational mari-  
10          juana shall consider programs in addition to the pro-  
11          grams described in paragraph (2)(A) to educate  
12          drivers on the risks associated with marijuana-im-  
13          paired driving and to reduce injuries and deaths re-  
14          sulting from individuals driving motor vehicles while  
15          impaired by marijuana.”;

16          (2) in subsection (c)(4)—

17               (A) by striking subparagraph (C);

18               (B) by redesignating subparagraph (B) as  
19          subparagraph (D); and

20               (C) by inserting after subparagraph (A)  
21          the following:

22               “(B) SPECIAL RULE FOR SCHOOL AND  
23          WORK ZONES.—Notwithstanding subparagraph  
24          (A), a State may expend funds apportioned to  
25          that State under this section to carry out a pro-

1           gram to purchase, operate, or maintain an  
2           automated traffic system in a work zone or  
3           school zone.

4                   “(C) AUTOMATED TRAFFIC ENFORCEMENT  
5           SYSTEM GUIDELINES.—Any automated traffic  
6           enforcement system installed pursuant to sub-  
7           paragraph (B) shall comply with speed enforce-  
8           ment camera systems and red light camera sys-  
9           tems guidelines established by the Secretary.”;  
10          and

11          (3) in subsection (n)—

12                   (A) by striking “PUBLIC TRANSPARENCY”  
13           and all that follows through “The Secretary”  
14           and inserting the following: “PUBLIC TRANS-  
15           PARENCY.—

16                   “(1) IN GENERAL.—The Secretary”; and

17                   (B) by adding at the end the following:

18                   “(2)    STATE    HIGHWAY    SAFETY    PLAN  
19          WEBSITE.—

20                   “(A) IN GENERAL.—In carrying out the  
21           requirements of paragraph (1), the Secretary  
22           shall establish a public website that is easily ac-  
23           cessible, navigable, and searchable for the infor-  
24           mation required under paragraph (1), in order

1 to foster greater transparency in approved  
2 State highway safety programs.

3 “(B) CONTENTS.—The website established  
4 under subparagraph (A) shall—

5 “(i) include each State highway safety  
6 plan and annual report submitted and ap-  
7 proved by the Secretary under subsection  
8 (k);

9 “(ii) provide a means for the public to  
10 search such website for State highway  
11 safety program content required in sub-  
12 section (k), including—

13 “(I) performance measures re-  
14 quired by the Secretary under para-  
15 graph (3)(A);

16 “(II) progress made toward  
17 meeting the State’s performance tar-  
18 gets for the previous year;

19 “(III) program areas and ex-  
20 penditures; and

21 “(IV) a description of any  
22 sources of funds other than funds pro-  
23 vided under this section that the State  
24 proposes to use to carry out the State  
25 highway safety plan of such State.”.

1 **SEC. 3003. TRAFFIC SAFETY ENFORCEMENT GRANTS.**

2 Section 402 of title 23, United States Code, as  
3 amended by section 3002 of this Act, is further amended  
4 by inserting after subsection (k) the following:

5 “(l) **TRAFFIC SAFETY ENFORCEMENT GRANTS.**—

6 “(1) **GENERAL AUTHORITY.**—Subject to the re-  
7 quirements under this subsection, the Secretary shall  
8 award grants to States for the purpose of carrying  
9 out top-rated traffic safety enforcement counter-  
10 measures to reduce traffic-related injuries and fatali-  
11 ties.

12 “(2) **EFFECTIVE COUNTERMEASURE DE-**  
13 **FINED.**—In this subsection, the term ‘effective coun-  
14 termeasure’ means a countermeasure rated 3, 4, or  
15 5 stars in the most recent edition of the National  
16 Highway Traffic Safety Administration’s Counter-  
17 measures That Work highway safety guide.

18 “(3) **FUNDING.**—Notwithstanding the appor-  
19 tionment formula set forth in section 402(c)(2), the  
20 Secretary shall set aside \$35,000,000 of the funds  
21 made available under this section for each fiscal year  
22 to be allocated among up to 10 States.

23 “(4) **SELECTION CRITERIA.**—The Secretary  
24 shall select up to 10 applicants based on the fol-  
25 lowing criteria:

26 “(A) Geographically diverse.

1           “(B) Higher State average of traffic fatali-  
2           ties per vehicle mile traveled.

3           “(C) A preference to applications that  
4           agree to include under paragraph (6)(C) the  
5           data derived from law enforcement activities  
6           funded by a State under this section.

7           “(5) ELIGIBILITY.—A State may receive a  
8           grant under this subsection in a fiscal year if the  
9           State demonstrates, to the satisfaction of the Sec-  
10          retary, that the State is able to meet the require-  
11          ments in paragraph (6).

12          “(6) REQUIREMENTS.—In order to receive  
13          funds, a State must establish an agreement with the  
14          Secretary to—

15               “(A) identify areas with the highest risk of  
16               traffic fatalities and injuries;

17               “(B) determine the most effective counter-  
18               measures to implement in those areas, with pri-  
19               ority given to countermeasures rated above 3  
20               stars; and

21               “(C) report annual data under uniform re-  
22               porting requirements established by the Sec-  
23               retary, including—

24                       “(i) traffic citations and arrests;

1                   “(ii) the increase in traffic safety en-  
2                   forcement activity supported by these  
3                   funds; and

4                   “(iii) any other metrics the Secretary  
5                   determines appropriate to determine the  
6                   success of the grant.

7                   “(7) USE OF FUNDS.—

8                   “(A) IN GENERAL.—Grant funds received  
9                   by a State under this subsection may be used  
10                  for—

11                  “(i) implementing effective counter-  
12                  measures determined under paragraph (6);  
13                  and

14                  “(ii) law enforcement-related ex-  
15                  penses, such as officer training, overtime,  
16                  technology, and equipment, if the Sec-  
17                  retary determines effective counter-  
18                  measures have been implemented success-  
19                  fully and the Secretary provides approval.

20                  “(B) BROADCAST AND PRINT MEDIA.—Up  
21                  to 5 percent of grant funds received by a State  
22                  under this subsection may be used for the de-  
23                  velopment, production, and use of broadcast  
24                  and print media advertising in carrying out



1 traffic safety law enforcement efforts under this  
2 subsection.

3 “(8) ALLOCATION.—Grant funds allocated to a  
4 State under this subsection for a fiscal year shall be  
5 in proportion to the State’s apportionment under  
6 subsection (c)(2) for the fiscal year.

7 “(9) MAINTENANCE OF EFFORT.—No grant  
8 may be made to a State in any fiscal year under this  
9 subsection unless the State enters into such an  
10 agreement with the Secretary, as the Secretary may  
11 require, to ensure that the State will maintain its  
12 aggregate expenditures from all State and local  
13 sources for activities carried out in accordance with  
14 this subsection at or above the average level of ex-  
15 penditures in the 2 fiscal years preceding the date  
16 of enactment of this subsection.

17 “(10) ANNUAL EVALUATION AND REPORT TO  
18 CONGRESS.—The Secretary shall conduct an annual  
19 evaluation of the effectiveness of grants awarded  
20 under this subsection and shall submit to the Com-  
21 mittee on Transportation and Infrastructure of the  
22 House of Representatives and the Committee on  
23 Commerce, Science, and Transportation of the Sen-  
24 ate an annual report on the effectiveness of the  
25 grants.”.

1 **SEC. 3004. HIGHWAY SAFETY RESEARCH AND DEVELOP-**  
2 **MENT.**

3 Section 403 of title 23, United States Code, is  
4 amended—

5 (1) in subsection (b) by inserting “, training,”  
6 after “demonstration projects”;

7 (2) in subsection (f)(1)—

8 (A) by striking “\$2,500,000” and inserting  
9 “\$3,500,000”; and

10 (B) by striking “subsection 402(c) in each  
11 fiscal year ending before October 1, 2015, and  
12 \$443,989 of the total amount available for ap-  
13 portionment to the States for highway safety  
14 programs under section 402(c) in the period be-  
15 ginning on October 1, 2015, and ending on De-  
16 cember 4, 2015,” and inserting “section  
17 402(c)(2) in each fiscal year”; and

18 (3) by striking subsection (h) and redesignating  
19 subsections (i) and (j) as subsections (h) and (i), re-  
20 spectively.

21 **SEC. 3005. GRANT PROGRAM TO PROHIBIT RACIAL**  
22 **PROFILING.**

23 Section 403 of title 23, United States Code, as  
24 amended by section 3004 of this Act, is further amended  
25 by adding at the end the following:

1       “(j) GRANT PROGRAM TO PROHIBIT RACIAL  
2 PROFILING.—

3               “(1) GENERAL AUTHORITY.—Subject to the re-  
4 quirements of this subsection, the Secretary shall  
5 make grants to a State that—

6               “(A) is maintaining and allows public in-  
7 spection of statistical information for each  
8 motor vehicle stop made by a law enforcement  
9 officer on a Federal-aid highway in the State  
10 regarding the race and ethnicity of the driver;  
11 or

12              “(B) provides assurances satisfactory to  
13 the Secretary that the State is undertaking ac-  
14 tivities to comply with the requirements of sub-  
15 paragraph (A).

16              “(2) USE OF GRANT FUNDS.—A grant received  
17 by a State under paragraph (1) shall be used by the  
18 State for the costs of—

19              “(A) collecting and maintaining data on  
20 traffic stops; and

21              “(B) evaluating the results of such data.

22              “(3) LIMITATIONS.—

23              “(A) MAXIMUM AMOUNT OF GRANTS.—  
24 The total amount of grants made to a State  
25 under this section in a fiscal year may not ex-

1           ceed 5 percent of the amount made available to  
2           carry out this section in the fiscal year.

3           “(B) ELIGIBILITY.—On or after October  
4           1, 2022, a State may not receive a grant under  
5           paragraph (1)(B) in more than 2 fiscal years.

6           “(4) FUNDING.—

7           “(A) IN GENERAL.—From funds made  
8           available under this section, the Secretary shall  
9           set aside \$7,500,000 for each fiscal year to  
10          carry out this subsection.

11          “(B) OTHER USES.—The Secretary may  
12          reallocate, before the last day of any fiscal year,  
13          amounts remaining available under subpara-  
14          graph (A) to increase the amounts made avail-  
15          able to carry out any other activities authorized  
16          under this section in order to ensure, to the  
17          maximum extent possible, that all such amounts  
18          are obligated during such fiscal year.”.

19   **SEC. 3006. HIGH-VISIBILITY ENFORCEMENT PROGRAM.**

20          Section 404 of title 23, United States Code, is  
21   amended—

22          (1) in subsection (a) by striking “3 campaigns  
23          will be carried out in each of fiscal years 2016  
24          through 2020” and inserting “6 campaigns will be

1 carried out in each of fiscal years 2022 through  
2 2025”;

3 (2) in subsection (b)—

4 (A) in paragraph (1) by striking “or drug-  
5 impaired”;

6 (B) in paragraph (2) by striking “Increase  
7 use of seatbelts” and inserting “Increase proper  
8 use of seatbelts and child restraints”;

9 (C) by redesignating paragraph (2) as  
10 paragraph (3);

11 (D) by inserting after paragraph (1) the  
12 following:

13 “(2) Reduce drug-impaired operation of motor  
14 vehicles.”; and

15 (E) by adding at the end the following:

16 “(4) Reduce texting through a personal wireless  
17 communications device by drivers while operating a  
18 motor vehicle.

19 “(5) Reduce violations of move over laws of a  
20 State that require motorists to change lanes or slow  
21 down when law enforcement, fire service, emergency  
22 medical services and other emergency vehicles are  
23 stopped or parked on or next to a roadway with  
24 emergency lights activated.”;

1           (3) by redesignating subsections (e) and (f) as  
2           subsections (g) and (h), respectively;

3           (4) by inserting after subsection (d) the fol-  
4           lowing:

5           “(e) FREQUENCY.—Each campaign administered  
6           under this section shall occur not less than once in each  
7           of fiscal years 2022 through 2025 with the exception of  
8           campaigns to reduce alcohol-impaired operation of motor  
9           vehicles which shall occur not less than twice in each of  
10          fiscal years 2022 through 2025.

11          “(f) COORDINATION OF DYNAMIC HIGHWAY MES-  
12          SAGE SIGNS.—During the time a State is carrying out a  
13          campaign, the Secretary shall coordinate with States car-  
14          rying out the campaigns under this section on the use of  
15          dynamic highway message signs to support national high-  
16          visibility advertising and education efforts associated with  
17          the campaigns.”; and

18          (5) in subsection (g), as so redesignated—

19                 (A) by redesignating paragraph (2) as  
20                 paragraph (3);

21                 (B) by inserting after paragraph (1) the  
22                 following:

23                 “(2) DYNAMIC HIGHWAY MESSAGE SIGN.—The  
24                 term ‘dynamic highway message sign’ means a traf-  
25                 fic control device that is capable of displaying one or

1 more alternative messages which convey information  
2 to occupants of motor vehicles.”; and

3 (C) by adding at the end the following:

4 “(4) TEXTING.—The term ‘texting’ has the  
5 meaning given such term in section 405(e).”.

6 **SEC. 3007. NATIONAL PRIORITY SAFETY PROGRAMS.**

7 (a) IN GENERAL.—Section 405 of title 23, United  
8 States Code, is amended—

9 (1) in subsection (a)—

10 (A) in paragraph (1) by striking “13 per-  
11 cent” and inserting “12.85 percent”;

12 (B) in paragraph (2) by striking “14.5  
13 percent” and inserting “14.3 percent”;

14 (C) in paragraph (3) by striking “52.5  
15 percent” and inserting “51.75 percent”;

16 (D) in paragraph (4) by striking “8.5 per-  
17 cent” and inserting “8.3 percent”;

18 (E) in paragraph (6) by striking “5 per-  
19 cent” and inserting “4.9 percent”;

20 (F) in paragraph (7) by striking “5 per-  
21 cent” and inserting “4.9 percent”;

22 (G) in paragraph (8)—

23 (i) by striking “paragraphs (1)  
24 through (7)” and inserting “paragraphs  
25 (1) through (8)”;

1                   (ii) by striking “subsection (b)  
2                   through (h)” and inserting “subsections  
3                   (b) through (i)”; and

4                   (iii) by inserting “to carry out any of  
5                   the other activities described in such sub-  
6                   sections, or the amount made available”  
7                   before “under section 402(c)(2)”; and

8                   (H) in paragraph (9)(A) by striking “date  
9                   of enactment of the FAST Act” and inserting  
10                  “date of enactment of the INVEST in America  
11                  Act”;

12                  (I) by redesignating paragraphs (8) and  
13                  (9) as paragraphs (9) and (10), respectively;  
14                  and

15                  (J) by inserting after paragraph (7) the  
16                  following:

17                  “(8) DRIVER AND OFFICER SAFETY EDU-  
18                  CATION.—In each fiscal year, 1.5 percent of the  
19                  funds provided under this section shall be allocated  
20                  among States that meet the requirements with re-  
21                  spect to driver and officer safety education (as de-  
22                  scribed in subsection (i)).”;

23                  (2) by striking subsection (c)(4) and inserting  
24                  the following:



1           “(4) USE OF GRANT AMOUNTS.—Grant funds  
2       received by a State under this subsection shall be  
3       used for—

4           “(A) making data program improvements  
5       to core highway safety databases related to  
6       quantifiable, measurable progress in any of the  
7       6 significant data program attributes set forth  
8       in paragraph (3)(D);

9           “(B) developing or acquiring programs to  
10      identify, collect, and report data to State and  
11      local government agencies, and enter data, in-  
12      cluding crash, citation and adjudication, driver,  
13      emergency medical services or injury surveil-  
14      lance system, roadway, and vehicle, into the  
15      core highway safety databases of a State;

16          “(C) purchasing equipment to improve  
17      processes by which data is identified, collected,  
18      and reported to State and local government  
19      agencies;

20          “(D) linking core highway safety databases  
21      of a State with such databases of other States  
22      or with other data systems within the State, in-  
23      cluding systems that contain medical, roadway,  
24      and economic data;

1           “(E) improving the compatibility and  
2 interoperability of the core highway safety data-  
3 bases of the State with national data systems  
4 and data systems of other States;

5           “(F) enhancing the ability of a State and  
6 the Secretary to observe and analyze local,  
7 State, and national trends in crash occurrences,  
8 rates, outcomes, and circumstances;

9           “(G) supporting traffic records-related  
10 training and related expenditures for law en-  
11 forcement, emergency medical, judicial, prosecu-  
12 torial, and traffic records professionals;

13           “(H) hiring traffic records professionals,  
14 including a Fatality Analysis Reporting System  
15 liaison for a State; and

16           “(I) conducting research on State traffic  
17 safety information systems, including devel-  
18 oping and evaluating programs to improve core  
19 highway safety databases of such State and  
20 processes by which data is identified, collected,  
21 reported to State and local government agen-  
22 cies, and entered into such core safety data-  
23 bases.”;

24           (3) by striking subsection (d)(6)(A) and insert-  
25 ing the following:

1           “(A) GRANTS TO STATES WITH ALCOHOL-  
2           IGNITION INTERLOCK LAWS.—The Secretary  
3           shall make a separate grant under this sub-  
4           section to each State that—

5                   “(i) adopts and is enforcing a manda-  
6                   tory alcohol-ignition interlock law for all  
7                   individuals arrested or convicted of driving  
8                   under the influence of alcohol or of driving  
9                   while intoxicated;

10                   “(ii) does not allow any individual ar-  
11                   rested or convicted of driving under the in-  
12                   fluence of alcohol or driving while intoxi-  
13                   cated to drive a motor vehicle unless such  
14                   individual installs an ignition interlock for  
15                   a minimum 6-month interlock period; or

16                   “(iii) has—

17                           “(I) enacted and is enforcing a  
18                           state law requiring all individuals con-  
19                           victed of, or whose driving privilege is  
20                           revoked or denied for, refusing to sub-  
21                           mit to a chemical or other test for the  
22                           purpose of determining the presence  
23                           or concentration of any intoxicating  
24                           substance to install an ignition inter-

1 lock for a minimum 6-month interlock  
2 period; and

3 “(II) a compliance-based removal  
4 program in which an individual ar-  
5 rested or convicted of driving under  
6 the influence of alcohol or driving  
7 while intoxicated shall install an igni-  
8 tion interlock for a minimum 6-month  
9 interlock period and have completed a  
10 minimum consecutive period of not  
11 less than 40 percent of the required  
12 interlock period immediately preceding  
13 the date of release, without a con-  
14 firmed violation of driving under the  
15 influence of alcohol or driving while  
16 intoxicated.”;

17 (4) in subsection (e)—

18 (A) in paragraph (1) by striking “para-  
19 graphs (2) and (3)” and inserting “paragraph  
20 (2)”;

21 (B) in paragraph (4)—

22 (i) by striking “paragraph (2) or (3)”  
23 and inserting “paragraph (3) or (4)”;

24 (ii) in subparagraph (A) by striking  
25 “communications device to contact emer-

1                   agency services” and inserting “communica-  
2                   tions device during an emergency to con-  
3                   tact emergency services or to prevent in-  
4                   jury to persons or property”;

5                   (iii) in subparagraph (C) by striking  
6                   “; and” and inserting a semicolon;

7                   (iv) by redesignating subparagraph  
8                   (D) as subparagraph (E); and

9                   (v) by inserting after subparagraph  
10                  (C) the following:

11                  “(D) a driver who uses a personal wireless  
12                  communication device for navigation; and”;

13                  (C) in paragraph (5)(A)(i) by striking  
14                  “texting or using a cell phone while” and in-  
15                  serting “distracted”;

16                  (D) in paragraph (7) by striking “Of the  
17                  amounts” and inserting “In addition to the  
18                  amounts authorized under section 404 and of  
19                  the amounts”;

20                  (E) in paragraph (9)—

21                  (i) by striking subparagraph (B) and  
22                  inserting the following:

23                  “(B) PERSONAL WIRELESS COMMUNICA-  
24                  TIONS DEVICE.—The term ‘personal wireless  
25                  communications device’ means—

1                   “(i) until the date on which the Sec-  
2                   retary issues a regulation pursuant to  
3                   paragraph (8)(A), a device through which  
4                   personal services (as such term is defined  
5                   in section 332(c)(7)(C)(i) of the Commu-  
6                   nications Act of 1934 (47 U.S.C.  
7                   332(c)(7)(C)(i)) are transmitted, but not  
8                   including the use of such a device as a  
9                   global navigation system receiver used for  
10                  positioning, emergency notification, or  
11                  navigation purposes; and

12                  “(ii) on and after the date on which  
13                  the Secretary issues a regulation pursuant  
14                  to paragraph (8)(A), the definition de-  
15                  scribed in such regulation.”; and

16                  (ii) by striking subparagraph (E) and  
17                  inserting the following:

18                  “(E) TEXTING.—The term ‘texting’  
19                  means—

20                         “(i) until the date on which the Sec-  
21                         retary issues a regulation pursuant to  
22                         paragraph (8)(A), reading from or manu-  
23                         ally entering data into a personal wireless  
24                         communications device, including doing so  
25                         for the purpose of SMS texting, emailing,

1 instant messaging, or engaging in any  
2 other form of electronic data retrieval or  
3 electronic data communication; and

4 “(ii) on and after the date on which  
5 the Secretary issues a regulation pursuant  
6 to paragraph (8)(A), the definition de-  
7 scribed in such regulation.”;

8 (F) by striking paragraphs (2), (3), (6),  
9 and (8);

10 (G) by redesignating paragraphs (4) and  
11 (5) as paragraphs (5) and (6), respectively;

12 (H) by inserting after paragraph (1) the  
13 following:

14 “(2) ALLOCATION.—

15 “(A) IN GENERAL.—Subject to subpara-  
16 graphs (B) and (C), the allocation of grant  
17 funds to a State under this subsection for a fis-  
18 cal year shall be in proportion to the State’s ap-  
19 portionment under section 402 for fiscal year  
20 2009.

21 “(B) PRIMARY OFFENSE LAWS.—A State  
22 that has enacted and is enforcing a law that  
23 meets the requirements set forth in paragraphs  
24 (3) and (4) as a primary offense shall be allo-

1 cated 100 percent of the amount calculated  
2 under subparagraph (A).

3 “(C) SECONDARY OFFENSE LAWS.—A  
4 State that has enacted and is enforcing a law  
5 that meets the requirements set forth in para-  
6 graphs (3) and (4) as a secondary offense shall  
7 be allocated 50 percent of the amount cal-  
8 culated under subparagraph (A).

9 “(3) PROHIBITION ON HANDHELD PERSONAL  
10 WIRELESS COMMUNICATION DEVICE USE WHILE  
11 DRIVING.—A State law meets the requirements set  
12 forth in this paragraph if the law—

13 “(A) prohibits a driver from holding or  
14 using, including texting, a personal wireless  
15 communications device while driving, except for  
16 the use of a personal wireless communications  
17 device—

18 “(i) in a hands-free manner or with a  
19 hands-free accessory, or

20 “(ii) to activate or deactivate a fea-  
21 ture or function of the personal wireless  
22 communications device;

23 “(B) establishes a fine for a violation of  
24 the law; and



1           “(C) does not provide for an exemption  
2           that specifically allows a driver to hold or use  
3           a personal wireless communication device while  
4           stopped in traffic.

5           “(4) PROHIBITION ON PERSONAL WIRELESS  
6           COMMUNICATION DEVICE USE WHILE DRIVING OR  
7           STOPPED IN TRAFFIC.—A State law meets the re-  
8           quirements set forth in this paragraph if the law—

9           “(A) prohibits a driver from holding or  
10          using a personal wireless communications device  
11          while driving if the driver is—

12                 “(i) younger than 18 years of age; or

13                 “(ii) in the learner’s permit or inter-  
14                 mediate license stage described in subpara-  
15                 graph (A) or (B) of subsection (g)(2);

16           “(B) establishes a fine for a violation of  
17          the law; and

18           “(C) does not provide for an exemption  
19          that specifically allows a driver to use a per-  
20          sonal wireless communication device while  
21          stopped in traffic.”; and

22           (I) by inserting after paragraph (7) the  
23          following:

24           “(8) RULEMAKING.—Not later than 1 year  
25          after the date of enactment of this paragraph, the

1 Secretary shall issue such regulations as are nec-  
2 essary to account for diverse State approaches to  
3 combating distracted driving that—

4 “(A) defines the terms personal wireless  
5 communications device and texting for the pur-  
6 poses of this subsection; and

7 “(B) determines additional permitted ex-  
8 ceptions that are appropriate for a State law  
9 that meets the requirements under paragraph  
10 (3) or (4).”;  
11 (5) in subsection (g)—

12 (A) in paragraph (1) by inserting “sub-  
13 paragraphs (A) and (B) of” before “paragraph  
14 (2)”;

15 (B) by striking paragraph (2) and insert-  
16 ing the following:

17 “(2) MINIMUM REQUIREMENTS.—

18 “(A) TIER 1 STATE.—A State shall be eli-  
19 gible for a grant under this subsection as a Tier  
20 1 State if such State requires novice drivers  
21 younger than 18 years of age to comply with a  
22 2-stage graduated driver licensing process be-  
23 fore receiving an unrestricted driver’s license  
24 that includes—

25 “(i) a learner’s permit stage that—

1 “(I) is at least 180 days in dura-  
2 tion;

3 “(II) requires that the driver be  
4 accompanied and supervised at all  
5 times; and

6 “(III) has a requirement that the  
7 driver obtain at least 40 hours of be-  
8 hind-the-wheel training with a super-  
9 visor; and

10 “(ii) an intermediate stage that—

11 “(I) commences immediately  
12 after the expiration of the learner’s  
13 permit stage;

14 “(II) is at least 180 days in du-  
15 ration; and

16 “(III) for the first 180 days of  
17 the intermediate stage, restricts the  
18 driver from—

19 “(aa) driving at night be-  
20 tween the hours of 11:00 p.m.  
21 and at least 4:00 a.m. except—

22 “(AA) when a parent,  
23 guardian, driving instructor,  
24 or licensed driver who is at

1 least 21 years of age is in  
2 the motor vehicle; and

3 “(BB) when driving to  
4 and from work, school and  
5 school-related activities, reli-  
6 gious activities, for emer-  
7 gencies, or as a member of  
8 voluntary emergency service;  
9 and

10 “(bb) operating a motor ve-  
11 hicle with more than 1 non-  
12 familial passenger younger than  
13 18 years of age, except when a  
14 parent, guardian, driving instruc-  
15 tor, or licensed driver who is at  
16 least 21 years of age is in the  
17 motor vehicle.

18 “(B) TIER 2 STATE.—A State shall be eli-  
19 gible for a grant under this subsection as a Tier  
20 2 State if such State requires novice drivers  
21 younger than 18 years of age to comply with a  
22 2-stage graduated driver licensing process be-  
23 fore receiving an unrestricted driver’s license  
24 that includes—

25 “(i) a learner’s permit stage that—

1 “(I) is at least 180 days in dura-  
2 tion;

3 “(II) requires that the driver be  
4 accompanied and supervised at all  
5 times; and

6 “(III) has a requirement that the  
7 driver obtain at least 50 hours of be-  
8 hind-the-wheel training, with at least  
9 10 hours at night, with a supervisor;  
10 and

11 “(ii) an intermediate stage that—

12 “(I) commences immediately  
13 after the expiration of the learner’s  
14 permit stage;

15 “(II) is at least 180 days in du-  
16 ration; and

17 “(III) for the first 180 days of  
18 the intermediate stage, restricts the  
19 driver from—

20 “(aa) driving at night be-  
21 tween the hours of 10:00 p.m.  
22 and at least 4:00 a.m. except—

23 “(AA) when a parent,  
24 guardian, driving instructor,  
25 or licensed driver who is at

1 least 21 years of age is in  
2 the motor vehicle; and

3 “(BB) when driving to  
4 and from work, school and  
5 school-related activities, reli-  
6 gious activities, for emer-  
7 gencies, or as a member of  
8 voluntary emergency service;  
9 and

10 “(bb) operating a motor ve-  
11 hicle with any nonfamilial pas-  
12 senger younger than 18 years of  
13 age, except when a parent,  
14 guardian, driving instructor, or  
15 licensed driver who is at least 21  
16 years of age is in the motor vehi-  
17 cle.”;

18 (C) in paragraph (3)—

19 (i) in subparagraph (A) by inserting  
20 “subparagraphs (A) and (B) of” before  
21 “paragraph (2)”; and

22 (ii) in subparagraph (B) by inserting  
23 “subparagraphs (A) and (B) of” before  
24 “paragraph (2)” each place such term ap-  
25 pears;

1 (D) in paragraph (4) by striking “such fis-  
2 cal year” and inserting “fiscal year 2009”; and

3 (E) by striking paragraph (5) and insert-  
4 ing the following:

5 “(5) USE OF FUNDS.—

6 “(A) TIER 1 STATES.—A Tier 1 State shall  
7 use grant funds provided under this subsection  
8 for—

9 “(i) enforcing a 2-stage licensing  
10 process that complies with paragraph (2);

11 “(ii) training for law enforcement per-  
12 sonnel and other relevant State agency  
13 personnel relating to the enforcement de-  
14 scribed in clause (i);

15 “(iii) publishing relevant educational  
16 materials that pertain directly or indirectly  
17 to the State graduated driver licensing law;

18 “(iv) carrying out other administrative  
19 activities that the Secretary considers rel-  
20 evant to the State’s 2-stage licensing proc-  
21 ess; or

22 “(v) carrying out a teen traffic safety  
23 program described in section 402(m).

1 “(B) TIER 2 STATES.—Of the grant funds  
2 made available to a Tier 2 State under this  
3 subsection—

4 “(i) 25 percent shall be used for any  
5 activity described in subparagraph (A);  
6 and

7 “(ii) 75 percent may be used for any  
8 project or activity eligible under section  
9 402.”; and

10 (6) by adding at the end the following:

11 “(i) DRIVER AND OFFICER SAFETY EDUCATION.—

12 “(1) GENERAL AUTHORITY.—Subject to the re-  
13 quirements under this subsection, the Secretary shall  
14 award grants to—

15 “(A) States that enact a commuter safety  
16 education program; and

17 “(B) States qualifying under paragraph  
18 (5)(A).

19 “(2) FEDERAL SHARE.—The Federal share of  
20 the costs of activities carried out using amounts  
21 from a grant awarded under this subsection may not  
22 exceed 80 percent.

23 “(3) ELIGIBILITY.—To be eligible for a grant  
24 under this subsection, a State shall enact a law or  
25 adopt a program that requires the following:



1           “(A) DRIVER EDUCATION AND DRIVING  
2 SAFETY COURSES.—Inclusion, in driver edu-  
3 cation and driver safety courses provided to in-  
4 dividuals by educational and motor vehicle  
5 agencies of the State, of instruction and testing  
6 concerning law enforcement practices during  
7 traffic stops, including information on—

8           “(i) the role of law enforcement and  
9 the duties and responsibilities of peace offi-  
10 cers;

11           “(ii) an individual’s legal rights con-  
12 cerning interactions with peace officers;

13           “(iii) best practices for civilians and  
14 peace officers during such interactions;

15           “(iv) the consequences for an individ-  
16 ual’s or officer’s failure to comply with  
17 those laws and programs; and

18           “(v) how and where to file a com-  
19 plaint against or a compliment on behalf of  
20 a peace officer.

21           “(B) PEACE OFFICER TRAINING PRO-  
22 GRAMS.—Development and implementation of a  
23 training program, including instruction and  
24 testing materials, for peace officers and reserve  
25 law enforcement officers (other than officers

1           who have received training in a civilian course  
2           described in subparagraph (A)) with respect to  
3           proper interaction with civilians during traffic  
4           stops.

5           “(4) GRANT AMOUNT.—The allocation of grant  
6           funds to a State under this subsection for a fiscal  
7           year shall be in proportion to the State’s apportion-  
8           ment under section 402 for fiscal year 2009.

9           “(5) SPECIAL RULE FOR CERTAIN STATES.—

10           “(A) QUALIFYING STATE.—A State quali-  
11           fies pursuant to this subparagraph if—

12                   “(i) the Secretary determines such  
13                   State has taken meaningful steps toward  
14                   the full implementation of a law or pro-  
15                   gram described in paragraph (3);

16                   “(ii) the Secretary determines such  
17                   State has established a timetable for the  
18                   implementation of such a law or program;  
19                   and

20                   “(iii) such State has received a grant  
21                   pursuant to this subsection for a period of  
22                   not more than 5 years.

23           “(B) WITHHOLDING.—With respect to a  
24           State that qualifies pursuant to subparagraph  
25           (A), the Secretary shall—

1                   “(i) withhold 50 percent of the  
2                   amount that such State would otherwise  
3                   receive if such State were a State described  
4                   in paragraph (1)(A); and

5                   “(ii) direct any such amounts for dis-  
6                   tribution among the States that are enforce-  
7                   ing and carrying out a law or program de-  
8                   scribed in paragraph (3).

9                   “(6) USE OF GRANT AMOUNTS.—A State re-  
10                  ceiving a grant under this subsection may use such  
11                  grant—

12                   “(A) for the production of educational ma-  
13                   terials and training of staff for driver education  
14                   and driving safety courses and peace officer  
15                   training described in paragraph (3); and

16                   “(B) for the implementation of the law de-  
17                   scribed in paragraph (3).”.

18                  (b) CONFORMING AMENDMENT.—Sections 402, 403,  
19                  and 405 of title 23, United States Code, are amended—

20                   (1) by striking “accidents” and inserting  
21                   “crashes” each place it appears; and

22                   (2) by striking “accident” and inserting  
23                   “crash” each place it appears.

1   **SEC. 3008. MINIMUM PENALTIES FOR REPEAT OFFENDERS**  
2                   **FOR DRIVING WHILE INTOXICATED OR DRIV-**  
3                   **ING UNDER THE INFLUENCE.**

4       Section 164(b)(1) of title 23, United States Code, is  
5 amended—

6           (1) in subparagraph (A) by striking “alcohol-  
7       impaired” and inserting “alcohol or polysubstance-  
8       impaired”; and

9           (2) in subparagraph (B)—

10           (A) by striking “alcohol-impaired” and in-  
11       serting “alcohol or polysubstance-impaired”;

12           (B) by striking “or” and inserting a  
13       comma; and

14           (C) by inserting “, or driving while  
15       polysubstance-impaired” after “driving under  
16       the influence”.

17   **SEC. 3009. NATIONAL PRIORITY SAFETY PROGRAM GRANT**  
18                   **ELIGIBILITY.**

19       Section 4010(2) of the FAST Act (23 U.S.C. 405  
20       note) is amended by striking “deficiencies” and inserting  
21       “all deficiencies”.

1       **TITLE IV—MOTOR CARRIER**  
2                   **SAFETY**  
3       **Subtitle A—Motor Carrier Safety**  
4       **Grants, Operations, and Programs**

5       **SEC. 4101. MOTOR CARRIER SAFETY GRANTS.**

6           Section 31104 of title 49, United States Code, is  
7   amended—

8               (1) by striking subsection (a) and inserting the  
9   following:

10       “(a) FINANCIAL ASSISTANCE PROGRAMS.—The fol-  
11   lowing sums are authorized to be appropriated from the  
12   Highway Trust Fund (other than the Mass Transit Ac-  
13   count):

14               “(1) MOTOR CARRIER SAFETY ASSISTANCE PRO-  
15   GRAM.—Subject to paragraph (2) and subsection (c),  
16   to carry out section 31102 (except subsection (l))—

17                       “(A) \$388,950,000 for fiscal year 2022;

18                       “(B) \$398,700,000 for fiscal year 2023;

19                       “(C) \$408,900,000 for fiscal year 2024;

20                       and

21                       “(D) \$418,425,000 for fiscal year 2025.

22       “(2) HIGH-PRIORITY ACTIVITIES PROGRAM.—

23   Subject to subsection (c), to carry out section  
24   31102(l)—

25                       “(A) \$72,604,000 for fiscal year 2022;

1 “(B) \$74,424,000 for fiscal year 2023;

2 “(C) \$76,328,000 for fiscal year 2024; and

3 “(D) \$78,106,000 for fiscal year 2025.

4 “(3) COMMERCIAL MOTOR VEHICLE OPERATORS

5 GRANT PROGRAM.—To carry out section 31103—

6 “(A) \$1,037,200 for fiscal year 2022;

7 “(B) \$1,063,200 for fiscal year 2023;

8 “(C) \$1,090,400 for fiscal year 2024; and

9 “(D) \$1,115,800 for fiscal year 2025.

10 “(4) COMMERCIAL DRIVER’S LICENSE PROGRAM

11 IMPLEMENTATION PROGRAM.—Subject to subsection

12 (c), to carry out section 31313—

13 “(A) \$56,008,800 for fiscal year 2022;

14 “(B) \$57,412,800 for fiscal year 2023;

15 “(C) \$58,881,600 for fiscal year 2024; and

16 “(D) \$60,253,200 for fiscal year 2025.”;

17 (2) by striking subsection (c) and inserting the

18 following:

19 “(c) PARTNER TRAINING AND PROGRAM SUPPORT.—

20 “(1) IN GENERAL.—On October 1 of each fiscal

21 year, or as soon after that date as practicable, the

22 Secretary may deduct from amounts made available

23 under paragraphs (1), (2), and (4) of subsection (a)

24 for that fiscal year not more than 1.50 percent of

1       those amounts for partner training and program  
2       support in that fiscal year.

3           “(2) USE OF FUNDS.—The Secretary shall use  
4       at least 75 percent of the amounts deducted under  
5       paragraph (1) on training and related training mate-  
6       rials for non-Federal Government employees.

7           “(3) PARTNERSHIP.—The Secretary shall carry  
8       out the training and development of materials pursu-  
9       ant to paragraph (2) in partnership with one or  
10      more nonprofit organizations, selected on a competi-  
11      tive basis, that have—

12           “(A) expertise in conducting a training  
13      program for non-Federal Government employ-  
14      ees; and

15           “(B) a demonstrated ability to involve in a  
16      training program the target population of com-  
17      mercial motor vehicle safety enforcement em-  
18      ployees.”;

19      (3) in subsection (f)—

20           (A) in paragraph (1) by striking “the next  
21      fiscal year” and inserting “the following 2 fiscal  
22      years”;

23           (B) in paragraph (2)—

1 (i) by striking “section 31102(l)(2)”  
2 and inserting “paragraphs (2) and (4) of  
3 section 31102(l)”;

4 (ii) by striking “the next 2 fiscal  
5 years” and inserting “the following 3 fiscal  
6 years”; and

7 (C) in paragraph (3) by striking “the next  
8 4 fiscal years” and inserting “the following 5  
9 fiscal years”; and  
10 (4) by adding at the end the following:

11 “(j) TREATMENT OF REALLOCATIONS.—Amounts  
12 that are obligated and subsequently, after the date of en-  
13 actment of this subsection, released back to the Secretary  
14 under subsection (i) shall not be subject to limitations on  
15 obligations provided under any other provision of law.”.

16 **SEC. 4102. MOTOR CARRIER SAFETY OPERATIONS AND**  
17 **PROGRAMS.**

18 (a) IN GENERAL.—Section 31110 of title 49, United  
19 States Code, is amended by striking subsection (a) and  
20 inserting the following:

21 “(a) ADMINISTRATIVE EXPENSES.—There is author-  
22 ized to be appropriated from the Highway Trust Fund  
23 (other than the Mass Transit Account) for the Secretary  
24 of Transportation to pay administrative expenses of the  
25 Federal Motor Carrier Safety Administration—



- 1           “(1) \$380,500,000 for fiscal year 2022;  
2           “(2) \$381,500,000 for fiscal year 2023;  
3           “(3) \$382,500,000 for fiscal year 2024; and  
4           “(4) \$384,500,000 for fiscal year 2025.”.

5       (b) ADMINISTRATIVE EXPENSES.—

6           (1) USE OF FUNDS.—The Administrator of the  
7       Federal Motor Carrier Safety Administration shall  
8       use funds made available in subsection (a) for—

9           (A) acceleration of planned investments to  
10       modernize the Administration’s information  
11       technology and information management sys-  
12       tems;

13          (B) completing outstanding mandates;

14          (C) carrying out a Large Truck Crash  
15       Causal Factors Study of the Administration;

16          (D) construction and maintenance of bor-  
17       der facilities; and

18          (E) other activities authorized under sec-  
19       tion 31110(b) of title 49, United States Code.

20       (2) DEFINITION OF OUTSTANDING MANDATE.—

21       In this subsection, the term “outstanding mandate”  
22       means a requirement for the Federal Motor Carrier  
23       Safety Administration to issue regulations, under-  
24       take a comprehensive review or study, conduct a  
25       safety assessment, or collect data—

1 (A) under this Act;

2 (B) under MAP-21 (Public Law 112–  
3 141), that has not been published in the Fed-  
4 eral Register, if required, or otherwise com-  
5 pleted as of the date of enactment of this Act;

6 (C) under the FAST Act (Public Law  
7 114–94), that has not been published in the  
8 Federal Register, if required, or otherwise com-  
9 pleted as of the date of enactment of this Act;  
10 and

11 (D) under any other Act enacted before  
12 the date of enactment of this Act that has not  
13 been published in the Federal Register by the  
14 date required in such Act.

15 **SEC. 4103. IMMOBILIZATION GRANT PROGRAM.**

16 Section 31102(l) of title 49, United States Code, is  
17 amended—

18 (1) in paragraph (1) by striking “and (3)” and  
19 inserting “, (3), and (4)”; and

20 (2) by adding at the end the following:

21 “(4) IMMOBILIZATION GRANT PROGRAM.—

22 “(A) IN GENERAL.—The Secretary shall  
23 establish an immobilization grant program to  
24 make discretionary grants to States for the im-  
25 mobilization or impoundment of passenger-car-

1           rying commercial motor vehicles if such vehicles  
2           are found to be unsafe or fail inspection.

3           “(B) CRITERIA FOR IMMOBILIZATION.—  
4           The Secretary, in consultation with State com-  
5           mercial motor vehicle entities, shall develop a  
6           list of commercial motor vehicle safety viola-  
7           tions and defects that the Secretary determines  
8           warrant the immediate immobilization of a pas-  
9           senger-carrying commercial motor vehicle.

10          “(C) ELIGIBILITY.—A State is only eligible  
11          to receive a grant under this paragraph if such  
12          State has the authority to require the immo-  
13          bilization or impoundment of a passenger-car-  
14          rying commercial motor vehicle if such vehicle is  
15          found to have a violation or defect included in  
16          the list developed under subparagraph (B).

17          “(D) USE OF FUNDS.— Grant funds pro-  
18          vided under this paragraph may be used for—

19               “(i) the immobilization or impound-  
20               ment of passenger-carrying commercial  
21               motor vehicles found to have a violation or  
22               defect included in the list developed under  
23               subparagraph (B);

24               “(ii) safety inspections of such vehi-  
25               cles; and

1 “(iii) other activities related to the ac-  
2 tivities described in clauses (i) and (ii), as  
3 determined by the Secretary.

4 “(E) SECRETARY AUTHORIZATION.—The  
5 Secretary is authorized to award a State fund-  
6 ing for the costs associated with carrying out  
7 an immobilization program with funds made  
8 available under section 31104(a)(2).

9 “(F) DEFINITION OF PASSENGER-CAR-  
10 RYING COMMERCIAL MOTOR VEHICLE.—In this  
11 paragraph, the term ‘passenger-carrying com-  
12 mercial motor vehicle’ has the meaning given  
13 the term commercial motor vehicle in section  
14 31301.”.

## 15 **Subtitle B—Motor Carrier Safety** 16 **Oversight**

### 17 **SEC. 4201. MOTOR CARRIER SAFETY ADVISORY COM-** 18 **MITTEE.**

19 Section 4144 of SAFETEA-LU (49 U.S.C. 31100  
20 note) is amended—

21 (1) in subsection (b)(1) by inserting “, includ-  
22 ing small business motor carriers” after “industry”;  
23 and

24 (2) in subsection (d) by striking “September  
25 30, 2013” and inserting “September 30, 2025”.

1   **SEC. 4202. COMPLIANCE, SAFETY, ACCOUNTABILITY.**

2           (a) IN GENERAL.—Not later than 1 year after the  
3   date of enactment of this Act, the Secretary of Transpor-  
4   tation shall implement a revised methodology to be used  
5   in the Compliance, Safety, Accountability program of the  
6   Federal Motor Carrier Safety Administration to identify  
7   and prioritize motor carriers for intervention, using the  
8   recommendations of the study required by section 5221(a)  
9   of the FAST Act (49 U.S.C. 31100 note).

10          (b) DATA AVAILABILITY.—The Secretary shall, in  
11   working toward implementation of the revised method-  
12   ology described in subsection (a) prioritize revisions nec-  
13   essary to—

14           (1) restore the public availability of all relevant  
15   safety data under a revised methodology; and

16           (2) make such safety data publicly available  
17   that was made publicly available on the day before  
18   the date of enactment of the FAST Act, and make  
19   publicly available any safety data that was required  
20   to be made available by section 5223 of the FAST  
21   Act (49 U.S.C. 31100 note).

22          (c) IMPLEMENTATION.—

23           (1) PROGRESS REPORTS.—Not later than 30  
24   days after the date of enactment of this Act, and  
25   every 90 days thereafter until the date on which the  
26   Secretary implements the revised methodology de-

1       scribed in subsection (a), the Secretary shall submit  
2       to the Committee on Transportation and Infrastruc-  
3       ture of the House of Representatives and the Com-  
4       mittee on Commerce, Science, and Transportation of  
5       the Senate, and make publicly available on a website  
6       of the Department of Transportation, a progress re-  
7       port on—

8               (A) the status of the revision of the meth-  
9               odology and related data modifications under  
10              subsection (a), a timeline for completion of such  
11              revision, and an estimated date for implementa-  
12              tion of such revised methodology;

13             (B) an explanation for any delays in devel-  
14             opment or implementation of the revised meth-  
15             odology over the reporting period; and

16             (C) if the Secretary has not resumed mak-  
17             ing publicly available the data described in sub-  
18             section (b), an updated timeline for the restora-  
19             tion of the public availability of data and a de-  
20             tailed explanation for why such restoration has  
21             not occurred.

22             (2) PUBLICATION AND NOTIFICATION.—Prior  
23             to commencing the use of the revised methodology  
24             described in subsection (a) to identify and prioritize

1 motor carriers for intervention (other than in a test-  
2 ing capacity), the Secretary shall—

3 (A) publish a detailed summary of the  
4 methodology in the Federal Register and pro-  
5 vide a period for public comment; and

6 (B) notify the Committee on Transpor-  
7 tation and Infrastructure of the House of Rep-  
8 resentatives and the Committee on Commerce,  
9 Science, and Transportation of the Senate, in  
10 writing.

11 (d) SAFETY FITNESS RULE.—

12 (1) RULEMAKING.—Not later than 1 year after  
13 the date on which the Secretary notifies Congress  
14 under subsection (c)(2), the Secretary shall issue  
15 final regulations pursuant to section 31144(b) of  
16 title 49, United States Code, to revise the method-  
17 ology for issuance of motor carrier safety fitness de-  
18 terminations.

19 (2) CONSIDERATIONS.—In issuing the regula-  
20 tions under paragraph (1), the Secretary shall con-  
21 sider the use of all available data to determine the  
22 fitness of a motor carrier.

23 (e) REPEAL.—Section 5223 of the FAST Act (49  
24 U.S.C. 31100 note), and the item related to such section

1 in the table of contents in section 1(b) of such Act, are  
2 repealed.

3 **SEC. 4203. TERMS AND CONDITIONS FOR EXEMPTIONS.**

4 Section 31315 of title 49, United States Code, is  
5 amended—

6 (1) in subsection (b)—

7 (A) in paragraph (4)(A) by inserting “, in-  
8 cluding data submission requirements,” after  
9 “terms and conditions”; and

10 (B) by striking paragraph (8) and insert-  
11 ing the following:

12 “(8) TERMS AND CONDITIONS.—

13 “(A) IN GENERAL.—The Secretary shall  
14 establish terms and conditions for each exemp-  
15 tion to ensure that the exemption will not likely  
16 degrade the level of safety achieved by the per-  
17 son or class of persons granted the exemption,  
18 and allow the Secretary to evaluate whether an  
19 equivalent level of safety is maintained while  
20 the person or class of persons is operating  
21 under such exemption, including—

22 “(i) requiring the regular submission  
23 of accident and incident data to the Sec-  
24 retary;



1 “(ii) requiring immediate notification  
2 to the Secretary in the event of a crash  
3 that results in a fatality or serious bodily  
4 injury;

5 “(iii) for exemptions granted by the  
6 Secretary related to hours of service rules  
7 under part 395 of title 49, Code of Federal  
8 Regulations, requiring that the exempt  
9 person or class of persons submit to the  
10 Secretary evidence of participation in a  
11 recognized fatigue management plan; and

12 “(iv) providing documentation of the  
13 authority to operate under the exemption  
14 to each exempt person, to be used to dem-  
15 onstrate compliance if requested by a  
16 motor carrier safety enforcement officer  
17 during a roadside inspection.

18 “(B) IMPLEMENTATION.—The Secretary  
19 shall monitor the implementation of the exemp-  
20 tion to ensure compliance with its terms and  
21 conditions.”; and

22 (2) in subsection (e) by inserting “, based on an  
23 analysis of data collected by the Secretary and sub-  
24 mitted to the Secretary under subsection (b)(8)”  
25 after “safety”.

1   **SEC. 4204. SAFETY FITNESS OF MOTOR CARRIERS OF PAS-**  
2                   **SENGERS.**

3           Section 31144(i) of title 49, United States Code, is  
4 amended—

5           (1) in paragraph (1)—

6                   (A) in subparagraph (A) by striking “who  
7           the Secretary registers under section 13902 or  
8           31134”; and

9                   (B) in subparagraph (B) by inserting “to  
10          motor carriers of passengers and” after  
11          “apply”; and

12          (2) by adding at the end the following:

13           “(5) MOTOR CARRIER OF PASSENGERS DE-  
14          FINED.—In this subsection, the term ‘motor carrier  
15          of passengers’ includes an offeror of motorcoach  
16          services that sells scheduled transportation of pas-  
17          sengers for compensation at fares and on schedules  
18          and routes determined by such offeror, regardless of  
19          ownership or control of the vehicles or drivers used  
20          to provide the transportation by motorcoach.”.

21   **SEC. 4205. PROVIDERS OF RECREATIONAL ACTIVITIES.**

22          Section 13506(b) of title 49, United States Code, is  
23 amended—

24          (1) in paragraph (2) by striking “or” at the  
25          end;

1 (2) in paragraph (3) by striking the period at  
2 the end and inserting “; or”; and

3 (3) by adding at the end the following:

4 “(4) transportation by a motor vehicle designed  
5 or used to transport between 9 and 15 passengers  
6 (including the driver), whether operated alone or  
7 with a trailer attached for the transport of rec-  
8 reational equipment, that is operated by a person  
9 that provides recreational activities if—

10 “(A) the transportation is provided within  
11 a 150 air-mile radius of the location where pas-  
12 sengers are boarded; and

13 “(B) the person operating the motor vehi-  
14 cle, if transporting passengers over a route be-  
15 tween a place in a State and a place in another  
16 State, is otherwise lawfully providing transpor-  
17 tation of passengers over the entire route in ac-  
18 cordance with applicable State law.”.

19 **Subtitle C—Commercial Motor**  
20 **Vehicle Driver Safety**

21 **SEC. 4301. COMMERCIAL DRIVER’S LICENSE FOR PAS-**  
22 **SENGER CARRIERS.**

23 Section 31301(4)(B) of title 49, United States Code,  
24 is amended to read as follows:

25 “(B) is designed or used to transport—

1 “(i) more than 8 passengers (includ-  
2 ing the driver) for compensation; or

3 “(ii) more than 15 passengers (includ-  
4 ing the driver), whether or not the trans-  
5 portation is provided for compensation;  
6 or”.

7 **SEC. 4302. ALCOHOL AND CONTROLLED SUBSTANCES TEST-**  
8 **ING.**

9 Section 31306(c)(2) of title 49, United States Code,  
10 is amended by striking “, for urine testing,”.

11 **SEC. 4303. ENTRY-LEVEL DRIVER TRAINING.**

12 Not later than January 1, 2021, and every 90 days  
13 thereafter until the compliance date for the final rule pub-  
14 lished on December 8, 2016, titled “Minimum Training  
15 Requirements for Entry-Level Commercial Motor Vehicle  
16 Operators” (81 Fed. Reg. 88732), the Secretary shall sub-  
17 mit to the Committee on Transportation and Infrastruc-  
18 ture of the House of Representatives and the Committee  
19 on Commerce, Science, and Transportation of the Senate  
20 a report on—

21 (1) a schedule, including benchmarks, to com-  
22 plete implementation of the requirements under such  
23 final rule;

24 (2) any anticipated delays, if applicable, in  
25 meeting the benchmarks described in paragraph (1);

1           (3) the progress that the Secretary has made in  
2       updating the Department of Transportation’s infor-  
3       mation technology infrastructure to support the  
4       training provider registry;

5           (4) a list of States that have adopted laws or  
6       regulations to implement such final rule; and

7           (5) a list of States, if applicable, that are imple-  
8       menting the rule and confirming that an applicant  
9       for a commercial driver’s license has complied with  
10      the requirements.

11 **SEC. 4304. DRIVER DETENTION TIME.**

12       (a) DATA COLLECTION.—Not later than 30 days  
13 after the date of enactment of this Act, the Secretary  
14 shall—

15           (1) begin to collect data on delays experienced  
16       by operators of commercial motor vehicles, as re-  
17       quired under section 5501 of the FAST Act (49  
18       U.S.C. 14103 note) and as referenced in the request  
19       for information published on June 10, 2019, titled  
20       “Request for Information Concerning Commercial  
21       Motor Vehicle Driver Detention Times During Load-  
22       ing and Unloading” (84 Fed. Reg. 26932); and

23           (2) make such data available on a publicly ac-  
24       cessible website of the Department of Transpor-  
25       tation.

1 (b) DETENTION TIME LIMITS.—

2 (1) RULEMAKING.—Not later than 1 year after  
3 the date of enactment of this Act, the Secretary  
4 shall initiate a rulemaking to establish limits on the  
5 amount of time that an operator of a commercial  
6 motor vehicle may be reasonably detained by a ship-  
7 per or receiver before the loading or unloading of the  
8 vehicle, if the operator is not compensated for such  
9 time detained.

10 (2) CONTENTS.—As part of the rulemaking  
11 conducted pursuant to subsection (a), the Secretary  
12 shall—

13 (A) consider the diverse nature of oper-  
14 ations in the movement of goods by commercial  
15 motor vehicle;

16 (B) examine any correlation between time  
17 detained and violations of the hours-of-service  
18 rules under part 395 of title 49, Code of Fed-  
19 eral Regulations;

20 (C) determine whether the effect of deten-  
21 tion time on safety differs based on—

22 (i) how an operator is compensated;

23 and

24 (ii) the contractual relationship be-  
25 tween the operator and the motor carrier,

1 including whether an operator is an em-  
2 ployee, a leased owner-operator, or an  
3 owner-operator with independent authority;  
4 and

5 (D) establish a process for a motor carrier,  
6 shipper, receiver, broker, or commercial motor  
7 vehicle operator to report instances of time de-  
8 tained beyond the Secretary's established limits.

9 (3) INCORPORATION OF INFORMATION.—The  
10 Secretary shall incorporate information received  
11 under paragraph (2)(D) into the process established  
12 pursuant to subsection (a) once a final rule takes ef-  
13 fect.

14 (c) DATA PROTECTION.—Data made available pursu-  
15 ant to this section shall be made available in a manner  
16 that—

17 (1) precludes the connection of the data to any  
18 individual motor carrier or commercial motor vehicle  
19 operator; and

20 (2) protects privacy and confidentiality of indi-  
21 viduals, operators, and motor carriers submitting the  
22 data.

23 (d) COMMERCIAL MOTOR VEHICLE DEFINED.—In  
24 this section, the term “commercial motor vehicle” has the

1 meaning given such term in section 31101 of title 49,  
2 United States Code.

3 **SEC. 4305. TRUCK LEASING TASK FORCE.**

4 (a) ESTABLISHMENT.—Not later than 6 months after  
5 the date of enactment of this Act, the Secretary of Trans-  
6 portation, in consultation with the Secretary of Labor,  
7 shall establish a Truck Leasing Task Force (hereinafter  
8 referred to as the “Task Force”).

9 (b) MEMBERSHIP.—The Secretary of Transportation  
10 shall select not more than 15 individuals to serve as mem-  
11 bers of the Task Force, including equal representation  
12 from each of the following:

13 (1) Labor organizations.

14 (2) The motor carrier industry, including inde-  
15 pendent owner-operators.

16 (3) Consumer protection groups.

17 (4) Safety groups.

18 (5) Members of the legal profession who spe-  
19 cialize in consumer finance issues.

20 (c) DUTIES.—The Task Force shall examine, at a  
21 minimum—

22 (1) common truck leasing arrangements avail-  
23 able to commercial motor vehicle drivers, including  
24 lease-purchase agreements;

25 (2) the terms of such leasing agreements;



1           (3) the prevalence of predatory leasing agree-  
2           ments in the motor carrier industry;

3           (4) specific agreements available to drayage  
4           drivers at ports related to the Clean Truck Program  
5           or similar programs to decrease emissions from port  
6           operations;

7           (5) the impact of truck leasing agreements on  
8           the net compensation of commercial motor vehicle  
9           drivers, including port drayage drivers;

10          (6) resources to assist commercial motor vehicle  
11          drivers in assessing the impacts of leasing agree-  
12          ments; and

13          (7) the classification of commercial motor vehi-  
14          cle drivers under lease-purchase agreements.

15          (d) COMPENSATION.—A member of the Task Force  
16          shall serve without compensation.

17          (e) REPORT.—Upon completion of the examination  
18          described in subsection (c), the Task Force shall submit  
19          to the Secretary of Transportation, Secretary of Labor,  
20          and appropriate congressional committees a report con-  
21          taining—

22                (1) the findings of the Task Force on the mat-  
23                ters described in subsection (c);

24                (2) best practices related to—

1 (A) assisting a commercial motor vehicle  
2 driver in assessing the impacts of leasing agree-  
3 ments prior to entering into such agreements;  
4 and

5 (B) assisting a commercial motor vehicle  
6 driver who has entered into a predatory lease  
7 agreement; and

8 (3) recommendations on changes to laws or reg-  
9 ulations, as applicable, at the Federal, State, or local  
10 level to promote fair leasing agreements under which  
11 a commercial motor vehicle driver is able to earn a  
12 living wage.

13 (f) TERMINATION.—Not later than 1 month after the  
14 date of submission of the report pursuant to subsection  
15 (e), the Task Force shall terminate.

16 **SEC. 4306. HOURS OF SERVICE.**

17 (a) AUTHORITY TO ISSUE REGULATIONS.—Notwith-  
18 standing the authority of the Secretary of Transportation  
19 to issue regulations under section 31502 of title 49,  
20 United States Code, the Secretary shall delay the effective  
21 date of the final rule published on June 1, 2020, titled  
22 “Hours of Service of Drivers” (85 Fed. Reg. 33396) until  
23 60 days after the date on which the Secretary submits  
24 the report required under subsection (d).

25 (b) COMPREHENSIVE REVIEW.—

1           (1) COMPREHENSIVE REVIEW OF HOURS OF  
2       SERVICE RULES.—Not later than 60 days after the  
3       date of enactment of this Act, the Secretary shall  
4       initiate a comprehensive review of hours of service  
5       rules and the impacts of waivers, exemptions, and  
6       other allowances that limit the applicability of such  
7       rules.

8           (2) LIST OF EXEMPTIONS.—In carrying out the  
9       comprehensive review required under paragraph (1),  
10      the Secretary shall—

11           (A) compile a list of waivers, exemptions,  
12      and other allowances—

13           (i) under which a driver may operate  
14      in excess of the otherwise applicable limits  
15      on on-duty or driving time in absence of  
16      such exemption, waiver, or other allowance;

17           (ii) under which a driver may operate  
18      without recording compliance with hours of  
19      service rules through the use of an elec-  
20      tronic logging device; and

21           (iii) applicable—

22           (I) to specific segments of the  
23      motor carrier industry or sectors of  
24      the economy;

1 (II) on a periodic or seasonal  
2 basis; and

3 (III) to specific types of oper-  
4 ations, including the short haul ex-  
5 emption under part 395 of title 49,  
6 Code of Federal Regulations;

7 (B) specify whether each such waiver, ex-  
8 emption, or other allowance was granted by the  
9 Department of Transportation or enacted by  
10 Congress, and how long such waiver, exemption,  
11 or other allowance has been in effect; and

12 (C) estimate the number of motor carriers,  
13 motor private carriers, and drivers that may  
14 qualify to use each waiver, exemption, or other  
15 allowance.

16 (3) SAFETY IMPACT ANALYSIS.—

17 (A) IN GENERAL.—In carrying out the  
18 comprehensive review under paragraph (1), the  
19 Secretary, in consultation with State motor car-  
20 rier enforcement entities, shall undertake a sta-  
21 tistically valid analysis to determine the safety  
22 impact, including on enforcement, of the exemp-  
23 tions, waivers, or other allowances compiled  
24 under paragraph (2) by—

1                   (i) using available data, or collecting  
2                   from motor carriers or motor private car-  
3                   riers and drivers operating under an ex-  
4                   emption, waiver, or other allowance if the  
5                   Secretary does not have sufficient data, to  
6                   determine the incidence of accidents, fa-  
7                   tigue-related incidents, and other relevant  
8                   safety information related to hours of serv-  
9                   ice among motor carriers, private motor  
10                  carriers, and drivers permitted to operate  
11                  under each exemption, waiver, or other al-  
12                  lowance;

13               (ii) comparing the data described in  
14               subparagraph (A) to safety data from  
15               motor carriers, motor private carriers, and  
16               drivers that are subject to the hours of  
17               service rules and not operating under an  
18               exemption, waiver, or other allowance; and

19               (iii) based on the comparison under  
20               subparagraph (B), determining whether  
21               waivers, exemptions, and other allowances  
22               in effect provide an equivalent level of safe-  
23               ty as would exist in the absence of exemp-  
24               tions, waivers, or other allowances.

1 (B) CONSULTATION.—The Secretary shall  
2 consult with State motor carrier enforcement  
3 entities in carrying out this paragraph.

4 (C) EXCLUSIONS.—The Secretary shall ex-  
5 clude data related to exemptions, waivers, or  
6 other allowances made pursuant to an emer-  
7 gency declaration under section 390.23 of title  
8 49, Code of Federal Regulations, or extended  
9 under section 390.25 of title 49, Code of Fed-  
10 eral Regulations, from the analysis required  
11 under this paragraph.

12 (4) DRIVER IMPACT ANALYSIS.—In carrying out  
13 the comprehensive review under paragraph (1), the  
14 Secretary shall further consider—

15 (A) data on driver detention collected by  
16 the Secretary pursuant to section 4304 of this  
17 Act and other conditions affecting the move-  
18 ment of goods by commercial motor vehicle, and  
19 how such conditions interact with the Sec-  
20 retary's regulations on hours of service;

21 (B) whether exemptions, waivers, or other  
22 allowances that permit additional on-duty time  
23 or driving time have a deleterious effect on the  
24 physical condition of drivers; and

1 (C) whether differences in the manner in  
2 which drivers are compensated result in dif-  
3 ferent levels of burden for drivers in complying  
4 with hours of service rules.

5 (c) PEER REVIEW.—Prior to the publication of the  
6 review required under subsection (d), the analyses per-  
7 formed by the Secretary shall undergo an independent  
8 peer review.

9 (d) PUBLICATION.—Not later than 18 months after  
10 the date that the Secretary initiates the comprehensive re-  
11 view under subsection (b)(1), the Secretary shall publish  
12 the findings of such review in the Federal Register and  
13 provide for a period for public comment.

14 (e) REPORT TO CONGRESS.—Not later than 30 days  
15 after the conclusion of the public comment period under  
16 subsection (d), the Secretary shall submit to the Com-  
17 mittee on Commerce, Science, and Transportation and the  
18 Committee on Environment and Public Works of the Sen-  
19 ate and the Committee on Transportation and Infrastruc-  
20 ture of the House of Representatives and make publicly  
21 available on a website of the Department of Transpor-  
22 tation a report containing the information and analyses  
23 required under subsection (b).

24 (f) REPLACEMENT OF GUIDANCE.—Notwithstanding  
25 subsection (a), the Secretary shall replace the Department

1 of Transportation guidance published on June 7, 2018,  
2 titled “Hours of Service of Drivers of Commercial Motor  
3 Vehicles: Regulatory Guidance Concerning the Use of a  
4 Commercial Motor Vehicle for Personal Conveyance” (83  
5 Fed. Reg. 26377) with specific mileage or time limits, or  
6 both, for the use of personal conveyance established  
7 through a rulemaking.

8 (g) DEFINITIONS.—In this section:

9 (1) MOTOR CARRIER; MOTOR PRIVATE CAR-  
10 RIER.—The terms “motor carrier” and “motor pri-  
11 vate carrier” have the meanings given such terms in  
12 section 31501 of title 49, United States Code.

13 (2) ON-DUTY TIME; DRIVING TIME; ELEC-  
14 TRONIC LOGGING DEVICE.—The terms “on-duty  
15 time”, “driving time”, and “electronic logging de-  
16 vice” have the meanings given such terms in section  
17 395.2 of title 49, Code of Federal Regulations (as  
18 in effect on June 1, 2020).

19 **SEC. 4307. DRIVER RECRUITMENT.**

20 (a) IN GENERAL.—Not later than 1 year after the  
21 date of enactment of this Act, the inspector general of the  
22 Department of Transportation shall submit to the Com-  
23 mittee on Transportation and Infrastructure of the House  
24 of Representatives and the Committee on Commerce,  
25 Science, and Transportation of the Senate a report exam-



1 ining the operation of commercial motor vehicles in the  
2 United States by drivers admitted to the United States  
3 under temporary business visas.

4 (b) CONTENTS.—The report under paragraph (1)  
5 shall include—

6 (1) an assessment of—

7 (A) the prevalence of the operation of com-  
8 mercial motor vehicles in the United States by  
9 drivers admitted to the United States under  
10 temporary business visas;

11 (B) the characteristics of motor carriers  
12 that recruit and use such drivers, including the  
13 country of domicile of the motor carrier or sub-  
14 sidiary;

15 (C) the demographics of drivers operating  
16 in the United States under such visas, including  
17 the country of domicile of such drivers; and

18 (D) the contractual relationship between  
19 such motor carriers and such drivers;

20 (2) an analysis of whether such drivers are re-  
21 quired to comply with—

22 (A) motor carrier safety regulations under  
23 subchapter B of chapter III of title 49, Code of  
24 Federal Regulations, including—

1 (i) the English proficiency require-  
2 ment under section 391.11(2) of title 49,  
3 Code of Federal Regulations;

4 (ii) the requirement for drivers of a  
5 motor carrier to report any violations of a  
6 regulation to such motor carrier under sec-  
7 tion 391.27 of title 49, Code of Federal  
8 Regulations; and

9 (iii) driver's licensing requirements  
10 under part 383 of title 49, Code of Federal  
11 Regulations, including entry-level driver  
12 training and drug and alcohol testing  
13 under part 382 of such title; and

14 (B) regulations prohibiting point-to-point  
15 transportation in the United States, or cabo-  
16 tage, under part 365 of title 49, Code of Fed-  
17 eral Regulations;

18 (3) an evaluation of the safety record of the op-  
19 erations and drivers described in paragraph (1), in-  
20 cluding—

21 (A) violations of the motor carrier safety  
22 regulations under subchapter B of chapter III  
23 of title 49, Code of Federal Regulations, includ-  
24 ing applicable requirements described in para-  
25 graph (2)(A); and

1 (B) the number of crashes involving such  
2 operations and drivers; and

3 (4) the impact of such operations and drivers  
4 on—

5 (A) commercial motor vehicle drivers domi-  
6 ciled in the United States, including employ-  
7 ment levels and driver compensation of such  
8 drivers; and

9 (B) the competitiveness of motor carriers  
10 domiciled in the United States.

11 (c) DEFINITIONS.—In this section:

12 (1) COMMERCIAL MOTOR VEHICLE.—In this  
13 section, the term “commercial motor vehicle” has  
14 the meaning given such term in section 31101 of  
15 title 49, United States Code.

16 (2) TEMPORARY BUSINESS VISA.—The term  
17 “temporary business visa” means any driver who is  
18 present in the United States with status under sec-  
19 tion 101(a)(15)(H)(i)(b) of the Immigration and  
20 Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)).

21 **Subtitle D—Commercial Motor**  
22 **Vehicle and Schoolbus Safety**

23 **SEC. 4401. SCHOOLBUS SAFETY STANDARDS.**

24 (a) SCHOOLBUS SEATBELTS.—

1           (1) IN GENERAL.—Not later than 1 year after  
2           the date of enactment of this Act, the Secretary  
3           shall issue a notice of proposed rulemaking to con-  
4           sider requiring large schoolbuses to be equipped with  
5           safety belts for all seating positions, if the Secretary  
6           determines that such standards meet the require-  
7           ments and considerations set forth in subsections (a)  
8           and (b) of section 30111 of title 49, United States  
9           Code.

10          (2) CONSIDERATIONS.—In issuing a notice of  
11          proposed rulemaking under paragraph (1), the Sec-  
12          retary shall consider—

13                (A) the safety benefits of a lap/shoulder  
14                belt system (also known as a Type 2 seatbelt  
15                assembly);

16                (B) the recommendations of the National  
17                Transportation Safety Board on seatbelts in  
18                schoolbuses; and

19                (C) existing experience from States that  
20                require schoolbuses to be equipped with seat-  
21                belts, including Type 2 seatbelt assembly.

22          (3) REPORT.—If the Secretary determines that  
23          a standard described in paragraph (1) does not meet  
24          the requirements and considerations set forth in sub-  
25          sections (a) and (b) of section 30111 of title 49,

1 United States Code, the Secretary shall submit to  
2 the Committee on Transportation and Infrastructure  
3 of the House of Representatives and the Committee  
4 on Commerce, Science, and Transportation of the  
5 Senate a report that describes the reasons for not  
6 prescribing such a standard.

7 (4) APPLICATION OF REGULATIONS.—Any regu-  
8 lation issued based on the notice of proposed rule-  
9 making described in paragraph (1) shall apply to  
10 schoolbuses manufactured more than 3 years after  
11 the date on which the regulation takes effect.

12 (b) AUTOMATIC EMERGENCY BRAKING.—Not later  
13 than 2 years after the date of enactment of this Act, the  
14 Secretary shall—

15 (1) prescribe a motor vehicle safety standard  
16 under section 30111 of title 49, United States Code,  
17 that requires all schoolbuses manufactured after the  
18 effective date of such standard to be equipped with  
19 an automatic emergency braking system; and

20 (2) as part of such standard, establish perform-  
21 ance requirements for automatic emergency braking  
22 systems, including operation of such systems.

23 (c) ELECTRONIC STABILITY CONTROL.—Not later  
24 than 2 years after the date of enactment of this Act, the  
25 Secretary shall—

1           (1) prescribe a motor vehicle safety standard  
2           under section 30111 of title 49, United States Code,  
3           that requires all schoolbuses manufactured after the  
4           effective date of such standard to be equipped with  
5           an electronic stability control system (as such term  
6           is defined in section 571.136 of title 49, Code of  
7           Federal Regulations (as in effect on the date of en-  
8           actment of this Act)); and

9           (2) as part of such standard, establish perform-  
10          ance requirements for electronic stability control sys-  
11          tems, including operation of such systems.

12         (d) FIRE PREVENTION AND MITIGATION.—

13           (1) RESEARCH AND TESTING.—The Secretary  
14           shall conduct research and testing to determine the  
15           most prevalent causes of schoolbus fires and the best  
16           methods to prevent such fires and to mitigate the ef-  
17           fect of such fires, both inside and outside the school-  
18           bus. Such research and testing shall consider—

19                 (A) fire suppression systems standards,  
20                 which at a minimum prevent engine fires;

21                 (B) firewall standards to prevent gas or  
22                 flames from entering into the passenger com-  
23                 partment in schoolbuses with engines that ex-  
24                 tend beyond the firewall; and

1 (C) interior flammability and smoke emis-  
2 sions characteristics standards.

3 (2) STANDARDS.—The Secretary may issue fire  
4 prevention and mitigation standards for schoolbuses,  
5 based on the results of the Secretary’s research and  
6 testing under paragraph (1), if the Secretary deter-  
7 mines that such standards meet the requirements  
8 and considerations set forth in subsections (a) and  
9 (b) of section 30111 of title 49, United States Code.  
10 (e) DEFINITIONS.—In this section:

11 (1) AUTOMATIC BRAKING SYSTEM.—The term  
12 “automatic braking system” means a crash avoid-  
13 ance system installed and operational in a vehicle  
14 that consists of—

15 (A) a forward warning function—

16 (i) to detect vehicles and objects  
17 ahead of the vehicle; and

18 (ii) to alert the operator of an im-  
19 pending collision; and

20 (B) a crash-imminent braking function to  
21 provide automatic braking when forward-look-  
22 ing sensors of the vehicle indicate that—

23 (i) a crash is imminent; and

24 (ii) the operator of the vehicle is not  
25 applying the brakes.

1           (2) LARGE SCHOOLBUS.—The term “large  
2       schoolbus” means a schoolbus with a gross vehicle  
3       weight rating of more than 10,000 pounds.

4           (3) SCHOOLBUS.—The term “schoolbus” has  
5       the meaning given such term in section 30125(a) of  
6       title 49, United States Code.

7       **SEC. 4402. ILLEGAL PASSING OF SCHOOLBUSES.**

8       (a) REVIEW OF ILLEGAL PASSING LAWS.—

9           (1) IN GENERAL.—Not later than 2 years after  
10      the date of enactment of this Act, the Secretary of  
11      Transportation shall—

12           (A) prepare a compilation of illegal passing  
13      laws in all States, including levels of enforce-  
14      ment and penalties and enforcement issues with  
15      such laws and the impact of such laws on illegal  
16      passing of schoolbuses in each State;

17           (B) review existing State laws that may in-  
18      hibit effective schoolbus loading zone counter-  
19      measures, which may include laws requiring  
20      camera visibility of a driver’s face for enforce-  
21      ment action, laws that may reduce stop-arm  
22      camera effectiveness, the need for an officer to  
23      witness the event for enforcement, and the lack  
24      of primary enforcement for texting and driving;



1 (C) evaluate methods used by States to re-  
2 view, document, and report to law enforcement  
3 schoolbus stop-arm violations; and

4 (D) following the completion of the com-  
5 pilation, issue recommendations on best prac-  
6 tices on the most effective approaches to ad-  
7 dress illegal passing of schoolbuses.

8 (2) PUBLICATION.—The compilation and rec-  
9 ommendations prepared under paragraph (1) shall  
10 be made publicly available on the website of the De-  
11 partment of Transportation.

12 (b) PUBLIC SAFETY MESSAGING CAMPAIGN.—

13 (1) IN GENERAL.—Not later than 1 year after  
14 the date on which the Secretary makes the compila-  
15 tion and recommendations under subsection (a)(2)  
16 publicly available, the Secretary shall create and exe-  
17 cute a public safety messaging campaign for dis-  
18 tribution to States, divisions of motor vehicles,  
19 schools, and other public outlets to highlight the  
20 dangers of the illegal passing of schoolbuses, and  
21 should include educating students and the public on  
22 safe loading and unloading of schoolbuses.

23 (2) CONSULTATION.—The Secretary shall con-  
24 sult with public and private schoolbus industry rep-

1        representatives and States in developing the campaign  
2        materials.

3            (3) UPDATE.—The Secretary shall periodically  
4        update such materials.

5        (c) REVIEW OF TECHNOLOGIES.—

6            (1) IN GENERAL.—Not later than 2 years after  
7        the date of enactment of this Act, the Secretary  
8        shall review and evaluate the effectiveness of various  
9        technologies to enhance schoolbus safety, including  
10       cameras, audible warning systems, enhanced light-  
11       ing, and other technological solutions.

12           (2) CONTENT.—The review under paragraph  
13        (1)—

14                (A) shall include an evaluation of the costs  
15                of new equipment and the potential impact on  
16                overall schoolbus ridership;

17                (B) shall include an evaluation of advanced  
18                technologies surrounding loading zone safety;

19                (C) shall include an evaluation of motion-  
20                activated detection systems that are capable  
21                of—

22                        (i) detecting pedestrians, bicyclists,  
23                        and other road users located near the exte-  
24                        rior of the schoolbus; and

1 (ii) alerting the operator of the school-  
2 bus of the road users described in clause  
3 (i);

4 (D) shall include an evaluation of school-  
5 bus lighting systems, to ensure clear commu-  
6 nication to surrounding drivers on their appro-  
7 priate action; and

8 (E) may include other technological solu-  
9 tions that enhance schoolbus safety.

10 (3) CONSULTATION.—The Secretary shall con-  
11 sult with manufacturers of schoolbus vehicles, manu-  
12 facturers of various technologies, and school bus in-  
13 dustry representatives in conducting the review  
14 under paragraph (1).

15 (4) PUBLICATION.—The Secretary shall make  
16 the findings of the review under paragraph (1) pub-  
17 licly available on the website of the Department.

18 (d) REVIEW OF DRIVER EDUCATION MATERIALS.—

19 (1) IN GENERAL.—Not later than 2 years after  
20 the date of enactment of this Act, the Secretary  
21 shall—

22 (A) review driver education materials  
23 across all States to determine whether and how  
24 illegal passing of schoolbuses is addressed in  
25 driver education materials, manuals, non-com-

1           mercial driver's license testing, and road tests;  
2           and

3           (B) make recommendations on how States  
4           can improve education about illegal passing of  
5           schoolbuses, particularly with new drivers.

6           (2) CONSULTATION.—The Secretary shall con-  
7           sult with schoolbus industry representatives, States,  
8           motor vehicle administrators, and other appropriate  
9           motor vehicle experts in the preparation of the re-  
10          view under paragraph (1).

11          (3) PUBLICATION.—The Secretary shall make  
12          the findings of the review under paragraph (1) pub-  
13          licly available on the website of the Department.

14          (e) REVIEW OF OTHER SAFETY ISSUES.—

15               (1) IN GENERAL.—Not later than 2 years after  
16               the date of enactment of this Act, the Secretary  
17               shall—

18                       (A) research the connections between ille-  
19                       gal passing of schoolbuses and other safety  
20                       issues, including distracted driving, morning  
21                       darkness, illumination and reach of vehicle  
22                       headlights, speed limits, and schoolbus stop lo-  
23                       cations in rural areas; and

24                       (B) create a report containing the findings.

1           (2) PUBLICATION.—The Secretary shall make  
2           the report created under paragraph (1)(B) publicly  
3           available on the website of the Department.

4   **SEC. 4403. STATE INSPECTION OF PASSENGER-CARRYING**  
5                           **COMMERCIAL MOTOR VEHICLES.**

6           (a) IN GENERAL.—Not later than 2 years after the  
7           date of enactment of this Act, the Secretary of Transpor-  
8           tation shall issue a final rule based on the advance notice  
9           of proposed rulemaking published on April 27, 2016, titled  
10          “State Inspection Programs for Passenger-Carrier Vehi-  
11          cles” (81 Fed. Reg. 24769).

12          (b) CONSIDERATIONS.—In issuing a final rule under  
13          subsection (a), the Secretary shall consider the impact of  
14          continuing to allow self-inspection as a means to satisfy  
15          periodic inspection requirements on the safety of pas-  
16          senger carrier operations.

17   **SEC. 4404. AUTOMATIC EMERGENCY BRAKING.**

18          (a) FEDERAL MOTOR VEHICLE SAFETY STAND-  
19          ARD.—

20               (1) IN GENERAL.—Not later than 1 year after  
21               the date of enactment of this Act, the Secretary of  
22               Transportation shall—

23                       (A) prescribe a motor vehicle safety stand-  
24                       ard under section 30111 of title 49, United  
25                       States Code, that requires all commercial motor

1 vehicles manufactured after the effective date of  
2 such standard to be equipped with an automatic  
3 emergency braking system; and

4 (B) as part of such standard, establish  
5 performance requirements for automatic emer-  
6 gency braking systems, including operation of  
7 such systems.

8 (2) CONSIDERATIONS.—Prior to prescribing the  
9 standard required under paragraph (1)(A), the Sec-  
10 retary shall—

11 (A) conduct a review of automatic emer-  
12 gency braking systems in use in commercial  
13 motor vehicles and address any identified defi-  
14 ciencies with such systems in the rulemaking  
15 proceeding to prescribe the standard, if prac-  
16 ticable;

17 (B) assess the feasibility of updating the  
18 software of emergency braking systems in use  
19 in commercial motor vehicles to address any de-  
20 ficiencies and to enable such systems to meet  
21 the new standard; and

22 (C) consult with representatives of com-  
23 mercial motor vehicle drivers regarding the ex-  
24 periences of drivers with automatic emergency  
25 braking systems in use in commercial motor ve-

1           hicles, including malfunctions or unwarranted  
2           activations of such systems.

3           (3) COMPLIANCE DATE.—The Secretary shall  
4           ensure that the compliance date of the standard pre-  
5           scribed pursuant to paragraph (1) shall be not later  
6           than 2 years after the date of publication of the  
7           final rule prescribing such standard.

8           (b) FEDERAL MOTOR CARRIER SAFETY REGULA-  
9           TION.—Not later than 1 year after the date of enactment  
10          of this Act, the Secretary shall issue a regulation under  
11          section 31136 of title 49, United States Code, that re-  
12          quires that an automatic emergency braking system in-  
13          stalled in a commercial motor vehicle that is in operation  
14          on or after the effective date of the standard prescribed  
15          under subsection (a) be used at any time during which  
16          such commercial motor vehicle is in operation.

17          (c) DEFINITIONS.—In this section:

18               (1) AUTOMATIC EMERGENCY BRAKING SYS-  
19               TEM.—The term “automatic emergency braking sys-  
20               tem” means a crash avoidance system installed and  
21               operational in a vehicle that consists of—

22                       (A) a forward collision warning function—  
23                       (i) to detect vehicles and objects  
24                       ahead of the vehicle; and

1 (ii) to alert the operator of the vehicle  
2 of an impending collision; and

3 (B) a crash-imminent braking function to  
4 provide automatic braking when forward-look-  
5 ing sensors of the vehicle indicate that—

6 (i) a crash is imminent; and

7 (ii) the operator of the vehicle is not  
8 applying the brakes.

9 (2) COMMERCIAL MOTOR VEHICLE.—The term  
10 “commercial motor vehicle” has the meaning given  
11 such term in section 31101 of title 49, United  
12 States Code.

13 **SEC. 4405. UNDERRIDE PROTECTION.**

14 (a) REAR UNDERRIDE GUARDS.—

15 (1) REAR GUARDS ON TRAILERS AND  
16 SEMITRAILERS.—

17 (A) IN GENERAL.—Not later than 1 year  
18 after the date of enactment of this Act, the Sec-  
19 retary of Transportation shall issue such regu-  
20 lations as are necessary to revise motor vehicle  
21 safety standards under sections 571.223 and  
22 571.224 of title 49, Code of Federal Regula-  
23 tions, to require trailers and semi-trailers man-  
24 ufactured after the date on which such regula-  
25 tion is issued to be equipped with rear impact



1           guards that are designed to prevent passenger  
2           compartment intrusion from a trailer or  
3           semitrailer when a passenger vehicle traveling  
4           at 35 miles per hour makes—

5                   (i) an impact in which the passenger  
6           vehicle impacts the center of the rear of  
7           the trailer or semitrailer;

8                   (ii) an impact in which 50 percent the  
9           width of the passenger vehicle overlaps the  
10          rear of the trailer or semitrailer; and

11                   (iii) an impact in which 30 percent of  
12          the width of the passenger vehicle overlaps  
13          the rear of the trailer or semitrailer.

14           (B) EFFECTIVE DATE.—The rule issued  
15          under subparagraph (A) shall require full com-  
16          pliance with the motor carrier safety standard  
17          prescribed in such rule not later than 2 years  
18          after the date on which a final rule is issued.

19           (2) ADDITIONAL RESEARCH.—The Secretary  
20          shall conduct additional research on the design and  
21          development of rear impact guards that can prevent  
22          underride crashes and protect motor vehicle pas-  
23          sengers against severe injury at crash speeds of up  
24          to 65 miles per hour.

1           (3) REVIEW OF STANDARDS.—Not later than 5  
2       years after any revisions to standards or require-  
3       ments related to rear impact guards pursuant to  
4       paragraph (1), the Secretary shall review the stand-  
5       ards or requirements to evaluate the need for  
6       changes in response to advancements in technology  
7       and upgrade such standards accordingly.

8           (4) INSPECTIONS.—

9           (A) IN GENERAL.—Not later than 1 year  
10       after the date of enactment of this Act, the Sec-  
11       retary shall issue such regulations as are nec-  
12       essary to amend the regulations on minimum  
13       periodic inspection standards under appendix G  
14       to subchapter B of chapter III of title 49, Code  
15       of Federal Regulations, and driver vehicle in-  
16       spection reports under section 396.11 of title  
17       49, Code of Federal Regulations, to include  
18       rear impact guards and rear end protection (as  
19       required by section 393.86 of title 49, Code of  
20       Federal Regulations).

21          (B) CONSIDERATIONS.—In updating the  
22       regulations described in subparagraph (A), the  
23       Secretary shall consider it to be a defect or a  
24       deficiency if a rear impact guard is missing or  
25       has a corroded or compromised element that af-

1           fects the structural integrity and protective fea-  
2           ture of such guard.

3       (b) SIDE UNDERRIDE GUARDS.—

4           (1) IN GENERAL.—Not later than 1 year after  
5       the date of enactment of this Act, the Secretary  
6       shall—

7           (A) complete additional research on side  
8           underride guards to better understand the over-  
9           all effectiveness of such guards;

10          (B) assess the feasibility, benefits, and  
11          costs associated with installing side underride  
12          guards on newly manufactured trailers and  
13          semitrailers with a gross vehicle weight rating  
14          of 10,000 pounds or more; and

15          (C) if warranted, develop performance  
16          standards for such guards.

17          (2) INDEPENDENT RESEARCH.—If the Sec-  
18       retary enters into a contract with a third party to  
19       perform the research required under paragraph  
20       (1)(A), the Secretary shall ensure that such third  
21       party does not have any financial or contractual ties  
22       or relationship with a motor carrier that transports  
23       passengers or property for compensation, the motor  
24       carrier industry, or an entity producing or supplying  
25       underride guards.

1           (3) PUBLICATION OF ASSESSMENT.—Not later  
2           than 90 days after completing the assessment re-  
3           quired under paragraph (1)(B), the Secretary shall  
4           issue a notice in the Federal Register containing the  
5           findings of the assessment and provide an oppor-  
6           tunity for public comment.

7           (4) REPORT TO CONGRESS.—After the conclu-  
8           sion of the public comment period under paragraph  
9           (3), the Secretary shall submit to the Committee on  
10          Transportation and Infrastructure of the House of  
11          Representatives and the Committee on Commerce,  
12          Science, and Transportation of the Senate a report  
13          that provides—

14                (A) the results of the assessment under  
15                this subsection;

16                (B) a summary of the public comments re-  
17                ceived by the Secretary under paragraph (3);  
18                and

19                (C) a determination as to whether the Sec-  
20                retary intends to develop performance require-  
21                ments for side underride guards, including any  
22                analysis that led to such determination.

23          (c) ADVISORY COMMITTEE ON UNDERRIDE PROTEC-  
24          TION.—

1           (1) ESTABLISHMENT.—Not later than 30 days  
2       after the date of enactment of this Act, the Sec-  
3       retary of Transportation shall establish an Advisory  
4       Committee on Underride Protection (in this sub-  
5       section referred to as the “Committee”) to provide  
6       advice and recommendations to the Secretary on  
7       safety regulations to reduce crashes and fatalities in-  
8       volving truck underrides.

9           (2) REPRESENTATION.—

10           (A) IN GENERAL.—The Committee shall be  
11       composed of not more than 20 members ap-  
12       pointed by the Secretary who are not employees  
13       of the Department of Transportation and who  
14       are qualified to serve because of their expertise,  
15       training, or experience.

16           (B) MEMBERSHIP.—Members shall include  
17       2 representatives of each of the following:

- 18                   (i) Truck and trailer manufacturers.  
19                   (ii) Motor carriers, including inde-  
20       pendent owner-operators.  
21                   (iii) Law enforcement.  
22                   (iv) Motor vehicle engineers.  
23                   (v) Motor vehicle crash investigators.  
24                   (vi) Truck safety organizations.  
25                   (vii) The insurance industry.

1 (viii) Emergency medical service pro-  
2 viders.

3 (ix) Families of underride crash vic-  
4 tims.

5 (x) Labor organizations.

6 (3) COMPENSATION.—Members of the Com-  
7 mittee shall serve without compensation.

8 (4) MEETINGS.—The Committee shall meet at  
9 least annually.

10 (5) SUPPORT.—On request of the Committee,  
11 the Secretary shall provide information, administra-  
12 tive services, and supplies necessary for the Com-  
13 mittee to carry out the duties described in para-  
14 graph (1).

15 (6) REPORT.—The Committee shall submit to  
16 the Committee on Transportation and Infrastructure  
17 of the House of Representatives and the Committee  
18 on Commerce, Science, and Transportation of the  
19 Senate a biennial report that shall—

20 (A) describe the advice and recommenda-  
21 tions made to the Secretary; and

22 (B) include an assessment of progress  
23 made by the Secretary in advancing safety reg-  
24 ulations.

1 (d) DATA COLLECTION.—Not later than 1 year after  
2 the date of enactment of this Act, the Secretary shall im-  
3 plement recommendations 1 and 2 described in the report  
4 by the Government Accountability Office published on  
5 March 14, 2019, titled “Truck Underride Guards: Im-  
6 proved Data Collection, Inspections, and Research Need-  
7 ed” (GAO–19–264).

8 **SEC. 4406. TRANSPORTATION OF HORSES.**

9 Section 80502 of title 49, United States Code, is  
10 amended—

11 (1) in subsection (c) by striking “This section  
12 does not” and inserting “Subsections (a) and (b)  
13 shall not”;

14 (2) by redesignating subsection (d) as sub-  
15 section (e);

16 (3) by inserting after subsection (c) the fol-  
17 lowing:

18 “(d) TRANSPORTATION OF HORSES.—

19 “(1) PROHIBITION.—No person may transport,  
20 or cause to be transported, a horse from a place in  
21 a State, the District of Columbia, or a territory or  
22 possession of the United States through or to a  
23 place in another State, the District of Columbia, or  
24 a territory or possession of the United States in a

1 motor vehicle containing 2 or more levels stacked on  
2 top of each other.

3 “(2) MOTOR VEHICLE DEFINED.—In this sub-  
4 section, the term ‘motor vehicle’—

5 “(A) means a vehicle driven or drawn by  
6 mechanical power and manufactured primarily  
7 for use on public highways; and

8 “(B) does not include a vehicle operated  
9 exclusively on a rail or rails.”; and  
10 (4) in subsection (e), as redesignated—

11 (A) by striking “A rail carrier” and insert-  
12 ing the following:

13 “(1) IN GENERAL.—A rail carrier”;

14 (B) by striking “this section” and insert-  
15 ing “subsection (a) or (b)”;

16 (C) by striking “On learning” and insert-  
17 ing the following:

18 “(2) TRANSPORTATION OF HORSES IN MULTI-  
19 LEVEL TRAILER.—

20 “(A) CIVIL PENALTY.—A person that  
21 knowingly violates subsection (d) is liable to the  
22 United States Government for a civil penalty of  
23 at least \$100, but not more than \$500, for each  
24 violation. A separate violation of subsection (d)  
25 occurs for each horse that is transported, or



1 caused to be transported, in violation of sub-  
2 section (d).

3 “(B) RELATIONSHIP TO OTHER LAWS.—

4 The penalty imposed under subparagraph (A)  
5 shall be in addition to any penalty or remedy  
6 available under any other law.

7 “(3) CIVIL ACTION.—On learning”.

## 8 **TITLE V—INNOVATION**

### 9 **SEC. 5001. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) IN GENERAL.—The following amounts are au-  
11 thorized to be appropriated out of the Highway Trust  
12 Fund (other than the Mass Transit Account):

13 (1) HIGHWAY RESEARCH AND DEVELOPMENT  
14 PROGRAM.—To carry out section 503(b) of title 23,  
15 United States Code, \$144,000,000 for each of fiscal  
16 years 2022 through 2025.

17 (2) TECHNOLOGY AND INNOVATION DEPLOY-  
18 MENT PROGRAM.—To carry out section 503(c) of  
19 title 23, United States Code, \$152,000,000 for each  
20 of fiscal years 2022 through 2025.

21 (3) TRAINING AND EDUCATION.—To carry out  
22 section 504 of title 23, United States Code,  
23 \$26,000,000 for each of fiscal years 2022 through  
24 2025.

1           (4) INTELLIGENT TRANSPORTATION SYSTEMS  
2       PROGRAM.—To carry out sections 512 through 518  
3       of title 23, United States Code, \$100,000,000 for  
4       each of fiscal years 2022 through 2025.

5           (5) UNIVERSITY TRANSPORTATION CENTERS  
6       PROGRAM.—To carry out section 5505 of title 49,  
7       United States Code, \$96,000,000 for each of fiscal  
8       years 2022 through 2025.

9           (6) BUREAU OF TRANSPORTATION STATIS-  
10      TICS.—To carry out chapter 63 of title 49, United  
11      States Code, \$27,000,000 for each of fiscal years  
12      2022 through 2025.

13      (b) ADDITIONAL PROGRAMS.—The following  
14      amounts are authorized to be appropriated out of the  
15      Highway Trust Fund (other than the Mass Transit Ac-  
16      count):

17           (1) SAFE, EFFICIENT MOBILITY THROUGH AD-  
18      VANCED TECHNOLOGIES.—To carry out section  
19      503(c)(4) of title 23, United States Code,  
20      \$70,000,000 for each of fiscal years 2022 through  
21      2025 from funds made available to carry out section  
22      503(c) of such title.

23           (2) MATERIALS TO REDUCE GREENHOUSE GAS  
24      EMISSIONS PROGRAM.—To carry out section 503(d)  
25      of title 23, United States Code, \$10,000,000 for

1 each of fiscal years 2022 through 2025 from funds  
2 made available to carry out section 503(c) of such  
3 title.

4 (3) NATIONAL HIGHLY AUTOMATED VEHICLE  
5 AND MOBILITY INNOVATION CLEARINGHOUSE.—To  
6 carry out section 5507 of title 49, United States  
7 Code, \$2,000,000 for each of fiscal years 2022  
8 through 2025 from funds made available to carry  
9 out sections 512 through 518 of title 23, United  
10 States Code.

11 (4) NATIONAL COOPERATIVE MULTIMODAL  
12 FREIGHT TRANSPORTATION RESEARCH PROGRAM.—  
13 To carry out section 70205 of title 49, United  
14 States Code, \$4,000,000 for each of fiscal years  
15 2022 through 2025 from funds made available to  
16 carry out section 503(b) of title 23, United States  
17 Code.

18 (5) STATE SURFACE TRANSPORTATION SYSTEM  
19 FUNDING PILOTS.—To carry out section 6020 of the  
20 FAST Act (23 U.S.C. 503 note), \$35,000,000 for  
21 each of fiscal years 2022 through 2025 from funds  
22 made available to carry out section 503(b) of title  
23 23, United States Code.

24 (6) NATIONAL SURFACE TRANSPORTATION SYS-  
25 TEM FUNDING PILOT.—To carry out section 5402 of

1       this title, \$10,000,000 for each of fiscal years 2022  
2       through 2025 from funds made available to carry  
3       out section 503(b) of title 23, United States Code.

4       (c) ADMINISTRATION.—The Federal Highway Ad-  
5       ministration shall—

6               (1) administer the programs described in para-  
7       graphs (1), (2), and (3) of subsection (a) and para-  
8       graph (1) of subsection (b); and

9               (2) in consultation with relevant modal adminis-  
10       trations, administer the programs described in sub-  
11       sections (a)(4) and (b)(2).

12       (d) TREATMENT OF FUNDS.—Funds authorized to be  
13       appropriated by subsections (a) and (b) shall—

14               (1) be available for obligation in the same man-  
15       ner as if those funds were apportioned under chap-  
16       ter 1 of title 23, United States Code, except that the  
17       Federal share of the cost of a project or activity car-  
18       ried out using those funds shall be 80 percent, un-  
19       less otherwise expressly provided by this title (in-  
20       cluding the amendments by this title) or otherwise  
21       determined by the Secretary; and

22               (2) remain available until expended and not be  
23       transferable, except as otherwise provided in this  
24       title.

## Subtitle A—Research and Development

### SEC. 5101. HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM.

(a) IN GENERAL.—Section 503 of title 23, United States Code, is amended—

(1) in subsection (a)(2) by striking “section 508” and inserting “section 6503 of title 49”; and  
(2) in subsection (b)—

(A) in paragraph (3)—

(i) in subparagraph (A)—

(I) in clause (ii) by striking “; and” and inserting a semicolon;

(II) in clause (iii) by striking the period and inserting “; and”; and

(III) by adding at the end the following:

“(iv) to reduce greenhouse gas emissions and limit the effects of climate change.”; and

(ii) by striking subparagraphs (D) and (E);

(B) in paragraph (4)(A)—

(i) in clause (ii) by striking “; and” and inserting a semicolon;

1 (ii) in clause (iii) by striking the pe-  
2 riod and inserting “; and”; and

3 (iii) by adding at the end the fol-  
4 lowing:

5 “(iv) to reduce greenhouse gas emis-  
6 sions and limit the effects of climate  
7 change.”;

8 (C) in paragraph (5)(A)—

9 (i) in clause (iv) by striking “; and”  
10 and inserting a semicolon;

11 (ii) in clause (v) by striking the period  
12 and inserting “; and”; and

13 (iii) by adding at the end the fol-  
14 lowing:

15 “(vi) reducing greenhouse gas emis-  
16 sions and limiting the effects of climate  
17 change.”; and

18 (D) by adding at the end the following:

19 “(9) ANALYSIS TOOLS.—The Secretary may de-  
20 velop interactive modeling tools and databases  
21 that—

22 “(A) track the condition of highway assets,  
23 including interchanges, and the reconstruction  
24 history of such assets;

1           “(B) can be used to assess transportation  
2 options;

3           “(C) allow for the monitoring and mod-  
4 eling of network-level traffic flows on highways;  
5 and

6           “(D) further Federal and State under-  
7 standing of the importance of national and re-  
8 gional connectivity and the need for long-dis-  
9 tance and interregional passenger and freight  
10 travel by highway and other surface transpor-  
11 tation modes.

12           “(10) PERFORMANCE MANAGEMENT DATA SUP-  
13 PORT PROGRAM.—

14           “(A) PERFORMANCE MANAGEMENT DATA  
15 SUPPORT.—The Administrator of the Federal  
16 Highway Administration shall develop, use, and  
17 maintain data sets and data analysis tools to  
18 assist metropolitan planning organizations,  
19 States, and the Federal Highway Administra-  
20 tion in carrying out performance management  
21 analyses (including the performance manage-  
22 ment requirements under section 150).

23           “(B) INCLUSIONS.—The data analysis ac-  
24 tivities authorized under subparagraph (A) may  
25 include—

1 “(i) collecting and distributing vehicle  
2 probe data describing traffic on Federal-  
3 aid highways;

4 “(ii) collecting household travel behav-  
5 ior data to assess local and cross-jurisdic-  
6 tional travel, including to accommodate ex-  
7 ternal and through travel;

8 “(iii) enhancing existing data collec-  
9 tion and analysis tools to accommodate  
10 performance measures, targets, and related  
11 data, so as to better understand trip origin  
12 and destination, trip time, and mode;

13 “(iv) enhancing existing data analysis  
14 tools to improve performance predictions  
15 and travel models in reports described in  
16 section 150(e);

17 “(v) developing tools—

18 “(I) to improve performance  
19 analysis; and

20 “(II) to evaluate the effects of  
21 project investments on performance;

22 “(vi) assisting in the development or  
23 procurement of the transportation system  
24 access data under section 1403(g) of the  
25 INVEST in America Act; and



1 “(vii) developing tools and acquiring  
2 data described under paragraph (9).

3 “(C) FUNDING.—The Administrator of the  
4 Federal Highway Administration may use up to  
5 \$15,000,000 for each of fiscal years 2022  
6 through 2025 to carry out this paragraph.”.

7 (b) REPEAL.—Section 6028 of the FAST Act (23  
8 U.S.C. 150 note), and the item relating to such section  
9 in the table of contents in section 1(b) of such Act, are  
10 repealed.

11 **SEC. 5102. MATERIALS TO REDUCE GREENHOUSE GAS**  
12 **EMISSIONS PROGRAM.**

13 Section 503 of title 23, United States Code, as  
14 amended by section 5101, is further amended by adding  
15 at the end the following:

16 “(d) MATERIALS TO REDUCE GREENHOUSE GAS  
17 EMISSIONS PROGRAM.—

18 “(1) IN GENERAL.—Not later than 6 months  
19 after the date of enactment of this subsection, the  
20 Secretary shall establish and implement a program  
21 under which the Secretary shall award grants to eli-  
22 gible entities to research and support the develop-  
23 ment of materials that will reduce or sequester the  
24 amount of greenhouse gas emissions generated dur-

1       ing the production of highway materials and the  
2       construction of highways.

3           “(2) ACTIVITIES.—The Secretary shall ensure  
4       that the program, at a minimum—

5           “(A) carries out research to determine the  
6       materials proven to most effectively reduce or  
7       sequester greenhouse gas emissions;

8           “(B) evaluates and improves the ability of  
9       materials to most effectively reduce or sequester  
10      greenhouse gas emissions; and

11          “(C) supports the development and deploy-  
12      ment of materials that will reduce or sequester  
13      greenhouse gas emissions.

14          “(3) COMPETITIVE SELECTION PROCESS.—

15          “(A) APPLICATIONS.—To be eligible to re-  
16      ceive a grant under this subsection, an eligible  
17      entity shall submit to the Secretary an applica-  
18      tion in such form and containing such informa-  
19      tion as the Secretary may require.

20          “(B) CONSIDERATION.—In making grants  
21      under this subsection, the Secretary shall con-  
22      sider the degree to which applicants presently  
23      carry out research on materials that reduce or  
24      sequester greenhouse gas emissions.

1           “(C) SELECTION CRITERIA.—The Sec-  
2           retary may make grants under this subsection  
3           to any eligible entity based on the demonstrated  
4           ability of the applicant to fulfill the activities  
5           described in paragraph (2).

6           “(D) TRANSPARENCY.—

7                   “(i) IN GENERAL.—The Secretary  
8           shall provide to each eligible entity submit-  
9           ting an application under this subsection,  
10          upon request, any materials, including cop-  
11          ies of reviews (with any information that  
12          would identify a reviewer redacted), used  
13          in the evaluation process of the application  
14          of such entity.

15                  “(ii) REPORTS.—The Secretary shall  
16          submit to the Committee on Transpor-  
17          tation and Infrastructure of the House of  
18          Representatives and the Committee on En-  
19          vironment and Public Works of the Senate  
20          a report describing the overall review proc-  
21          ess for a grant under this subsection, in-  
22          cluding—

23                          “(I) specific criteria of evaluation  
24                          used in the review;

1 “(II) descriptions of the review  
2 process; and

3 “(III) explanations of the grants  
4 awarded.

5 “(4) GRANTS.—

6 “(A) RESTRICTIONS.—

7 “(i) IN GENERAL.—For each fiscal  
8 year, a grant made available under this  
9 subsection shall be not greater than  
10 \$4,000,000 and not less than \$2,000,000  
11 per recipient.

12 “(ii) LIMITATION.—An eligible entity  
13 may only receive 1 grant in a fiscal year  
14 under this subsection.

15 “(B) MATCHING REQUIREMENTS.—

16 “(i) IN GENERAL.—As a condition of  
17 receiving a grant under this subsection, a  
18 grant recipient shall match 50 percent of  
19 the amounts made available under the  
20 grant.

21 “(ii) SOURCES.—The matching  
22 amounts referred to in clause (i) may in-  
23 clude amounts made available to the recipi-  
24 ent under—

25 “(I) section 504(b); or

1 “(II) section 505.

2 “(5) PROGRAM COORDINATION.—

3 “(A) IN GENERAL.—The Secretary shall—

4 “(i) coordinate the research, edu-  
5 cation, and technology transfer activities  
6 carried out by grant recipients under this  
7 subsection;

8 “(ii) disseminate the results of that  
9 research through the establishment and op-  
10 eration of a publicly accessible online infor-  
11 mation clearinghouse; and

12 “(iii) to the extent practicable, sup-  
13 port the deployment and commercial adop-  
14 tion of effective materials researched or de-  
15 veloped under this subsection to relevant  
16 stakeholders.

17 “(B) ANNUAL REVIEW AND EVALUA-  
18 TION.—Not later than 2 years after the date of  
19 enactment of this subsection, and not less fre-  
20 quently than annually thereafter, the Secretary  
21 shall, consistent with the activities in paragraph  
22 (3)—

23 “(i) review and evaluate the programs  
24 carried out under this subsection by grant  
25 recipients, describing the effectiveness of

1 the program in identifying materials that  
2 reduce or sequester greenhouse gas emis-  
3 sions;

4 “(ii) submit to the Committee on  
5 Transportation and Infrastructure of the  
6 House of Representatives and the Com-  
7 mittee on Environment and Public Works  
8 of the Senate a report describing such re-  
9 view and evaluation; and

10 “(iii) make the report in clause (ii)  
11 available to the public on a website.

12 “(6) LIMITATION ON AVAILABILITY OF  
13 AMOUNTS.—Amounts made available to carry out  
14 this subsection shall remain available for obligation  
15 by the Secretary for a period of 3 years after the  
16 last day of the fiscal year for which the amounts are  
17 authorized.

18 “(7) INFORMATION COLLECTION.—Any survey,  
19 questionnaire, or interview that the Secretary deter-  
20 mines to be necessary to carry out reporting require-  
21 ments relating to any program assessment or evalua-  
22 tion activity under this subsection, including cus-  
23 tomer satisfaction assessments, shall not be subject  
24 to chapter 35 of title 44.

1           “(8) DEFINITION OF ELIGIBLE ENTITY.—In  
2           this subsection, the term ‘eligible entity’ means a  
3           nonprofit institution of higher education, as such  
4           term is defined in section 101 of the Higher Edu-  
5           cation Act of 1965 (20 U.S.C. 1001).”.

6   **SEC. 5103. TRANSPORTATION RESEARCH AND DEVELOP-**  
7                   **MENT 5-YEAR STRATEGIC PLAN.**

8           Section 6503 of title 49, United States Code, is  
9   amended—

10           (1) in subsection (a) by striking “The Sec-  
11           retary” and inserting “For the period of fiscal years  
12           2017 through 2021, and for each 5-year period  
13           thereafter, the Secretary”;

14           (2) in subsection (c)(1)—

15                   (A) in subparagraph (D) by inserting “and  
16                   the existing transportation system” after “in-  
17                   frastructure”;

18                   (B) in subparagraph (E) by striking “;  
19                   and” and inserting a semicolon;

20                   (C) by amending subparagraph (F) to read  
21                   as follows:

22                           “(F) reducing greenhouse gas emissions;  
23                           and”; and

24                   (D) by adding at the end the following:

1 “(G) developing and maintaining a diverse  
2 workforce in transportation sectors;”; and  
3 (3) in subsection (d) by striking “not later than  
4 December 31, 2016,” and inserting “not later than  
5 December 31, 2021,”.

6 **SEC. 5104. UNIVERSITY TRANSPORTATION CENTERS PRO-**  
7 **GRAM.**

8 Section 5505 of title 49, United States Code, is  
9 amended—

10 (1) in subsection (b)(4)—

11 (A) in subparagraph (A) by striking “re-  
12 search priorities identified in chapter 65.” and  
13 inserting the following: “following research pri-  
14 orities:

15 “(i) Improving the mobility of people  
16 and goods.

17 “(ii) Reducing congestion.

18 “(iii) Promoting safety.

19 “(iv) Improving the durability and ex-  
20 tending the life of transportation infra-  
21 structure and the existing transportation  
22 system.

23 “(v) Preserving the environment.

24 “(vi) Reducing greenhouse gas emis-  
25 sions.”; and



1 (B) in subparagraph (B)—

2 (i) by striking “Technology and” and  
3 inserting “Technology,”; and

4 (ii) by inserting “, the Associate Ad-  
5 ministrator for Research, Demonstration,  
6 and Innovation and Administrator of the  
7 Federal Transit Administration,” after  
8 “Federal Highway Administration”;

9 (2) in subsection (c)—

10 (A) in paragraph (1)—

11 (i) by striking “Not later than 1 year  
12 after the date of enactment of this sec-  
13 tion,” and inserting the following:

14 “(A) SELECTION OF GRANTS.—Not later  
15 than 1 year after the date of enactment of the  
16 INVEST in America Act,”; and

17 (ii) by adding at the end the fol-  
18 lowing:

19 “(B) LIMITATIONS.—A grant under this  
20 subsection may not include a cooperative agree-  
21 ment described in section 6305 of title 31.”;

22 (B) in paragraph (2)—

23 (i) in subparagraph (A) by striking “5  
24 consortia” and inserting “6 consortia”;

25 (ii) in subparagraph (B)—

1 (I) in clause (i) by striking “not  
2 greater than \$4,000,000 and not less  
3 than \$2,000,000” and inserting “not  
4 greater than \$4,250,000 and not less  
5 than \$2,250,000”; and

6 (II) in clause (ii) by striking  
7 “section 6503(e)” and inserting “sub-  
8 section (b)(4)(A)”;

9 (iii) in subparagraph (C) by striking  
10 “100 percent” and inserting “50 percent”;  
11 and

12 (iv) by adding at the end the fol-  
13 lowing:

14 “(D) REQUIREMENT.—In awarding grants  
15 under this section, the Secretary shall award 1  
16 grant to a national consortia for each focus  
17 area described in subsection (b)(4)(A).”;

18 (C) in paragraph (3)—

19 (i) in subparagraph (C) by striking  
20 “not greater than \$3,000,000 and not less  
21 than \$1,500,000” and inserting “not  
22 greater than \$3,250,000 and not less than  
23 \$1,750,000”;

1 (ii) in subparagraph (D)(i) by striking  
2 “100 percent” and inserting “50 percent”;  
3 and

4 (iii) by striking subparagraph (E);  
5 and  
6 (D) in paragraph (4)—

7 (i) in subparagraph (A) by striking  
8 “greater than \$2,000,000 and not less  
9 than \$1,000,000” and inserting “greater  
10 than \$2,250,000 and not less than  
11 \$1,250,000”; and

12 (ii) by striking subparagraph (C) and  
13 inserting the following:

14 “(C) REQUIREMENTS.—In awarding  
15 grants under this paragraph, the Secretary  
16 shall—

17 “(i) consider consortia that include in-  
18 stitutions that have demonstrated an abil-  
19 ity in transportation-related research; and

20 “(ii) award not less than 2 grants  
21 under this section to minority institutions,  
22 as such term is defined in section 365 of  
23 the Higher Education Act of 1965 (20  
24 U.S.C. 1067k).

25 “(D) FOCUSED RESEARCH.—

1 “(i) IN GENERAL.—In awarding  
2 grants under this section, the Secretary  
3 shall select not less than 1 grant recipient  
4 with each of the following focus areas:

5 “(I) Transit.

6 “(II) Connected and automated  
7 vehicle technology.

8 “(III) Non-motorized transpor-  
9 tation, including bicycle and pedes-  
10 trian safety.

11 “(IV) Transportation planning,  
12 including developing metropolitan  
13 planning practices to meet the consid-  
14 erations described in section 134(c)(4)  
15 of title 23 and section 5303(c)(4).

16 “(V) The surface transportation  
17 workforce, including—

18 “(aa) current and future  
19 workforce needs and challenges;  
20 and

21 “(bb) the impact of tech-  
22 nology on the transportation sec-  
23 tor.

24 “(VI) Climate change mitigation,  
25 including—

1 “(aa) researching the types  
2 of transportation projects that  
3 are expected to provide the most  
4 significant greenhouse gas emis-  
5 sions reductions from the surface  
6 transportation sector; and

7 “(bb) researching the types  
8 of transportation projects that  
9 are not expected to provide sig-  
10 nificant greenhouse gas emissions  
11 reductions from the surface  
12 transportation sector.

13 “(VII) Rail.

14 “(ii) ADDITIONAL GRANTS.—In  
15 awarding grants under this section and  
16 after awarding grants pursuant to clause  
17 (i), the Secretary may award any remain-  
18 ing grants to any grant recipient based on  
19 the criteria described in subsection  
20 (b)(4)(A).

21 “(E) CONSIDERATIONS FOR SELECTED IN-  
22 STITUTIONS.—

23 “(i) IN GENERAL.—Tier 1 transpor-  
24 tation centers awarded a grant under this  
25 paragraph with a focus area described in

1                   subparagraph (D)(i)(IV) shall consider the  
2                   following areas for research:

3                   “(I) strategies to address climate  
4                   change mitigation and impacts de-  
5                   scribed in section 134(i)(2)(I)(ii) of  
6                   title 23 and the incorporation of such  
7                   strategies into long range transpor-  
8                   tation plan; and

9                   “(II) preparation of a vulner-  
10                  ability assessment described in section  
11                  134(i)(2)(I)(iii) of title 23.

12                  “(ii) ACTIVITIES.—A tier 1 transpor-  
13                  tation center receiving a grant under this  
14                  section with a focus area described in sub-  
15                  paragraph (D)(i)(IV) may—

16                  “(I) establish best practices;

17                  “(II) develop modeling tools; and

18                  “(III) carry out other activities  
19                  and develop technology that addresses  
20                  the planning considerations described  
21                  in clause (i).

22                  “(iii) LIMITATION.—Research under  
23                  this paragraph shall focus on metropolitan  
24                  planning organizations that represent ur-

1 banized areas with populations of 200,000  
2 or fewer.”;

3 (3) in subsection (d)(3) by striking “fiscal years  
4 2016 through 2020” and inserting “fiscal years  
5 2022 through 2025”;

6 (4) by redesignating subsection (f) as sub-  
7 section (g); and

8 (5) by inserting after subsection (e) the fol-  
9 lowing:

10 “(f) SURPLUS AMOUNTS.—

11 “(1) IN GENERAL.—Amounts made available to  
12 the Secretary to carry out this section that remain  
13 unobligated after awarding grants under subsection  
14 (c) shall be made available under the unsolicited re-  
15 search initiative under section 5506.

16 “(2) LIMITATION ON AMOUNTS.—Amounts  
17 under paragraph (1) shall not exceed \$2,000,000 for  
18 any given fiscal year.”.

19 **SEC. 5105. UNSOLICITED RESEARCH INITIATIVE.**

20 (a) IN GENERAL.—Chapter 55 of title 49, United  
21 States Code, is amended by inserting after section 5505  
22 the following new section:

23 **“§ 5506. Unsolicited research initiative**

24 “(a) IN GENERAL.—Not later than 180 days after  
25 the date of enactment of this section, the Secretary shall

1 establish a program under which an eligible entity may  
2 at any time submit unsolicited research proposals for  
3 funding under this section.

4 “(b) CRITERIA.—A research proposal submitted  
5 under subsection (a) shall meet the purposes of the Sec-  
6 retary’s 5-year transportation research and development  
7 strategic plan described in section 6503(c)(1).

8 “(c) PROJECT REVIEW.—Not later than 90 days  
9 after an eligible entity submits a proposal under sub-  
10 section (a), the Secretary shall—

11 “(1) review the research proposal submitted  
12 under subsection (a);

13 “(2) evaluate such research proposal relative to  
14 the criteria described in subsection (b);

15 “(3) provide to such eligible entity a written no-  
16 tice that—

17 “(A) if the research proposal is not se-  
18 lected for funding under this section—

19 “(i) notifies the eligible entity that the  
20 research proposal has not been selected for  
21 funding;

22 “(ii) provides an explanation as to  
23 why the research proposal was not se-  
24 lected, including if the research proposal  
25 does not cover an area of need; and



1 “(iii) if applicable, recommends that  
2 the research proposal be submitted to an-  
3 other research program; and

4 “(B) if the research proposal is selected for  
5 funding under this section, notifies the eligible  
6 entity that the research proposal has been se-  
7 lected for funding; and

8 “(4) fund the proposals described in paragraph  
9 (3)(B).

10 “(d) REPORT.—Not later than 18 months after the  
11 date of enactment of this section, and annually thereafter,  
12 the Secretary shall make available to the public on a public  
13 website, a report on the progress and findings of the pro-  
14 gram established under subsection (a).

15 “(e) FEDERAL SHARE.—

16 “(1) IN GENERAL.—The Federal share of the  
17 cost of an activity carried out under this section may  
18 not exceed 50 percent.

19 “(2) NON-FEDERAL SHARE.—All costs directly  
20 incurred by the non-Federal partners, including per-  
21 sonnel, travel, facility, and hardware development  
22 costs, shall be credited toward the non-Federal share  
23 of the cost of an activity carried out under this sec-  
24 tion.

25 “(f) FUNDING.—

1           “(1) IN GENERAL.—Of the funds made avail-  
2           able to carry out the university transportation cen-  
3           ters program under section 5505, \$2,000,000 shall  
4           be available for each of fiscal years 2022 through  
5           2025 to carry out this section.

6           “(2) FUNDING FLEXIBILITY.—

7                   “(A) IN GENERAL.—For fiscal years 2022  
8                   through 2025, funds made available under  
9                   paragraph (1) shall remain available until ex-  
10                  pended.

11                   “(B) UNCOMMITTED FUNDS.—If the Sec-  
12                   retary determines, at the end of a fiscal year,  
13                   funds under paragraph (1) remain unexpended  
14                   as a result of a lack of meritorious projects  
15                   under this section, the Secretary may, for the  
16                   following fiscal year, make remaining funds  
17                   available under either this section or under sec-  
18                   tion 5505.

19           “(g) ELIGIBLE ENTITY DEFINED.—In this section,  
20           the term ‘eligible entity’ means

21                   “(1) a State;

22                   “(2) a unit of local government;

23                   “(3) a transit agency;

1 “(4) any nonprofit institution of higher edu-  
2 cation, including a university transportation center  
3 under section 5505; and

4 “(5) a nonprofit organization.”.

5 (b) CLERICAL AMENDMENT.—The analysis for chap-  
6 ter 55 of title 49, United States Code, is amended by in-  
7 serting after the item relating to section 5505 the fol-  
8 lowing new item:

“5506. Unsolicited research initiative.”.

9 **SEC. 5106. NATIONAL COOPERATIVE MULTIMODAL**  
10 **FREIGHT TRANSPORTATION RESEARCH PRO-**  
11 **GRAM.**

12 (a) IN GENERAL.—Chapter 702 of title 49, United  
13 States Code, is amended by adding at the end the fol-  
14 lowing:

15 **“§ 70205. National cooperative multimodal freight**  
16 **transportation research program**

17 “(a) ESTABLISHMENT.—Not later than 1 year after  
18 the date of enactment of this section, the Secretary shall  
19 establish and support a national cooperative multimodal  
20 freight transportation research program.

21 “(b) AGREEMENT.—Not later than 6 months after  
22 the date of enactment of this section, the Secretary shall  
23 seek to enter into an agreement with the National Acad-  
24 emy of Sciences to support and carry out administrative  
25 and management activities relating to the governance of

1 the national cooperative multimodal freight transportation  
2 research program.

3 “(c) ADVISORY COMMITTEE.—In carrying out the  
4 agreement described in subsection (b), the National Acad-  
5 emy of Sciences shall select a multimodal freight transpor-  
6 tation research advisory committee consisting of  
7 multimodal freight stakeholders, including, at a min-  
8 imum—

9 “(1) a representative of the Department of  
10 Transportation;

11 “(2) representatives of any other Federal agen-  
12 cies relevant in supporting the nation’s multimodal  
13 freight transportation research needs;

14 “(3) a representative of a State department of  
15 transportation;

16 “(4) a representative of a local government  
17 (other than a metropolitan planning organization);

18 “(5) a representative of a metropolitan planning  
19 organization;

20 “(6) a representative of the trucking industry;

21 “(7) a representative of the railroad industry;

22 “(8) a representative of the port industry;

23 “(9) a representative of logistics industry;

24 “(10) a representative of shipping industry;

1           “(11) a representative of a safety advocacy  
2           group with expertise in freight transportation;

3           “(12) an academic expert on multimodal freight  
4           transportation;

5           “(13) an academic expert on the contributions  
6           of freight movement to greenhouse gas emissions;  
7           and

8           “(14) representatives of labor organizations  
9           representing workers in freight transportation.

10          “(d)   ELEMENTS.—The   national   cooperative  
11   multimodal freight transportation research program estab-  
12   lished under this section shall include the following ele-  
13   ments:

14           “(1) NATIONAL RESEARCH AGENDA.—The advi-  
15   sory committee under subsection (c), in consultation  
16   with interested parties, shall recommend a national  
17   research agenda for the program established in this  
18   section.

19           “(2) INVOLVEMENT.—Interested parties may—

20                   “(A) submit research proposals to the advi-  
21                   sory committee;

22                   “(B) participate in merit reviews of re-  
23                   search proposals and peer reviews of research  
24                   products; and

25                   “(C) receive research results.

1           “(3) OPEN COMPETITION AND PEER REVIEW OF  
2       RESEARCH PROPOSALS.—The National Academy of  
3       Sciences may award research contracts and grants  
4       under the program through open competition and  
5       merit review conducted on a regular basis.

6           “(4) EVALUATION OF RESEARCH.—

7               “(A) PEER REVIEW.—Research contracts  
8       and grants under the program may allow peer  
9       review of the research results.

10           “(B) PROGRAMMATIC EVALUATIONS.—The  
11       National Academy of Sciences shall conduct  
12       periodic programmatic evaluations on a regular  
13       basis of research contracts and grants.

14           “(5) DISSEMINATION OF RESEARCH FIND-  
15       INGS.—

16               “(A) IN GENERAL.—The National Acad-  
17       emy of Sciences shall disseminate research find-  
18       ings to researchers, practitioners, and decision-  
19       makers, through conferences and seminars, field  
20       demonstrations, workshops, training programs,  
21       presentations, testimony to government offi-  
22       cials, a public website for the National Academy  
23       of Sciences, publications for the general public,  
24       and other appropriate means.

1           “(B) REPORT.—Not more than 18 months  
2           after the date of enactment of this section, and  
3           annually thereafter, the Secretary shall make  
4           available on a public website a report that de-  
5           scribes the ongoing research and findings of the  
6           program.

7           “(e) CONTENTS.—The national research agenda  
8           under subsection (d)(1) shall include—

9           “(1) techniques and tools for estimating and  
10          identifying both quantitative and qualitative public  
11          benefits derived from multimodal freight transpor-  
12          tation projects, including—

13               “(A) greenhouse gas emissions reduction;

14               “(B) congestion reduction; and

15               “(C) safety benefits;

16          “(2) the impact of freight delivery vehicles, in-  
17          cluding trucks, railcars, and non-motorized vehicles,  
18          on congestion in urban and rural areas;

19          “(3) the impact of both centralized and dis-  
20          parate origins and destinations on freight movement;

21          “(4) the impacts of increasing freight volumes  
22          on transportation planning, including—

23               “(A) first-mile and last-mile challenges to  
24          multimodal freight movement;

1           “(B) multimodal freight travel in both  
2           urban and rural areas; and

3           “(C) commercial motor vehicle parking and  
4           rest areas;

5           “(5) the effects of Internet commerce and accel-  
6           erated delivery speeds on freight movement and in-  
7           creased commercial motor vehicle volume, including  
8           impacts on—

9           “(A) safety on public roads;

10          “(B) congestion in both urban and rural  
11          areas;

12          “(C) first-mile and last-mile challenges and  
13          opportunities;

14          “(D) the environmental impact of freight  
15          transportation, including on air quality and on  
16          greenhouse gas emissions; and

17          “(E) vehicle miles-traveled by freight-deliv-  
18          ering vehicles;

19          “(6) the impacts of technological advancements  
20          in freight movement, including impacts on—

21          “(A) congestion in both urban and rural  
22          areas;

23          “(B) first-mile and last-mile challenges  
24          and opportunities; and

25          “(C) vehicle miles-traveled;



1           “(7) methods and best practices for aligning  
2       multimodal infrastructure improvements with  
3       multimodal freight transportation demand, including  
4       improvements to the National Multimodal Freight  
5       Network under section 70103; and

6           “(8) other research areas to identify and ad-  
7       dress current, emerging, and future needs related to  
8       multimodal freight transportation.

9       “(f) FUNDING.—

10           “(1) FEDERAL SHARE.—The Federal share of  
11       the cost of an activity carried out under this section  
12       shall be 100 percent.

13           “(2) PERIOD OF AVAILABILITY.—Amounts  
14       made available to carry out this section shall remain  
15       available until expended.

16           “(g) DEFINITION OF GREENHOUSE GAS.—In this  
17       section, the term ‘greenhouse gas’ has the meaning given  
18       such term in section 211(o)(1) of the Clean Air Act (42  
19       U.S.C. 7545(o)(1)).”.

20       (b) CLERICAL AMENDMENT.—The analysis for chap-  
21       ter 702 of title 49, United States Code, is amended by  
22       adding at the end the following new item:

      “70205. National cooperative multimodal freight transportation research pro-  
          gram.”.

1 **SEC. 5107. WILDLIFE-VEHICLE COLLISION REDUCTION AND**  
2 **HABITAT CONNECTIVITY IMPROVEMENT.**

3 (a) STUDY.—

4 (1) IN GENERAL.—The Secretary of Transpor-  
5 tation shall conduct a study examining methods to  
6 reduce collisions between motorists and wildlife (re-  
7 ferred to in this section as “wildlife-vehicle colli-  
8 sions”).

9 (2) CONTENTS.—

10 (A) AREAS OF STUDY.—The study re-  
11 quired under paragraph (1) shall—

12 (i) update and expand on, as appro-  
13 priate—

14 (I) the report titled “Wildlife Ve-  
15 hicle Collision Reduction Study: 2008  
16 Report to Congress”: and

17 (II) the document titled “Wildlife  
18 Vehicle Collision Reduction Study:  
19 Best Practices Manual” and dated  
20 October 2008; and

21 (ii) include—

22 (I) an assessment, as of the date  
23 of the study, of—

24 (aa) the causes of wildlife-  
25 vehicle collisions;

1 (bb) the impact of wildlife-  
2 vehicle collisions on motorists  
3 and wildlife; and

4 (cc) the impacts of roads  
5 and traffic on habitat  
6 connectivity for terrestrial and  
7 aquatic species; and

8 (II) solutions and best practices  
9 for—

10 (aa) reducing wildlife-vehicle  
11 collisions; and

12 (bb) improving habitat  
13 connectivity for terrestrial and  
14 aquatic species.

15 (B) METHODS.—In carrying out the study  
16 required under paragraph (1), the Secretary  
17 shall—

18 (i) conduct a thorough review of re-  
19 search and data relating to—

20 (I) wildlife-vehicle collisions; and

21 (II) habitat fragmentation that  
22 results from transportation infrastruc-  
23 ture;

24 (ii) survey current practices of the  
25 Department of Transportation and State

1 departments of transportation to reduce  
2 wildlife-vehicle collisions; and

3 (iii) consult with—

4 (I) appropriate experts in the  
5 field of wildlife-vehicle collisions; and

6 (II) appropriate experts on the  
7 effects of roads and traffic on habitat  
8 connectivity for terrestrial and aquatic  
9 species.

10 (3) REPORT.—

11 (A) IN GENERAL.—Not later than 18  
12 months after the date of enactment of this Act,  
13 the Secretary shall submit to Congress a report  
14 on the results of the study required under para-  
15 graph (1).

16 (B) CONTENTS.—The report required  
17 under subparagraph (A) shall include—

18 (i) a description of—

19 (I) the causes of wildlife-vehicle  
20 collisions;

21 (II) the impacts of wildlife-vehicle  
22 collisions; and

23 (III) the impacts of roads and  
24 traffic on—

1 (aa) species listed as threat-  
2 ened species or endangered spe-  
3 cies under the Endangered Spe-  
4 cies Act of 1973 (16 U.S.C. 1531  
5 et seq.);

6 (bb) species identified by  
7 States as species of greatest con-  
8 servation need;

9 (cc) species identified in  
10 State wildlife plans; and

11 (dd) medium and small ter-  
12 restrial and aquatic species;

13 (ii) an economic evaluation of the  
14 costs and benefits of installing highway in-  
15 frastructure and other measures to miti-  
16 gate damage to terrestrial and aquatic spe-  
17 cies, including the effect on jobs, property  
18 values, and economic growth to society, ad-  
19 jacent communities, and landowners;

20 (iii) recommendations for preventing  
21 wildlife-vehicle collisions, including rec-  
22 ommended best practices, funding re-  
23 sources, or other recommendations for ad-  
24 dressing wildlife-vehicle collisions; and

1 (iv) guidance to develop, for each  
2 State that agrees to participate, a vol-  
3 untary joint statewide transportation and  
4 wildlife action plan.

5 (C) PURPOSES.—The purpose of the guid-  
6 ance described in subparagraph (B)(iv) shall  
7 be—

8 (i) to address wildlife-vehicle colli-  
9 sions; and

10 (ii) to improve habitat connectivity for  
11 terrestrial and aquatic species;

12 (D) CONSULTATION.—The Secretary shall  
13 develop the guidance described under subpara-  
14 graph (B)(iv) in consultation with—

15 (i) Federal land management agen-  
16 cies;

17 (ii) State departments of transpor-  
18 tation;

19 (iii) State fish and wildlife agencies;  
20 and

21 (iv) Tribal governments.

22 (b) STANDARDIZATION OF WILDLIFE COLLISION AND  
23 CARCASS DATA.—

24 (1) STANDARDIZATION METHODOLOGY.—

1           (A) IN GENERAL.—The Secretary of  
2           Transportation, acting through the Adminis-  
3           trator of the Federal Highway Administration,  
4           shall develop a quality standardized method-  
5           ology for collecting and reporting spatially accu-  
6           rate wildlife collision and carcass data for the  
7           National Highway System, taking into consider-  
8           ation the practicability of the methodology with  
9           respect to technology and cost.

10          (B) METHODOLOGY.—In developing the  
11          standardized methodology under subparagraph  
12          (A), the Secretary shall—

13               (i) survey existing methodologies and  
14               sources of data collection, including the  
15               Fatality Analysis Reporting System, the  
16               General Estimates System of the National  
17               Automotive Sampling System, and the  
18               Highway Safety Information System; and

19               (ii) to the extent practicable, identify  
20               and correct limitations of such existing  
21               methodologies and sources of data collec-  
22               tion.

23          (C) CONSULTATION.—In developing the  
24          standardized methodology under subparagraph  
25          (A), the Secretary shall consult with—

- 1 (i) the Secretary of the Interior;
- 2 (ii) the Secretary of Agriculture, act-
- 3 ing through the Chief of the Forest Serv-
- 4 ice;
- 5 (iii) Tribal, State, and local transpor-
- 6 tation and wildlife authorities;
- 7 (iv) metropolitan planning organiza-
- 8 tions (as such term is defined in section
- 9 134(b) of title 23, United States Code);
- 10 (v) members of the American Associa-
- 11 tion of State Highway and Transportation
- 12 Officials;
- 13 (vi) members of the Association of
- 14 Fish and Wildlife Agencies;
- 15 (vii) experts in the field of wildlife-ve-
- 16 hicle collisions;
- 17 (viii) nongovernmental organizations;
- 18 and
- 19 (ix) other interested stakeholders, as
- 20 appropriate.

- 21 (2) STANDARDIZED NATIONAL DATA SYSTEM
- 22 WITH VOLUNTARY TEMPLATE IMPLEMENTATION.—
- 23 The Secretary shall—
- 24 (A) develop a template for State implemen-
- 25 tation of a standardized national wildlife colli-



1           sion and carcass data system for the National  
2           Highway System that is based on the standard-  
3           ized methodology developed under paragraph  
4           (1); and

5                 (B) encourage the voluntary implementa-  
6           tion of the template developed under subpara-  
7           graph (A) for States, metropolitan planning or-  
8           ganizations, and additional relevant transpor-  
9           tation stakeholders.

10          (3) REPORTS.—

11                 (A) METHODOLOGY.—The Secretary shall  
12           submit to Congress a report describing the de-  
13           velopment of the standardized methodology re-  
14           quired under paragraph (1) not later than—

15                         (i) the date that is 18 months after  
16                         the date of enactment of this Act; and

17                         (ii) the date that is 180 days after the  
18                         date on which the Secretary completes the  
19                         development of such standardized method-  
20                         ology.

21                 (B) IMPLEMENTATION.—Not later than 3  
22           years after the date of enactment of this Act,  
23           the Secretary shall submit to Congress a report  
24           describing—

1 (i) the status of the voluntary imple-  
2 mentation of the standardized methodology  
3 developed under paragraph (1) and the  
4 template developed under paragraph  
5 (2)(A);

6 (ii) whether the implementation of the  
7 standardized methodology developed under  
8 paragraph (1) and the template developed  
9 under paragraph (2)(A) has impacted ef-  
10 forts by States, units of local government,  
11 and other entities—

12 (I) to reduce the number of wild-  
13 life-vehicle collisions; and

14 (II) to improve habitat  
15 connectivity;

16 (iii) the degree of the impact de-  
17 scribed in clause (ii); and

18 (iv) the recommendations of the Sec-  
19 retary, including recommendations for fur-  
20 ther study aimed at reducing motorist col-  
21 lisions involving wildlife and improving  
22 habitat connectivity for terrestrial and  
23 aquatic species on the National Highway  
24 System, if any.

1       (c) NATIONAL THRESHOLD GUIDANCE.—The Sec-  
2   retary of Transportation shall—

3           (1) establish guidance, to be carried out by  
4       States on a voluntary basis, that contains a thresh-  
5       old for determining whether a highway shall be eval-  
6       uated for potential mitigation measures to reduce  
7       wildlife-vehicle collisions and increase habitat  
8       connectivity for terrestrial and aquatic species, tak-  
9       ing into consideration—

10           (A) the number of wildlife-vehicle collisions  
11       on the highway that pose a human safety risk;

12           (B) highway-related mortality and effects  
13       of traffic on the highway on—

14           (i) species listed as endangered spe-  
15       cies or threatened species under the En-  
16       dangered Species Act of 1973 (16 U.S.C.  
17       1531 et seq.);

18           (ii) species identified by a State as  
19       species of greatest conservation need;

20           (iii) species identified in State wildlife  
21       plans; and

22           (iv) medium and small terrestrial and  
23       aquatic species; and

24           (C) habitat connectivity values for terres-  
25       trial and aquatic species and the barrier effect

1 of the highway on the movements and migra-  
2 tions of those species.

3 **SEC. 5108. RESEARCH ACTIVITIES.**

4 Section 330(g) of title 49, United States Code, is  
5 amended by striking “each of fiscal years 2016 through  
6 2020” and inserting “each of fiscal years 2022 through  
7 2025”.

8 **SEC. 5109. INNOVATIVE MATERIAL INNOVATION HUBS.**

9 (a) ESTABLISHMENT.—

10 (1) IN GENERAL.—The Secretary of Transpor-  
11 tation shall carry out a program to enhance the de-  
12 velopment of innovative materials in the United  
13 States by making awards to consortia for estab-  
14 lishing and operating Hubs (to be known as “Inno-  
15 vative Material Innovation Hubs”) to conduct and  
16 support multidisciplinary, collaborative research, de-  
17 velopment, demonstration, standardized design de-  
18 velopment, and commercial application of innovative  
19 materials.

20 (4) COORDINATION.—The Secretary shall en-  
21 sure the coordination of, and avoid duplication of,  
22 the activities of each Hub with the activities of—

23 (A) other research entities of the Depart-  
24 ment of Transportation, including the Federal  
25 Highway Administration; and

1 (B) research entities of other Federal  
2 agencies, as appropriate.

3 (b) COMPETITIVE SELECTION PROCESS.—

4 (1) ELIGIBILITY.—To be eligible to receive an  
5 award for the establishment and operation of a Hub  
6 under subsection (a)(1), a consortium shall—

7 (A) be composed of not fewer than 2 quali-  
8 fying entities;

9 (B) operate subject to a binding agree-  
10 ment, entered into by each member of the con-  
11 sortium, that documents—

12 (i) the proposed partnership agree-  
13 ment, including the governance and man-  
14 agement structure of the Hub;

15 (ii) measures the consortium will un-  
16 dertake to enable cost-effective implemen-  
17 tation of activities under the program de-  
18 scribed in subsection (a)(1); and

19 (iii) a proposed budget, including fi-  
20 nancial contributions from non-Federal  
21 sources; and

22 (C) operate as a nonprofit organization.

23 (2) APPLICATION.—

24 (A) IN GENERAL.—A consortium seeking  
25 to establish and operate a Hub under sub-

1           section (b)(1) shall submit to the Secretary an  
2           application at such time, in such manner, and  
3           containing such information as the Secretary  
4           may require, including a detailed description  
5           of—

6                   (i) each element of the consortium  
7                   agreement required under paragraph  
8                   (1)(B); and

9                   (ii) any existing facilities the consor-  
10                  tium intends to use for Hub activities.

11           (B) REQUIREMENT.—If the consortium  
12           members will not be located at 1 centralized lo-  
13           cation, the application under subparagraph (A)  
14           shall include a communications plan that en-  
15           sures close coordination and integration of Hub  
16           activities.

17           (3) SELECTION.—

18                   (A) IN GENERAL.—The Secretary shall se-  
19                   lect consortia for awards for the establishment  
20                   and operation of Hubs through a competitive  
21                   selection process.

22                   (B) CONSIDERATIONS.—In selecting con-  
23                   sortia under subparagraph (A), the Secretary  
24                   shall consider—

- 1 (i) any existing facilities a consortium
- 2 has identified to be used for Hub activities;
- 3 (ii) maintaining geographic diversity
- 4 in locations of selected Hubs;
- 5 (iii) the demonstrated ability of the
- 6 recipient to conduct and support multi-
- 7 disciplinary, collaborative research, devel-
- 8 opment, demonstration, standardized de-
- 9 sign development, and commercial applica-
- 10 tion of innovative materials;
- 11 (iv) the demonstrated research, tech-
- 12 nology transfer, and education resources
- 13 available to the recipient to carry out this
- 14 section;
- 15 (v) the ability of the recipient to pro-
- 16 vide leadership in solving immediate and
- 17 long-range national and regional transpor-
- 18 tation problems related to innovative mate-
- 19 rials;
- 20 (vi) the demonstrated ability of the re-
- 21 cipient to disseminate results and spur the
- 22 implementation of transportation research
- 23 and education programs through national
- 24 or statewide continuing education pro-
- 25 grams;

1 (vii) the demonstrated commitment of  
2 the recipient to the use of peer review prin-  
3 ciples and other research best practices in  
4 the selection, management, and dissemina-  
5 tion of research projects;

6 (viii) the performance metrics to be  
7 used in assessing the performance of the  
8 recipient in meeting the stated research,  
9 technology transfer, education, and out-  
10 reach goals; and

11 (ix) the ability of the recipient to im-  
12 plement the proposed program in a cost-ef-  
13 ficient manner, including through cost  
14 sharing and overall reduced overhead, fa-  
15 cilities, and administrative costs.

16 (4) TRANSPARENCY.—

17 (A) IN GENERAL.—The Secretary shall  
18 provide to each applicant, upon request, any  
19 materials, including copies of reviews (with any  
20 information that would identify a reviewer re-  
21 dacted), used in the evaluation process of the  
22 proposal of the applicant.

23 (B) REPORTS.—The Secretary shall sub-  
24 mit to the Committee on Transportation and  
25 Infrastructure of the House of Representatives



1 and the Committee on Environment and Public  
2 Works of the Senate a report describing the  
3 overall review process under paragraph (4) that  
4 includes—

5 (i) specific criteria of evaluation used  
6 in the review;

7 (ii) descriptions of the review process;  
8 and

9 (iii) explanations of the selected  
10 awards.

11 (c) AUTHORIZATION.—There is authorized to be ap-  
12 propriated to carry out this section such sums as may be  
13 necessary and such sums shall remain available for a pe-  
14 riod of 3 years after the last day of the fiscal year in which  
15 such sums were made available.

16 (d) HUB OPERATIONS.—

17 (1) IN GENERAL.—Each Hub shall conduct, or  
18 provide for, multidisciplinary, collaborative research,  
19 development, demonstration, and commercial appli-  
20 cation of innovative materials.

21 (2) ACTIVITIES.—Each Hub shall—

22 (A) encourage collaboration and commu-  
23 nication among the member qualifying entities  
24 of the consortium, as described in subsection  
25 (b)(1), and awardees;

1 (B) develop and publish proposed plans  
2 and programs on a publicly accessible website;

3 (C) submit to the Department of Trans-  
4 portation an annual report summarizing the ac-  
5 tivities of the Hub, including information—

6 (i) detailing organizational expendi-  
7 tures; and

8 (ii) describing each project under-  
9 taken by the Hub, as it relates to con-  
10 ducting and supporting multidisciplinary,  
11 collaborative research, development, dem-  
12 onstration, standardized design develop-  
13 ment, and commercial application of inno-  
14 vative materials; and

15 (D) monitor project implementation and  
16 coordination.

17 (3) CONFLICTS OF INTEREST.—Each Hub shall  
18 maintain conflict of interest procedures, consistent  
19 with the conflict of interest procedures of the De-  
20 partment of Transportation.

21 (4) PROHIBITION ON CONSTRUCTION AND REN-  
22 OVATION.—

23 (A) IN GENERAL.—No funds provided  
24 under this section may be used for construction

1 or renovation of new buildings, test beds, or ad-  
2 ditional facilities for Hubs.

3 (B) NON-FEDERAL SHARE.—Construction  
4 of new buildings or facilities shall not be consid-  
5 ered as part of the non-Federal share of a Hub  
6 cost-sharing agreement.

7 (e) DEFINITIONS.—In this section:

8 (1) HUB.—The term “Hub” means an Innova-  
9 tive Material Innovation Hub established under this  
10 section.

11 (2) QUALIFYING ENTITY.—The term “quali-  
12 fying entity” means—

13 (A) an institution of higher education (as  
14 such term is defined in section 101(a) of the  
15 Higher Education Act of 1965 (20 U.S.C.  
16 1001(a)));

17 (B) an appropriate Federal or State entity,  
18 including a federally funded research and devel-  
19 opment center of the Department of Transpor-  
20 tation;

21 (C) a university transportation center  
22 under section 5505 of title 49, United States  
23 Code; and

24 (D) a research and development entity in  
25 existence on the date of enactment of this Act

1 focused on innovative materials that the Sec-  
2 retary determines to be similar in scope and in-  
3 tent to a Hub under this section.

4 (3) INNOVATIVE MATERIAL.—The term “inno-  
5 vative material”, with respect to an infrastructure  
6 project, includes materials or combinations and proc-  
7 esses for use of materials that enhance the overall  
8 service life, sustainability, and resiliency of the  
9 project or provide ancillary benefits relative to widely  
10 adopted state of practice technologies, as determined  
11 by the Secretary.

## 12 **Subtitle B—Technology**

## 13 **Deployment**

### 14 **SEC. 5201. TECHNOLOGY AND INNOVATION DEPLOYMENT**

### 15 **PROGRAM.**

16 Section 503(c) of title 23, United States Code, is  
17 amended—

18 (1) in paragraph (1)—

19 (A) in subparagraph (A) by inserting “,  
20 while considering the impacts on jobs” after  
21 “transportation community”;

22 (B) in subparagraph (D) by striking “;  
23 and” and inserting a semicolon;

24 (C) in subparagraph (E) by striking the  
25 period and inserting “; and”; and

1 (D) by adding at the end the following:

2 “(F) reducing greenhouse gas emissions  
3 and limiting the effects of climate change.”;  
4 and

5 (2) in paragraph (2)(A) by striking the period  
6 and inserting “and findings from the materials to  
7 reduce greenhouse gas emissions program under  
8 subsection (d).”.

9 **SEC. 5202. ACCELERATED IMPLEMENTATION AND DEPLOY-**  
10 **MENT OF PAVEMENT TECHNOLOGIES.**

11 Section 503(c)(3) of title 23, United States Code, is  
12 amended—

13 (1) in subparagraph (B)—

14 (A) in clause (v) by striking “; and” and  
15 inserting a semicolon;

16 (B) in clause (vi) by striking the period  
17 and inserting “; and”; and

18 (C) by adding at the end the following:

19 “(vii) the deployment of innovative  
20 pavement designs, materials, and practices  
21 that reduce or sequester the amount of  
22 greenhouse gas emissions generated during  
23 the production of highway materials and  
24 the construction of highways, with consid-  
25 eration for findings from the materials to

1                   reduce greenhouse gas emissions program  
2                   under subsection (d).”;

3               (2) in subparagraph (C) by striking “fiscal  
4       years 2016 through 2020” and inserting “fiscal  
5       years 2022 through 2025”; and

6               (3) in subparagraph (D)(ii)—

7                   (A) in subclause (III) by striking “; and”  
8       and inserting a semicolon;

9                   (B) in subclause (IV) by striking the pe-  
10      riod and inserting a semicolon; and

11               (C) by adding at the end the following:

12                               “(V) pavement monitoring and  
13                               data collection practices;

14                               “(VI) pavement durability and  
15                               resilience;

16                               “(VII) stormwater management;

17                               “(VIII) impacts on vehicle effi-  
18                               ciency;

19                               “(IX) the energy efficiency of the  
20                               production of paving materials and  
21                               the ability of paving materials to en-  
22                               hance the environment and promote  
23                               sustainability;

24                               “(X) integration of renewable en-  
25                               ergy in pavement designs; and

1 “(XI) greenhouse gas emissions  
2 reduction, including findings from the  
3 materials to reduce greenhouse gas  
4 emissions program under subsection  
5 (d).”.

6 **SEC. 5203. FEDERAL HIGHWAY ADMINISTRATION EVERY**  
7 **DAY COUNTS INITIATIVE.**

8 (a) IN GENERAL.—Chapter 5 of title 23, United  
9 States Code, is amended by adding at the end the fol-  
10 lowing:

11 **“§ 520. Every Day Counts initiative**

12 “(a) IN GENERAL.—It is in the national interest for  
13 the Department of Transportation, State departments of  
14 transportation, and all other recipients of Federal surface  
15 transportation funds—

16 “(1) to identify, accelerate, and deploy innova-  
17 tion aimed at expediting project delivery;

18 “(2) enhancing the safety of the roadways of  
19 the United States, and protecting the environment;

20 “(3) to ensure that the planning, design, engi-  
21 neering, construction, and financing of transpor-  
22 tation projects is done in an efficient and effective  
23 manner;

24 “(4) to promote the rapid deployment of proven  
25 solutions that provide greater accountability for pub-

1       lic investments and encourage greater private sector  
2       involvement; and

3               “(5) to create a culture of innovation within the  
4       highway community.

5       “(b) EVERY DAY COUNTS INITIATIVE.—To advance  
6       the policy described in subsection (a), the Administrator  
7       of the Federal Highway Administration shall continue the  
8       Every Day Counts initiative to work with States, local  
9       transportation agencies, all other recipients of Federal  
10      surface transportation funds, and industry stakeholders,  
11      including labor representatives, to identify and deploy  
12      proven innovative practices and products that—

13               “(1) accelerate innovation deployment;

14               “(2) expedite the project delivery process;

15               “(3) improve environmental sustainability;

16               “(4) enhance roadway safety;

17               “(5) reduce congestion; and

18               “(6) reduce greenhouse gas emissions.

19       “(c) CONSIDERATIONS.—In carrying out the Every  
20      Day Counts initiative, the Administrator shall consider  
21      any innovative practices and products in accordance with  
22      subsections (a) and (b), including—

23               “(1) research results from the university trans-  
24      portation centers program under section 5505 of  
25      title 49; and



1 “(2) results from the materials to reduce green-  
2 house gas emissions program in section 503(d).

3 “(d) INNOVATION DEPLOYMENT.—

4 “(1) IN GENERAL.—At least every 2 years, the  
5 Administrator shall work collaboratively with stake-  
6 holders to identify a new collection of innovations,  
7 best practices, and data to be deployed to highway  
8 stakeholders through case studies, outreach, and  
9 demonstration projects.

10 “(2) REQUIREMENTS.—In identifying a collec-  
11 tion described in paragraph (1), the Secretary shall  
12 take into account market readiness, impacts, bene-  
13 fits, and ease of adoption of the innovation or prac-  
14 tice.

15 “(e) PUBLICATION.—Each collection identified under  
16 subsection (d) shall be published by the Administrator on  
17 a publicly available website.

18 “(f) FUNDING.—The Secretary may use funds made  
19 available to carry out section 503(c) to carry out this sec-  
20 tion.”.

21 (b) CLERICAL AMENDMENT.—The analysis for chap-  
22 ter 5 of title 23, United States Code, is amended by add-  
23 ing at the end the following new item:

“520. Every Day Counts initiative.”.

24 (c) REPEAL.—Section 1444 of the FAST Act (23  
25 U.S.C. 101 note), and the item related to such section in

1 the table of contents in section 1(b) of such Act, are re-  
2 pealed.

### 3 **Subtitle C—Emerging Technologies**

#### 4 **SEC. 5301. SAFE, EFFICIENT MOBILITY THROUGH AD- 5 VANCED TECHNOLOGIES.**

6 Section 503(c)(4) of title 23, United States Code, is  
7 amended—

8 (1) in subparagraph (A)—

9 (A) by striking “Not later than 6 months  
10 after the date of enactment of this paragraph,  
11 the” and inserting “The”;

12 (B) by striking “establish an advanced  
13 transportation and congestion management  
14 technologies deployment” and inserting “estab-  
15 lish a safe, efficient mobility through advanced  
16 technologies”;

17 (C) by inserting “mobility,” before “effi-  
18 ciency,”; and

19 (D) by inserting “environmental impacts,”  
20 after “system performance,”;

21 (2) in subparagraph (B)—

22 (A) by striking clause (i) and inserting the  
23 following:

24 “(i) reduce costs, improve return on  
25 investments, and improve person through-

1 put and mobility, including through the op-  
2 timization of existing transportation capac-  
3 ity;”;

4 (B) in clause (iv) by inserting “bicyclist  
5 and” before “pedestrian”;

6 (C) in clause (vii) by striking “; or” and  
7 inserting a semicolon;

8 (D) in clause (viii)—

9 (i) by striking “accelerate” and insert-  
10 ing “prepare for”; and

11 (ii) by striking the period and insert-  
12 ing “; or”; and

13 (E) by adding at the end the following:

14 “(ix) reduce greenhouse gas emissions  
15 and limit the effects of climate change.”;

16 (3) in subparagraph (C)—

17 (A) in clause (ii)(II)(aa) by striking “con-  
18 gestion” and inserting “congestion and delays,  
19 greenhouse gas emissions”; and

20 (B) by adding at the end the following:

21 “(iii) CONSIDERATIONS.—An applica-  
22 tion submitted under this paragraph may  
23 include a description of how the proposed  
24 project would support the national goals  
25 described in section 150(b), the achieve-

1           ment of metropolitan and statewide targets  
2           established under section 150(d), or the  
3           improvement of transportation system ac-  
4           cess consistent with section 150(f), includ-  
5           ing through—

6                   “(I) the congestion and on-road  
7                   mobile-source emissions performance  
8                   measure established under section  
9                   150(c)(5); or

10                   “(II) the greenhouse gas emis-  
11                   sions performance measure estab-  
12                   lished under section 150(c)(7).”;

13           (4) in subparagraph (D) by adding at the end  
14           the following:

15                   “(iv) PRIORITIZATION.—In awarding  
16                   a grant under this paragraph, the Sec-  
17                   retary shall prioritize projects that, in ac-  
18                   cordance with the criteria described in sub-  
19                   paragraph (B)—

20                   “(I) improve person throughput  
21                   and mobility, including through the  
22                   optimization of existing transportation  
23                   capacity;

24                   “(II) deliver environmental bene-  
25                   fits;

1 “(III) reduce the number and se-  
2 verity of traffic accidents and increase  
3 driver, passenger, and bicyclist and  
4 pedestrian safety; or

5 “(IV) reduce greenhouse gas  
6 emissions.

7 “(v) GRANT DISTRIBUTION.—The  
8 Secretary shall award not fewer than 3  
9 grants under this paragraph based on the  
10 potential of the project to reduce the num-  
11 ber and severity of traffic crashes and in-  
12 crease, driver, passenger, and bicyclist and  
13 pedestrian safety.”;

14 (5) in subparagraph (E)—

15 (A) in clause (vi)—

16 (i) by inserting “, vehicle-to-pedes-  
17 trian,” after “vehicle-to-vehicle”; and

18 (ii) by inserting “systems to improve  
19 vulnerable road user safety,” before “tech-  
20 nologies associated with” ; and

21 (B) in clause (ix) by inserting “, including  
22 activities under section 5316 of title 49” after  
23 “disabled individuals”;

24 (6) by striking subparagraph (G) and inserting  
25 the following:

1 “(G) REPORTING.—

2 “(i) APPLICABILITY OF LAW.—The  
3 program under this paragraph shall be  
4 subject to the accountability and oversight  
5 requirements in section 106(m).

6 “(ii) REPORT.—Not later than 1 year  
7 after the date that the first grant is  
8 awarded under this paragraph, and each  
9 year thereafter, the Secretary shall make  
10 available to the public on a website a re-  
11 port that describes the effectiveness of  
12 grant recipients in meeting their projected  
13 deployment plans, including data provided  
14 under subparagraph (F) on how the pro-  
15 gram has—

16 “(I) reduced traffic-related fatali-  
17 ties and injuries;

18 “(II) reduced traffic congestion  
19 and improved travel time reliability;

20 “(III) reduced transportation-re-  
21 lated emissions;

22 “(IV) optimized multimodal sys-  
23 tem performance;

24 “(V) improved access to trans-  
25 portation alternatives;

1 “(VI) provided the public with  
2 access to real-time integrated traffic,  
3 transit, and multimodal transpor-  
4 tation information to make informed  
5 travel decisions;

6 “(VII) provided cost savings to  
7 transportation agencies, businesses,  
8 and the traveling public;

9 “(VIII) created or maintained  
10 transportation jobs and supported  
11 transportation workers; or

12 “(IX) provided other benefits to  
13 transportation users and the general  
14 public.

15 “(iii) CONSIDERATIONS.—If applica-  
16 ble, the Secretary shall ensure that the ac-  
17 tivities described in subclauses (I) and (IV)  
18 of clause (ii) reflect—

19 “(I) any information described in  
20 subparagraph (C)(iii) that is included  
21 by an applicant; or

22 “(II) the project prioritization  
23 guidelines under subparagraph  
24 (D)(iv).”;

1           (7) in subparagraph (I) by striking “(i) IN  
2       GENERAL” and all that follows through “the Sec-  
3       retary may set aside” and inserting “Of the  
4       amounts made available to carry out this paragraph,  
5       the Secretary may set aside”;

6           (8) in subparagraph (J) by striking the period  
7       at the end and inserting “, except that the Federal  
8       share of the cost of a project for which a grant is  
9       awarded under this paragraph shall not exceed 80  
10      percent.”;

11          (9) in subparagraph (K) by striking “amount  
12      described under subparagraph (I)” and inserting  
13      “funds made available to carry out this paragraph”;

14          (10) by striking subparagraph (M) and insert-  
15      ing the following:

16               “(M) GRANT FLEXIBILITY.—If, by August  
17              1 of each fiscal year, the Secretary determines  
18              that there are not enough grant applications  
19              that meet the requirements described in sub-  
20              paragraph (C) to carry out this paragraph for  
21              a fiscal year, the Secretary shall transfer to the  
22              technology and innovation deployment pro-  
23              gram—

24                      “(i) any of the funds made available  
25                      to carry out this paragraph in a fiscal year



1           that the Secretary has not yet awarded  
2           under this paragraph; and

3           “(ii) an amount of obligation limita-  
4           tion equal to the amount of funds that the  
5           Secretary transfers under clause (i).”; and

6           (11) in subparagraph (N)—

7           (A) in clause (i) by inserting “an urban-  
8           ized area with” before “a population of”; and

9           (B) in clause (iii) by striking “a any” and  
10          inserting “any”.

11 **SEC. 5302. INTELLIGENT TRANSPORTATION SYSTEMS PRO-**  
12 **GRAM.**

13       (a) **USE OF FUNDS FOR ITS ACTIVITIES.**—Section  
14 513(c)(1) of title 23, United States Code, is amended by  
15 inserting “greenhouse gas emissions reduction,” before  
16 “and congestion management”.

17       (b) **GOALS AND PURPOSES.**—Section 514(a) of title  
18 23, United States Code, is amended—

19           (1) in paragraph (6) by striking “national  
20 freight policy goals” and inserting “national  
21 multimodal freight policy goals and activities de-  
22 scribed in subtitle IX of title 49”;

23           (2) by redesignating paragraphs (4), (5), and  
24 (6) as paragraphs (5), (6), and (7), respectively; and

1           (3) by inserting after paragraph (3) the fol-  
2       lowing:

3           “(4) reduction of greenhouse gas emissions and  
4       mitigation of the effects of climate change;”.

5       (c) GENERAL AUTHORITIES AND REQUIREMENTS.—  
6       Section 515(h) of title 23, United States Code, is amend-  
7       ed—

8           (1) in paragraph (2)—

9                (A) by striking “20 members” and insert-  
10          ing “25 members”;

11               (B) in subparagraph (A) by striking  
12          “State highway department” and inserting  
13          “State department of transportation”;

14               (C) in subparagraph (B) by striking “local  
15          highway department” and inserting “local de-  
16          partment of transportation”;

17               (D) by striking subparagraphs (E), (F),  
18          (G), (H), (I), and (J) and inserting the fol-  
19          lowing:

20                “(E) a private sector representative of the  
21          intelligent transportation systems industry;

22                “(F) a representative from an advocacy  
23          group concerned with safety, including bicycle  
24          and pedestrian interests;

1 “(G) a representative from a labor organi-  
2 zation; and”;

3 (E) by redesignating subparagraph (K) as  
4 subparagraph (H); and

5 (F) by striking subparagraph (L);

6 (2) in paragraph (3)—

7 (A) in subparagraph (A) by striking “sec-  
8 tion 508” and inserting “section 6503 of title  
9 49”;

10 (B) in subparagraph (B)—

11 (i) in clause (ii)—

12 (I) by inserting “in both urban  
13 and rural areas” after “by users”;  
14 and

15 (II) by striking “; and” and in-  
16 serting a semicolon;

17 (ii) in clause (iii) by striking the pe-  
18 riod and inserting “; and”; and

19 (iii) by adding at the end the fol-  
20 lowing:

21 “(iv) assess how Federal transpor-  
22 tation resources, including programs under  
23 this title, are being used to advance intel-  
24 ligent transportation systems.”; and

25 (C) by adding at the end the following:

1           “(C) Convene not less frequently than  
2           twice each year, either in person or remotely.”;

3           (3) in paragraph (4) by striking “May 1” and  
4           inserting “April 1”; and

5           (4) in paragraph (5) by inserting “, except that  
6           section 14 of such Act shall not apply” before the  
7           period at the end.

8           (d) RESEARCH AND DEVELOPMENT.—Section 516(b)  
9           of title 23, United States Code, is amended—

10           (1) by redesignating paragraphs (5), (6), and  
11           (7) as paragraphs (6), (7), and (8), respectively; and

12           (2) by inserting after paragraph (4) the fol-  
13           lowing:

14           “(5) demonstrate reductions in greenhouse gas  
15           emissions;”.

16   **SEC. 5303. NATIONAL HIGHLY AUTOMATED VEHICLE AND**  
17           **MOBILITY INNOVATION CLEARINGHOUSE.**

18           (a) IN GENERAL.—Chapter 55 of title 49, United  
19           States Code, is amended by adding at the end the fol-  
20           lowing:

21   **“§ 5507. National highly automated vehicle and mo-**  
22           **bility innovation clearinghouse**

23           “(a) IN GENERAL.—The Secretary shall make a  
24           grant to an institution of higher education engaged in re-

1 search on the secondary impacts of highly automated vehi-  
2 cles to—

3 “(1) operate a national highly automated vehi-  
4 cle and mobility innovation clearinghouse;

5 “(2) collect, conduct, and fund research on the  
6 secondary impacts of highly automated vehicles and  
7 mobility innovation;

8 “(3) make such research available on a public  
9 website; and

10 “(4) conduct outreach and dissemination of the  
11 information described in this subsection to assist  
12 communities.

13 “(b) DEFINITIONS.—In this section:

14 “(1) HIGHLY AUTOMATED VEHICLE.—The term  
15 ‘highly automated vehicle’ means a motor vehicle  
16 that—

17 “(A) is capable of performing the entire  
18 task of driving (including steering, accelerating  
19 and decelerating, and reacting to external stim-  
20 ulus) without human intervention; and

21 “(B) is designed to be operated exclusively  
22 by a Level 4 or Level 5 automated driving sys-  
23 tem for all trips according to the recommended  
24 practice standards published on June 15, 2018,  
25 by the Society of Automotive Engineers Inter-

1 national (J3016\_\_201806) or equivalent stand-  
2 ards adopted by the Secretary with respect to  
3 automated motor vehicles.

4 “(2) MOBILITY INNOVATION.—The term ‘mobil-  
5 ity innovation’ means an activity described in section  
6 5316, including mobility on demand and mobility as  
7 a service (as such terms are defined in such section).

8 “(3) INSTITUTION OF HIGHER EDUCATION .—  
9 The term ‘institution of higher education’ has the  
10 meaning given the term in section 101 of the Higher  
11 Education Act of 1965 (20 U.S.C. 1001).

12 “(4) SECONDARY IMPACTS.—The term ‘sec-  
13 ondary impacts’ means the impacts on land use,  
14 urban design, transportation, real estate, accessi-  
15 bility, municipal budgets, social equity, availability  
16 and quality of jobs, and the environment.”.

17 (b) CLERICAL AMENDMENT.—The analysis for chap-  
18 ter 55 of title 49, United States Code, is amended by add-  
19 ing at the end the following:

“5507. National highly automated vehicle and mobility innovation clearing-  
house.”.

20 (c) DEADLINE FOR CLEARINGHOUSE.—The Sec-  
21 retary of Transportation shall ensure that the institution  
22 of higher education that receives the grant described in  
23 section 5507(a)(1) of title 49, United States Code, as  
24 added by subsection (a), shall establish the national highly

1 automated vehicle clearinghouse described in such section  
2 not later than 180 days after the date of enactment of  
3 this Act.

4 **SEC. 5304. STUDY ON SAFE INTERACTIONS BETWEEN AUTO-**  
5 **MATED VEHICLES AND ROAD USERS.**

6 (a) PURPOSE.—The purpose of this section shall be  
7 to ensure that the increasing deployment of automated ve-  
8 hicles does not jeopardize the safety of road users.

9 (b) STUDY.—

10 (1) ESTABLISHMENT.—Not later than 9  
11 months after the date of enactment of this Act, the  
12 Secretary of Transportation shall initiate a study on  
13 the ability of automated vehicles to safely interact  
14 with other road users.

15 (2) CONTENTS.—In carrying out the study  
16 under paragraph (1), the Secretary shall—

17 (A) examine the ability of automated vehi-  
18 cles to safely interact with general road users,  
19 including vulnerable road users;

20 (B) identify barriers to improving the safe-  
21 ty of interactions between automated vehicles  
22 and general road users; and

23 (C) issue recommendations to improve the  
24 safety of interactions between automated vehi-

1           cles and general road users, including, at a  
2           minimum—

3                   (i) technology advancements with the  
4                   potential to facilitate safer interactions be-  
5                   tween automated vehicles and general road  
6                   users given the safety considerations in  
7                   paragraph (3);

8                   (ii) road user public awareness; and

9                   (iii) improvements to transportation  
10                  planning and road design.

11           (3) CONSIDERATIONS.—In carrying out the  
12           study under paragraph (1), the Secretary shall take  
13           into consideration whether automated vehicles can  
14           safely operate within the surface transportation sys-  
15           tem, including—

16                   (A) the degree to which ordinary human  
17                   behaviors make it difficult for an automated ve-  
18                   hicle to safely, reliably predict human actions;

19                   (B) unique challenges for automated vehi-  
20                   cles in urban and rural areas;

21                   (C) the degree to which an automated ve-  
22                   hicle is capable of uniformly recognizing and re-  
23                   sponding to individuals with disabilities and in-  
24                   dividuals of different sizes, ages, races, and  
25                   other varying characteristics;



1 (D) for bicyclist and pedestrian road  
2 users—

3 (i) the varying and non-standardized  
4 nature of bicyclist and pedestrian infra-  
5 structure in different locations;

6 (ii) the close proximity to motor vehi-  
7 cles within which bicyclists often operate,  
8 including riding in unprotected bike lanes  
9 and crossing lanes to make a left turn, and  
10 the risk of such close proximity; and

11 (iii) roadways that lack marked bicy-  
12 clist infrastructure, particularly in  
13 midsized and rural areas, on which  
14 bicyclists often operate; and

15 (E) depending on the level of automation  
16 of the vehicle, the degree to which human inter-  
17 vention remains necessary to safely operate an  
18 automated vehicle to ensure the safety of gen-  
19 eral road users in circumstances including—

20 (i) dangerous weather;

21 (ii) an electronic or system malfunc-  
22 tion of the automated vehicle; and

23 (iii) a cybersecurity threat to the op-  
24 eration of the vehicle.

1           (4) PUBLIC COMMENT.—Before conducting the  
2       study under paragraph (1), the Secretary shall pro-  
3       vide an opportunity for public comment on the study  
4       proposal.

5       (c) WORKING GROUP.—

6           (1) ESTABLISHMENT.—Not later than 6  
7       months after the date of enactment of this Act, the  
8       Secretary of Transportation shall establish a work-  
9       ing group to assist in the development of the study  
10      and recommendations under subsection (b).

11          (2) MEMBERSHIP.—The working group estab-  
12      lished under paragraph (1) shall include representa-  
13      tion from—

14           (A) the National Highway Traffic Safety  
15      Administration;

16           (B) State departments of transportation;

17           (C) local governments (other than metro-  
18      politan planning organizations, as such term is  
19      defined in section 134(b) of title 23, United  
20      States Code);

21           (D) transit agencies;

22           (E) metropolitan planning organizations  
23      (as such term is defined in section 134(b) of  
24      title 23, United States Code);

25           (F) bicycle and pedestrian safety groups;

1 (G) highway and automobile safety groups;

2 (H) truck safety groups;

3 (I) law enforcement officers and first re-  
4 sponders;

5 (J) motor carriers and independent owner-  
6 operators;

7 (K) the road construction industry;

8 (L) labor organizations;

9 (M) academic experts on automated vehicle  
10 technologies;

11 (N) manufacturers of both passenger and  
12 commercial automated vehicles; and

13 (O) other industries and entities as the  
14 Secretary determines appropriate.

15 (3) DUTIES.—The working group established  
16 under paragraph (1) shall assist the Secretary by, at  
17 a minimum—

18 (A) assisting in the development of the  
19 scope of the study under subsection (b);

20 (B) reviewing the data and analysis from  
21 such study;

22 (C) provide ongoing recommendations and  
23 feedback to ensure that such study reflects the  
24 contents described in paragraphs (2) and (3) of  
25 subsection (b); and

1 (D) providing input to the Secretary on  
2 recommendations required under subsection  
3 (b)(2)(C).

4 (4) APPLICABILITY OF THE FEDERAL ADVISORY  
5 COMMITTEE ACT.—The working group under this  
6 subsection shall be subject to the Federal Advisory  
7 Committee Act (5 U.S.C. App.), except that section  
8 14 of such Act shall not apply.

9 (d) REPORT.—Not later than 2 years after the date  
10 of enactment of this Act, the Secretary of Transportation  
11 shall submit to the Committee on Transportation and In-  
12 frastructure of the House of Representatives and the Com-  
13 mittee on Commerce, Science, and Transportation of the  
14 Senate, and make publicly available, the study initiated  
15 under subsection (b), including recommendations for en-  
16 suring that automated vehicles safely interact with general  
17 road users.

18 (e) DEFINITIONS.—In this section:

19 (1) AUTOMATED VEHICLE.—The term “auto-  
20 mated vehicle” means a motor vehicle equipped with  
21 Level 3, Level 4, or Level 5 automated driving sys-  
22 tems for all trips according to the recommended  
23 practice standards published on June 15, 2018 by  
24 the Society of Automotive Engineers International  
25 (J3016\_\_201806) or equivalent standards adopted

1 by the Secretary with respect to automated motor  
2 vehicles.

3 (2) GENERAL ROAD USERS.—The term “gen-  
4 eral road users” means—

5 (A) motor vehicles driven by individuals;

6 (B) bicyclists and pedestrians;

7 (C) 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;

18 (I) users of shared micromobility (includ-  
19 ing bikesharing and shared scooter systems);  
20 and

21 (J) other road users that may interact  
22 with automated vehicles, as determined by the  
23 Secretary of Transportation.

1           (3) VULNERABLE ROAD USER.—The term “vul-  
2           nerable road user” has the meaning given such term  
3           in section 148(a) of title 23, United States Code.

4   **SEC. 5305. NONTRADITIONAL AND EMERGING TRANSPOR-**  
5           **TATION TECHNOLOGY COUNCIL.**

6           (a) IN GENERAL.—Chapter 1 of title 49, United  
7           States Code, is amended by adding at the end the fol-  
8           lowing:

9   **“§ 118. Nontraditional and Emerging Transportation**  
10           **Technology Council**

11           “(a) ESTABLISHMENT.—The Secretary of Transpor-  
12           tation shall establish a Nontraditional and Emerging  
13           Transportation Technology Council (hereinafter referred  
14           to as the ‘Council’) in accordance with this section.

15           “(b) MEMBERSHIP.—

16                   “(1) IN GENERAL.—The Council shall be com-  
17           posed of the following officers of the Department of  
18           Transportation:

19                           “(A) The Secretary of Transportation.

20                           “(B) The Deputy Secretary of Transpor-  
21           tation.

22                           “(C) The Under Secretary of Transpor-  
23           tation for Policy.

24                           “(D) The General Counsel of the Depart-  
25           ment of Transportation.

1                   “(E) The Chief Information Officer of the  
2                   Department of Transportation.

3                   “(F) The Assistant Secretary for Research  
4                   and Technology.

5                   “(G) The Assistant Secretary for Budget  
6                   and Programs.

7                   “(H) The Administrator of the Federal  
8                   Aviation Administration.

9                   “(I) The Administrator of the Federal  
10                  Highway Administration.

11                  “(J) The Administrator of the Federal  
12                  Motor Carrier Safety Administration.

13                  “(K) The Administrator of the Federal  
14                  Railroad Administration.

15                  “(L) The Administrator of the Federal  
16                  Transit Administration.

17                  “(M) The Administrator of the Federal  
18                  Maritime Administration.

19                  “(N) The Administrator of the National  
20                  Highway Traffic Safety Administration.

21                  “(O) The Administrator of the Pipeline  
22                  and Hazardous Materials Safety Administra-  
23                  tion.

1           “(2) ADDITIONAL MEMBERS.—The Secretary  
2           may designate additional members of the Depart-  
3           ment to serve as at-large members of the Council.

4           “(3) CHAIR AND VICE CHAIR.—The Secretary  
5           may designate officials to serve as the Chair and  
6           Vice Chair of the Council and of any working groups  
7           of the Council.

8           “(c) DUTIES.—The Council shall—

9           “(1) identify and resolve any jurisdictional or  
10          regulatory gaps or inconsistencies associated with  
11          nontraditional and emerging transportation tech-  
12          nologies, modes, or projects pending or brought be-  
13          fore the Department to eliminate, so far as prac-  
14          ticable, impediments to the prompt and safe deploy-  
15          ment of new and innovative transportation tech-  
16          nology, including with respect to safety regulation  
17          and oversight, environmental review, and funding  
18          issues;

19          “(2) coordinate the Department’s internal over-  
20          sight of nontraditional and emerging transportation  
21          technologies, modes, or projects and engagement  
22          with external stakeholders;

23          “(3) within applicable statutory authority other  
24          than this paragraph, develop and establish depart-  
25          ment-wide processes, solutions, and best practices



1 for identifying, managing and resolving issues re-  
2 garding emerging transportation technologies,  
3 modes, or projects pending or brought before the  
4 Department; and

5 “(4) carry out such additional duties as the  
6 Secretary may prescribe, to the extent consistent  
7 with this title, including subsections (f)(2) and (g)  
8 of section 106.”.

9 (b) CLERICAL AMENDMENT.—The analysis for chap-  
10 ter 1 of title 49, United States Code, is amended by add-  
11 ing at the end the following:

“118. Nontraditional and Emerging Transportation Technology Council.”.

12 **SEC. 5306. HYPERLOOP TRANSPORTATION.**

13 (a) IN GENERAL.—Not later than 6 months after the  
14 date of enactment of this Act, the Secretary of Transpor-  
15 tation, acting through the Nontraditional and Emerging  
16 Transportation Technology Council of the Department of  
17 Transportation, shall issue guidance to provide a clear  
18 regulatory framework for the safe deployment of hyperloop  
19 transportation.

20 (b) ELEMENTS.—In developing the guidance under  
21 subsection (a), the Council shall—

22 (1) consider safety, oversight, environmental,  
23 project delivery, and other regulatory requirements  
24 prescribed by various modal administrations in the  
25 Department;

1           (2) clearly delineate between relevant authori-  
2       ties with respect to hyperloop transportation in the  
3       Department and provide project sponsors with a sin-  
4       gle point of access to the Department to inquire  
5       about projects, plans, and proposals;

6           (3) establish clear, coordinated procedures for  
7       the regulation of hyperloop transportation projects;  
8       and

9           (4) develop and establish department-wide proc-  
10      esses, solutions, and best practices for identifying,  
11      managing, and resolving matters regarding  
12      hyperloop transportation subject to the Depart-  
13      ment's jurisdiction.

14   **Subtitle D—Surface Transportation**  
15   **Funding Pilot Programs**

16   **SEC. 5401. STATE SURFACE TRANSPORTATION SYSTEM**  
17   **FUNDING PILOTS.**

18       Section 6020 of the FAST Act (23 U.S.C. 503 note)  
19   is amended—

20           (1) by striking subsection (b) and inserting the  
21       following:

22       “(b) ELIGIBILITY.—

23           “(1) APPLICATION.—To be eligible for a grant  
24       under this section, a State or group of States shall  
25       submit to the Secretary an application in such form

1       and containing such information as the Secretary  
2       may require.

3               “(2) ELIGIBLE PROJECTS.—The Secretary may  
4       provide grants to States or a group of States under  
5       this section for the following projects:

6               “(A) STATE PILOT PROJECTS.—

7                       “(i) IN GENERAL.—A pilot project to  
8       demonstrate a user-based alternative rev-  
9       enue mechanism in a State.

10                  “(ii) LIMITATION.—If an applicant  
11       has previously been awarded a grant under  
12       this section, such applicant’s proposed pilot  
13       project must be comprised of core activities  
14       or iterations not substantially similar in  
15       manner or scope to activities previously  
16       carried out by the applicant with a pre-  
17       vious grant for a pilot project to under this  
18       section.

19               “(B)           STATE           IMPLEMENTATION  
20       PROJECTS.—A project—

21                       “(i) to implement a user-based alter-  
22       native revenue mechanism that collects rev-  
23       enue to be expended on projects for the  
24       surface transportation system of the State;  
25       or

1 “(ii) that demonstrates progress to-  
2 wards implementation of a user-based al-  
3 ternative revenue mechanism, with consid-  
4 eration for previous grants awarded to the  
5 applicant under this section.”;

6 (2) in subsection (c)—

7 (A) in paragraph (1) by striking “2 or  
8 more future”; and

9 (B) by adding at the end the following:

10 “(6) To test solutions to ensure the privacy and  
11 security of data collected for the purpose of imple-  
12 menting a user-based alternative revenue mecha-  
13 nism.”;

14 (3) in subsection (d) by striking “to test the de-  
15 sign, acceptance, and implementation of a user-  
16 based alternative revenue mechanism” and inserting  
17 “to test the design and acceptance of, or implement,  
18 a user-based alternative revenue mechanism”;

19 (4) in subsection (g) by striking “50 percent”  
20 and inserting “80 percent”;

21 (5) in subsection (i)—

22 (A) in the heading by striking “BIENNIAL”  
23 and inserting “ANNUAL”;

24 (B) by striking “2 years after the date of  
25 enactment of this Act” and inserting “1 year

1 after the date of enactment of the INVEST in  
2 America Act”;

3 (C) by striking “every 2 years thereafter”  
4 and inserting “every year thereafter”; and

5 (D) by inserting “and containing a deter-  
6 mination of the characteristics of the most suc-  
7 cessful mechanisms with the highest potential  
8 for future widespread deployment” before the  
9 period at the end; and

10 (6) by striking subsections (j) and (k) and in-  
11 serting the following:

12 “(j) FUNDING.—Of amounts made available to carry  
13 out this section—

14 “(1) for fiscal year 2022, \$17,500,000 shall be  
15 used to carry out projects under subsection  
16 (b)(2)(A) and \$17,500,000 shall be used to carry  
17 out projects under subsection (b)(2)(B);

18 “(2) for fiscal year 2023, \$15,000,000 shall be  
19 used to carry out projects under subsection  
20 (b)(2)(A) and \$20,000,000 shall be used to carry  
21 out projects under subsection (b)(2)(B);

22 “(3) for fiscal year 2024, \$12,500,000 shall be  
23 used to carry out projects under subsection  
24 (b)(2)(A) and \$22,500,000 shall be used to carry  
25 out projects under subsection (b)(2)(B); and

1 “(4) for fiscal year 2025, \$10,000,000 shall be  
2 used to carry out projects under subsection  
3 (b)(2)(A) and \$25,000,000 shall be used to carry  
4 out projects under subsection (b)(2)(B).

5 “(k) FUNDING FLEXIBILITY.—Funds made available  
6 in a fiscal year for making grants for projects under sub-  
7 section (b)(2) that are not obligated in such fiscal year  
8 may be made available in the following fiscal year for  
9 projects under such subsection or for the national surface  
10 transportation system funding pilot under section 5402 of  
11 the INVEST in America Act.”.

12 **SEC. 5402. NATIONAL SURFACE TRANSPORTATION SYSTEM**  
13 **FUNDING PILOT.**

14 (a) ESTABLISHMENT.—

15 (1) IN GENERAL.—The Secretary of Transpor-  
16 tation, in coordination with the Secretary of the  
17 Treasury, shall establish a pilot program to dem-  
18 onstrate a national motor vehicle per-mile user fee to  
19 restore and maintain the long-term solvency of the  
20 Highway Trust Fund and achieve and maintain a  
21 state of good repair in the surface transportation  
22 system.

23 (2) OBJECTIVES.—The objectives of the pilot  
24 program are to—

1 (A) test the design, acceptance, implemen-  
2 tation, and financial sustainability of a national  
3 per-mile user fee;

4 (B) address the need for additional rev-  
5 enue for surface transportation infrastructure  
6 and a national per-mile user fee; and

7 (C) provide recommendations regarding  
8 adoption and implementation of a national per-  
9 mile user fee.

10 (b) PARAMETERS.—In carrying out the pilot program  
11 established under subsection (a), the Secretary of Trans-  
12 portation, in coordination with the Secretary of the Treas-  
13 ury, shall—

14 (1) provide different methods that volunteer  
15 participants can choose from to track motor vehicle  
16 miles traveled;

17 (2) solicit volunteer participants from all 50  
18 States and the District of Columbia;

19 (3) ensure an equitable geographic distribution  
20 by population among volunteer participants;

21 (4) include commercial vehicles and passenger  
22 motor vehicles in the pilot program; and

23 (5) use components of, and information from,  
24 the States selected for the State surface transpor-

1       tation system funding pilot program under section  
2       6020 of the FAST Act (23 U.S.C. 503 note).

3       (c) METHODS.—

4           (1) TOOLS.—In selecting the methods described  
5       in subsection (b)(1), the Secretary of Transportation  
6       shall coordinate with entities that voluntarily provide  
7       to the Secretary for use in the program any of the  
8       following vehicle-miles-traveled collection tools:

9           (A) Third-party on-board diagnostic  
10       (OBD–II) devices.

11          (B) Smart phone applications.

12          (C) Telemetric data collected by auto-  
13       makers.

14          (D) Motor vehicle data obtained by car in-  
15       surance companies.

16          (E) Data from the States selected for the  
17       State surface transportation system funding  
18       pilot program under section 6020 of the FAST  
19       Act (23 U.S.C. 503 note).

20          (F) Motor vehicle data obtained from fuel-  
21       ing stations.

22          (G) Any other method that the Secretary  
23       considers appropriate.

24       (2) COORDINATION.—



1           (A) SELECTION.—The Secretary shall de-  
2           termine which methods under paragraph (1) are  
3           selected for the pilot program.

4           (B) VOLUNTEER PARTICIPANTS.—In a  
5           manner that the Secretary considers appro-  
6           priate, the Secretary shall provide each selected  
7           method to each volunteer participant.

8           (d) PER-MILE USER FEES.—For the purposes of the  
9           pilot program established in subsection (a), the Secretary  
10          of the Treasury shall establish on an annual basis—

11          (1) for passenger vehicles and light trucks, a  
12          per-mile user fee that is equivalent to—

13               (A) the average annual taxes imposed by  
14               sections 4041 and 4081 of the Internal Rev-  
15               enue Code of 1986 with respect to gasoline or  
16               any other fuel used in a motor vehicle (other  
17               than aviation gasoline or diesel), divided by

18               (B) the total vehicle miles traveled by pas-  
19               senger vehicles and light trucks; and

20          (2) for medium- and heavy-duty trucks, a per-  
21          mile user fee that is equivalent to—

22               (A) the average annual taxes imposed by  
23               sections 4041 and 4081 of such Code with re-  
24               spect to diesel fuel, divided by

1 (B) the total vehicle miles traveled by  
2 medium- and heavy-duty trucks.

3 Taxes shall only be taken into account under the  
4 preceding sentence to the extent taken into account  
5 in determining appropriations to the Highway Trust  
6 Fund under section 9503(b) of such Code, and the  
7 amount so determined shall be reduced to account  
8 for transfers from such fund under paragraphs (3),  
9 (4), and (5) of section 9503(c) of such Code.

10 (e) VOLUNTEER PARTICIPANTS.—The Secretary of  
11 Transportation, in coordination with the Secretary of the  
12 Treasury, shall—

13 (1) ensure, to the extent practicable, that an  
14 appropriate number of volunteer participants partici-  
15 pate in the pilot program; and

16 (2) issue policies to—

17 (A) protect the privacy of volunteer partici-  
18 pants; and

19 (B) secure the data provided by volunteer  
20 participants.

21 (f) ADVISORY BOARD.—

22 (1) IN GENERAL.—The Secretary shall establish  
23 an advisory board to assist with—

24 (A) advancing and implementing the pilot  
25 program under this section;

1 (B) carrying out the public awareness cam-  
2 paign under subsection (g); and

3 (C) developing the report under subsection  
4 (m).

5 (2) MEMBERS.—The advisory board shall, at a  
6 minimum, include the following entities, to be ap-  
7 pointed by the Secretary—

8 (A) State departments of transportation;

9 (B) any public or nonprofit entity that led  
10 a surface transportation system funding alter-  
11 natives pilot project under section 6020 of the  
12 FAST Act (23 U.S.C. 503 note; Public Law  
13 114-94) (as in effect on the day before the date  
14 of enactment of this Act);

15 (C) representatives of the trucking indus-  
16 try, including owner-operator independent driv-  
17 ers;

18 (D) data security experts; and

19 (E) academic experts on surface transpor-  
20 tation.

21 (g) PUBLIC AWARENESS CAMPAIGN.—

22 (1) IN GENERAL.—The Secretary of Transpor-  
23 tation, with guidance from the advisory committee  
24 under subsection (f), may carry out a public aware-  
25 ness campaign to increase public awareness regard-

1       ing a national per-mile user fee, including distrib-  
2       uting information related to the pilot program car-  
3       ried out under this section, information from the  
4       State surface transportation system funding pilot  
5       program under section 6020 of the FAST Act (23  
6       U.S.C. 503 note).

7           (2) CONSIDERATIONS.—In carrying out the  
8       public awareness campaign under this subsection,  
9       the Secretary shall consider issues unique to each  
10      State.

11      (h) REVENUE COLLECTION.—The Secretary of the  
12      Treasury, in coordination with the Secretary of Transpor-  
13      tation, shall establish a mechanism to collect per-mile user  
14      fees established under subsection (d) from volunteer par-  
15      ticipants. Such mechanism—

16           (1) may be adjusted as needed to address tech-  
17      nical challenges; and

18           (2) may allow third-party vendors to collect the  
19      per-mile user fees and forward such fees to the  
20      Treasury.

21      (i) AGREEMENT.—The Secretary of Transportation  
22      may enter into an agreement with a volunteer participant  
23      containing such terms and conditions as the Secretary  
24      considers necessary for participation in the pilot program.

1 (j) LIMITATION.—Any revenue collected through the  
2 mechanism established in subsection (h) shall not be con-  
3 sidered a toll under section 301 of title 23, United States  
4 Code.

5 (k) HIGHWAY TRUST FUND.—The Secretary of the  
6 Treasury shall ensure that any revenue collected under  
7 subsection (g) is deposited into the Highway Trust Fund.

8 (l) REFUND.—Not more than 45 days after the end  
9 of each calendar quarter in which a volunteer participant  
10 has participated in the pilot program, the Secretary of the  
11 Treasury shall calculate and issue an equivalent refund  
12 to volunteer participants for applicable Federal motor fuel  
13 taxes under section 4041 and section 4081 of the Internal  
14 Revenue Code of 1986, the applicable battery tax under  
15 section 4111 of such Code, or both, if applicable.

16 (m) REPORT TO CONGRESS.—Not later than 1 year  
17 after the date on which volunteer participants begin par-  
18 ticipating in the pilot program, and each year thereafter  
19 for the duration of the pilot program, the Secretary of  
20 Transportation and the Secretary of the Treasury shall  
21 submit to the Committee on Transportation and Infra-  
22 structure of the House of Representatives and the Com-  
23 mittee on Environment and Public Works of the Senate  
24 a report that includes an analysis of—

1           (1) whether the objectives described in sub-  
2           section (a)(2) were achieved;

3           (2) how volunteer protections in subsection  
4           (e)(2) were complied with; and

5           (3) whether per-mile user fees can maintain the  
6           long-term solvency of the Highway Trust Fund and  
7           achieve and maintain a state of good repair in the  
8           surface transportation system.

9           (n) SUNSET.—The pilot program established under  
10          this section shall expire on the date that is 4 years after  
11          the date on which volunteer participants begin partici-  
12          pating in such program.

13          (o) DEFINITIONS.—In this section, the following defi-  
14          nitions apply:

15               (1) COMMERCIAL VEHICLE.—The term “com-  
16               mercial vehicle” has the meaning given the term  
17               commercial motor vehicle in section 31101 of title  
18               49, United States Code.

19               (2) HIGHWAY TRUST FUND.—The term “High-  
20               way Trust Fund” means the Highway Trust Fund  
21               established under section 9503 of the Internal Rev-  
22               enue Code of 1986.

23               (3) LIGHT TRUCK.—The term “light truck” has  
24               the meaning given the term in section 523.2 of title  
25               49, Code of Federal Regulations.

1           (4) MEDIUM- AND HEAVY-DUTY TRUCK.—The  
2       term “medium- and heavy-duty truck” has the  
3       meaning given the term “commercial medium- and  
4       heavy-duty on-highway vehicle” in section 32901(a)  
5       of title 49, United States Code.

6           (5) PER-MILE USER FEE.—The term “per-mile  
7       user fee” means a revenue mechanism that—

8           (A) is applied to road users operating  
9       motor vehicles on the surface transportation  
10      system; and

11          (B) is based on the number of vehicle miles  
12      traveled by an individual road user.

13          (6) VOLUNTEER PARTICIPANT.—The term “vol-  
14      unteer participant” means—

15          (A) an owner or lessee of an individual pri-  
16      vate motor vehicle who volunteers to participate  
17      in the pilot program;

18          (B) a commercial vehicle operator who vol-  
19      unteers to participate in the pilot program; or

20          (C) an owner of a motor vehicle fleet who  
21      volunteers to participate in the pilot program.

## 22           **Subtitle E—Miscellaneous**

### 23   **SEC. 5501. ERGONOMIC SEATING WORKING GROUP.**

24          (a) IN GENERAL.—

1           (1) ESTABLISHMENT.—Not later than 180 days  
2       after the date of enactment of this Act, the Sec-  
3       retary of Transportation shall convene a working  
4       group to examine the seating standards for commer-  
5       cial drivers.

6           (2) MEMBERS.—At a minimum, the working  
7       group shall include—

8                 (A) seat manufacturers;

9                 (B) commercial vehicle manufacturers;

10                (C) transit vehicle manufacturers;

11                (D) labor representatives for the trucking  
12       industry;

13                (E) representatives from organizations en-  
14       gaged in collective bargaining on behalf of tran-  
15       sit workers in not fewer than 3 States; and

16                (F) musculoskeletal health experts.

17       (b) OBJECTIVES.—The Secretary shall pursue the  
18       following objectives through the working group:

19                (1) To identify health issues, including mus-  
20       culoskeletal health issues, that afflict commercial  
21       drivers due to sitting for long periods of time while  
22       on duty.

23                (2) To identify research topics for further devel-  
24       opment and best practices to improve seating.



1           (3) To determine ways to incorporate improved  
2       seating into manufacturing standards for public  
3       transit vehicles and commercial vehicles.

4       (c) REPORT.—

5           (1) SUBMISSION.—Not later than 18 months  
6       after the date of enactment of this Act, the working  
7       group shall submit to the Secretary, the Committee  
8       on Transportation and Infrastructure of the House  
9       of Representatives, and the Committee on Banking,  
10      Housing, and Urban Affairs and the Committee on  
11      Commerce, Science, and Transportation of the Sen-  
12      ate a report on the findings of the working group  
13      under this section and any recommendations for the  
14      adoption of better ergonomic seating for commercial  
15      drivers.

16          (2) PUBLICATION.—Upon receipt of the report  
17      in paragraph (1), the Secretary shall publish the re-  
18      port on a publicly accessible website of the Depart-  
19      ment.

20          (d) APPLICABILITY OF FEDERAL ADVISORY COM-  
21      MITTEE ACT.—The Advisory Committee shall be subject  
22      to the Federal Advisory Committee Act (5 U.S.C. App.).

1 **SEC. 5502. REPEAL OF SECTION 6314 OF TITLE 49, UNITED**  
2 **STATES CODE.**

3 (a) IN GENERAL.—Section 6314 of title 49, United  
4 States Code, is repealed.

5 (b) CONFORMING AMENDMENTS.—

6 (1) TITLE ANALYSIS.—The analysis for chapter  
7 63 of title 49, United States Code, is amended by  
8 striking the item relating to section 6314.

9 (2) SECTION 6307.—Section 6307(b) of title 49,  
10 United States Code, is amended—

11 (A) in paragraph (1)—

12 (i) in subparagraph (A) by striking  
13 “or section 6314(b)”;

14 (ii) in subparagraph (B) by striking  
15 “or section 6314(b)”;

16 (iii) in subparagraph (C) by striking  
17 “or section 6314(b)”;

18 (B) in paragraph (2)(A) by striking “or  
19 section 6314(b)”.

20 **TITLE VI—MULTIMODAL**  
21 **TRANSPORTATION**

22 **SEC. 6001. NATIONAL MULTIMODAL FREIGHT POLICY.**

23 Section 70101(b) of title 49, United States Code, is  
24 amended—

25 (1) in paragraph (2) by inserting “in rural and  
26 urban areas” after “freight transportation”;

1 (2) in paragraph (7)—

2 (A) in subparagraph (B) by striking “;  
3 and” and inserting a semicolon;

4 (B) by redesignating subparagraph (C) as  
5 subparagraph (D); and

6 (C) by inserting after subparagraph (B)  
7 the following:

8 “(C) travel within population centers;  
9 and”;

10 (3) in paragraph (9) by striking “; and” and in-  
11 serting the following: “including—

12 “(A) greenhouse gas emissions;

13 “(B) local air pollution;

14 “(C) minimizing, capturing, or treating  
15 stormwater runoff or other adverse impacts to  
16 water quality; and

17 “(D) wildlife habitat loss;”;

18 (4) by redesignating paragraph (10) as para-  
19 graph (11); and

20 (5) by inserting after paragraph (9) the fol-  
21 lowing:

22 “(10) to decrease any adverse impact of freight  
23 transportation on communities located near freight  
24 facilities or freight corridors; and”.

1 **SEC. 6002. NATIONAL FREIGHT STRATEGIC PLAN.**

2 Section 70102(c) of title 49, United States Code, is  
3 amended by striking “shall” and all that follows through  
4 the end and inserting the following: “shall—

5 “(1) update the plan and publish the updated  
6 plan on the public website of the Department of  
7 Transportation; and

8 “(2) include in the update described in para-  
9 graph (1)—

10 “(A) each item described in subsection (b);  
11 and

12 “(B) best practices to reduce the adverse  
13 environmental impacts of freight-related—

14 “(i) greenhouse gas emissions;

15 “(ii) local air pollution;

16 “(iii) stormwater runoff or other ad-  
17 verse impacts to water quality; and

18 “(iv) wildlife habitat loss.”.

19 **SEC. 6003. NATIONAL MULTIMODAL FREIGHT NETWORK.**

20 Section 70103 of title 49, United States Code, is  
21 amended—

22 (1) in subsection (b)(2)(C) by striking “of the  
23 United States that have” and inserting the fol-  
24 lowing: “of the United States that—

25 “(i) have a total annual value of cargo  
26 of at least \$1,000,000,000, as identified by

1 United States Customs and Border Protec-  
2 tion and reported by the Bureau of the  
3 Census; or

4 “(ii) have”;

5 (2) in subsection (c)—

6 (A) in paragraph (1) by striking “Not  
7 later than 1 year after the date of enactment of  
8 this section,” and inserting the following:

9 “(A) REPORT TO CONGRESS.—Not later  
10 than 30 days after the date of enactment of the  
11 INVEST in America Act, the Secretary shall  
12 submit to the Committee on Transportation and  
13 Infrastructure of the House of Representatives  
14 and the Committee on Commerce, Science, and  
15 Transportation of the Senate a report detailing  
16 a plan to designate a final National Multimodal  
17 Freight Network, including a detailed summary  
18 of the resources within the Office of the Sec-  
19 retary that will be dedicated to carrying out  
20 such plan.

21 “(B) DESIGNATION OF NATIONAL  
22 MULTIMODAL FREIGHT NETWORK.—Not later  
23 than 60 days after the submission of the report  
24 described in subparagraph (A),”;

25 (B) in paragraph (3)(C)—

1 (i) by inserting “and metropolitan  
2 planning organizations” after “States”;  
3 and

4 (ii) by striking “paragraph (4)” and  
5 inserting “paragraphs (4) and (5)”;  
6 (C) in paragraph (4)—

7 (i) in the header by inserting “AND  
8 METROPOLITAN PLANNING ORGANIZATION”  
9 after “STATE”;

10 (ii) by redesignating subparagraph  
11 (D) as subparagraph (E); and

12 (iii) by striking subparagraph (C) and  
13 inserting the following:

14 “(C) CRITICAL URBAN FREIGHT FACILI-  
15 TIES AND CORRIDORS.—

16 “(i) AREA WITH A POPULATION OF  
17 OVER 500,000.—In an urbanized area with  
18 a population of 500,000 or more individ-  
19 uals, the representative metropolitan plan-  
20 ning organization, in consultation with the  
21 State, may designate a freight facility or  
22 corridor within the borders of the State as  
23 a critical urban freight facility or corridor.

24 “(ii) AREA WITH A POPULATION OF  
25 LESS THAN 500,000.—In an urbanized area

1 with a population of less than 500,000 in-  
2 dividuals, the State, in consultation with  
3 the representative metropolitan planning  
4 organization, may designate a freight facil-  
5 ity or corridor within the borders of the  
6 State as a critical urban freight corridor.

7 “(iii) DESIGNATION.—A designation  
8 may be made under subparagraph (i) or  
9 (ii) if the facility or corridor is in an ur-  
10 banized area, regardless of population, and  
11 such facility or corridor—

12 “(I) provides access to the pri-  
13 mary highway freight system, the  
14 Interstate system, or an intermodal  
15 freight facility;

16 “(II) is located within a corridor  
17 of a route on the primary highway  
18 freight system and provides an alter-  
19 native option important to goods  
20 movement;

21 “(III) serves a major freight gen-  
22 erator, logistics center, or manufac-  
23 turing and warehouse industrial land;

24 “(IV) connects to an inter-  
25 national port of entry;

1 “(V) provides access to a signifi-  
2 cant air, rail, water, or other freight  
3 facility in the State; or

4 “(VI) is important to the move-  
5 ment of freight within the region, as  
6 determined by the metropolitan plan-  
7 ning organization or the State.

8 “(D) LIMITATION.—A State may propose  
9 additional designations to the National  
10 Multimodal Freight Network in the State in an  
11 amount that is—

12 “(i) for a highway project, not more  
13 than 20 percent of the total mileage des-  
14 ignated by the Under Secretary in the  
15 State; and

16 “(ii) for a non-highway project, using  
17 a limitation determined by the Under Sec-  
18 retary.”; and

19 (D) by adding at the end the following:

20 “(5) REQUIRED NETWORK COMPONENTS.—In  
21 designating or redesignating the National  
22 Multimodal Freight Network, the Under Secretary  
23 shall ensure that the National Multimodal Freight  
24 Network includes the components described in sub-  
25 section (b)(2).”.



1   **SEC. 6004. STATE FREIGHT ADVISORY COMMITTEES.**

2       Section 70201(a) of title 49, United States Code, is  
3   amended by striking “and local governments” and insert-  
4   ing “local governments, metropolitan planning organiza-  
5   tions, and the departments with responsibility for environ-  
6   mental protection and air quality of the State”.

7   **SEC. 6005. STATE FREIGHT PLANS.**

8       Section 70202(b) of title 49, United States Code, is  
9   amended—

10           (1) in paragraph (3)(A) by inserting “and  
11   urban” after “rural”;

12           (2) in paragraph (9) by striking “; and” and in-  
13   serting a semicolon;

14           (3) by redesignating paragraph (10) as para-  
15   graph (12); and

16           (4) by inserting after paragraph (9) the fol-  
17   lowing:

18           “(10) strategies and goals to decrease freight-  
19   related—

20                   “(A) greenhouse gas emissions;

21                   “(B) local air pollution;

22                   “(C) stormwater runoff or other adverse  
23   impacts to water quality; and

24                   “(D) wildlife habitat loss;

25           “(11) strategies and goals to decrease any ad-  
26   verse impact of freight transportation on commu-

1 nities located near freight facilities or freight cor-  
2 ridors; and”.

3 **SEC. 6006. STUDY OF FREIGHT TRANSPORTATION FEE.**

4 (a) STUDY.—Not later than 90 days after the date  
5 of enactment of this Act, the Secretary of Transportation,  
6 in consultation with the Secretary of the Treasury and the  
7 Commissioner of the Internal Revenue Service, shall es-  
8 tablish a joint task force to study the establishment and  
9 administration of a fee on multimodal freight surface  
10 transportation services.

11 (b) CONTENTS.—The study required under sub-  
12 section (a) shall include the following:

13 (1) An estimation of the revenue that a fee of  
14 up to 1 percent on freight transportation services  
15 would raise.

16 (2) An identification of the entities that would  
17 be subject to such a fee paid by the owners or sup-  
18 pliers of cargo.

19 (3) An analysis of the administrative capacity  
20 of Federal agencies and freight industry participants  
21 to collect such a fee and ensure compliance with fee  
22 requirements.

23 (4) Policy options to prevent avoidance of such  
24 a fee, including diversion of freight services to for-  
25 eign countries.

1 (c) REPORT.—Not later than 1 year after the date  
2 of enactment of this Act, the Secretary of Transportation  
3 shall submit to the Committee on Transportation and In-  
4 frastructure and the Committee on Ways and Means of  
5 the House of Representatives and the Committee on Envi-  
6 ronment and Public Works and the Committee on Finance  
7 of the Senate the study required under subsection (a).

8 **SEC. 6007. NATIONAL SURFACE TRANSPORTATION AND IN-**  
9 **NOVATIVE FINANCE BUREAU.**

10 Section 116 of title 49, United States Code, is  
11 amended—

12 (1) in subsection (b) by striking paragraph (1)  
13 and inserting the following:

14 “(1) to provide assistance and communicate  
15 best practices and financing and funding opportuni-  
16 ties to eligible entities for the programs referred to  
17 in subsection (d)(1), including by—

18 “(A) conducting proactive outreach to com-  
19 munities located outside of metropolitan or  
20 micropolitan statistical areas (as such areas are  
21 defined by the Office of Management and  
22 Budget) using data from the most recent decen-  
23 nial Census; and

24 “(B) coordinating with the Office of Rural  
25 Development of the Department of Agriculture,

1 the Office of Community Revitalization of the  
2 Environmental Protection Agency, and any  
3 other agencies that provide technical assistance  
4 for rural communities, as determined by the  
5 Executive Director;”;

6 (2) by redesignating subsection (j) as sub-  
7 section (k); and

8 (3) by inserting after subsection (i) the fol-  
9 lowing:

10 “(j) ANNUAL PROGRESS REPORT.—Not later than 1  
11 year after the date of enactment of this subsection, and  
12 annually thereafter, the Executive Director shall submit  
13 to the Committee on Transportation and Infrastructure  
14 of the House of Representatives and the Committee on  
15 Environment and Public Works of the Senate a report de-  
16 tailing—

17 “(1) the use of funds authorized under section  
18 605(f) of title 23; and

19 “(2) the progress of the Bureau in carrying out  
20 the purposes described in subsection (b).”.

21 **SEC. 6008. LOCAL HIRE.**

22 (a) ESTABLISHMENT.—The Secretary of Transpor-  
23 tation shall immediately reinstate the local labor hiring  
24 pilot program containing the contracting initiative estab-  
25 lished by the Secretary and published in the Federal Reg-

1 ister on March 6, 2015 (80 Fed. Reg. 12257), under the  
2 same terms, conditions, and requirements as so published.

3 (b) DURATION.—The Secretary shall continue the  
4 local labor hiring pilot program reinstated under this sec-  
5 tion through September 30, 2025.

6 **TITLE VII—TRANSPORTATION**  
7 **INFRASTRUCTURE FINANCE**  
8 **AND INNOVATION ACT**

9 **SEC. 7001. TRANSPORTATION INFRASTRUCTURE FINANCE**  
10 **AND INNOVATION ACT.**

11 (a) CREDITWORTHINESS.—Section 602(a)(2) of title  
12 23, United States Code, is amended—

13 (1) in subparagraph (A)(iv)—

14 (A) by striking “a rating” and inserting  
15 “an investment grade rating”; and

16 (B) by striking “\$75,000,000” and insert-  
17 ing “\$150,000,000”; and

18 (2) in subparagraph (B)—

19 (A) by striking “the senior debt” and in-  
20 serting “senior debt”; and

21 (B) by striking “credit instrument is for  
22 an amount less than \$75,000,000” and insert-  
23 ing “total amount of other senior debt and the  
24 Federal credit instrument is less than  
25 \$150,000,000”.

1       (b) NON-FEDERAL SHARE.—Section 603(b) of title  
2 23, United States Code, is amended by striking paragraph  
3 (8) and inserting the following:

4           “(8) NON-FEDERAL SHARE.—Notwithstanding  
5 paragraph (9) and section 117(j)(2), the proceeds of  
6 a secured loan under the TIFIA program shall be  
7 considered to be part of the non-Federal share of  
8 project costs required under this title or chapter 53  
9 of title 49, if the loan is repayable from non-Federal  
10 funds.”.

11       (c) EXEMPTION OF FUNDS FROM TIFIA FEDERAL  
12 SHARE REQUIREMENT.—Section 603(b)(9) of title 23,  
13 United States Code, is amended by adding at the end the  
14 following:

15           “(C) TERRITORIES.—Funds provided for a  
16 territory under section 165(c) shall not be con-  
17 sidered Federal assistance for purposes of sub-  
18 paragraph (A).”.

19       (d) STREAMLINED APPLICATION PROCESS.—Section  
20 603(f) of title 23, United States Code, is amended by add-  
21 ing at the end the following:

22           “(3) ADDITIONAL TERMS FOR EXPEDITED DE-  
23 CISIONS.—

24           “(A) IN GENERAL.—Not later than 120  
25 days after the date of enactment of this para-

1 graph, the Secretary shall implement an expedited decision timeline for public agency borrowers seeking secured loans that meet—

2 “(i) the terms under paragraph (2);  
3 and

4 “(ii) the additional criteria described  
5 in subparagraph (B).

6 “(B) ADDITIONAL CRITERIA.—The additional criteria referred to in subparagraph  
7 (A)(ii) are the following:

8 “(i) The secured loan is made on  
9 terms and conditions that substantially  
10 conform to the conventional terms and  
11 conditions established by the National Surface Transportation Innovative Finance  
12 Bureau.

13 “(ii) The secured loan is rated in the  
14 A category or higher.

15 “(iii) The TIFIA program share of eligible 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-

1                   gated for the project under the TIFIA pro-  
2                   gram.

3                   “(v) The project has received a cat-  
4                   egorical exclusion, a finding of no signifi-  
5                   cant impact, or a record of decision under  
6                   the National Environmental Policy Act of  
7                   1969 (42 U.S.C. 4321 et seq.).

8                   “(C) WRITTEN NOTICE.—The Secretary  
9                   shall provide to an applicant seeking a secured  
10                  loan under the expedited decision process under  
11                  this paragraph a written notice informing the  
12                  applicant whether the Secretary has approved  
13                  or disapproved the application by not later than  
14                  180 days after the date on which the Secretary  
15                  submits to the applicant a letter indicating that  
16                  the National Surface Transportation Innovative  
17                  Finance Bureau has commenced the credit-  
18                  worthiness review of the project.”.

19                  (e) ASSISTANCE TO SMALL PROJECTS.—Section  
20                  605(f)(1) of title 23, United States Code, is amended by  
21                  striking “\$2,000,000” and inserting “\$3,000,000”.

22                  (f) APPLICATION PROCESS REPORT.—Section  
23                  609(b)(2)(A) of title 23, United States Code, is amend-  
24                  ed—

25                         (1) in clause (iv) by striking “and”;



1           (2) in clause (v) by striking the period at the  
2           end and inserting “; and”; and

3           (3) by adding at the end the following:

4                   “(vi) whether the project is located in  
5                   a       metropolitan       statistical       area,  
6                   micropolitan statistical area, or neither (as  
7                   such areas are defined by the Office of  
8                   Management and Budget).”.

9       (g) STATUS REPORTS.—Section 609 of title 23,  
10   United States Code, is amended by adding at the end the  
11   following:

12       “(c) STATUS REPORTS.—

13               “(1) IN GENERAL.—The Secretary shall publish  
14       on the website for the TIFIA program—

15                   “(A) on a monthly basis, a current status  
16       report on all submitted letters of interest and  
17       applications received for assistance under the  
18       TIFIA program; and

19                   “(B) on a quarterly basis, a current status  
20       report on all approved applications for assist-  
21       ance under the TIFIA program.

22               “(2) INCLUSIONS.—Each monthly and quar-  
23       terly status report under paragraph (1) shall in-  
24       clude, at a minimum, with respect to each project in-  
25       cluded in the status report—

1 “(A) the name of the party submitting the  
2 letter of interest or application;

3 “(B) the name of the project;

4 “(C) the date on which the letter of inter-  
5 est or application was received;

6 “(D) the estimated project eligible costs;

7 “(E) the type of credit assistance sought;

8 and

9 “(F) the anticipated fiscal year and quar-  
10 ter for closing of the credit assistance.”.

## 11 **DIVISION C—HAZARDOUS** 12 **MATERIALS TRANSPORTATION**

### 13 **SEC. 8001. SHORT TITLE.**

14 This division may be cited as the “Improving Haz-  
15 ardous Materials Safety Act of 2020”.

## 16 **TITLE I—AUTHORIZATIONS**

### 17 **SEC. 8101. AUTHORIZATION OF APPROPRIATIONS.**

18 Section 5128 of title 49, United States Code, is  
19 amended—

20 (1) in subsection (a) by striking paragraphs (1)  
21 through (5) and inserting the following:

22 “(1) \$67,000,000 for fiscal year 2021;

23 “(2) \$68,000,000 for fiscal year 2022;

24 “(3) \$69,000,000 for fiscal year 2023;

25 “(4) \$71,000,000 for fiscal year 2024; and

1 “(5) \$72,000,000 for fiscal year 2025;”;

2 (2) in subsection (b)—

3 (A) by striking “fiscal years 2016 through  
4 2020” and inserting “fiscal years 2021 through  
5 2025”; and

6 (B) by striking “\$21,988,000” and insert-  
7 ing “\$24,025,000”;

8 (3) in subsection (c) by striking “\$4,000,000  
9 for each of fiscal years 2016 through 2020” and in-  
10 serting “\$5,000,000 for each of fiscal years 2021  
11 through 2025”;

12 (4) in subsection (d) by striking “\$1,000,000  
13 for each of fiscal years 2016 through 2020” and in-  
14 serting “\$4,000,000 for each of fiscal years 2021  
15 through 2025”;

16 (5) by redesignating subsection (e) as sub-  
17 section (f); and

18 (6) by inserting after subsection (d) the fol-  
19 lowing:

20 “(e) ASSISTANCE WITH LOCAL EMERGENCY RE-  
21 SPONDER TRAINING GRANTS.—From the Hazardous Ma-  
22 terials Emergency Preparedness Fund established under  
23 section 5116(h), the Secretary may expend \$1,800,000 for  
24 each of fiscal years 2021 through 2025 to carry out the  
25 grant program under section 5107(j).”.

1 **TITLE II—HAZARDOUS MATE-**  
2 **RIALS SAFETY AND IMPROVE-**  
3 **MENT**

4 **SEC. 8201. REPEAL OF CERTAIN REQUIREMENTS RELATED**  
5 **TO LITHIUM CELLS AND BATTERIES.**

6 (a) REPEAL.—Section 828 of the FAA Modernization  
7 and Reform Act of 2012 (49 U.S.C. 44701 note), and the  
8 item relating to such section in the table of contents in  
9 section 1(b) of such Act, are repealed.

10 (b) CONFORMING AMENDMENTS.—Section 333 of the  
11 FAA Reauthorization Act of 2018 (49 U.S.C. 44701 note)  
12 is amended—

13 (1) in subsection (a)—

14 (A) in paragraph (1)—

15 (i) by striking “(A) IN GENERAL.—”

16 and all that follows through “the Sec-  
17 retary” and inserting “The Secretary”;

18 and

19 (ii) by striking subparagraph (B); and

20 (B) in paragraph (2) by striking “Pursu-  
21 ant to section 828 of the FAA Modernization  
22 and Reform Act of 2012 (49 U.S.C. 44701  
23 note), the Secretary” and inserting “The Sec-  
24 retary”;

1 (2) by striking paragraph (4) of subsection (b);

2 and

3 (3) by striking paragraph (1) of subsection (h)

4 and inserting the following:

5 “(1) ICAO TECHNICAL INSTRUCTIONS.—The  
6 term ‘ICAO Technical Instructions’ means the Inter-  
7 national Civil Aviation Organization Technical In-  
8 structions for the Safe Transport of Dangerous  
9 Goods by Air.”.

10 **SEC. 8202. TRANSPORTATION OF LIQUEFIED NATURAL GAS**  
11 **BY RAIL TANK CAR.**

12 (a) EVALUATION.—Not later than 120 days after the  
13 date of enactment of this Act, the Administrator of the  
14 Federal Railroad Administration, in coordination with the  
15 Administrator of the Pipeline and Hazardous Materials  
16 Safety Administration, shall initiate an evaluation of the  
17 safety, security, and environmental risks of transporting  
18 liquefied natural gas by rail.

19 (b) TESTING.—In conducting the evaluation under  
20 subsection (a), the Administrator of the Federal Railroad  
21 Administration shall—

22 (1) perform physical testing of rail tank cars,  
23 including, at a minimum, the DOT–113 specifica-  
24 tion, to evaluate the performance of such rail tank  
25 cars in the event of an accident or derailment, in-

1 cluding 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-

tion and the Pipeline and Hazardous Materials Safety Administration complied with the requirements of this Act, and transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the findings of such independent evaluation.

(g) CONGRESSIONAL REVIEW REQUIREMENTS.—

(1) REVIEW PERIOD DEFINED.—In this subsection, the term “review period” means the period beginning on the date of enactment of this Act and ending on the earlier of—

(A) the date that is 1 year after the date of completion of the report under subsection (f); or

(B) the date that is 4 years after the date of enactment of this Act.

(2) CONGRESSIONAL AUTHORITY.—The Secretary of Transportation—

(A) may not issue any regulation authorizing the transportation of liquefied natural gas by rail tank car or authorize such transportation through issuance of a special permit or approval before the conclusion of the review period; and

1 (B) shall rescind any special permit or ap-  
2 proval for the transportation of liquefied nat-  
3 ural gas by rail tank car issued before the date  
4 of enactment of this Act.

5 **SEC. 8203. HAZARDOUS MATERIALS TRAINING REQUIRE-**  
6 **MENTS AND GRANTS.**

7 Section 5107 of title 49, United States Code, is  
8 amended by adding at the end the following:

9 “(j) ASSISTANCE WITH LOCAL EMERGENCY RE-  
10 SPONDER TRAINING.—The Secretary shall make grants to  
11 nonprofit organizations to develop hazardous materials re-  
12 sponse training for emergency responders and make such  
13 training available electronically or in person.”.

14 **DIVISION D—RAIL**

15 **SEC. 9001. SHORT TITLE.**

16 This division may be cited as the “Transforming Rail  
17 by Accelerating Investment Nationwide Act” or the  
18 “TRAIN Act”.

19 **TITLE I—AUTHORIZATIONS**

20 **SEC. 9101. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) AUTHORIZATION OF GRANTS TO AMTRAK.—

22 (1) NORTHEAST CORRIDOR.—There are author-  
23 ized to be appropriated to the Secretary for the use  
24 of Amtrak for activities associated with the North-  
25 east Corridor the following amounts:

1 (A) For fiscal year 2021, \$2,900,000,000.

2 (B) For fiscal year 2022, \$2,700,000,000.

3 (C) For fiscal year 2023, \$2,500,000,000.

4 (D) For fiscal year 2024, \$2,500,000,000.

5 (E) For fiscal year 2025, \$2,500,000,000.

6 (2) NATIONAL NETWORK.—There are author-  
7 ized to be appropriated to the Secretary for the use  
8 of Amtrak for activities associated with the National  
9 Network the following amounts:

10 (A) For fiscal year 2021, \$3,600,000,000.

11 (B) For fiscal year 2022, \$3,400,000,000.

12 (C) For fiscal year 2023, \$3,200,000,000.

13 (D) For fiscal year 2024, \$3,000,000,000.

14 (E) For fiscal year 2025, \$3,000,000,000.

15 (b) PROJECT MANAGEMENT OVERSIGHT.—The Sec-  
16 retary may withhold up to \$15,000,000 for each of fiscal  
17 years 2021 through 2025 from the amounts made avail-  
18 able under subsection (a) for Amtrak grant expenditure  
19 oversight.

20 (c) AMTRAK COMMON BENEFIT COSTS FOR STATE-  
21 SUPPORTED ROUTES.—For any fiscal year in which funds  
22 are made available under subsection (a)(2) in excess of  
23 the amounts authorized for fiscal year 2020 under section  
24 11101(b) of the FAST Act (114–94), Amtrak shall use  
25 up to \$400,000,000 of the excess funds to defray the share

1 of operating costs of Amtrak's national assets (as such  
2 term is defined in section 24320(c)(5) of title 49, United  
3 States Code) and corporate services (as such term is de-  
4 fined pursuant to section 24317(b) of title 49, United  
5 States Code) that is allocated to the State-supported serv-  
6 ices.

7 (d) STATE-SUPPORTED ROUTE COMMITTEE.—Of the  
8 funds made available under subsection (a)(2), the Sec-  
9 retary may make available up to \$3,000,000 for each fis-  
10 cal year for the State-Supported Route Committee estab-  
11 lished under section 24712 of title 49, United States Code.

12 (e) NORTHEAST CORRIDOR COMMISSION.—Of the  
13 funds made available under subsection (a)(1), the Sec-  
14 retary may make available up to \$6,000,000 for each fis-  
15 cal year for the Northeast Corridor Commission estab-  
16 lished under section 24905 of title 49, United States Code.

17 (f) AUTHORIZATION OF APPROPRIATIONS FOR AM-  
18 TRAK OFFICE OF INSPECTOR GENERAL.—There are au-  
19 thorized to be appropriated to the Office of Inspector Gen-  
20 eral of Amtrak the following amounts:

21 (1) For fiscal year 2021, \$26,500,000.

22 (2) For fiscal year 2022, \$27,000,000.

23 (3) For fiscal year 2023, \$27,500,000.

24 (4) For fiscal year 2024, \$28,000,000.

25 (5) For fiscal year 2025, \$28,500,000.

1 (g) PASSENGER RAIL IMPROVEMENT, MODERNIZA-  
2 TION, AND ENHANCEMENT GRANTS.—There are author-  
3 ized to be appropriated to the Secretary to carry out sec-  
4 tion 22906 of title 49, United States Code, the following  
5 amounts:

6 (1) For fiscal year 2021, \$3,800,000,000.

7 (2) For fiscal year 2022, \$3,800,000,000.

8 (3) For fiscal year 2023, \$3,800,000,000.

9 (4) For fiscal year 2024, \$3,800,000,000.

10 (5) For fiscal year 2025, \$3,800,000,000.

11 (h) CONSOLIDATED RAIL INFRASTRUCTURE AND  
12 SAFETY IMPROVEMENTS.—

13 (1) IN GENERAL.—There are authorized to be  
14 appropriated to the Secretary to carry out section  
15 22907 of title 49, United States Code, the following  
16 amounts:

17 (A) For fiscal year 2021, \$1,400,000,000.

18 (B) For fiscal year 2022, \$1,400,000,000.

19 (C) For fiscal year 2023, \$1,400,000,000.

20 (D) For fiscal year 2024, \$1,400,000,000.

21 (E) For fiscal year 2025, \$1,400,000,000.

22 (2) PROJECT MANAGEMENT OVERSIGHT.—The  
23 Secretary may withhold up to 1 percent from the  
24 amount appropriated under paragraph (1) for the  
25 costs of project management oversight of grants car-

1       ried out under section 22907 of title 49, United  
2       States Code.

3       (i) RAILROAD REHABILITATION AND IMPROVEMENT  
4       FINANCING.—

5           (1) IN GENERAL.—There are authorized to be  
6       appropriated to the Secretary for payment of credit  
7       risk premiums in accordance with section 9104 of  
8       this division and section 502 of the Railroad Revital-  
9       ization and Regulatory Reform Act of 1976 (45  
10      U.S.C. 822) \$30,000,000 for each of fiscal years  
11      2021 through 2025, to remain available until ex-  
12      pended.

13          (2) REFUND OF PREMIUM.—There are author-  
14      ized to be appropriated to the Secretary  
15      \$70,000,000 to repay the credit risk premium under  
16      section 502 of the Railroad Revitalization and Regu-  
17      latory Reform Act of 1976 (45 U.S.C. 822) in ac-  
18      cordance with section 9104.

19      (j) RESTORATION AND ENHANCEMENT GRANTS.—

20          (1) IN GENERAL.—There are authorized to be  
21      appropriated to the Secretary to carry out section  
22      22908 of title 49, United States Code, \$20,000,000  
23      for each of fiscal years 2021 through 2025.

24          (2) PROJECT MANAGEMENT OVERSIGHT.—The  
25      Secretary may withhold up to 1 percent from the

1 amount appropriated under paragraph (1) for the  
2 costs of project management oversight of grants car-  
3 ried out under section 22908 of title 49, United  
4 States Code.

5 (k) GRADE CROSSING SEPARATION GRANTS.—

6 (1) IN GENERAL.—There are authorized to be  
7 appropriated to the Secretary to carry out section  
8 20171 of title 49, United States Code, (as added by  
9 section 9551 of this Act) the following amounts:

10 (1) For fiscal year 2021, \$450,000,000.

11 (2) For fiscal year 2022, \$475,000,000.

12 (3) For fiscal year 2023, \$500,000,000.

13 (4) For fiscal year 2024, \$525,000,000.

14 (5) For fiscal year 2025, \$550,000,000.

15 (2) PROJECT MANAGEMENT OVERSIGHT.—The  
16 Secretary may withhold up to 1 percent from the  
17 amount appropriated under paragraph (1) for the  
18 costs of project management oversight of grants car-  
19 ried out under section 20171 of title 49, United  
20 States Code.

21 (l) RAIL SAFETY PUBLIC AWARENESS GRANTS.—Of  
22 the amounts made available under subsection (k), the Sec-  
23 retary shall make available \$5,000,000 for each of fiscal  
24 years 2021 through 2025 to carry out section 20172 of



1 title 49, United States Code, (as added by section 9552  
2 of this Act).

3 (m) AUTHORIZATION OF APPROPRIATIONS TO THE  
4 FEDERAL RAILROAD ADMINISTRATION.—Section 20117  
5 of title 49, United States Code, is amended to read as  
6 follows:

7 **“§ 20117. Authorization of appropriations**

8 “(a) SAFETY AND OPERATIONS.—

9 “(1) IN GENERAL.—There are authorized to be  
10 appropriated to the Secretary of Transportation for  
11 the operations of the Federal Railroad Administra-  
12 tion and to carry out railroad safety activities au-  
13 thorized or delegated to the Administrator—

14 “(A) \$229,000,000 for fiscal year 2021.

15 “(B) \$231,000,000 for fiscal year 2022;

16 “(C) \$233,000,000 for fiscal year 2023;

17 “(D) \$235,000,000 for fiscal year 2024;

18 and

19 “(E) \$237,000,000 for fiscal year 2025.

20 “(2) AUTOMATED TRACK INSPECTION PROGRAM  
21 AND DATA ANALYSIS.—From the funds made avail-  
22 able under paragraph (1) for each of fiscal years  
23 2021 through 2025, not more than \$17,000,000  
24 may be expended for the Automated Track Inspec-  
25 tion Program and data analysis related to track in-

1       specification. Such funds shall remain available until ex-  
2       pended.

3               “(3) STATE PARTICIPATION GRANTS.—Amounts  
4       made available under paragraph (1) for grants  
5       under section 20105(e) shall remain available until  
6       expended.

7               “(b) RAILROAD RESEARCH AND DEVELOPMENT.—

8               “(1) AUTHORIZATION OF APPROPRIATIONS.—  
9       There are authorized to be appropriated to the Sec-  
10      retary of Transportation for necessary expenses for  
11      carrying out railroad research and development ac-  
12      tivities the following amounts which shall remain  
13      available until expended:

14                   “(A) \$42,000,000 for fiscal year 2021.

15                   “(B) \$44,000,000 for fiscal year 2022.

16                   “(C) \$46,000,000 for fiscal year 2023.

17                   “(D) \$48,000,000 for fiscal year 2024.

18                   “(E) \$50,000,000 for fiscal year 2025.

19               “(2) STUDY ON LNG BY RAIL.—From the  
20      amounts made available for fiscal years 2021  
21      through 2025 under paragraph (1), the Secretary  
22      shall expend not less than \$6,000,000 and not more  
23      than \$8,000,000 to carry out the evaluation of  
24      transporting liquefied natural gas by rail under sec-  
25      tion 8202 of the TRAIN Act.

1           “(3) STUDY ON SAFETY CULTURE ASSESS-  
2           MENTS.—From the amounts made available for fis-  
3           cal year 2021 under paragraph (1), the Secretary  
4           shall expend such sums as are necessary to carry out  
5           the study on safety culture assessments under sec-  
6           tion 9517 of the TRAIN Act.

7           “(4) SHORT LINE SAFETY.—From funds made  
8           available under paragraph (1) for each of fiscal  
9           years 2021 through 2025, the Secretary may expend  
10          not more than \$4,000,000—

11                 “(A) for grants to improve safety practices  
12                 and training for Class II and Class III freight  
13                 railroads; and

14                 “(B) to develop safety management sys-  
15                 tems for Class II and Class III freight railroads  
16                 through safety culture assessments, training  
17                 and education, outreach activities, and technical  
18                 assistance.”.

19          (n) FATIGUE REDUCTION PILOT PROJECTS.—There  
20          are authorized to be appropriated to the Secretary for  
21          costs associated with carrying out section 21109(e) of title  
22          49, United States Code, \$200,000 to remain available  
23          until expended.

1 **SEC. 9102. PASSENGER RAIL IMPROVEMENT, MODERNIZA-**  
2 **TION, AND EXPANSION GRANTS.**

3 (a) IN GENERAL.—Section 22906 of title 49, United  
4 States Code, is amended to read as follows:

5 **“§ 22906. Passenger rail improvement, modernization,**  
6 **and expansion grants**

7 “(a) ESTABLISHMENT.—The Secretary of Transpor-  
8 tation shall establish a program to make grants for capital  
9 projects that improve the state of good repair, operational  
10 performance, or growth of intercity rail passenger trans-  
11 portation.

12 “(b) PROJECT SELECTION CRITERIA.—

13 “(1) IN GENERAL.—Capital projects eligible for  
14 a grant under this section include—

15 “(A) a project to replace, rehabilitate, or  
16 repair a major infrastructure asset used for  
17 providing passenger rail service to bring such  
18 infrastructure asset into a state of good repair;

19 “(B) a project to improve passenger rail  
20 performance, including congestion mitigation,  
21 reliability improvements, achievement of on-  
22 time performance standards established under  
23 section 207 of the Rail Safety Improvement Act  
24 of 2008 (49 U.S.C. 24101 note), reduced trip  
25 times, increased train frequencies, higher oper-

1           ating speeds, electrification, and other improve-  
2           ments, as determined by the Secretary; and

3           “(C) a project to repair, rehabilitate, re-  
4           place, or build infrastructure to expand or es-  
5           tablish intercity rail passenger transportation  
6           and facilities, including high-speed rail.

7           “(2) REQUIREMENTS.—To be eligible for a  
8           grant under this section, an applicant shall have, or  
9           provide documentation of a credible plan to  
10          achieve—

11           “(A) the legal, financial, and technical ca-  
12          pacity to carry out the project;

13           “(B) satisfactory continuing control over  
14          the use of the equipment or facilities that are  
15          the subject of the project; and

16           “(C) an agreement in place for mainte-  
17          nance of such equipment or facilities.

18           “(3) PRIORITY.—In selecting an applicant for a  
19          grant under this section, the Secretary shall give  
20          preference to capital projects that—

21           “(A) are supported by multiple States or  
22          are included in a regional planning process; or

23           “(B) achieve environmental benefits such  
24          as a reduction in greenhouse gas emissions or  
25          an improvement in local air quality.

1           “(4) ADDITIONAL CONSIDERATIONS.—In select-  
2           ing an applicant for a grant under this section, the  
3           Secretary shall consider—

4                   “(A) the cost-benefit analysis of the pro-  
5                   posed project, including anticipated public bene-  
6                   fits relative to the costs of the proposed project,  
7                   including—

8                           “(i) effects on system and service per-  
9                           formance;

10                           “(ii) effects on safety, competitive-  
11                           ness, reliability, trip or transit time, and  
12                           resilience;

13                           “(iii) impacts on the overall transpor-  
14                           tation system, including efficiencies from  
15                           improved integration with other modes of  
16                           transportation or benefits associated with  
17                           achieving modal shifts; and

18                           “(iv) the ability to meet existing or  
19                           anticipated passenger or service demand;

20                   “(B) the applicant’s past performance in  
21                   developing and delivering similar projects;

22                   “(C) if applicable, the consistency of the  
23                   project with planning guidance and documents  
24                   set forth by the Secretary or required by law;  
25                   and

1                   “(D) if applicable, agreements between all  
2                   stakeholders necessary for the successful deliv-  
3                   ery of the project.

4           “(c) NORTHEAST CORRIDOR PROJECTS.—Of the  
5 funds made available to carry out this section, not less  
6 than 40 percent shall be made available for projects in-  
7 cluded in the Northeast Corridor investment plan required  
8 under section 24904.

9           “(d) NATIONAL PROJECTS.—Of the funds made  
10 available to carry out this section, not less than 40 percent  
11 shall be made available for—

12                   “(1) projects on the National Network;

13                   “(2) high-speed rail projects; and

14                   “(3) the establishment of new passenger rail  
15 corridors not located on the Northeast Corridor.

16           “(e) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

17                   “(1) TOTAL PROJECT COST ESTIMATE.—The  
18 Secretary shall estimate the total cost of a project  
19 under this section based on the best available infor-  
20 mation, including engineering studies, studies of eco-  
21 nomic feasibility, environmental analyses, and infor-  
22 mation on the expected use of equipment or facili-  
23 ties.

1           “(2) FEDERAL SHARE.—The Federal share of  
2           total costs for a project under this section shall not  
3           exceed 90 percent.

4           “(3) TREATMENT OF REVENUE.—Applicants  
5           may use ticket and other revenues generated from  
6           operations and other sources to satisfy the non-Fed-  
7           eral share requirements.

8           “(f) LETTERS OF INTENT.—

9           “(1) IN GENERAL.—The Secretary shall, to the  
10          maximum extent practicable, issue a letter of intent  
11          to a recipient of a grant under this section that—

12               “(A) announces an intention to obligate,  
13               for a major capital project under this section,  
14               an amount that is not more than the amount  
15               stipulated as the financial participation of the  
16               Secretary in the project; and

17               “(B) states that the contingent commit-  
18          ment—

19                       “(i) is not an obligation of the Fed-  
20                       eral Government; and

21                       “(ii) is subject to the availability of  
22                       appropriations for grants under this sec-  
23                       tion and subject to Federal laws in force or  
24                       enacted after the date of the contingent  
25                       commitment.



1 “(2) CONGRESSIONAL NOTIFICATION.—

2 “(A) IN GENERAL.—Not later than 3 days  
3 before issuing a letter of intent under para-  
4 graph (1), the Secretary shall submit written  
5 notification to—

6 “(i) the Committee on Transportation  
7 and Infrastructure of the House of Rep-  
8 resentatives;

9 “(ii) the Committee on Appropriations  
10 of the House of Representatives;

11 “(iii) the Committee on Appropria-  
12 tions of the Senate; and

13 “(iv) the Committee on Commerce,  
14 Science, and Transportation of the Senate.

15 “(B) CONTENTS.—The notification sub-  
16 mitted under subparagraph (A) shall include—

17 “(i) a copy of the letter of intent;

18 “(ii) the criteria used under sub-  
19 section (b) for selecting the project for a  
20 grant; and

21 “(iii) a description of how the project  
22 meets such criteria.

23 “(g) APPROPRIATIONS REQUIRED.—An obligation or  
24 administrative commitment may be made under this sec-

1 tion only when amounts are appropriated for such pur-  
2 pose.

3 “(h) GRANT ADMINISTRATION.—The Secretary may  
4 withhold up to 1 percent of the total amount made avail-  
5 able to carry out this section for program oversight and  
6 management, including providing technical assistance and  
7 project planning guidance.

8 “(i) REGIONAL PLANNING GUIDANCE.—The Sec-  
9 retary may withhold up to half a percent of the total  
10 amount made available to carry out this section to facili-  
11 tate and provide guidance for regional planning processes.

12 “(j) AVAILABILITY.—Amounts made available to  
13 carry out this section shall remain available until ex-  
14 pended.

15 “(k) GRANT CONDITIONS.—Except as specifically  
16 provided in this section, the use of any amounts appro-  
17 priated for grants under this section shall be subject to  
18 the grant conditions under section 22905, except that the  
19 domestic buying preferences of section 24305(f) shall  
20 apply to grants provided to Amtrak in lieu of the require-  
21 ments of section 22905(a).

22 “(l) DEFINITIONS.—In this section:

23 “(1) APPLICANT.—The term ‘applicant’  
24 means—

25 “(A) a State;

1 “(B) a group of States;

2 “(C) an Interstate Compact;

3 “(D) a public agency or publicly chartered  
4 authority established by 1 or more States;

5 “(E) a political subdivision of a State; or

6 “(F) Amtrak, acting on its own behalf or  
7 under a cooperative agreement with 1 or more  
8 States.

9 “(2) CAPITAL PROJECT.—The term ‘capital  
10 project’ means—

11 “(A) acquisition, construction, replace-  
12 ment, rehabilitation, or repair of major infra-  
13 structure assets or equipment that benefit  
14 intercity rail passenger transportation, includ-  
15 ing tunnels, bridges, stations, track, electrifica-  
16 tion, grade crossings, passenger rolling stock,  
17 and other assets, as determined by the Sec-  
18 retary;

19 “(B) projects that ensure service can be  
20 maintained while existing assets are rehabili-  
21 tated or replaced; and

22 “(C) project planning, development, de-  
23 sign, and environmental analysis related to  
24 projects under subsections (A) and (B).

1           “(3) INTERCITY RAIL PASSENGER TRANSPOR-  
2           TATION.—The term ‘intercity rail passenger trans-  
3           portation’ has the meaning given such term in sec-  
4           tion 24102.

5           “(4) HIGH-SPEED RAIL.—The term ‘high-speed  
6           rail’ has the meaning given such term in section  
7           26106(b).

8           “(5) NORTHEAST CORRIDOR.—The term  
9           ‘Northeast Corridor’ has the meaning given such  
10          term in section 24102.

11          “(6) NATIONAL NETWORK.—The term ‘Na-  
12          tional Network’ has the meaning given such term in  
13          section 24102.

14          “(7) STATE.—The term ‘State’ means each of  
15          the 50 States and the District of Columbia.”.

16          (b) CLERICAL AMENDMENT.—The item related to  
17          section 22906 in the analysis for chapter 229 of title 49,  
18          United States Code, is amended to read as follows:

          “22906. Passenger rail improvement, modernization, and expansion grants.”.

19   **SEC. 9103. CONSOLIDATED RAIL INFRASTRUCTURE AND**  
20                   **SAFETY IMPROVEMENT GRANTS.**

21          Section 22907 of title 49, United States Code, is  
22          amended—

23               (1) in subsection (b) by adding at the end the  
24          following:

1           “(12) A commuter authority (as such term is  
2       defined in section 24102).

3           “(13) The District of Columbia.”;

4           (2) in subsection (c)—

5               (A) in paragraph (1) by inserting “, main-  
6       tenance, and upgrades” after “Deployment”;

7               (B) in paragraph (3) by inserting “or safe-  
8       ty” after “address congestion”;

9               (C) in paragraph (4) by striking “identi-  
10      fied by the Secretary” and all that follows  
11      through “rail transportation” and inserting “to  
12      reduce congestion, improve service, or facilitate  
13      ridership growth in intercity rail passenger  
14      transportation and commuter rail passenger  
15      transportation (as such term is defined in sec-  
16      tion 24102)”;

17              (D) in paragraph (5) by inserting “or to  
18      establish new quiet zones” before the period at  
19      the end; and

20              (E) in paragraph (9) by inserting “or com-  
21      muter rail passenger transportation (as such  
22      term is defined in section 24102)” after “be-  
23      tween intercity rail passenger transportation”;

24              (3) in subsection (e) by striking paragraph (1)  
25      and inserting the following:

1           “(1) IN GENERAL.—In selecting a recipient of  
2           a grant for an eligible project, the Secretary shall  
3           give preference to—

4                   “(A) projects that will maximize the net  
5                   benefits of the funds made available for use  
6                   under this section, considering the cost-benefit  
7                   analysis of the proposed project, including an-  
8                   ticipated public benefits relative to the costs of  
9                   the proposed project and factoring in the other  
10                  considerations described in paragraph (2); and

11                  “(B) projects that benefit a station that—

12                           “(i) serves Amtrak and commuter rail;

13                           “(ii) is listed amongst the 25 stations  
14                           with highest ridership in the most recent  
15                           Amtrak Company Profile; and

16                           “(iii) has support from both Amtrak  
17                           and the provider of commuter rail pas-  
18                           senger transportation servicing the sta-  
19                           tion.”;

20                  (4) in subsection (g)(1) by striking “25 per-  
21                  cent” and inserting “15 percent”;

22                  (5) in subsection (l) by striking “Secretary  
23                  shall” and inserting “Secretary may”;

1           (6) by redesignating subsections (i), (j), (k),  
2           and (l) as subsections (k), (l), (m), and (n), respec-  
3           tively; and

4           (7) by inserting after subsection (h) the fol-  
5           lowing:

6           “(i) LARGE PROJECTS.—Of the amounts made avail-  
7           able under this section, at least 50 percent shall be for  
8           projects that have total project costs of greater than  
9           \$100,000,000.

10          “(j) COMMUTER RAIL.—

11           “(1) ADMINISTRATION OF FUNDS.—The  
12           amounts awarded under this section for commuter  
13           rail passenger transportation projects shall be trans-  
14           ferred by the Secretary, after selection, to the Fed-  
15           eral Transit Administration for administration of  
16           funds in accordance with chapter 53.

17           “(2) GRANT CONDITION.—

18           “(A) IN GENERAL.—As a condition of re-  
19           ceiving a grant under this section that is used  
20           to acquire, construct, or improve railroad right-  
21           of-way or facilities, any employee covered by the  
22           Railway Labor Act (45 U.S.C. 151 et seq.) and  
23           the Railroad Retirement Act of 1974 (45  
24           U.S.C. 231 et seq.) who is adversely affected by  
25           actions taken in connection with the project fi-

1           nanced in whole or in part by such grant shall  
2           be covered by employee protective arrangements  
3           established under section 22905(e).

4           “(B) APPLICATION OF PROTECTIVE AR-  
5           RANGEMENT.—The grant recipient and the suc-  
6           cessors, assigns, and contractors of such recipi-  
7           ent shall be bound by the protective arrange-  
8           ments required under subparagraph (A). Such  
9           recipient shall be responsible for the implemen-  
10          tation of such arrangement and for the obliga-  
11          tions under such arrangement, but may arrange  
12          for another entity to take initial responsibility  
13          for compliance with the conditions of such ar-  
14          rangement.

15          “(3) APPLICATION OF LAW.—Subsections (g)  
16          and (f)(1) of section 22905 shall not apply to grants  
17          awarded under this section for commuter rail pas-  
18          senger transportation projects.”.

19   **SEC. 9104. RAILROAD REHABILITATION AND IMPROVE-**  
20                   **MENT FINANCING.**

21          Section 502 of the Railroad Revitalization and Regu-  
22          latory Reform Act of 1976 (45 U.S.C. 822) is amended—

23                  (1) in subsection (b)—

24                          (A) in paragraph (1)—



1 (i) in subparagraph (A) by inserting  
2 “civil works such as cuts and fills, stations,  
3 tunnels,” after “components of track,”;  
4 and

5 (ii) in subparagraph (D) by inserting  
6 “, permitting,” after “reimburse plan-  
7 ning”; and

8 (B) by striking paragraph (3);

9 (2) in subsection (f)—

10 (A) in paragraph (3) by adding at the end  
11 the following:

12 “(D) A projection of freight or passenger  
13 demand for the project based on regionally de-  
14 veloped economic forecasts, including projec-  
15 tions of any modal diversion resulting from the  
16 project.”; and

17 (B) in paragraph (4)—

18 (i) by striking “Credit risk premiums”  
19 and inserting “(A) TIMING OF PAY-  
20 MENT.—Credit risk premiums”; and

21 (ii) by adding at the end the fol-  
22 lowing:

23 “(B) PAYMENT OF CREDIT RISK PRE-  
24 MIUMS.—

1                   “(i) IN GENERAL.—In granting assist-  
2                   ance under this section, the Secretary may  
3                   pay credit risk premiums required under  
4                   paragraph (3) for entities described in  
5                   paragraphs (1) through (3) of subsection  
6                   (a), in whole or in part, with respect to a  
7                   loan or loan guarantee.

8                   “(ii) SET-ASIDE.—Of the amounts  
9                   made available for payments for a fiscal  
10                  year under clause (i), the Secretary shall  
11                  reserve \$25,000,000 for payments for pas-  
12                  senger rail projects, to remain available  
13                  until expended.

14               “(C) REFUND OF PREMIUM.—The Sec-  
15               retary shall repay the credit risk premium of  
16               each loan in cohort 3, as defined by the memo-  
17               randum to the Office of Management and  
18               Budget of the Department of Transportation  
19               dated November 5, 2018, with interest accrued  
20               thereon, not later than 60 days after the date  
21               on which all obligations attached to each such  
22               loan have been satisfied. For each such loan for  
23               which obligations have been satisfied as of the  
24               date of enactment of the TRAIN Act, the Sec-  
25               retary shall repay the credit risk premium of

1           each such loan, with interest accrued thereon,  
2           not later than 60 days after the date of the en-  
3           actment of such Act.”; and

4           (3) by adding at the end the following:

5           “(n) NON-FEDERAL SHARE.—The proceeds of a loan  
6           provided under this section may be used as the non-Fed-  
7           eral share of project costs under this title or chapter 53  
8           of title 49 if such loan is repayable from non-Federal  
9           funds.”.

10   **SEC. 9105. BUY AMERICA.**

11           Section 22905(a) of title 49, United States Code, is  
12   amended—

13           (1) in paragraph (2)—

14                   (A) in subparagraph (B) by adding “or” at  
15           the end;

16                   (B) by striking subparagraph (C); and

17                   (C) by redesignating subparagraph (D) as  
18           subparagraph (C);

19           (2) by striking paragraph (4) and inserting the  
20   following:

21           “(4)(A) If the Secretary receives a request for  
22           a waiver under paragraph (2), the Secretary shall  
23           provide notice of and an opportunity for public com-  
24           ment on the request at least 30 days before making  
25           a finding based on the request.

1           “(B) A notice provided under subparagraph (A)  
2       shall—

3           “(i) include the information available to  
4       the Secretary concerning the request, including  
5       whether the request is being made under sub-  
6       paragraph (A), (B), or (C) of paragraph (2);  
7       and

8           “(ii) be provided by electronic means, in-  
9       cluding on the official public website of the De-  
10      partment of Transportation.”;

11      (3) in paragraph (5)—

12           (A) by striking “2012” and inserting  
13      “2020, and each year thereafter”; and

14           (B) by inserting “during the preceding fis-  
15      cal year” before the period; and

16      (4) by adding at the end the following:

17           “(12) The requirements of this subsection apply  
18      to all contracts for a project carried out within the  
19      scope of the applicable finding, determination, or de-  
20      cisions under the National Environmental Policy Act  
21      of 1969 (42 U.S.C. 4321 et seq.), regardless of the  
22      funding source for activities carried out pursuant to  
23      such contracts, if at least 1 contract for the project  
24      is funded with amounts made available to carry out  
25      a provision specified in paragraph (1).”.

1 **SEC. 9106. RAIL NETWORK CLIMATE CHANGE VULNER-**  
2 **ABILITY ASSESSMENT.**

3 (a) IN GENERAL.—The Secretary of Transportation  
4 shall sponsor a study by the National Academies to con-  
5 duct an assessment of the potential impacts of climate  
6 change on the national rail network.

7 (b) ASSESSMENT.—At a minimum, the assessment  
8 conducted pursuant to subsection (a) shall—

9 (1) cover the entire freight and intercity pas-  
10 senger rail network of the United States;

11 (2) evaluate risk to the network over 5-, 30-,  
12 and 50-year outlooks;

13 (3) examine and describe potential effects of cli-  
14 mate change and extreme weather events on pas-  
15 senger and freight rail infrastructure, trackage, and  
16 facilities, including facilities owned by rail shippers;

17 (4) identify and categorize the assets described  
18 in paragraph (3) by vulnerability level and geo-  
19 graphic area; and

20 (5) recommend strategies or measures to miti-  
21 gate any adverse impacts of climate change, includ-  
22 ing emergency preparedness measures and resiliency  
23 best practices for infrastructure planning.

24 (c) REPORT.—Not later than 18 months after the  
25 date of enactment of this Act, the Secretary shall submit  
26 to the Committee on Transportation and Infrastructure

1 of the House of Representatives and the Committee on  
2 Commerce, Science, and Transportation of the Senate a  
3 report containing the findings of the assessment conducted  
4 pursuant to subsection (a).

5 (d) FURTHER COORDINATION.—The Secretary shall  
6 make the report publicly available on the website of the  
7 Department of Transportation and communicate the re-  
8 sults of the assessment with stakeholders.

9 (e) REGULATORY AUTHORITY.—If the Secretary  
10 finds in the report required under subsection (c) that reg-  
11 ulatory measures are warranted and such measures are  
12 otherwise under the existing authority of the Secretary,  
13 the Secretary may issue such regulations as are necessary  
14 to implement such measures.

15 (f) FUNDING.—From the amounts made available for  
16 fiscal year 2021 under section 20117(a) of title 49, United  
17 States Code, the Secretary shall expend not less than  
18 \$1,000,000 to carry out the study required under subpara-  
19 graph (a).

## 20 **TITLE II—AMTRAK REFORMS**

### 21 **SEC. 9201. AMTRAK FINDINGS, MISSION, AND GOALS.**

22 Section 24101 of title 49, United States Code, is  
23 amended—

24 (1) in subsection (a)—

25 (A) in paragraph (1)—

1 (i) by striking “, to the extent its  
2 budget allows,”; and

3 (ii) by striking “between crowded  
4 urban areas and in other areas of” and in-  
5 serting “throughout”;

6 (B) in paragraph (2) by striking the period  
7 and inserting “, thereby providing additional  
8 capacity for the traveling public and widespread  
9 air quality benefits.”;

10 (C) in paragraph (4)—

11 (i) by striking “greater” and inserting  
12 “high”; and

13 (ii) by striking “to Amtrak to achieve  
14 a performance level sufficient to justify ex-  
15 pending public money” and inserting “in  
16 order to meet the intercity passenger rail  
17 needs of the United States”;

18 (D) in paragraph (5)—

19 (i) by inserting “intercity and” after  
20 “efficient”; and

21 (ii) by striking “the energy conserva-  
22 tion and self-sufficiency” and inserting  
23 “addressing climate change, energy con-  
24 servation, and self-sufficiency”;

1 (E) in paragraph (6) by striking “through  
2 its subsidiary, Amtrak Commuter,”; and

3 (F) by adding at the end the following:

4 “(9) Long-distance intercity passenger rail is  
5 an important part of the national transportation sys-  
6 tem.

7 “(10) Investments in intercity and commuter  
8 rail passenger transportation support jobs that pro-  
9 vide a pathway to the middle class.”;

10 (2) in subsection (b) by striking “The” and all  
11 that follows through “consistent” and inserting  
12 “The mission of Amtrak is to provide a safe, effi-  
13 cient, and high-quality national intercity passenger  
14 rail system that is trip-time competitive with other  
15 intercity travel options, consistent”;

16 (3) in subsection (c)—

17 (A) by striking paragraph (1) and insert-  
18 ing the following:

19 “(1) use its best business judgment in acting to  
20 maximize the benefits of public funding;”;

21 (B) in paragraph (2)—

22 (i) by striking “minimize Government  
23 subsidies by encouraging” and inserting  
24 “work with”; and



1 (ii) by striking the semicolon and in-  
2 serting “and improvements to service;”;

3 (C) by striking paragraph (3) and insert-  
4 ing the following:

5 “(3) manage the passenger rail network in the  
6 interest of public transportation needs, including  
7 current and future Amtrak passengers;”;

8 (D) in paragraph (7) by striking “encour-  
9 age” and inserting “work with”;

10 (E) in paragraph (11) by striking “and”  
11 the last place it appears; and

12 (F) by striking paragraph (12) and insert-  
13 ing the following:

14 “(12) utilize and manage resources with a long-  
15 term perspective, including sound investments that  
16 take into account the overall lifecycle costs of an  
17 asset;

18 “(13) ensure that service is accessible and ac-  
19 commodating to passengers with disabilities; and

20 “(14) maximize the benefits Amtrak generates  
21 for the United States by creating quality jobs and  
22 supporting the domestic workforce.”; and

23 (4) by striking subsection (d).

1 **SEC. 9202. AMTRAK STATUS.**

2 Section 24301(a) of title 49, United States Code, is  
3 amended—

4 (1) in paragraph (1) by striking “20102(2)”  
5 and inserting “20102”; and

6 (2) in paragraph (2) by inserting “serving the  
7 public interest in reliable passenger rail service”  
8 after “for-profit corporation”.

9 **SEC. 9203. BOARD OF DIRECTORS.**

10 (a) IN GENERAL.—Section 24302 of title 49, United  
11 States Code, is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1)—

14 (i) by striking subparagraph (C) and  
15 inserting the following:

16 “(C) 8 individuals appointed by the Presi-  
17 dent of the United States, by and with the ad-  
18 vice and consent of the Senate, with a record of  
19 support for national passenger rail service, gen-  
20 eral business and financial experience, and  
21 transportation qualifications or expertise. Of  
22 the individuals appointed—

23 “(i) 1 shall be a Mayor or Governor of  
24 a location served by a regularly scheduled  
25 Amtrak service on the Northeast Corridor;

1                   “(ii) 1 shall be a Mayor or Governor  
2                   of a location served by a regularly sched-  
3                   uled Amtrak service that is not on the  
4                   Northeast Corridor;

5                   “(iii) 1 shall be a labor representative  
6                   of Amtrak employees; and

7                   “(iv) 2 shall be individuals with a his-  
8                   tory of regular Amtrak ridership and an  
9                   understanding of the concerns of rail pas-  
10                  sengers.”;

11                  (B) in paragraph (2) by inserting “users of  
12                  Amtrak, including the elderly and individuals  
13                  with disabilities, and” after “and balanced rep-  
14                  resentation of”;

15                  (C) in paragraph (3) by adding at the end  
16                  the following: “A member of the Board ap-  
17                  pointed under clause (i) or (ii) of paragraph  
18                  (1)(C) shall serve for a term of 5 years or until  
19                  such member leaves the elected office such  
20                  member occupied at the time such member was  
21                  appointed, whichever is first.”; and

22                  (D) by striking paragraph (5) and insert-  
23                  ing the following:

1           “(5) The Secretary and any Governor of a  
2       State may be represented at a Board meeting by a  
3       designee.”;

4           (2) in subsection (b)—

5               (A) by striking “PAY AND EXPENSES” and  
6       inserting “DUTIES, PAY, AND EXPENSES”; and

7               (B) by inserting “Each director must con-  
8       sider the well-being of current and future Am-  
9       trak passengers, and the public interest in sus-  
10      tainable national passenger rail service.” before  
11      “Each director not employed by the United  
12      States Government or Amtrak”; and

13      (3) by adding at the end the following:

14      “(g) GOVERNOR DEFINED.—In this section, the term  
15   ‘Governor’ means the Governor of a State or the Mayor  
16   of the District of Columbia and includes the designee of  
17   the Governor.”.

18      (b) APPOINTMENT APPLICABILITY.—Beginning on  
19   the date that is 60 days after the date of enactment of  
20   this Act, the appointment and membership requirements  
21   under section 24302 of title 49, United States Code, shall  
22   apply to each member of the Board under such section.  
23   A member serving on such Board as of the date of enact-  
24   ment of this Act may be reappointed on or after such date  
25   if such member meets the requirements of such section.

1   **SEC. 9204. AMTRAK PREFERENCE ENFORCEMENT.**

2           (a) IN GENERAL.—Section 24308(c) of title 49,  
3 United States Code, is amended by adding at the end the  
4 following: “Notwithstanding section 24103(a) and section  
5 24308(f), Amtrak shall have the right to bring an action  
6 for equitable or other relief in the United States District  
7 Court for the District of Columbia to enforce the pref-  
8 erence rights granted under this subsection.”.

9           (b) CONFORMING AMENDMENT.—Section 24103 of  
10 title 49, United States Code, is amended by inserting “and  
11 section 24308(c)” before “, only the Attorney General”.

12   **SEC. 9205. USE OF FACILITIES AND PROVIDING SERVICES**  
13                           **TO AMTRAK.**

14           Section 24308(e) of title 49, United States Code, is  
15 amended—

16                   (1) by striking paragraph (1) and inserting the  
17 following:

18                   “(1)(A) When a rail carrier does not agree to  
19 allow Amtrak to operate additional trains over any  
20 rail line of the carrier on which Amtrak is operating  
21 or seeks to operate, Amtrak may submit an applica-  
22 tion to the Board for an order requiring the carrier  
23 to allow for the operation of the requested trains.  
24 Within 90 days of receipt of such application, the  
25 Board shall determine whether the additional trains

1 would unreasonably impair freight transportation  
2 and—

3 “(i) for a determination that such trains  
4 do not unreasonably impair freight transpor-  
5 tation, order the rail carrier to allow for the op-  
6 eration of such trains on a schedule established  
7 by the Board; or

8 “(ii) for a determination that such trains  
9 do unreasonably impair freight transportation,  
10 initiate a proceeding to determine any addi-  
11 tional infrastructure investments required by,  
12 or on behalf of, Amtrak.

13 “(B) If Amtrak seeks to resume operation of a  
14 train that Amtrak operated during the 5-year period  
15 preceding an application described in subparagraph  
16 (A), the Board shall apply a presumption that the  
17 resumed operation of such train will not unreason-  
18 ably impair freight transportation unless the Board  
19 finds that there are substantially changed cir-  
20 cumstances.”;

21 (2) in paragraph (2)—

22 (A) by striking “The Board shall consider”  
23 and inserting “The Board shall”;

24 (B) by striking subparagraph (A) and in-  
25 serting the following:

1           “(A) in making the determination under para-  
2           graph (1), take into account any infrastructure in-  
3           vestments proposed in Amtrak’s application, with  
4           the rail carrier having the burden of demonstrating  
5           that the additional trains will unreasonably impair  
6           the freight transportation; and”;

7                       (C) in subparagraph (B) by inserting “con-  
8           sider investments described in subparagraph  
9           (A) and” after “times,”; and  
10          (3) by adding at the end the following:

11          “(4) In a proceeding initiated by the Board  
12          under paragraph (1)(B), the Board shall solicit the  
13          views of the parties and require the parties to pro-  
14          vide any necessary data or information. Not later  
15          than 180 days after the date on which the Board  
16          makes a determination under paragraph (1)(B), the  
17          Board shall issue an order requiring the rail carrier  
18          to allow for the operation of the requested trains  
19          conditioned upon additional infrastructure or other  
20          investments needed to mitigate the unreasonable in-  
21          terference. In determining the necessary level of ad-  
22          ditional infrastructure or other investments, the  
23          Board shall use any criteria, assumptions, and proc-  
24          esses it considers appropriate.

1           “(5) The provisions of this subsection shall be  
2           in addition to any other statutory or contractual  
3           remedies Amtrak may have to obtain the right to op-  
4           erate the additional trains.”.

5   **SEC. 9206. PROHIBITION ON MANDATORY ARBITRATION.**

6           (a) IN GENERAL.—Section 28103 of title 49, United  
7   States Code, is amended—

8               (1) by redesignating subsection (e) as sub-  
9               section (f); and

10              (2) by inserting after subsection (d) the fol-  
11              lowing:

12           “(e) PROHIBITION ON CHOICE-OF-FORUM CLAUSE.—

13               “(1) IN GENERAL.—Amtrak may not impose a  
14               choice-of-forum clause that attempts to preclude a  
15               passenger, or a person who purchases a ticket for  
16               rail transportation on behalf of a passenger, from  
17               bringing a claim against Amtrak in any court of  
18               competent jurisdiction, including a court within the  
19               jurisdiction of the residence of such passenger in the  
20               United States (provided that Amtrak does business  
21               within that jurisdiction).

22           “(2) COURT OF COMPETENT JURISDICTION.—

23               Under this subsection, a court of competent jurisdic-  
24               tion may not include an arbitration forum.”.



1 (b) EFFECTIVE DATE.—This section, and the amend-  
2 ments made by this section, shall apply to any claim that  
3 arises on or after the date of enactment of this Act.

4 **SEC. 9207. AMTRAK ADA ASSESSMENT.**

5 (a) ASSESSMENT.—Amtrak shall conduct an assess-  
6 ment and review of all Amtrak policies, procedures, proto-  
7 cols, and guidelines for compliance with the requirements  
8 of the Americans With Disabilities Act of 1990 (42 U.S.C.  
9 12101 et seq.).

10 (b) REPORT.—Not later than 180 days after the date  
11 of enactment of this Act, Amtrak shall submit to the Com-  
12 mittee on Transportation and Infrastructure of the House  
13 of Representatives and the Committee on Commerce,  
14 Science, and Transportation of the Senate a report on the  
15 results of the assessment conducted under subsection (a).

16 (c) CONTENTS.—The report required under sub-  
17 section (b) shall include—

18 (1) a summary of the policies, procedures, pro-  
19 tocols, and guidelines reviewed;

20 (2) any necessary changes to such policies, pro-  
21 cedures, protocols, and guidelines to ensure compli-  
22 ance with the Americans With Disabilities Act of  
23 1990 (42 U.S.C. 12101 et seq.), including full com-  
24 pliance under such Act for stations and facilities for  
25 which Amtrak has responsibility under such Act and

1 consideration of the needs of individuals with disabil-  
2 ities when procuring rolling stock; and

3 (3) an implementation plan and timeline for  
4 making any such necessary changes.

5 (d) ENGAGEMENT.—Amtrak is encouraged to engage  
6 with a range of advocates for individuals with disabilities  
7 during the assessment conducted under subsection (a),  
8 and develop an ongoing and standardized process for en-  
9 gagement with advocates for individuals with disabilities.

10 (e) PERIODIC EVALUATION.—At least once every 2  
11 years, Amtrak shall review and update, as necessary, Am-  
12 trak policies, procedures, protocols, and guidelines to en-  
13 sure compliance with the Americans With Disabilities Act  
14 of 1990 (42 U.S.C. 12101 et seq.).

15 **SEC. 9208. PROHIBITION ON SMOKING ON AMTRAK TRAINS.**

16 (a) IN GENERAL.—Chapter 243 of title 49, United  
17 States Code, is amended by adding at the end the fol-  
18 lowing:

19 **“§ 24323. Prohibition on smoking on Amtrak trains**

20 “(a) PROHIBITION.—Beginning on the date of enact-  
21 ment of the TRAIN Act, Amtrak shall prohibit smoking  
22 on board Amtrak trains.

23 “(b) ELECTRONIC CIGARETTES.—

1           “(1) INCLUSION.—The use of an electronic cig-  
2           arette shall be treated as smoking for purposes of  
3           this section.

4           “(2) ELECTRONIC CIGARETTE DEFINED.—In  
5           this section, the term ‘electronic cigarette’ means a  
6           device that delivers nicotine or other substances to  
7           a user of the device in the form of a vapor that is  
8           inhaled to simulate the experience of smoking.”.

9           (b) CONFORMING AMENDMENT.—The analysis for  
10          chapter 243 of title 49, United States Code, is amended  
11          by adding at the end the following:

          “24323. Prohibition on smoking on Amtrak trains.”.

12       **SEC. 9209. STATE-SUPPORTED ROUTES OPERATED BY AM-**  
13                               **TRAK.**

14          (a) IN GENERAL.—Section 24712 of title 49, United  
15          States Code, is amended—

16               (1) in subsection (a)—

17                       (A) in paragraph (4) by striking the first  
18                       sentence and inserting “The Committee shall  
19                       define and periodically update the rules and  
20                       procedures governing the Committee’s pro-  
21                       ceedings.”; and

22                       (B) in paragraph (6)—

23                               (i) by striking subparagraph (B) and  
24                       inserting the following:

1                   “(B) PROCEDURES.—The rules and proce-  
2                   dures implemented under paragraph (4) shall  
3                   include—

4                   “(i) procedures for changing the cost  
5                   allocation methodology, notwithstanding  
6                   section 209(b) of the Passenger Rail In-  
7                   vestment and Improvement Act (49 U.S.C.  
8                   24101 note); and

9                   “(ii) procedures or broad guidelines  
10                  for conducting financial planning, includ-  
11                  ing operating and capital forecasting, re-  
12                  porting, and data sharing and govern-  
13                  ance.”;

14                  (ii) in subparagraph (C)—

15                         (I) in clause (i) by striking  
16                         “and” at the end;

17                         (II) in clause (ii) by striking the  
18                         period at the end and inserting “;  
19                         and”; and

20                         (III) by adding at the end the  
21                         following:

22                         “(iii) promote increased efficiency in  
23                         Amtrak’s operating and capital activities.”;  
24                         and

1 (iii) by adding at the end the fol-  
2 lowing:

3 “(D) ANNUAL REVIEW.—Not later than  
4 June 30 of each year, the Committee shall pre-  
5 pare an evaluation of the cost allocation meth-  
6 odology and procedures under subparagraph  
7 (B) and transmit such evaluation to the Com-  
8 mittee on Transportation and Infrastructure of  
9 the House of Representatives and the Com-  
10 mittee on Commerce, Science, and Transpor-  
11 tation of the Senate.”;

12 (2) in subsection (b)—

13 (A) by inserting “and to the Committee”  
14 before “, as well as the planning”; and

15 (B) by inserting before the period at the  
16 end the following: “and the Committee. Not  
17 later than 180 days after the date of enactment  
18 of the TRAIN Act, the Committee shall develop  
19 a report that contains the general ledger data  
20 and operating statistics from Amtrak’s account-  
21 ing systems used to calculate payments to  
22 States. Amtrak shall provide to the States and  
23 the Committee the report for the prior month  
24 not later than 30 days after the last day of  
25 each month”;

1           (3) in subsection (e) by inserting “, including  
2           incentives to increase revenue, reduce costs, finalize  
3           contracts by the beginning of the fiscal year, and re-  
4           quire States to promptly make payments for services  
5           delivered” before the period;

6           (4) in subsection (f)—

7                 (A) in paragraph (1)—

8                         (i) by inserting “and annually review  
9                         and update, as necessary,” after “shall de-  
10                        velop”; and

11                       (ii) by inserting before “The Com-  
12                        mittee may consult” the following: “The  
13                        statement shall include a list of capital  
14                        projects, including infrastructure, fleet,  
15                        station, and facility initiatives, needed to  
16                        support the growth of State-supported  
17                        routes.”;

18                 (B) in paragraph (2) by striking “Not  
19                 later than 2 years” and all that follows through  
20                 “transmit the statement” and inserting “The  
21                 Committee shall transmit, not later than March  
22                 31 of each year, the most recent annual update  
23                 to the statement”; and

24                 (C) by adding at the end the following:

1           “(3) SENSE OF CONGRESS.—It is the sense of  
2       Congress that the Committee shall be the forum  
3       where Amtrak and States collaborate on the plan-  
4       ning, improvement, and development of corridor  
5       routes across the National Network. The Committee  
6       shall identify obstacles to intercity passenger rail  
7       growth and identify solutions to overcome such ob-  
8       stacles.”;

9           (5) by redesignating subsections (g) and (h) as  
10       subsections (j) and (k), respectively; and

11          (6) by inserting after subsection (f) the fol-  
12       lowing:

13       “(g) NEW STATE-SUPPORTED ROUTES.—

14           “(1) CONSULTATION.—In developing a new  
15       State-supported route, Amtrak shall consult with the  
16       following:

17           “(A) The State or States and local munici-  
18       palities where such new service would operate.

19           “(B) Commuter authorities and regional  
20       transportation authorities (as such terms are  
21       defined in section 24102) in the areas that  
22       would be served by the planned route.

23           “(C) Host railroads.

24           “(D) Administrator of the Federal Rail-  
25       road Administration.

1 “(E) Other stakeholders, as appropriate.

2 “(2) STATE COMMITMENTS.—Notwithstanding  
3 any other provision of law, before beginning con-  
4 struction necessary for, or beginning operation of, a  
5 State-supported route that is initiated on or after  
6 the date of enactment of the TRAIN Act, Amtrak  
7 shall enter into a memorandum of understanding, or  
8 otherwise secure an agreement, with the State in  
9 which such route will operate for sharing—

10 “(A) ongoing operating costs and capital  
11 costs in accordance with the cost allocation  
12 methodology described under subsection (a); or

13 “(B) ongoing fully allocated operating  
14 costs and capital costs in accordance with the  
15 alternative cost allocation schedule described in  
16 paragraph (3).

17 “(3) ALTERNATIVE COST ALLOCATION.—Under  
18 the alternative cost allocation schedule described in  
19 this paragraph, with respect to costs not covered by  
20 revenues for the operation of the new State-sup-  
21 ported route, Amtrak shall pay—

22 “(A) the share Amtrak otherwise would  
23 have paid under the cost allocation methodology  
24 under subsection (a); and



1           “(B) a percentage of the share that the  
2           State otherwise would have paid under the cost  
3           allocation methodology under subsection (a) ac-  
4           cording to the following:

5                   “(i) Amtrak shall pay up to 100 per-  
6                   cent of the capital costs necessary to ini-  
7                   tiate a new State-supported route, includ-  
8                   ing planning and development, design, and  
9                   environmental analysis, prior to beginning  
10                  operations on the new route.

11                  “(ii) For the first 2 years of oper-  
12                  ation, Amtrak shall pay for 100 percent of  
13                  operating costs and capital costs.

14                  “(iii) For the third year of operation,  
15                  Amtrak shall pay 90 percent of operating  
16                  costs and capital costs and the State shall  
17                  pay the remainder.

18                  “(iv) For the fourth year of operation,  
19                  Amtrak shall pay 80 percent of operating  
20                  costs and capital costs and the State shall  
21                  pay the remainder

22                  “(v) For the fifth year of operation,  
23                  Amtrak shall pay 50 percent of operating  
24                  costs and capital costs and the State shall  
25                  pay the remainder.

1                   “(vi) For the sixth year of operation  
2                   and thereafter, operating costs and capital  
3                   costs shall be allocated in accordance with  
4                   the cost allocation methodology described  
5                   under subsection (a), as applicable.

6                   “(4) APPLICATION OF TERMS.—In this sub-  
7                   section, the terms ‘capital cost’ and ‘operating cost’  
8                   shall apply in the same manner as such terms apply  
9                   under the cost allocation methodology developed  
10                  under subsection (a).

11                  “(h) COST ALLOCATION METHODOLOGY AND IMPE-  
12                  MENTATION REPORT.—

13                  “(1) IN GENERAL.—Not later than 18 months  
14                  after the date of enactment of the TRAIN Act, the  
15                  Committee shall submit to the Committee on Trans-  
16                  portation and Infrastructure of the House of Rep-  
17                  resentatives and the Committee on Commerce,  
18                  Science, and Transportation of the Senate a report  
19                  assessing potential improvements to the cost alloca-  
20                  tion methodology required and approved under sec-  
21                  tion 209 of the Passenger Rail Investment and Im-  
22                  provement Act of 2008 (49 U.S.C. 24101 note).

23                  “(2) REPORT CONTENTS.—The report required  
24                  under paragraph (1) shall—

1                   “(A) identify improvements to the cost al-  
2                   location methodology that would promote—

3                   “(i) transparency of route and train  
4                   costs and revenues;

5                   “(ii) facilitation of service and net-  
6                   work growth;

7                   “(iii) improved services for the trav-  
8                   eling public;

9                   “(iv) maintenance or achievement of  
10                  labor collective bargaining agreements;

11                  “(v) increased revenues; and

12                  “(vi) reduced costs;

13                  “(B) describe the various contracting ap-  
14                  proaches used in State-supported services be-  
15                  tween States and Amtrak, including the meth-  
16                  od, amount, and timeliness of payments for  
17                  each State-supported service;

18                  “(C) evaluate the potential benefits and  
19                  feasibility, including identifying any necessary  
20                  statutory changes, of implementing a service  
21                  pricing model for State-supported routes in lieu  
22                  of a cost allocation methodology and how such  
23                  a service pricing model would advance the pri-  
24                  orities described in subparagraph (A); and

1                   “(D) summarize share of costs from the  
2                   cost allocation methodology that are—

3                   “(i) assigned;

4                   “(ii) allocated regionally or locally;

5                   and

6                   “(iii) allocated nationally.

7                   “(3) UPDATE TO THE METHODOLOGY.—Not  
8                   later than 2 years after the implementation of the  
9                   TRAIN Act, the Committee shall update the meth-  
10                  odology, if necessary, based on the findings of the  
11                  report required under paragraph (1).

12                  “(i) IDENTIFICATION OF STATE-SUPPORTED ROUTE  
13                  CHANGES.—Amtrak shall provide an update in the general  
14                  and legislative annual report under section 24315(b) of  
15                  planned or proposed changes to State-supported routes,  
16                  including the introduction of new State-supported routes.  
17                  In identifying routes to be included in such request, Am-  
18                  trak shall—

19                  “(1) identify the timeframe in which such  
20                  changes could take effect and whether Amtrak has  
21                  entered into a commitment with a State under sub-  
22                  section (g)(2); and

23                  “(2) consult with the Committee and any addi-  
24                  tional States in which proposed routes may operate,

1 not less than 120 days before the annual grant re-  
2 quest is transmitted to the Secretary.”.

3 (b) CONFORMING AMENDMENT.—Section  
4 24315(b)(1) of title 49, United States Code, is amended—  
5 (1) by redesignating subparagraph (B) as sub-  
6 paragraph (C);

7 (2) in subparagraph (A) by striking “section  
8 24902(b) of this title; and” and inserting “section  
9 24902(a) of this title;”; and

10 (3) by inserting after subparagraph (A) the fol-  
11 lowing:

12 “(B) shall identify the planned or proposed  
13 State-supported routes, as required under sec-  
14 tion 24712(i); and”.

15 **SEC. 9210. AMTRAK POLICE DEPARTMENT.**

16 (a) DEPARTMENT MISSION.—Not later than 180  
17 days after the date of enactment of this Act, Amtrak shall  
18 identify the mission of the Amtrak Police Department (in  
19 this section referred to as the “Department”), including  
20 the scope and priorities of the Department, in mitigating  
21 risks to and ensuring the safety and security of Amtrak  
22 passengers, employees, trains, stations, facilities, and  
23 other infrastructure. In identifying such mission, Amtrak  
24 shall consider—

1           (1) the unique needs of maintaining the safety  
2           and security of Amtrak's network; and

3           (2) comparable passenger rail systems and the  
4           mission of the police departments of such rail sys-  
5           tems.

6           (b) WORKFORCE PLANNING PROCESS.—Not later  
7           than 120 days after identifying the mission of the Depart-  
8           ment under subsection (a), Amtrak shall develop a work-  
9           force planning process that—

10           (1) ensures adequate employment levels and al-  
11           location of sworn and civilian personnel, including  
12           patrol officers, necessary for fulfilling the Depart-  
13           ment's mission; and

14           (2) sets performance goals and metrics for the  
15           Department and monitors and evaluates the Depart-  
16           ment's progress toward such goals and metrics.

17           (c) CONSIDERATIONS.—In developing the workforce  
18           planning process under subsection (b), Amtrak shall—

19           (1) identify critical positions, skills, and com-  
20           petencies necessary for fulfilling the Department's  
21           mission;

22           (2) analyze employment levels and ensure  
23           that—

24                   (A) an adequate number of civilian and  
25                   sworn personnel are allocated across the De-

1           partment's 6 geographic divisions, including pa-  
2           trol officers, detectives, canine units, special op-  
3           erations unit, strategic operations, intelligence,  
4           corporate security, the Office of Professional  
5           Responsibilities, and the Office of Chief of Po-  
6           lices; and

7           (B) patrol officers have an adequate pres-  
8           ence on trains and route segments, and in sta-  
9           tions, facilities, and other infrastructure;

10          (3) analyze workforce gaps and develop strate-  
11         gies to address any such gaps;

12          (4) consider the risks identified by Amtrak's  
13         triannual risk assessments;

14          (5) consider variables, including ridership levels,  
15         miles of right-of-way, crime data, call frequencies,  
16         interactions with vulnerable populations, and work-  
17         load, that comparable passenger rail systems with  
18         similar police departments consider in the develop-  
19         ment of the workforce plans of such systems; and

20          (6) consider collaboration or coordination with  
21         local, State, Tribal, and Federal agencies, and public  
22         transportation agencies to support the safety and se-  
23         curity of the Amtrak network.

24         (d) CONSULTATION.—In carrying out this section,  
25         Amtrak shall consult with the Amtrak Police Department

1 Labor Committee, public safety experts, foreign or domes-  
2 tic entities providing passenger rail service comparable to  
3 Amtrak, and any other relevant entities, as determined by  
4 Amtrak.

5 (e) REPORTS.—

6 (1) REPORT ON MISSION OF DEPARTMENT.—

7 Not later than 10 days after Amtrak identifies the  
8 mission of the Department under subsection (a),  
9 Amtrak shall transmit to the Committee on Trans-  
10 portation and Infrastructure of the House of Rep-  
11 resentatives and the Committee on Commerce,  
12 Science, and Transportation of the Senate a report  
13 containing a description of the mission of the De-  
14 partment and the reasons for the content of such  
15 mission.

16 (2) Report on workforce planning process- Not  
17 later than 10 days after Amtrak completes the work-  
18 force planning process under subsection (b), Amtrak  
19 shall transmit to the Committee on Transportation  
20 and Infrastructure of the House of Representatives  
21 and the Committee on Commerce, Science, and  
22 Transportation of the Senate a report containing the  
23 workforce planning process, the underlying data  
24 used to develop such process, and how such process  
25 will achieve the Department's mission.



1 **SEC. 9211. AMTRAK FOOD AND BEVERAGE.**

2 (a) AMTRAK FOOD AND BEVERAGE.—Section 24321  
3 of title 49, United States Code, is amended to read as  
4 follows:

5 **“§ 24321. Amtrak food and beverage**

6 “(a) ENSURING ACCESS TO FOOD AND BEVERAGE  
7 SERVICES.—On all long-distance routes, Amtrak shall en-  
8 sure that all passengers who travel overnight on such  
9 route shall have access to purchasing the food and bev-  
10 erages that are provided to sleeping car passengers on  
11 such route.

12 “(b) FOOD AND BEVERAGE WORKFORCE.—

13 “(1) WORKFORCE REQUIREMENT.—Amtrak  
14 shall ensure that any individual onboard a train who  
15 prepares food and beverages is an Amtrak employee.

16 “(2) SAVINGS CLAUSE.—No Amtrak employee  
17 holding a position as of the date of enactment of the  
18 TRAIN Act may be involuntarily separated because  
19 of any action taken by Amtrak to implement this  
20 section, including any employees who are furloughed  
21 as a result of the COVID–19 pandemic.

22 “(c) SAVINGS CLAUSE.—Amtrak shall ensure that no  
23 Amtrak employee holding a position as of the date of en-  
24 actment of the Passenger Rail Reform and Investment Act  
25 of 2015 is involuntarily separated because of the develop-

1 ment and implementation of the plan required by the  
2 amendments made by section 11207 of such Act.”.

3 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

4 (1) ANALYSIS.—The item related to section  
5 24321 in the analysis for chapter 243 of title 49,  
6 United States Code, is amended to read as follows:

“24321. Amtrak food and beverage.”.

7 (2) AMTRAK AUTHORITY.—Section 24305(c)(4)  
8 of title 49, United States Code, is amended by strik-  
9 ing “only if revenues from the services each year at  
10 least equal the cost of providing the services”.

11 (3) CONTRACTING OUT.—Section 121(c) of the  
12 Amtrak Reform and Accountability Act of 1997 (49  
13 U.S.C. 24312 note; 111 Stat. 2574) is amended by  
14 striking “, other than work related to food and bev-  
15 erage service,”.

16 (c) AMTRAK FOOD AND BEVERAGE WORKING  
17 GROUP.—

18 (1) ESTABLISHMENT.—Not later than 90 days  
19 after the date of enactment of this Act, Amtrak shall  
20 establish a working group (in this subsection re-  
21 ferred to as the “Working Group”) to provide rec-  
22 ommendations on Amtrak onboard food and bev-  
23 erage services.

24 (2) MEMBERSHIP.—The Working Group shall  
25 consist of individuals representing—

1 (A) Amtrak;

2 (B) the labor organizations representing  
3 Amtrak employees who prepare or provide on-  
4 board food and beverage services; and

5 (C) nonprofit organizations representing  
6 Amtrak passengers.

7 (3) RECOMMENDATIONS.—

8 (A) IN GENERAL.—The Working Group  
9 shall develop recommendations to increase rid-  
10 ership and improve customer satisfaction by—

11 (i) promoting collaboration and en-  
12 gagement between Amtrak, Amtrak pas-  
13 sengers, and Amtrak employees preparing  
14 or providing onboard food and beverage  
15 services, prior to Amtrak implementing  
16 changes to onboard food and beverage  
17 services;

18 (ii) improving onboard food and bev-  
19 erage services; and

20 (iii) improving solicitation, reception,  
21 and consideration of passenger feedback  
22 regarding onboard food and beverage serv-  
23 ices.

1 (B) CONSIDERATIONS.—In developing the  
2 recommendations under subparagraph (A), the  
3 Working Group shall consider—

4 (i) the healthfulness of onboard food  
5 and beverages offered, including the ability  
6 of passengers to address dietary restric-  
7 tions;

8 (ii) the preparation and delivery of on-  
9 board food and beverages;

10 (iii) the differing needs of passengers  
11 traveling on long-distance routes, State-  
12 supported routes, and the Northeast Cor-  
13 ridor;

14 (iv) Amtrak passenger survey data  
15 about the food and beverages offered on  
16 Amtrak trains; and

17 (v) any other issue the Working  
18 Group determines appropriate.

19 (4) REPORTS.—

20 (A) INITIAL REPORT.—Not later than 1  
21 year after the date on which the Working  
22 Group is established, the Working Group shall  
23 submit to the Board of Directors of Amtrak,  
24 the Committee on Transportation and Infra-  
25 structure of the House of Representatives, and

1 the Committee on Commerce, Science, and  
2 Transportation of the Senate a report con-  
3 taining the recommendations developed under  
4 paragraph (3).

5 (B) SUBSEQUENT REPORT.—Not later  
6 than 30 days after the date on which the Work-  
7 ing Group submits the report required under  
8 subparagraph (A), Amtrak shall submit to the  
9 Committee on Transportation and Infrastruc-  
10 ture of the House of Representatives and the  
11 Committee on Commerce, Science, and Trans-  
12 portation of the Senate a report on whether  
13 Amtrak agrees with the recommendations of the  
14 Working Group and describing any plans to im-  
15 plement such recommendations.

16 (5) PROHIBITION ON FOOD AND BEVERAGE  
17 SERVICE CHANGES.—During the period beginning on  
18 the date of enactment of this Act and ending 30  
19 days after the date on which Amtrak submits the re-  
20 port required under paragraph (4)(B), Amtrak may  
21 not make large-scale, structural changes to existing  
22 onboard food and beverage services, except that Am-  
23 trak shall reverse any changes to onboard food and  
24 beverage service made in response to the COVID–19  
25 pandemic as Amtrak service is restored.

1           (6) TERMINATION.—The Working Group shall  
2       terminate on the date on which Amtrak submits the  
3       report required under paragraph (4)(B), except that  
4       Amtrak may extend such date by up to 1 year if  
5       Amtrak determines that the Working Group is bene-  
6       ficial to Amtrak in making decisions related to on-  
7       board food and beverage services. If Amtrak extends  
8       such date, Amtrak shall include notification of the  
9       extension in the report required under paragraph  
10      (4)(B).

11          (7) NONAPPLICABILITY OF FEDERAL ADVISORY  
12      COMMITTEE ACT.—The Federal Advisory Committee  
13      Act (5 U.S.C. App) does not apply to the Working  
14      Group established under this section.

15          (8) LONG-DISTANCE ROUTE; NORTHEAST COR-  
16      RIDOR; AND STATE-SUPPORTED ROUTE DEFINED.—  
17      In this subsection, the terms “long-distance route”,  
18      “Northeast Corridor”, and “State-supported route”  
19      have the meaning given those terms in section  
20      24102 of title 49, United States Code.

21      **SEC. 9212. CLARIFICATION ON AMTRAK CONTRACTING**  
22                                      **OUT.**

23      Section 121 of the Amtrak Reform and Account-  
24      ability Act of 1997 (49 U.S.C. 24312 note; 111 Stat.

1 2574) is amended by striking subsection (d) and inserting  
2 the following:

3 “(d) FURLOUGHED WORK.—Amtrak may not con-  
4 tract out work within the scope of work performed by an  
5 employee in a bargaining unit covered by a collective bar-  
6 gaining agreement entered into between Amtrak and an  
7 organization representing Amtrak employees during the  
8 period of time such employee has been laid off and has  
9 not been recalled to perform such work.

10 “(e) AGREEMENT PROHIBITIONS ON CONTRACTING  
11 OUT.—This section does not—

12 “(1) supersede a prohibition or limitation on  
13 contracting out work covered by a collective bar-  
14 gaining agreement entered into between Amtrak and  
15 an organization representing Amtrak employees; or

16 “(2) prohibit Amtrak and an organization rep-  
17 resenting Amtrak employees from entering into a  
18 collective bargaining agreement that allows for con-  
19 tracting out the work of a furloughed employee that  
20 would otherwise be prohibited under subsection  
21 (d).”.

22 **SEC. 9213. AMTRAK STAFFING.**

23 Section 24312 of title 49, United States Code, is  
24 amended by adding at the end the following:

25 “(c) CALL CENTER STAFFING.—

1           “(1) OUTSOURCING.—Amtrak may not renew  
2           or enter into a contract to outsource call center cus-  
3           tomer service work on behalf of Amtrak, including  
4           through a business process outsourcing group.

5           “(2) TRAINING.—Amtrak shall make available  
6           appropriate training programs to any Amtrak call  
7           center employee carrying out customer service activi-  
8           ties using telephone or internet platforms.

9           “(d) STATION AGENT STAFFING.—

10           “(1) IN GENERAL.—Beginning on the date that  
11           is 1 year after the date of enactment of the TRAIN  
12           Act, Amtrak shall ensure that at least 1 Amtrak  
13           ticket agent is employed at each station building  
14           where at least 1 Amtrak ticket agent was employed  
15           on or after October 1, 2017.

16           “(2) LOCATIONS.—Notwithstanding section (1),  
17           beginning on the date that is 1 year after the date  
18           of enactment of the TRAIN Act, Amtrak shall en-  
19           sure that at least 1 Amtrak ticket agent is employed  
20           at each station building—

21                   “(A) that Amtrak owns, or operates service  
22                   through, as part of a passenger service route;  
23                   and

24                   “(B) for which the number of passengers  
25                   boarding or debarking an Amtrak long-dis-



1           tance train in the previous fiscal year exceeds  
2           the average of at least 40 passengers per day  
3           over all days in which the station was serviced  
4           by Amtrak, regardless of the number of Amtrak  
5           vehicles servicing the station per day. For fiscal  
6           year 2021, ridership from fiscal year 2019 shall  
7           be used to determine qualifying stations.

8           “(3) EXCEPTION.—This subsection does not  
9           apply to any station building in which a commuter  
10          rail ticket agent has the authority to sell Amtrak  
11          tickets.

12          “(4) AMTRAK TICKET AGENT.—For purposes of  
13          this section, the term ‘Amtrak ticket agent’ means  
14          an Amtrak employee with authority to sell Amtrak  
15          tickets onsite and assist in the checking of Amtrak  
16          passenger baggage.”.

17   **SEC. 9214. SPECIAL TRANSPORTATION.**

18          Section 24307(a) of title 49, United States Code, is  
19          amended—

20               (1) in the matter preceding paragraph (1) by  
21               striking “for the following:” and inserting “of at  
22               least a 10 percent discount on full-price coach class  
23               rail fares for, at a minimum—”;

24               (2) in paragraph (1) by striking the period at  
25               the end and inserting a semicolon; and

1 (3) by striking paragraph (2) and inserting the  
2 following:

3 “(2) individuals of 12 years of age or younger;

4 “(3) individuals with a disability, as such term  
5 is defined in section 3 of the Americans with Dis-  
6 abilities Act of 1990 (42 U.S.C. 12102);

7 “(4) members of the Armed Forces on active  
8 duty (as those terms are defined in section 101 of  
9 title 10) and their spouses and dependents with valid  
10 identification;

11 “(5) veterans (as that term is defined in section  
12 101 of title 38) with valid identification; and

13 “(6) individuals attending federally-accredited  
14 postsecondary education institutions with valid stu-  
15 dent identification cards.”.

16 **SEC. 9215. DISASTER AND EMERGENCY RELIEF PROGRAM.**

17 (a) IN GENERAL.—Chapter 243 of title 49, United  
18 States Code, is amended by adding at the end the fol-  
19 lowing:

20 **“§ 24323. Disaster and emergency relief program**

21 “(a) IN GENERAL.—The Secretary of Transportation  
22 may make grants to Amtrak for—

23 “(1) capital projects to repair, reconstruct, or  
24 replace equipment, infrastructure, stations, and  
25 other facilities that the Secretary determines are in

1 danger of suffering serious damage, or have suffered  
2 serious damage, as a result of an emergency event;

3 “(2) offset revenue lost as a result of such an  
4 event; and

5 “(3) support continued operations following  
6 emergency events.

7 “(b) COORDINATION OF EMERGENCY FUNDS.—  
8 Funds made available to carry out this section shall be  
9 in addition to any other funds available and shall not af-  
10 fect the ability of Amtrak to use any other funds otherwise  
11 authorized by law.

12 “(c) GRANT CONDITIONS.—Grants made under this  
13 subsection (a) shall be subject to such terms and condi-  
14 tions as the Secretary determines necessary.

15 “(d) DEFINITION OF EMERGENCY EVENT.—In this  
16 section, the term ‘emergency event’ has the meaning given  
17 such term in section 20103.”.

18 (b) CLERICAL AMENDMENT.—The analysis for chap-  
19 ter 243 of title 49, United States Code, is amended by  
20 adding at the end the following:

“24323. Disaster and emergency relief program.”.

21 **SEC. 9216. RECREATIONAL TRAIL ACCESS.**

22 Section 24315 of title 49, United States Code, is  
23 amended by adding at the end the following:

24 “(i) RECREATIONAL TRAIL ACCESS.—At least 30  
25 days before implementing a new policy, structure, or oper-

1 ation that impedes recreational trail access, Amtrak shall  
2 work with potentially affected communities, making a  
3 good-faith effort to address local concerns about such rec-  
4 reational trail access. Not later than February 15 of each  
5 year, Amtrak shall submit to the Committee on Transpor-  
6 tation and Infrastructure of the House of Representatives  
7 and the Committee on Environment and Public Works of  
8 the Senate a report on any such engagement in the pre-  
9 ceding calendar year, and any changes to policies, struc-  
10 tures, or operations affecting recreational trail access that  
11 were considered or made as a result. Such report shall  
12 include Amtrak's plans to mitigate the impact to such rec-  
13 reational trail access.”.

14 **TITLE III—INTERCITY**  
15 **PASSENGER RAIL POLICY**

16 **SEC. 9301. NORTHEAST CORRIDOR COMMISSION.**

17 Section 24905 of title 49, United States Code, is  
18 amended—

19 (1) in subsection (a)(1)—

20 (A) in subparagraph (A) by striking  
21 “members” and inserting “4 members”;

22 (B) in subparagraph (B) by striking  
23 “members” and inserting “5 members”; and

24 (C) in subparagraph (D) by striking “and  
25 commuter railroad carriers using the Northeast

1 Corridor selected by the Secretary” and insert-  
2 ing “railroad carriers and commuter authorities  
3 using the Northeast Corridor, as determined by  
4 the Commission”;

5 (2) by striking paragraph (2) of subsection (a)  
6 and inserting the following:

7 “(2) At least 2 of the members described in  
8 paragraph (1)(B) shall be career appointees, as such  
9 term is defined in section 3132(a) of title 5.”;

10 (3) in subsection (b)(3)(B)—

11 (A) in clause (i) by inserting “, including  
12 ridership trends,” before “along the Northeast  
13 Corridor”;

14 (B) in clause (ii) by striking “capital in-  
15 vestment plan described in section 24904.” and  
16 inserting “first year of the capital investment  
17 plan described in section 24904; and”; and

18 (C) by adding at the end the following:

19 “(iii) progress in assessing and elimi-  
20 nating the state-of-good-repair backlog.”;

21 (4) in subsection (c)—

22 (A) by striking “(1) DEVELOPMENT” and  
23 all that follows through “standardized policy”  
24 and inserting the following:

25 “(1) POLICY.—The Commission shall—

1           “(A) maintain and update, as appropriate,  
2           the ‘Northeast Corridor Commuter and Inter-  
3           city Rail Cost Allocation Policy’ approved on  
4           September 17, 2015,”;

5           (B) in paragraph (1)—

6                 (i) in subparagraph (B) by striking “a  
7                 proposed timetable for implementing” and  
8                 inserting “timetables for implementing and  
9                 maintaining”;

10                (ii) in subparagraph (C) by striking  
11                “the policy and the timetable” and insert-  
12                ing “updates to the policy and the time-  
13                tables”; and

14                (iii) by striking subparagraph (D) and  
15                inserting the following:

16                “(D) support the efforts of the members of  
17                the Commission to implement the policy in ac-  
18                cordance with such timetables; and”;

19           (C) in paragraph (2)—

20                 (i) by striking the first sentence and  
21                 inserting “In accordance with the time-  
22                 table developed in paragraph (1), Amtrak  
23                 and commuter authorities on the North-  
24                 east Corridor shall implement the policy

1 developed under paragraph (1) in agree-  
2 ments for usage of facilities or services.”;

3 (ii) by striking “fail to implement  
4 such new agreements” and inserting “fail  
5 to implement the policy”; and

6 (iii) by striking “paragraph (1)(A), as  
7 applicable” and inserting “paragraph (1)”;  
8 and

9 (D) in paragraph (4) by striking “public  
10 authorities providing commuter rail passenger  
11 transportation” and inserting “commuter au-  
12 thorities”;

13 (5) by striking subsection (d);

14 (6) by redesignating subsection (e) as sub-  
15 section (d); and

16 (7) in paragraph (1)(D) of subsection (d) (as  
17 redesignated by paragraph (6)) by striking “com-  
18 muter rail agencies” and inserting “commuter au-  
19 thorities”.

20 **SEC. 9302. NORTHEAST CORRIDOR PLANNING.**

21 (a) IN GENERAL.—Section 24904 of title 49, United  
22 States Code, is amended—

23 (1) by redesignating subsection (e) as sub-  
24 section (f);

25 (2) by striking subsection (c);

1           (3) by redesignating subsections (a) and (b) as  
2       subsections (b) and (c), respectively;

3           (4) by inserting before subsection (b), as so re-  
4       designated, the following:

5       “(a) STRATEGIC DEVELOPMENT PLAN.—

6           “(1) REQUIREMENT.—Not later than December  
7       31, 2021, the Northeast Corridor Commission estab-  
8       lished under section 24905 (referred to in this sec-  
9       tion as the ‘Commission’) shall submit to Congress  
10      a strategic development plan that identifies key  
11      state-of-good-repair, capacity expansion, and capital  
12      improvement projects planned for the Northeast  
13      Corridor, to upgrade aging infrastructure and im-  
14      prove the reliability, capacity, connectivity, perform-  
15      ance, and resiliency of passenger rail service on the  
16      Northeast Corridor.

17           “(2) CONTENTS.—The strategic development  
18      plan required under paragraph (1) shall—

19           “(A) provide a coordinated and consensus-  
20      based plan covering a period of 15 years;

21           “(B) identify service objectives and capital  
22      investments needs;

23           “(C) provide a delivery-constrained strat-  
24      egy that identifies capital investment phasing,  
25      an evaluation of workforce needs, and strategies



1 for managing resources and mitigating con-  
2 struction impacts on operations;

3 “(D) include a financial strategy that iden-  
4 tifies funding needs and potential sources and  
5 includes an economic impact analysis; and

6 “(E) be updated at least every 5 years.”;

7 (5) in subsection (b) (as redesignated by para-  
8 graph (3))—

9 (A) by striking “Not later than” and all  
10 that follows through “shall” and inserting “Not  
11 later than November 1 of each year, the Com-  
12 mission shall”;

13 (B) in paragraph (1)(A) by striking “a  
14 capital investment plan” and inserting “an an-  
15 nual capital investment plan”;

16 (C) in paragraph (2)—

17 (i) in subparagraph (A) by striking  
18 “and network optimization”;

19 (ii) in subparagraph (B) by striking  
20 “and service”;

21 (iii) in subparagraph (C) by striking  
22 “first fiscal year after the date on which”  
23 and inserting “fiscal year during which”;

24 (iv) in subparagraph (D) by striking  
25 “identify, prioritize,” and all that follows

1 through “and consider” and inserting  
2 “document the projects and programs  
3 being undertaken to achieve the service  
4 outcomes identified in the Northeast Cor-  
5 ridor strategic development plan, once  
6 available, and the asset condition needs  
7 identified in the Northeast Corridor asset  
8 management plans and consider”; and  
9 (v) in subparagraph (E)(i) by striking  
10 “normalized capital replacement and”; and  
11 (D) in paragraph (3)(B) by striking “ex-  
12 pected allocated shares of costs” and inserting  
13 “status of cost sharing agreements”;  
14 (6) in subsection (c) (as redesignated by para-  
15 graph (3)) by striking “may be spent only on” and  
16 all that follows through the end and inserting “may  
17 be spent only on capital projects and programs con-  
18 tained in the Commission’s capital investment plan  
19 from the previous year.”; and  
20 (7) by striking subsections (d) and (e) and in-  
21 serting the following:  
22 “(d) REVIEW AND COORDINATION.—The Commis-  
23 sion shall gather information from Amtrak, the States in  
24 which the Northeast Corridor is located, and commuter  
25 rail authorities to support development of the capital in-

1 vestment plan. The Commission may specify a format and  
2 other criteria for the information submitted. Submissions  
3 to the plan from Amtrak, States in which the Northeast  
4 Corridor are located, and commuter rail authorities shall  
5 be provided to the Commission in a manner that allows  
6 for a reasonable period of review by, and coordination  
7 with, affected agencies.

8 “(e) NORTHEAST CORRIDOR ASSET MANAGE-  
9 MENT.—

10 “(1) CONTENTS.—With regard to existing in-  
11 frastructure, Amtrak and other infrastructure own-  
12 ers that provide or support intercity rail passenger  
13 transportation on the Northeast Corridor shall de-  
14 velop an asset management system, and use and up-  
15 date such system as necessary, to develop submis-  
16 sions to the Northeast Corridor capital investment  
17 plan described in subsection (b). Such system  
18 shall—

19 “(A) be consistent with the Federal Tran-  
20 sit Administration process, as authorized under  
21 section 5326, when implemented; and

22 “(B) include, at a minimum—

23 “(i) an inventory of all capital assets  
24 owned by the developer of the plan;

25 “(ii) an assessment of asset condition;

1 “(iii) a description of the resources  
2 and processes necessary to bring or main-  
3 tain those assets in a state of good repair;  
4 and  
5 “(iv) a description of changes in asset  
6 condition since the previous version of the  
7 plan.”.

8 (b) CONFORMING AMENDMENTS.—

9 (1) ACCOUNTS.—Section 24317(d)(1) of title  
10 49, United States Code, is amended—

11 (A) in subparagraph (B) by striking  
12 “24904(a)(2)(E)” and inserting  
13 “24904(b)(2)(E)”; and

14 (B) in subparagraph (F) by striking  
15 “24904(b)” and inserting “24904(c)”.

16 (2) FEDERAL-STATE PARTNERSHIP FOR STATE  
17 OF GOOD REPAIR.—Section 24911(e)(2) of title 49,  
18 United States Code, is amended by striking  
19 “24904(a)” and inserting “24904(b)”.

20 **SEC. 9303. PROTECTIVE ARRANGEMENTS.**

21 Section 22905 of title 49, United States Code, is  
22 amended—

23 (1) in subsection (c)(2)(B) by striking “that are  
24 equivalent to the protective arrangements established  
25 under section 504 of the Railroad Revitalization and

1 Regulatory Reform Act of 1976 (45 U.S.C. 836)”  
2 and inserting “established by the Secretary under  
3 subsection (e)(1)”;

4 (2) by redesignating subsections (e) and (f) as  
5 subsections (f) and (g), respectively; and

6 (3) by inserting after subsection (d) the fol-  
7 lowing:

8 “(e) EQUIVALENT EMPLOYEE PROTECTIONS.—

9 “(1) ESTABLISHMENT.—Not later than 90 days  
10 after the date of enactment of this subsection, the  
11 Administrator of the Federal Railroad Administra-  
12 tion shall establish protective arrangements equiva-  
13 lent to those established under section 504 of the  
14 Railroad Revitalization and Regulatory Reform Act  
15 of 1976 (45 U.S.C. 836), and require such protec-  
16 tive arrangements to apply to employees described  
17 under subsection (c)(2)(B) and as required under  
18 subsection (j) of section 22907.

19 “(2) PUBLICATION.—The Administrator shall  
20 make available on a publicly available website the  
21 protective arrangements established under para-  
22 graph (1).”.

23 **SEC. 9304. HIGH-SPEED RAIL FUNDS.**

24 (a) IN GENERAL.—Notwithstanding any other provi-  
25 sion of law and not later than 90 days after the date of

1 enactment of this Act, the Secretary of Transportation  
2 shall reinstate any cooperative agreement terminated after  
3 January 1, 2019 that was originally entered into under  
4 the heading “Capital Assistance for High Speed Rail Cor-  
5 ridors and Intercity Passenger Rail Service” in the De-  
6 partment of Transportation Appropriations Act, 2010  
7 (Public Law 111–117).

8 (b) INCLUSION.—The reinstatement under subsection  
9 (a) shall include the obligation to such agreement of all  
10 of the funds obligated to such agreement as of the date  
11 of termination of such agreement.

## 12 **TITLE IV—COMMUTER RAIL** 13 **POLICY**

### 14 **SEC. 9401. SURFACE TRANSPORTATION BOARD MEDIATION** 15 **OF TRACKAGE USE REQUESTS.**

16 Section 28502 of title 49, United States Code, is  
17 amended to read as follows:

#### 18 **“§ 28502. Surface Transportation Board mediation of** 19 **trackage use requests**

20 “A rail carrier shall provide good faith consideration  
21 to a reasonable request from a provider of commuter rail  
22 passenger transportation for access to trackage and provi-  
23 sion of related services. If, after a reasonable period of  
24 negotiation, a public transportation authority cannot  
25 reach agreement with a rail carrier to use trackage of, and

1 have related services provided by, the rail carrier for pur-  
2 poses of commuter rail passenger transportation, the pub-  
3 lic transportation authority or the rail carrier may apply  
4 to the Board for nonbinding mediation. In any case in  
5 which dispatching for the relevant trackage is controlled  
6 by a rail carrier other than the trackage owner, both shall  
7 be subject to the requirements of this section and included  
8 in the Board's mediation process. The Board shall conduct  
9 the nonbinding mediation in accordance with the medi-  
10 ation process of section 1109.4 of title 49, Code of Federal  
11 Regulations, as in effect on the date of enactment of the  
12 TRAIN Act.”.

13 **SEC. 9402. SURFACE TRANSPORTATION BOARD MEDIATION**  
14 **OF RIGHTS-OF-WAY USE REQUESTS.**

15 Section 28503 of title 49, United States Code, is  
16 amended to read as follows:

17 **“§ 28503. Surface Transportation Board mediation of**  
18 **rights-of-way use requests**

19 “A rail carrier shall provide good faith consideration  
20 to a reasonable request from a provider of commuter rail  
21 passenger transportation for access to rail right-of-way for  
22 the construction and operation of a segregated fixed guide-  
23 way facility. If, after a reasonable period of negotiation,  
24 a public transportation authority cannot reach agreement  
25 with a rail carrier to acquire an interest in a railroad

1 right-of-way for the construction and operation of a seg-  
2 regated fixed guideway facility to provide commuter rail  
3 passenger transportation, the public transportation au-  
4 thority or the rail carrier may apply to the Board for non-  
5 binding mediation. In any case in which dispatching for  
6 the relevant trackage is controlled by a rail carrier other  
7 than the right-of-way owner, both shall be subject to the  
8 requirements of this section and included in the Board's  
9 mediation process. The Board shall conduct the non-  
10 binding mediation in accordance with the mediation proc-  
11 ess of section 1109.4 of title 49, Code of Federal Regula-  
12 tions, as in effect on the date of enactment of the TRAIN  
13 Act.".

14 **SEC. 9403. CHICAGO UNION STATION IMPROVEMENT**  
15 **PLANS.**

16 (a) ONE-YEAR CAPITAL IMPROVEMENT PLAN.—

17 (1) IN GENERAL.—Not later than 90 days after  
18 the conclusion of the Surface Transportation Board  
19 proceeding in the petition by Amtrak for a pro-  
20 ceeding pursuant to section 24903(c)(2) of title 49,  
21 United States Code (Docket No. FD 36332), Am-  
22 trak and Metra shall enter into an agreement for a  
23 one-year capital improvement plan for Chicago  
24 Union Station.



1           (2) EXTENSION.—The deadline under para-  
2       graph (1) may be extended with the consent of both  
3       Amtrak and Metra.

4           (3) SUBMISSION OF PLAN.—Amtrak and Metra  
5       shall transmit the one-year capital improvement plan  
6       to the Committee on Transportation and Infrastruc-  
7       ture of the House of Representatives and Committee  
8       on Commerce, Science, and Transportation of the  
9       Senate.

10       (b) FIVE-YEAR CAPITAL IMPROVEMENT PLAN.—

11           (1) IN GENERAL.—Not later than 180 days  
12       after the date on which Amtrak and Metra enter  
13       into the agreement under subsection (a), Amtrak  
14       shall enter into an agreement with Metra for a five-  
15       year capital improvement plan for Chicago Union  
16       Station.

17           (2) EXTENSION.—The deadline required under  
18       paragraph (1) may be extended with the consent of  
19       both Amtrak and Metra.

20           (3) SUBMISSION OF PLAN.—Amtrak and Metra  
21       shall transmit the five-year capital improvement plan  
22       to the Committee on Transportation and Infrastruc-  
23       ture of the House of Representatives and Committee  
24       on Commerce, Science, and Transportation of the  
25       Senate.

1 (c) CONTENTS.—The capital improvement plans re-  
2 quired under subsections (a) and (b) shall identify the  
3 projects that Amtrak and Metra agree to implement at  
4 Chicago Union Station within the timeframe of each such  
5 plan, including projects that improve—

6 (1) areas considered outside the glass such as  
7 tracks, platforms switches, and other rail infrastruc-  
8 ture;

9 (2) facilities for Amtrak and Metra crew; and

10 (3) the operations of Chicago Union Station,  
11 such as the dispatching of commuter and intercity  
12 passenger trains out of Chicago Union Station.

13 (d) ANNUAL PROGRESS REPORT.—Not later than 1  
14 year after the date on which Amtrak and Metra enter into  
15 an agreement required under subsection (b), and annually  
16 thereafter for 5 years, Amtrak and Metra shall jointly sub-  
17 mit to the Committee on Transportation and Infrastruc-  
18 ture of the House of Representatives and the Committee  
19 on Commerce, Science, and Transportation of the Senate  
20 a report describing the progress Amtrak and Metra have  
21 made in implementing the plan required under subsection  
22 (b).

23 (e) DEFINITIONS.—In this section:

24 (1) CHICAGO UNION STATION.—The term “Chi-  
25 cago Union Station” means the passenger train sta-

1       tion located at 225 South Canal Street, Chicago, Il-  
2       linois 60606, and its associated facilities.

3               (2) METRA.—The term “Metra” means the  
4       Northeast Illinois Regional Commuter Railroad Cor-  
5       poration.

6               **TITLE V—RAIL SAFETY**  
7       **Subtitle A—Passenger and Freight**  
8               **Safety**

9       **SEC. 9501. NATIONAL ACADEMIES STUDY ON SAFETY IM-**  
10               **PACT OF TRAINS LONGER THAN 7,500 FEET.**

11       (a) STUDY.—The Secretary of Transportation shall  
12       seek to enter into an agreement with the National Acad-  
13       emies to conduct a study and issue to the Committee on  
14       Transportation and Infrastructure of the House of Rep-  
15       resentatives and the Committee on Commerce, Science,  
16       and Transportation of the Senate a report on the safety  
17       impacts of freight trains longer than 7,500 feet.

18       (b) CONTENTS.—The study conducted pursuant to  
19       subsection (a) shall include—

20               (1) an examination of any potential risks of the  
21       operation of such trains and recommendations on  
22       mitigation of such risks;

23               (2) among other safety factors with respect to  
24       such trains, an evaluation of—

1           (A) any increased risk of loss of commu-  
2           nications between the end of train device and  
3           the locomotive cab, including communications  
4           over differing terrains and conditions;

5           (B) any increased risk of loss of commu-  
6           nications between crewmembers, including com-  
7           munications over differing terrains and condi-  
8           tions;

9           (C) any increased risk of derailments, in-  
10          cluding risks associated with in-train compres-  
11          sive forces and slack action or other safety risks  
12          in the operations of such trains in differing ter-  
13          rains and conditions;

14          (D) safety risks associated with the deploy-  
15          ment of multiple distributed power units in the  
16          consists of such trains; and

17          (E) impacts of the length of trains on  
18          braking and locomotive performance and track  
19          wear and tear; and

20          (3) an evaluation of whether additional engineer  
21          and conductor training is required for safely oper-  
22          ating such trains.

23          (c) REPORT.—Not later than 24 months after the  
24          date of enactment of this Act, the Secretary shall submit  
25          to the Committee on Transportation and Infrastructure

1 of the House of Representatives and the Committee on  
2 Commerce, Science, and Transportation of the Senate a  
3 report on the results of the study.

4 (d) FUNDING.—From the amounts made available  
5 for fiscal year 2021 to carry out section 20117(a) of title  
6 49, United States Code, the Secretary shall expend not  
7 less than \$1,000,000 and not more than \$2,000,000 to  
8 carry out the study required under subsection (a).

9 **SEC. 9502. GAO STUDY ON CHANGES IN FREIGHT RAILROAD**  
10 **OPERATING AND SCHEDULING PRACTICES.**

11 (a) STUDY.—The Comptroller General of the United  
12 States shall study the impact on freight rail shippers, Am-  
13 trak, commuter railroads, railroad employees, and other  
14 affected parties of changes in freight railroad operating  
15 and scheduling practices as a result of the implementation  
16 of the precision scheduled railroading model.

17 (b) CONTENTS.—At minimum, the study shall exam-  
18 ine—

19 (1) the impacts of the operation of longer  
20 trains;

21 (2) safety impacts of reduction in workforce, in-  
22 cluding occupational injury rates, impacts to inspec-  
23 tion frequencies and repair quality, and changes in  
24 workforce demands;

1           (3) the elimination or downsizing of yards, re-  
2       pair facilities, and other operational facilities;

3           (4) increases in demurrage or accessorial  
4       charges or other costs to shippers;

5           (5) capital expenditures for rail infrastructure;  
6       and

7           (6) the effect of changes to dispatching prac-  
8       tices and locations of dispatching centers on—

9           (A) the on-time performance of passenger  
10       trains, and

11           (B) the quality and reliability of service to  
12       freight shippers.

13       (c) REPORT.—Not later than 1 year after the date  
14 of enactment of this Act, the Comptroller General shall  
15 submit to the Committee on Transportation and Infra-  
16 structure of the House of Representatives and the Com-  
17 mittee on Commerce, Science, and Transportation of the  
18 Senate a report summarizing the study and the results  
19 of such study, including recommendations for addressing  
20 any negative impacts of precision scheduled railroading on  
21 freight shippers or passenger railroads.

22 **SEC. 9503. FRA SAFETY REPORTING.**

23       (a) IN GENERAL.—Section 20901 of title 49, United  
24 States Code, is amended by inserting “(including the train  
25 length, the number of crew members on board the train,

1 and the duties of such crew members)” after “reported  
2 accident or incident”.

3 (b) REGULATIONS.—Not later than 180 days after  
4 the date of enactment of this Act, the Secretary of Trans-  
5 portation shall issue such regulations as are necessary to  
6 carry out the amendment made by subsection (a).

7 **SEC. 9504. WAIVER NOTICE REQUIREMENTS.**

8 Section 20103(d) of title 49, United States Code, is  
9 amended to read as follows:

10 “(d) NONEMERGENCY WAIVERS.—

11 “(1) IN GENERAL.—The Secretary may waive  
12 compliance with any part of a regulation prescribed  
13 or order issued under this chapter if the waiver is  
14 in the public interest and consistent with railroad  
15 safety.

16 “(2) NOTICE REQUIRED.—The Secretary  
17 shall—

18 “(A) provide timely public notice of any re-  
19 quest for a waiver under this subsection;

20 “(B) make the application for such waiver  
21 and any related underlying data available to in-  
22 terested parties;

23 “(C) provide the public with notice and a  
24 reasonable opportunity to comment on a pro-

1           posed waiver under this subsection before mak-  
2           ing a final decision; and

3                   “(D) make public the reasons for granting  
4           a waiver under this subsection.

5                   “(3) INFORMATION PROTECTION.—Nothing in  
6           this subsection shall be construed to require the re-  
7           lease of information protected by law from public  
8           disclosure.”.

9   **SEC. 9505. NOTICE OF FRA COMPREHENSIVE SAFETY AS-**  
10                   **SESSMENTS.**

11           (a) INITIAL NOTICE.—Not later than 10 business  
12   days after the Federal Railroad Administration initiates  
13   a comprehensive safety assessment of an entity providing  
14   regularly scheduled intercity or commuter rail passenger  
15   transportation, the Federal Railroad Administration shall  
16   notify in electronic format the Committee on Transpor-  
17   tation and Infrastructure of the House of Representatives  
18   and the Committee on Commerce, Science, and Transpor-  
19   tation of the Senate, and each member of Congress rep-  
20   resenting a State in which the service that is the subject  
21   of the assessment being conducted is located, of the initi-  
22   ation of such assessment.

23           (b) FINDINGS.—Not later than 90 days after comple-  
24   tion of a comprehensive safety assessment described in  
25   subsection (a), the Federal Railroad Administration shall



1 transmit in electronic format to the Committee on Trans-  
2 portation and Infrastructure of the House of Representa-  
3 tives and the Committee on Commerce, Science, and  
4 Transportation of the Senate, and to each member of Con-  
5 gress representing a State in which the service that is the  
6 subject of the assessment being conducted is located, the  
7 findings of such assessment, including identified defects  
8 and any recommendations.

9 (c) DEFINITION OF COMPREHENSIVE SAFETY AS-  
10 SESSMENT.—In this section, the term “comprehensive  
11 safety assessment” means a focused review of the safety-  
12 related processes and procedures, compliance with safety  
13 regulations and requirements, and overall safety culture  
14 of an entity providing regularly scheduled intercity or com-  
15 muter rail passenger transportation.

16 **SEC. 9506. FRA ACCIDENT AND INCIDENT INVESTIGATIONS.**

17 Section 20902 of title 49, United States Code, is  
18 amended—

19 (1) in subsection (b) by striking “subpena” and  
20 inserting “subpoena”; and

21 (2) by adding at the end the following:

22 “(d) GATHERING INFORMATION AND TECHNICAL  
23 EXPERTISE.—

24 “(1) IN GENERAL.—The Secretary shall create  
25 a standard process for investigators to use during

1 accident and incident investigations conducted under  
2 this section for determining when it is appropriate  
3 to, and how to—

4 “(A) gather information about an accident  
5 or incident under investigation from railroad  
6 carriers, contractors or employees of railroad  
7 carriers or representatives of employees of rail-  
8 road carriers, and others, as determined rel-  
9 evant by the Secretary; and

10 “(B) consult with railroad carriers, con-  
11 tractors or employees of railroad carriers or  
12 representatives of employees of railroad car-  
13 riers, and others, as determined relevant by the  
14 Secretary, for technical expertise on the facts of  
15 the accident or incident under investigation.

16 “(2) CONFIDENTIALITY.—In developing the  
17 process under paragraph (1), the Secretary shall fac-  
18 tor in ways to maintain the confidentiality of any en-  
19 tity identified under paragraph (1) if—

20 “(A) such entity requests confidentiality;

21 “(B) such entity was not involved in the  
22 accident or incident; and

23 “(C) maintaining such entity’s confiden-  
24 tiality does not adversely affect an investigation  
25 of the Federal Railroad Administration.

1           “(3) APPLICATION OF LAW.—This subsection  
2       shall not apply to any investigation carried out by  
3       the National Transportation Safety Board.”.

4   **SEC. 9507. RAIL SAFETY IMPROVEMENTS.**

5       (a) FEDERAL RAILROAD ADMINISTRATION REQUIRE-  
6   MENTS.—Not later than 18 months after the date of en-  
7   actment of this Act, the Secretary of Transportation shall  
8   carry out the following:

9           (1) Complete a study on how signage can be  
10       used to improve safety in the rail industry that in-  
11       cludes—

12           (A) a review of how signs used for other  
13       modes of transportation may be effectively used  
14       in the rail industry;

15           (B) a review of how signs used in the rail-  
16       road industry differ; and

17           (C) an analysis of whether a uniform sys-  
18       tem for speed signs across the United States  
19       rail system would benefit the railroad industry  
20       and improve safety.

21       (2) Reevaluate seat securement mechanisms  
22       and the susceptibility of such mechanisms to inad-  
23       vertent rotation, and identify a means to prevent the  
24       failure of such mechanisms to maintain seat secure-  
25       ment.

1           (3) Conduct research to evaluate the causes of  
2           passenger injuries in passenger railcar derailments  
3           and overturns and evaluate potential methods for  
4           mitigating such injuries.

5           (4) Based on the research conducted under  
6           paragraph (3), develop occupant protection stand-  
7           ards for passenger railcars that will mitigate pas-  
8           senger injuries likely to occur during derailments  
9           and overturns.

10          (5) Develop policies for the safe use of child  
11          seats to prevent uncontrolled or unexpected move-  
12          ments in intercity passenger trains from disrupting  
13          the secure position of such seats.

14          (b) REQUIREMENTS FOR AMTRAK.—Not later than  
15          18 months after the date of enactment of this Act, Amtrak  
16          shall—

17               (1) ensure operating crewmembers demonstrate  
18               proficiency, under daylight and nighttime conditions,  
19               on the physical characteristics of a territory by using  
20               all resources available, including in-cab instruments,  
21               observation rides, throttle time, signage, signals, and  
22               landmarks;

23               (2) ensure the proficiency required under para-  
24               graph (1) is demonstrated on written examinations;

1           (3) revise classroom and road training pro-  
2       grams to ensure that operating crews fully under-  
3       stand all locomotive operating characteristics,  
4       alarms, and the appropriate response to abnormal  
5       conditions;

6           (4) when possible, require that all engineers un-  
7       dergo simulator training—

8                 (A) before operating new or unfamiliar  
9       equipment (at a minimum, experience and re-  
10      spond properly to all alarms); and

11                (B) to experience normal and abnormal  
12      conditions on new territory before operating in  
13      revenue service on such new territory;

14           (5) ensure that simulator training specified in  
15      paragraph (4) supplements the hours engineers  
16      spend training on new equipment before becoming  
17      certified on such equipment and performing runs on  
18      new territory before becoming qualified on such ter-  
19      ritory;

20           (6) implement a formal, systematic approach to  
21      developing training and qualification programs to  
22      identify the most effective strategies for preparing  
23      crewmembers to safely operate new equipment on  
24      new territories;

1           (7) work in consultation with host railroad car-  
2       riers and States that own infrastructure over which  
3       Amtrak operates to complete a comprehensive as-  
4       sessment of the territories to ensure that necessary  
5       wayside signs and plaques are identified, highly no-  
6       ticeable, and strategically located to provide oper-  
7       ating crews the information needed to safely operate  
8       trains;

9           (8) update the safety review process to ensure  
10      that all operating documents are up to date and ac-  
11      curate before initiating new or revised revenue oper-  
12      ations;

13          (9) incorporate all prerevenue service planning,  
14      construction, and route verification work into the  
15      scope of a corporate-wide system safety plan, includ-  
16      ing through rules and policies, risk assessment anal-  
17      yses, safety assurances, and safety promotions; and

18          (10) conduct risk assessments on all new or up-  
19      graded services that occur on Amtrak-owned terri-  
20      tory, host railroads, or in States that own infra-  
21      structure over which Amtrak operates.

22      (c) REPORT.—Not later than 18 months after the  
23      date of enactment of this Act, the Secretary and Amtrak  
24      shall submit to the Committee on Transportation and In-  
25      frastructure of the House of Representatives and the Com-

1 mittee on Commerce, Science, and Transportation of the  
2 Senate a report on their progress on meeting the require-  
3 ments under subsections (a) and (b), respectively, includ-  
4 ing a description of all completed elements of the require-  
5 ments.

6 **SEC. 9508. ANNUAL REVIEW OF SPEED LIMIT ACTION**  
7 **PLANS.**

8 Section 11406 of the FAST Act (Public Law 114–  
9 94) is amended—

10 (1) in subsection (c) by inserting “or subsection  
11 (d)(2)” after “subsection (b)”;

12 (2) by redesignating subsections (d) through (f)  
13 as subsections (e) through (g), respectively;

14 (3) by inserting after subsection (c) the fol-  
15 lowing:

16 “(d) PERIODIC REVIEWS AND UPDATES.—Each rail-  
17 road carrier that files an action plan under subsection (b)  
18 shall—

19 “(1) not later than 1 year after the date of en-  
20 actment of the TRAIN Act, and annually thereafter,  
21 review such plan to ensure the effectiveness of ac-  
22 tions taken to enable warning and enforcement of  
23 the maximum authorized speed for passenger trains  
24 at each location identified under subsection (b)(1);  
25 and

1 “(2) not later than 90 days prior to imple-  
2 menting any operational or territorial operating  
3 change, including initiating a new service or route,  
4 submit to the Secretary a revised action plan that  
5 addresses such operational or territorial operating  
6 change.”; and

7 (4) by adding at the end the following:

8 “(h) PROHIBITION.—No new intercity rail passenger  
9 transportation or commuter rail passenger service may  
10 begin operation unless the railroad carrier providing such  
11 service is in compliance with this section.”.

12 **SEC. 9509. FREIGHT TRAIN CREW SIZE SAFETY STANDARDS.**

13 (a) IN GENERAL.—Subchapter II of chapter 201 of  
14 title 49, United States Code, is amended by adding at the  
15 end the following:

16 **“§ 20169. Freight train crew size safety standards**

17 “(a) MINIMUM CREW SIZE.—No freight train may be  
18 operated unless such train has a crew of at least 1 appro-  
19 priately qualified and certified conductor and 1 appro-  
20 priately qualified and certified engineer.

21 “(b) EXCEPTIONS.—Except as provided in subsection  
22 (d), the prohibition in subsection (a) shall not apply in  
23 any of the following circumstances:

24 “(1) Train operations within a rail yard or ter-  
25 minal area or on auxiliary or industry tracks.



1 “(2) A train operated—

2 “(A) by a railroad carrier that has fewer  
3 than 400,000 total employee work hours annu-  
4 ally and less than \$20,000,000 annual revenue;

5 “(B) at a speed of not more than 25 miles  
6 per hour; and

7 “(C) on a track with an average track  
8 grade of less than 2 percent for any segment of  
9 track that is at least 2 continuous miles.

10 “(3) Locomotives performing assistance to a  
11 train that has incurred mechanical failure or lacks  
12 the power to traverse difficult terrain, including  
13 traveling to or from the location where assistance is  
14 provided.

15 “(4) Locomotives that—

16 “(A) are not attached to any equipment or  
17 attached only to a caboose; and

18 “(B) do not travel farther than 30 miles  
19 from a rail yard.

20 “(5) Train operations staffed with fewer than a  
21 2-person crew at least 1 year prior to the date of en-  
22 actment of this section, if the Secretary determines  
23 that the operation achieves an equivalent level of  
24 safety.

1       “(c) TRAINS INELIGIBLE FOR EXCEPTION.—The ex-  
2 ceptions under subsection (b) may not be applied to—

3           “(1) a train transporting 1 or more loaded cars  
4 carrying material toxic by inhalation, as defined in  
5 section 171.8 of title 49, Code of Federal Regula-  
6 tions;

7           “(2) a train carrying 20 or more loaded tank  
8 cars of a Class 2 material or a Class 3 flammable  
9 liquid in a continuous block or a single train car-  
10 rying 35 or more loaded tank cars of a Class 2 ma-  
11 terial or a Class 3 flammable liquid throughout the  
12 train consist; and

13           “(3) a train with a total length of 7,500 feet or  
14 greater.

15       “(d) WAIVER.—A railroad carrier may seek a waiver  
16 of the requirements of this section pursuant to section  
17 20103(d).”.

18       (b) CLERICAL AMENDMENT.—The analysis for sub-  
19 chapter II of chapter 201 of title 49, United States Code,  
20 is amended by adding at the end the following:

“20169. Freight train crew size safety standards.”.

21 **SEC. 9510. SAFE CROSS BORDER OPERATIONS.**

22       (a) IN GENERAL.—Section 416 title IV of division  
23 A of the Rail Safety Improvement Act of 2008 (49 U.S.C.  
24 20107 note) is amended—

1           (1) by striking “Mechanical and brake” and in-  
2       serting “(a) IN GENERAL.—Mechanical and brake”;  
3       and

4           (2) by adding at the end the following:

5       “(b) WAIVER.—The Secretary may not grant any  
6       waiver or waiver modification that provides for the ability  
7       to perform mechanical or brake inspections of rail cars  
8       in Mexico in lieu of complying with the certification re-  
9       quirements of this section.”.

10       (b) SAFETY STANDARDS FOR CERTAIN RAIL  
11       CREWS.—

12           (1) IN GENERAL.—Title IV of division A of the  
13       Rail Safety Improvement Act of 2008 (Public Law  
14       110–432) is amended by adding at the end the fol-  
15       lowing:

16       **“SEC. 421. SAFETY STANDARDS FOR CERTAIN RAIL CREWS.**

17       “(a) IN GENERAL.—The Secretary of Transportation  
18       may not permit covered rail employees to enter the United  
19       States to perform train or dispatching service unless the  
20       Secretary certifies that—

21           “(1) Mexico has adopted and is enforcing safety  
22       standards for covered rail employees that are equiva-  
23       lent to, or greater than, those applicable to railroad  
24       employees whose primary reporting point is in the  
25       United States, including qualification and certifi-

1 cation requirements under parts 240 and 242 of title  
2 49, Code of Federal Regulations;

3 “(2) covered rail employees are subject to the  
4 alcohol and drug testing requirements in part 219 of  
5 title 49, Code of Federal Regulations, including the  
6 requirements of subparts F, G, and H of such part,  
7 to the same extent as such requirements apply to  
8 railroad employees whose primary reporting point is  
9 in the United States and who are subject to such  
10 part;

11 “(3) covered rail employees are subject to hours  
12 of service requirements under section 21103 of title  
13 49, United States Code, at all times any such em-  
14 ployee is on duty, regardless of location;

15 “(4) covered rail employees are subject to the  
16 motor vehicle driving record evaluation requirements  
17 in section 240.115 of title 49, Code of Federal Reg-  
18 ulations, to the same extent as such requirements  
19 apply to railroad employees whose primary reporting  
20 point is in the United States and are subject to such  
21 section, and that such evaluation includes driving  
22 records from the same country as the employee’s  
23 primary reporting point; and

24 “(5) the Federal Railroad Administration is  
25 permitted to perform onsite inspections of rail facili-

1 ties in Mexico to ensure compliance with paragraphs  
2 (1) and (2).

3 “(b) NOTICE REQUIRED.—

4 “(1) IN GENERAL.—Not later than 5 days after  
5 the date on which the Secretary certifies each of the  
6 requirements under paragraphs (1) through (5) of  
7 subsection (a), the Secretary shall publish in the  
8 Federal Register—

9 “(A) notice of each such certification; and

10 “(B) documentation supporting each such  
11 certification.

12 “(2) PUBLIC COMMENT.—To ensure compliance  
13 with the requirements of this section and any other  
14 applicable safety requirements, the Secretary shall—

15 “(A) allow for public comment on the no-  
16 tice required under paragraph (1); and

17 “(B) hold a public hearing on such notice.

18 “(3) CONGRESSIONAL NOTICE.—On the date on  
19 which each publication required under paragraph (1)  
20 is published in the Federal Register, the Secretary  
21 shall notify the Committee on Transportation and  
22 Infrastructure of the House of Representatives and  
23 the Committee on Commerce, Science, and Trans-  
24 portation of the Senate of such publication.

25 “(c) DRUG AND ALCOHOL TESTING.—

1           “(1) NONAPPLICATION OF EXEMPTION.—For  
2           purposes of compliance with subsection (a)(2), the  
3           exemption contained in part 219.3(d)(2) of title 49,  
4           Code of Federal Regulations, shall not apply.

5           “(2) AUDIT BY OFFICE OF DRUG AND ALCOHOL  
6           COMPLIANCE.—To ensure compliance with the drug  
7           and alcohol testing programs described in subsection  
8           (a)(2), the Office of Drug and Alcohol Compliance  
9           in the Department of Transportation shall conduct  
10          an annual audit of such programs and recommend  
11          enforcement actions as needed.

12          “(d) DEFINITION OF COVERED RAIL EMPLOYEE.—  
13          In this section, the term ‘covered rail employee’ means a  
14          railroad employee whose primary reporting point is in  
15          Mexico.”.

16          (2) CLERICAL AMENDMENT.—The table of con-  
17          tents in section 1(b) of the Rail Safety Improvement  
18          Act of 2008 (Public Law 110–432), is amended by  
19          inserting after the item relating to section 420 the  
20          following:

          “Sec. 421. Safety standards for certain rail crews.”.

21       **SEC. 9511. YARDMASTERS HOURS OF SERVICE.**

22          (a) LIMITATIONS ON DUTY HOURS OF YARDMASTER  
23          EMPLOYEES.—Section 21103 of title 49, United States  
24          Code, is amended—

1           (1) in the section heading by inserting “**AND**  
2       **YARDMASTER EMPLOYEES**” after “**TRAIN EM-**  
3       **PLOYEES**”;

4           (2) by inserting “or yardmaster employee” after  
5       “train employee” each place it appears; and

6           (3) in subsection (e) by inserting “or  
7       yardmaster employee’s” after “During a train em-  
8       ployee’s”.

9       (b) DEFINITIONS.—Section 21101 of title 49, United  
10 States Code, is amended—

11           (1) in paragraph (3) by inserting “a yardmaster  
12       employee,” after “dispatching service employee,”;  
13       and

14           (2) by adding at the end the following:

15               “(6) ‘yardmaster employee’ means an indi-  
16       vidual responsible for supervising and coordi-  
17       nating the control of trains and engines oper-  
18       ating within a rail yard.”.

19       (c) CONFORMING AMENDMENT.—The analysis for  
20 chapter 211 of title 49, United States Code, is amended  
21 by striking the item relating to section 21103 and insert-  
22 ing the following:

      “21103. Limitations on duty hours of train employees and yardmaster employ-  
         ees.”.

1   **SEC. 9512. LEAKING BRAKES.**

2           (a) IN GENERAL.—The Administrator of the Federal  
3 Railroad Administration shall take such actions as are  
4 necessary to ensure that no DB–60 air brake control valve  
5 manufactured before January 1, 2006, is equipped on a  
6 rail car operating on—

7               (1) a unit train north of the 37th parallel on  
8               or after August 1, 2022; or

9               (2) a non-unit train north of the 37th parallel  
10              on or after August 1, 2024.

11          (b) REPORTS.—Not later than 1 year after the date  
12 of enactment of this Act, and every year thereafter until  
13 brake valves described in subsection (a) are no longer op-  
14 erating on rail cars as required under subsection (a), the  
15 Administrator shall transmit to the Committee on Trans-  
16 portation and Infrastructure of the House of Representa-  
17 tives and the Committee on Commerce, Science, and  
18 Transportation of the Senate a report that identifies—

19               (1) the estimated number of such brake valves  
20              on rail cars operating on—

21                       (A) unit trains north of the 37th parallel;  
22                      and

23                       (B) non-unit trains north of the 37th par-  
24                      allel;

25               (2) any issues affecting the industry’s progress  
26              toward ensuring that such brake valves are phased



1 out in accordance with the requirements of sub-  
2 section (a); and

3 (3) efforts the Administrator has taken since  
4 the previous report to ensure such brake valves are  
5 phased out in accordance with the requirements of  
6 subsection (a).

7 (c) **ADDITIONAL VALVES.**—If the Administrator de-  
8 termines that air brake control valves not covered under  
9 subsection (a) demonstrate leakage in low temperatures  
10 similar to the leakage exhibited by the air brake control  
11 valve identified in subsection (a), the Administrator shall  
12 ensure that the air brake control valves determined to be  
13 demonstrating leakage under this subsection are phased  
14 out in accordance with the requirements of subsection (a).

15 **SEC. 9513. ANNUAL REPORT ON PTC SYSTEM FAILURES.**

16 Section 20157 of title 49, United States Code, is  
17 amended by adding at the end the following:

18 “(m) **ANNUAL REPORT OF SYSTEM FAILURES.**—Not  
19 later than April 16 of each calendar year following the  
20 date of an implementation deadline under subsection  
21 (a)(1), each railroad shall submit to the Secretary a report  
22 containing the number of positive train control system fail-  
23 ures, separated by each major hardware category, that oc-  
24 curred during the previous calendar year.”.

1 **SEC. 9514. FATIGUE REDUCTION PILOT PROJECTS.**

2 (a) SENSE OF CONGRESS.—It is the sense of Con-  
3 gress that—

4 (1) maintaining the highest level of safety  
5 across the nation’s railroad network is of critical im-  
6 portance;

7 (2) ensuring the safety of rail transportation re-  
8 quires the full attention of all workers engaged in  
9 safety-critical functions;

10 (3) fatigue degrades an individual’s ability to  
11 stay awake, alert, and attentive to the demands of  
12 safe job performance;

13 (4) the cognitive impairments to railroad work-  
14 ers that result from fatigue can cause dangerous sit-  
15 uations that put workers and communities at risk;

16 (5) the Rail Safety Improvement Act of 2008  
17 mandated that the Federal Railroad Administration  
18 conduct two pilot projects to analyze specific prac-  
19 tices that may be used to reduce fatigue in employ-  
20 ees and as of the date of enactment of this Act, nei-  
21 ther pilot project has commenced; and

22 (6) the Federal Railroad Administration should  
23 coordinate with the industry and the workforce to  
24 commence and complete the fatigue pilot projects  
25 mandated in 2008.

1 (b) PILOT PROJECTS.—Section 21109(e) of title 49,  
2 United States Code, is amended—

3 (1) by striking “Not later than 2 years after  
4 the date of enactment of the Rail Safety Improve-  
5 ment Act of 2008” and inserting “Not later than 1  
6 year after the date of enactment of the TRAIN  
7 Act”; and

8 (2) by adding at the end the following:

9 “(3) COORDINATION.—The pilot projects re-  
10 quired under subparagraph (1) shall be developed  
11 and evaluated in coordination with the labor organi-  
12 zation representing the class or craft of employees  
13 impacted by the pilot projects.”.

14 (c) REIMBURSEMENT.—The Secretary of Transpor-  
15 tation may reimburse railroads participating in the pilot  
16 projects under 21109(e) of title 49, United States Code,  
17 a share of the costs associated with the pilot projects, as  
18 determined by the Secretary.

19 (d) REPORT.—

20 (1) IN GENERAL.—If the pilot projects required  
21 under section 21109(e) of title 49, United States  
22 Code, have not commenced on the date that is 1  
23 year after the date of enactment of this Act, the  
24 Secretary shall, not later than 1 year and 30 days  
25 after the date of enactment of this Act, transmit to

1 the Committee on Transportation and Infrastructure  
2 of the House of Representatives and the Committee  
3 on Commerce, Science, and Transportation of the  
4 Senate a report describing—

5 (A) the status of the pilot projects;

6 (B) actions the Federal Railroad Adminis-  
7 tration has taken to commence the pilot  
8 projects, including efforts to recruit participant  
9 railroads;

10 (C) any challenges impacting the com-  
11 mencement of the pilot projects; and

12 (D) any other details associated with the  
13 development of the pilot projects that affect the  
14 progress toward meeting the mandate of such  
15 section.

16 **SEC. 9515. ASSAULT PREVENTION AND RESPONSE PLANS.**

17 (a) AMENDMENT.—Subchapter II of chapter 201 of  
18 title 49, United States Code, as amended by this division,  
19 is further amended by adding at the end the following:

20 **“§ 20170. Assault prevention and response plans**

21 “(a) IN GENERAL.—Not later than 180 days after  
22 the date of enactment of the TRAIN Act, any entity that  
23 provides regularly scheduled intercity or commuter rail  
24 passenger transportation shall submit to the Secretary of  
25 Transportation for review and approval an assault preven-

1 tion and response plan (in this section referred to as the  
2 ‘Plan’) to address transportation assaults.

3 “(b) CONTENTS OF PLAN.—The Plan required under  
4 subsection (a) shall include—

5 “(1) procedures that—

6 “(A) facilitate the reporting of a transpor-  
7 tation assault, including the notification of on-  
8 site personnel, rail law enforcement, and local  
9 law enforcement;

10 “(B) personnel should follow up on the re-  
11 porting of a transportation assault, including  
12 actions to protect affected individuals from con-  
13 tinued assault;

14 “(C) may be taken to remove the pas-  
15 senger or personnel who has committed a trans-  
16 portation assault from the train or related area  
17 or facility as soon as practicable when appro-  
18 priate;

19 “(D) include protections and safe reporting  
20 practices for passengers who may have been as-  
21 saulted by personnel; and

22 “(E) may limit or prohibit, to the extent  
23 practicable, future travel with the entity de-  
24 scribed in subsection (a) by any passenger or

1 personnel who commits a transportation assault  
2 against personnel or passengers;

3 “(2) a policy that ensures an employee who is  
4 a victim or witness of a transportation assault may  
5 participate in the prosecution of a criminal offense  
6 of such assault without any adverse effect on the vic-  
7 tim’s or witnesses’ employment status; and

8 “(3) a process and timeline for conducting an  
9 annual review and update of the Plan.

10 “(c) NOTICE TO PASSENGERS.—An entity described  
11 under subsection (a) shall display onboard trains and in  
12 boarding areas, as appropriate, a notice stating the enti-  
13 ty’s abilities to restrict future travel under subsection  
14 (b)(1)(E).

15 “(d) PERSONNEL TRAINING.—An entity described  
16 under subsection (a) shall provide initial and annual train-  
17 ing for all personnel on the contents of the Plan, including  
18 training regarding—

19 “(1) the procedures described in subsection (b);

20 “(2) methods for responding to hostile situa-  
21 tions, including de-escalation training; and

22 “(3) rights and responsibilities of personnel  
23 with respect to a transportation assault on them-  
24 selves, other personnel, or passengers.

1       “(e) PERSONNEL PARTICIPATION.—The Plan re-  
2       quired under subsection (a) shall be developed and imple-  
3       mented with the direct participation of personnel, and, as  
4       applicable, labor organizations representing personnel.

5       “(f) REPORTING.—

6               “(1) INCIDENT NOTIFICATION.—

7                       “(A) IN GENERAL.—Not later than 10  
8       days after a transportation assault incident, the  
9       applicable entity described in subsection (a)  
10      shall notify personnel employed at the location  
11      in which the incident occurred. In the case of  
12      an incident on a vehicle, such entity shall notify  
13      personnel regularly scheduled to carry out em-  
14      ployment activities on the service route on  
15      which the incident occurred.

16               “(B) CONTENT OF INCIDENT REPORT.—  
17      The notification required under paragraph (1)  
18      shall—

19                       “(i) include a summary of the inci-  
20      dent; and

21                       “(ii) be written in a manner that pro-  
22      tects the confidentiality of individuals in-  
23      volved in the incident.

24               “(2) ANNUAL REPORT.—For each calendar  
25      year, each entity with respect to which a transpor-

1       tation assault incident has been reported during  
2       such year shall submit to the Secretary report that  
3       describes—

4               “(A) the number of assault incidents re-  
5       ported to the entity, including—

6               “(i) the number of incidents com-  
7       mitted against passengers; and

8               “(ii) the number of incidents com-  
9       mitted against personnel; and

10              “(B) the number of assault incidents re-  
11       ported to rail or local law enforcement by per-  
12       sonnel of the entity.

13              “(3) PUBLICATION.—The Secretary shall make  
14       available to the public on the primary website of the  
15       Federal Railroad Administration the data collected  
16       under paragraph (2).

17              “(4) DATA PROTECTION.—Data made available  
18       under this subsection shall be made available in a  
19       manner that protects the confidentiality of individ-  
20       uals involved in transportation assault incidents.

21              “(g) DEFINITION OF TRANSPORTATION ASSAULT.—  
22       In this section, the term ‘transportation assault’ means  
23       the occurrence, or reasonably suspected occurrence, of an  
24       act that—

25              “(1) constitutes assault;



1           “(2) is committed by a passenger or member of  
2           personnel of an entity that provides regularly sched-  
3           uled intercity or commuter rail passenger transpor-  
4           tation against another passenger or member of per-  
5           sonnel of such entity; and

6           “(3) takes place—

7                   “(A) within a vehicle of such entity; or

8                   “(B) in an area in which passengers are  
9           entering or exiting a vehicle described in sub-  
10          paragraph (A); or

11                   “(C) a station or facility where such entity  
12          operates, regardless of ownership of the station  
13          or facility.”.

14          (b) CONFORMING AMENDMENT.—The analysis for  
15          subchapter II of chapter 201 of title 49, United States  
16          Code, as amended by this division, is further amended by  
17          adding at the end the following:

          “20170. Assault prevention and response plan.”.

18       **SEC. 9516. CRITICAL INCIDENT STRESS PLANS.**

19           The Secretary of Transportation shall issue such reg-  
20          ulations as are necessary to amend part 272 of title 49,  
21          Code of Federal Regulations, to ensure that—

22                   (1) the coverage of a critical incident stress  
23          plan under section 272.7 of such part includes em-  
24          ployees of commuter railroads and intercity pas-  
25          senger railroads, as such terms are defined in sec-

1       tion 272.9 of such part, who directly interact with  
2       passengers; and

3           (2) assault and the witnessing of an assault  
4       against an employee or train passenger is included  
5       in the definition of critical incident under section  
6       272.9 of such part.

7   **SEC. 9517. STUDY ON SAFETY CULTURE ASSESSMENTS.**

8       (a) IN GENERAL.—The Administrator of the Federal  
9       Railroad Administration shall conduct a study on the fea-  
10      sibility of expanding railroad safety culture assessments  
11      and training to include assessments and training for work-  
12      ers employed by tourist railroads, passenger railroads, and  
13      commuter railroads.

14      (b) CONTENTS OF STUDY.—The study required  
15      under subsection (a) shall include—

16           (1) an analysis on the need for the expansion;

17           (2) the resources required to carry out the addi-  
18      tional assessments and training; and

19           (3) other potential safety challenges the initia-  
20      tive could address.

21      (c) REPORT.—The Federal Railroad Administration  
22      shall submit to the Committee on Transportation and In-  
23      frastructure of the House of Representatives and the Com-  
24      mittee on Commerce, Science, and Transportation of the

1 Senate a report on the results of the study conducted  
2 under subsection (a).

### 3 **Subtitle B—Grade Crossing Safety**

#### 4 **SEC. 9551. GRADE CROSSING SEPARATION GRANT.**

5 (a) IN GENERAL.—Subchapter II of chapter 201 of  
6 title 49, United States Code, as amended by this division,  
7 is further amended by adding at the end the following:

#### 8 **“§ 20171. Grade crossing separation grants**

9 “(a) GENERAL AUTHORITY.—The Secretary of  
10 Transportation shall make grants under this section to eli-  
11 gible entities to assist in financing the cost of highway-  
12 rail grade separation projects.

13 “(b) APPLICATION REQUIREMENTS.—To be eligible  
14 for a grant under this section, an eligible entity shall sub-  
15 mit to the Secretary an application in such form, in such  
16 manner, and containing such information as the Secretary  
17 may require, including—

18 “(1) an agreement between the entity that owns  
19 or controls the right-of-way and the applicant ad-  
20 dressing access to right-of-way throughout the  
21 project; and

22 “(2) a cost-sharing agreement with the funding  
23 amounts that the entity that owns or controls the  
24 right-of-way shall contribute to the project, which

1 shall be not less than 10 percent of the total project  
2 cost.

3 “(c) ELIGIBLE PROJECTS.—The following projects  
4 are eligible to receive a grant under this section:

5 “(1) Installation, repair, or improvement of  
6 grade crossing separations.

7 “(2) Grade crossing elimination incidental to el-  
8 igible grade crossing separation projects.

9 “(3) Project planning, development, and envi-  
10 ronmental work related to a project described in  
11 paragraph (1) or (2).

12 “(d) PROJECT SELECTION CRITERIA.—

13 “(1) LARGE PROJECTS.—Of amounts made  
14 available to carry out this section, not more than 50  
15 percent shall be available for projects with total  
16 costs of \$100,000,000 or greater.

17 “(2) CONSIDERATIONS.—In awarding grants  
18 under this section, the Secretary—

19 “(A) shall give priority to projects that  
20 maximize the safety benefits of Federal fund-  
21 ing; and

22 “(B) may evaluate applications on the  
23 safety profile of the existing crossing, 10-year  
24 history of accidents at such crossing, inclusion  
25 of the proposed project on a grade crossing

1 safety action plan, average automobile traffic,  
2 freight and passenger train traffic, average  
3 daily number of crossing closures, and prox-  
4 imity of community resources, including  
5 schools, hospitals, fire stations, police stations,  
6 and emergency medical service facilities.

7 “(e) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

8 “(1) TOTAL PROJECT COSTS.—The Secretary  
9 shall estimate the total costs of a project under this  
10 section based on the best available information, in-  
11 cluding any available engineering studies, studies of  
12 economic feasibility, environmental analysis, and in-  
13 formation on the expected use of equipment or facili-  
14 ties.

15 “(2) FEDERAL SHARE.—The Federal share for  
16 a project carried out under this section shall not ex-  
17 ceed 85 percent.

18 “(f) GRANT CONDITIONS.—An eligible entity may not  
19 receive a grant for a project under this section unless such  
20 project is in compliance with section 22905, except that  
21 22905(b) shall only apply to a person that conducts rail  
22 operations.

23 “(g) TWO YEAR LETTERS OF INTENT.—

24 “(1) IN GENERAL.—The Secretary shall, to the  
25 maximum extent practicable, issue a letter of intent

1 to a recipient of a grant under subsection (d)(1)  
2 that—

3 “(A) announces an intention to obligate for  
4 no more than 2 years, for a major capital  
5 project under subsection (d)(1), an amount that  
6 is not more than the amount stipulated as the  
7 financial participation of the Secretary for the  
8 project; and

9 “(B) states that the contingent commit-  
10 ment—

11 “(i) is not an obligation of the Fed-  
12 eral Government; and

13 “(ii) is subject to the availability of  
14 appropriations for grants under this sec-  
15 tion and subject to Federal laws in force or  
16 enacted after the date of the contingent  
17 commitment.

18 “(2) CONGRESSIONAL NOTIFICATION.—

19 “(A) IN GENERAL.—Not later than 3 days  
20 before issuing a letter of intent under para-  
21 graph (1), the Secretary shall submit written  
22 notification to—

23 “(i) the Committee on Transportation  
24 and Infrastructure of the House of Rep-  
25 resentatives;

1 “(ii) the Committee on Appropriations  
2 of the House of Representatives;

3 “(iii) the Committee on Appropria-  
4 tions of the Senate; and

5 “(iv) the Committee on Commerce,  
6 Science, and Transportation of the Senate.

7 “(B) CONTENTS.—The notification sub-  
8 mitted under subparagraph (A) shall include—

9 “(i) a copy of the letter of intent;

10 “(ii) the criteria used under sub-  
11 section (b) for selecting the project for a  
12 grant; and

13 “(iii) a description of how the project  
14 meets such criteria.

15 “(h) APPROPRIATIONS REQUIRED.—An obligation or  
16 administrative commitment may be made under subsection  
17 (g) only after amounts are appropriated for such purpose.

18 “(i) DEFINITIONS.—In this section:

19 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-  
20 tity’ means—

21 “(A) a State;

22 “(B) a public agency or publicly chartered  
23 authority;

24 “(C) a metropolitan planning organization;

25 “(D) a political subdivision of a State; and

1 “(E) a Tribal government.

2 “(2) METROPOLITAN PLANNING ORGANIZA-  
3 TION.—The term ‘metropolitan planning organiza-  
4 tion’ has the meaning given such term in section  
5 134(b) of title 23.

6 “(3) STATE.—The term ‘State’ means a State  
7 of the United States or the District of Columbia.”.

8 (b) CLERICAL AMENDMENT.—The analysis for sub-  
9 chapter II of chapter 201 of title 49, United States Code,  
10 as amended by this division, is further amended by adding  
11 at the end the following:

“20171. Grade crossing separation grants.”.

12 **SEC. 9552. RAIL SAFETY PUBLIC AWARENESS GRANT.**

13 (a) IN GENERAL.—Subchapter II of chapter 201 of  
14 title 49, United States Code, as amended by this division,  
15 is further amended by adding at the end the following:

16 **“§ 20172. Rail safety public awareness grants**

17 “(a) GRANT.—The Administrator of the Federal  
18 Railroad Administration shall make grants to eligible enti-  
19 ties to carry out public information and education pro-  
20 grams to help prevent and reduce rail-related pedestrian,  
21 motor vehicle, and other accidents, incidents, injuries, and  
22 fatalities, and to improve awareness along railroad rights-  
23 of-way and at railway-highway grade crossings.

24 “(b) APPLICATION.—To be eligible to receive a grant  
25 under this section, an eligible entity shall submit to the



1 Administrator an application in such form, in such man-  
2 ner, and containing such information as the Secretary may  
3 require.

4 “(c) CONTENTS.—Programs eligible for a grant  
5 under this section—

6 “(1) shall include, as appropriate—

7 “(A) development, placement, and dissemi-  
8 nation of public service announcements in ap-  
9 propriate media;

10 “(B) school presentations, driver safety  
11 education, materials, and public awareness cam-  
12 paigns; and

13 “(C) disseminating information to the pub-  
14 lic on how to identify and report to the appro-  
15 priate authorities unsafe or malfunctioning  
16 highway-rail grade crossings; and

17 “(2) may include targeted and sustained out-  
18 reach in communities at greatest risk to develop  
19 measures to reduce such risk.

20 “(d) COORDINATION.—Eligible entities shall coordi-  
21 nate program activities with local communities, law en-  
22 forcement and emergency responders, and rail carriers, as  
23 appropriate, and ensure consistency with State highway-  
24 rail grade crossing action plans required under section  
25 11401(b) of the FAST Act (49 U.S.C. 22501 note) and

1 the report titled ‘National Strategy to Prevent Tres-  
2 passing on Railroad Property’ issued by the Federal Rail-  
3 road Administration in October 2018.

4 “(e) PRIORITIZATION.—In awarding grants under  
5 this section, the Administrator shall give priority to appli-  
6 cations for programs that—

7 “(1) are nationally recognized;

8 “(2) are targeted at schools in close proximity  
9 to railroad rights-of-way;

10 “(3) partner with nearby railroad carriers; or

11 “(4) focus on communities with a recorded his-  
12 tory of repeated pedestrian and motor vehicle acci-  
13 dents, incidents, injuries, and fatalities at highway-  
14 rail grade crossings and along railroad rights-of-way.

15 “(f) DEFINITIONS.—In this section:

16 “(1) ELIGIBLE ENTITY.—the term ‘eligible enti-  
17 ty’ means—

18 “(A) a nonprofit organization;

19 “(B) a State;

20 “(C) a political subdivision of a State; and

21 “(D) a public law enforcement agency or  
22 emergency response organization.

23 “(2) STATE.—The term ‘State’ means a State  
24 of the United States, the District of Columbia, and  
25 Puerto Rico.”.

1 (b) CLERICAL AMENDMENT.—The analysis for sub-  
2 chapter II of chapter 201 of title 49, United States Code,  
3 as amended by this division, is further amended by adding  
4 at the end the following:

“20172. Rail safety public awareness grants.”.

5 **SEC. 9553. ESTABLISHMENT OF 10-MINUTE TIME LIMIT FOR**  
6 **BLOCKING PUBLIC GRADE CROSSINGS.**

7 (a) IN GENERAL.—Subchapter II of chapter 201 of  
8 title 49, United States Code, as amended by this division,  
9 is further amended by adding at the end the following:  
10 **“§ 20173. Time limit for blocking a rail crossing**

11 “(a) TIME LIMIT.—A train, locomotive, railroad car,  
12 or other rail equipment is prohibited from blocking a  
13 crossing for more than 10 minutes, unless the train, loco-  
14 motive, or other equipment is directly delayed by—

15 “(1) a casualty or serious injury;

16 “(2) an accident;

17 “(3) a track obstruction;

18 “(4) an act of God; or

19 “(5) a derailment or a major equipment failure  
20 that prevents the train from advancing.

21 “(b) CIVIL PENALTY.—The Secretary of Transpor-  
22 tation may issue civil penalties for violations of subsection  
23 (a) in accordance with section 21301.

24 “(c) DELEGATION.—The Secretary may delegate en-  
25 forcement actions under subsection (b) to States either

1 through a State inspector certified by the Federal Rail-  
2 road Administration, or other law enforcement officials as  
3 designated by the States and approved by the Administra-  
4 tion. The Secretary shall issue guidance or regulations not  
5 later than 1 year after the date of enactment on the cri-  
6 teria and process for States to gain approval under this  
7 section.

8 “(d) APPLICATION TO AMTRAK AND COMMUTER  
9 RAILROADS.—This section shall not apply to Amtrak or  
10 commuter authorities, including Amtrak and commuter  
11 authorities’ operations run or dispatched by a Class I rail-  
12 road.

13 “(e) DEFINITIONS.—In this section:

14 “(1) CROSSING.—The term ‘crossing’ means a  
15 location within a State in which a public highway,  
16 road, or street, including associated sidewalks and  
17 pathways, crosses 1 or more railroad tracks either at  
18 grade or grade-separated.

19 “(2) BLOCKED CROSSING.—The term ‘blocked  
20 crossing’ means a circumstance in which a train, lo-  
21 comotive, railroad car, or other rail equipment is  
22 stopped in a manner that obstructs public travel at  
23 a crossing.”.

24 (b) CLERICAL AMENDMENT.—The analysis for sub-  
25 chapter II of chapter 201 of title 49, United States Code,

1 is further amended by adding at the end the following new  
2 item:

“20173. Time limit for blocking a rail crossing.”.

3 **SEC. 9554. NATIONAL STRATEGY TO ADDRESS BLOCKED**  
4 **CROSSINGS.**

5 (a) IN GENERAL.—Not later than 18 months after  
6 the date of enactment of this Act, the Secretary of Trans-  
7 portation shall submit to the Committee on Transpor-  
8 tation and Infrastructure of the House of Representatives  
9 and the Committee on Commerce, Science, and Transpor-  
10 tation of the Senate, and make publicly available on the  
11 website of the Department of Transportation, a report  
12 containing a national strategy to address blocked cross-  
13 ings.

14 (b) PUBLIC LAW 116–94.—The strategy required  
15 under subsection (a) shall incorporate the recommenda-  
16 tions and briefing described in the report accompanying  
17 the Department of Transportation Appropriations Act,  
18 2020 (Public Law 116–94) with respect to the amounts  
19 provided under the heading “Federal Railroad Adminis-  
20 tration—Safety and Operations”.

21 (c) REPORT CONTENTS.—The strategy required  
22 under subsection (a) shall include an analysis of the fol-  
23 lowing topics, including any specific legislative or regu-  
24 latory recommendations:

1           (1) How best to engage the public, representa-  
2           tives of labor organizations representing railroad em-  
3           ployees, law enforcement officers, highway traffic of-  
4           ficials, or other employees of a public agency acting  
5           in an official capacity to identify and address  
6           blocked crossings.

7           (2) How technology and positive train control  
8           system data can be used to identify and address in-  
9           stances of blocked crossings.

10          (3) How to identify and address instances of  
11          blocked crossings at crossings with passive or no  
12          warning devices.

13          (4) How best to use the data collected under a  
14          webpage established by the Secretary for the public  
15          and law enforcement to report instances of blocked  
16          crossings, including whether such data should be  
17          verified by each rail carrier or incorporated into the  
18          national crossing inventory established under section  
19          20160 of title 49, United States Code.

20          (d) UPDATING STRATEGY.—The Secretary shall  
21          evaluate the strategy developed under this section not less  
22          than every 5 years, and update it as needed.

23          (e) DEFINITIONS.—In this section:

24               (1) BLOCKED CROSSING.—The term “blocked  
25               crossing” means a circumstance in which a train, lo-

1 comotive, railroad car, or other rail equipment is  
2 stopped in a manner that obstructs public travel at  
3 a crossing.

4 (2) POSITIVE TRAIN CONTROL SYSTEM.—The  
5 term “positive train control system” has the mean-  
6 ing given the term in section 20157(i) of title 49,  
7 United States Code.

8 **SEC. 9555. RAILROAD POINT OF CONTACT FOR BLOCKED**  
9 **CROSSING MATTERS.**

10 Section 20152 of title 49, United States Code, is  
11 amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1)—

14 (i) in subparagraph (C) by striking  
15 “or” at the end;

16 (ii) by redesignating subparagraph  
17 (D) as subparagraph (E); and

18 (iii) by inserting the following after  
19 subparagraph (C):

20 “(D) blocked crossings; or”;

21 (B) in paragraph (4)—

22 (i) by striking “paragraph (1)(C) or  
23 (D)” and inserting “subparagraph (C),  
24 (D), or (E) of paragraph (1)”;

25 (ii) by striking “and” at the end;

1 (C) in paragraph (5) by striking the period  
2 at the end and inserting “; and” ; and

3 (D) by adding at the end the following:

4 “(6) promptly inform the Secretary if the num-  
5 ber required to be established under subsection (a)  
6 has changed and report the new number to the Sec-  
7 retary.”; and

8 (2) by adding at the end the following:

9 “(c) PUBLICATION OF TELEPHONE NUMBERS.—The  
10 Secretary shall make any telephone number established  
11 under subsection (a) publicly available on the website of  
12 the Department of Transportation.”.

Amend the title so as to read: “A bill to authorize  
funds for Federal-aid highways, highway safety pro-  
grams, and transit programs, and for other purposes.”.

