

116TH CONGRESS
1ST SESSION

S. 1098

To amend title 23, United States Code, to improve the transportation alternatives program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 9, 2019

Mr. CARDIN (for himself and Mr. WICKER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend title 23, United States Code, to improve the transportation alternatives program, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Transportation Alter-
5 natives Enhancements Act”.

6 **SEC. 2. TRANSPORTATION ALTERNATIVES PROGRAM.**

7 (a) SET-ASIDE.—Section 133(h)(1) of title 23,
8 United States Code, is amended—

9 (1) in the heading, by striking “RESERVATION
10 OF FUNDS” and inserting “IN GENERAL”; and

1 (2) in the matter preceding subparagraph (A),
 2 by striking “for each fiscal year” and all that follows
 3 through the period at the end of subparagraph
 4 (B)(ii) and inserting “for fiscal year 2021 and each
 5 fiscal year thereafter, the Secretary shall set aside
 6 an amount equal to 10 percent to carry out this sub-
 7 section.”.

8 (b) ALLOCATION.—Section 133(h) of title 23, United
 9 States Code, is amended by striking paragraph (2) and
 10 inserting the following:

11 “(2) ALLOCATION WITHIN A STATE.—

12 “(A) IN GENERAL.—Except as provided in
 13 subparagraph (B), funds set aside for a State
 14 under paragraph (1) shall be obligated within
 15 that State in the manner described in sub-
 16 section (d), except that, for purposes of this
 17 paragraph (after funds are made available
 18 under paragraph (5))—

19 “(i) for fiscal year 2021 and each fis-
 20 cal year thereafter, the percentage referred
 21 to in paragraph (1)(A) of that subsection
 22 shall be deemed to be 66 percent; and

23 “(ii) paragraph (3) of subsection (d)
 24 shall not apply.

1 “(B) LOCAL CONTROL.—A State may allo-
2 cate up to 100 percent of the funds referred to
3 in subparagraph (A)(i) if—

4 “(i) the State submits to the Sec-
5 retary a plan that describes—

6 “(I) how funds will be allocated
7 to counties, metropolitan planning or-
8 ganizations, regional transportation
9 planning organizations as described in
10 section 135(m), or local governments;

11 “(II) how the entities described
12 in subclause (I) will carry out a com-
13 petitive process to select projects for
14 funding and report selected projects
15 to the State;

16 “(III) how input was gathered
17 from the entities described in sub-
18 clause (I) to ensure those entities are
19 able and willing to comply with the re-
20 quirements of this subsection; and

21 “(IV) how the State will comply
22 with paragraph (8); and

23 “(ii) the Secretary approves the plan
24 submitted under clause (i).”.

1 (c) ELIGIBLE PROJECTS.—Section 133(h)(3) of title
 2 23, United States Code, is amended by striking “reserved”
 3 and inserting “set aside”.

4 (d) ELIGIBLE ENTITIES.—Section 133(h)(4)(B) of
 5 title 23, United States Code, is amended—

6 (1) by redesignating clauses (vii) and (viii) as
 7 clauses (viii) and (ix), respectively;

8 (2) by inserting after clause (vi) the following:

9 “(vii) a metropolitan planning organi-
 10 zation that serves an urbanized area with
 11 a population of 200,000 or fewer;”;

12 (3) in clause (viii) (as so redesignated), by
 13 striking “responsible” and all that follows through
 14 “programs”; and

15 (4) in clause (ix) (as so redesignated), by in-
 16 serting “that serves an urbanized area with a popu-
 17 lation of over 200,000” after “metropolitan planning
 18 organization”.

19 (e) CONTINUATION OF CERTAIN RECREATIONAL
 20 TRAILS PROJECTS.—Section 133(h)(5)(A) of title 23,
 21 United States Code, is amended by striking “reserved
 22 under this section” and inserting “set aside under this
 23 subsection”.

24 (f) STATE FLEXIBILITY.—Section 133(h)(6) of title
 25 23, United States Code, is amended—

1 (1) in subparagraph (B), by striking “reserved”
2 and inserting “set aside”; and

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

4 “(C) IMPROVING ACCESSIBILITY AND EFFI-
5 CIENCY.—

6 “(i) IN GENERAL.—A State may use
7 an amount equal to not more than 5 per-
8 cent of the funds set aside for the State
9 under this subsection, after allocating
10 funds in accordance with paragraph
11 (2)(A), to improve the ability of applicants
12 to access funding for projects under this
13 subsection in an efficient and expeditious
14 manner by—

15 “(I) providing to applicants for
16 projects under this subsection applica-
17 tion assistance, technical assistance,
18 and assistance in reducing the period
19 of time between the selection of the
20 project and the obligation of funds for
21 the project; and

22 “(II) by providing funding for 1
23 or more full-time State employee posi-
24 tions to administer this subsection.

1 “(ii) USE OF FUNDS.—Amounts used
2 under clause (i) may be expended—

3 “(I) directly by the State; or

4 “(II) through contracts with
5 State agencies, private entities, or
6 nonprofit entities.”.

7 (g) FEDERAL SHARE.—Section 133(h) of title 23,
8 United States Code, is amended—

9 (1) by redesignating paragraph (7) as para-
10 graph (8); and

11 (2) by inserting after paragraph (6) the fol-
12 lowing:

13 “(7) FEDERAL SHARE.—

14 “(A) REQUIRED AGGREGATE NON-FED-
15 ERAL SHARE.—The average annual non-Federal
16 share of the total cost of all projects for which
17 funds are obligated under this subsection in a
18 State for a fiscal year shall be not less than the
19 non-Federal share authorized for the State
20 under section 120(b).

21 “(B) FLEXIBLE FINANCING.—Subject to
22 subparagraph (A), notwithstanding section
23 120—

24 “(i) funds made available to carry out
25 section 148 may be credited toward the

1 non-Federal share of the costs of a project
2 under this subsection if the project—

3 “(I) is an eligible project de-
4 scribed in section 148(e)(1); and

5 “(II) contributes to the annual
6 safety performance targets of the
7 State;

8 “(ii) the non-Federal share for a
9 project under this subsection may be cal-
10 culated on a project, multiple-project, or
11 program basis; and

12 “(iii) the Federal share of the cost of
13 an individual project in this section may be
14 up to 100 percent.”.

15 (h) EFFECTIVE DATE.—This section and the amend-
16 ments made by this section shall take effect on October
17 1, 2020.

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